

State has always a right to the timber for his own personal and domestic use, and this Bill in Clause 5 preserves this right. No regulations will be drafted by the Forest Department without consultation with the Under Secretary for Mines and the State Mining Engineer. That assurance will be placed on the file.

Hon. J. EWING: No real effort has been made to meet the situation. The State Mining Engineer was consulted previously and a policy was carried out which was detrimental to the mining industry at Greenbushes. The industry is heavily handicapped and the wages that are being paid for sluicing make it difficult to carry on. I should like to press the amendment. The tin-mining industry in Greenbushes is of more value to the State than the timber existing on that area. As those engaged in the timber industry are seriously handicapped through the regulations that are enforced, surely I am right in asking the Committee to endeavour to find a solution of the difficulty.

The COLONIAL SECRETARY: The State Mining Engineer says that it is necessary that the State forests should be placed under skilled supervision, in order that the best may be made of them, not only for present but for future mining requirements and, therefore, it would not be advisable to remove them from the operations of the Forest Department altogether. The Minister for Forests has given an undertaking that the administration of the Forests Bill would be carried out subject to the concurrence of the Minister for Mines.

Hon. A. SANDERSON: The assurance of the State Mining Engineer is worth something. We should press this request, I think, and I hope when the conference is held there will be a reasonable spirit shown. I do not accept the Government's assurance because it is comparatively worthless. For the present I support the request in order to support it at the conference, if one takes place.

Hon. G. J. G. W. MILES: I do not think it matters whether we press the request or not. We shall be having a conference.

Hon. J. W. KIRWAN: With the greatest respect for the opinion of the State Mining Engineer, in this instance I accept the view of two mining men deeply concerned, Mr. A. E. Morgans and Mr. Frank Moss.

Question put and negatived; the amendment pressed.

No. 24—Add a new clause, to stand as Clause 76, as follows:—"The provisions of Section 24 of this Act in relation to the issue of hewing permits shall have effect from the commencement of this Act until the thirtieth day of June, one thousand nine hundred and twenty-three, and no longer."

The COLONIAL SECRETARY: I propose to treat this as consequential, and I move—
That the amendment be pressed.

Question put and passed; the amendment pressed.

Resolutions reported, the report adopted, and a Message accordingly returned to the Assembly.

House adjourned 2.50 a.m. (Friday).

Legislative Assembly,

Thursday, 19th December, 1918.

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

[For "Questions on Notice" see "Votes and Proceedings."]

QUESTION—RAILWAY CROSSING KEEPER WOOLTORTON.

Mr. GREEN (without notice) asked the Minister for Railways: Is he aware that Railway Crossing Keeper, H. S. Wooltorton, of Kalgoorlie, concerning whom the union cited a case before the Arbitration Court, with the result that the court decided that a breach of the award had been made by the Commissioner of Railways, has been notified by the Railway Department that unless he signs an agreement to work below the standard rate he cannot resume work?

The MINISTER FOR RAILWAYS: No, I am not aware of it; but I will make inquiries.

BILL—VERMIN.

Request for Conference.

Message received from the Council agreeing to a conference on the alternative proposed by the Council to No. 7 of the amendments originally made to the Vermin Bill to which alternative the Assembly had not agreed, though agreeing to the other requirements of the Council; and notifying that Hon. C. F. Baxter (Honorary Minister), Hon. V. Hamersley, and Hon. J. J. Holmes had been appointed Managers for the Council at the conference.

BILL—ROADS CLOSURE.

Read a third time and transmitted to the Council.

BILL—WATER BOARDS ACT AMENDMENT.

Second Reading.

Debate resumed from the 6th December.

Hon. P. COLLIER (Boulder) [4.42]: As explained by the Minister for Works in moving the second reading of this Bill, the principal Act fixes a maximum amount of rate that can be levied by the board in any district in respect of any water undertaking at 2s. In some districts mentioned by the Minister—Broome is one—it has been found that the maximum of 2s. does not suffice to enable the board to carry on and meet obligations. Accordingly this Bill seeks to remove the 2s. limit. The objection I have to the Bill is that, whilst giving the power necessary in the town indicated by the Minister, the measure also gives unlimited power to all the water boards of the State to increase their rates as much as they please. The Bill provides no limit, and I do not think it desirable that the House

should give an absolutely free hand to water boards. During the time I was at the Water Supply Department my experience was that the trouble with boards controlling water schemes was that they were not inclined to levy rates high enough to enable them to meet their obligations to the Government in respect to payment of interest and sinking fund. After all, therefore, there is no very great danger in granting the boards power to rate themselves to an unlimited extent. All the same, I think we ought to insert a maximum limit of say 3s., and I suggest that the measure be amended accordingly in Committee. With that intimation I support the second reading of the Bill.

The MINISTER FOR WORKS (Hon. W. J. George — Murray-Wellington—in reply) [4.45]: I am quite in accord with the hon. member when he says that we should not remove all limit. I think that when in Committee we might restrict the rating to 3s. The two particular cases to be brought forward are those of Broome and Carnarvon. Both those places have been somewhat unfortunate. At Broome the bore has petered out and at Carnarvon the pipes have been perforated. It is necessary that the Government should come to the assistance of both water boards. Not a penny will be spent by the Government until we have a satisfactory agreement signed by those people. I have very strong views in regard to representations made by corporations to the Government for assistance, but in this case there will be no occasion for anxiety, because I have the assurance of the representatives of both places that they will back up the Government.

Question put and passed.

Bill read a second time.

In Committee.

Mr. Stubbs in the Chair; the Minister for Works in charge of the Bill.

Clause 1—agreed to.

Clause 2—Power to levy rate in excess of 2s. in the pound:

Hon. P. COLLIER: I move an amendment—

That after "rate" in line 5 "not" be inserted.

Hon. J. MITCHELL: Two shillings has been deemed sufficient in the past. The hon. member now proposes to make it 3s. I am afraid it will lead to extravagance on the part of some boards. I think the proposal should be restricted to Broome and Carnarvon.

The MINISTER FOR WORKS: At Broome it will take from 8d. to 9d. in the pound to enable them to meet the extra interest necessitated by the expenditure on the bore, and unless the Government find the money to alter the bore, Broome will be without water. It will take a similar increase in rates to enable the Carnarvon board to meet its indebtedness. The department has no knowledge of any other place desiring to increase existing rates. I have no objection to the inclusion of the names of Broome and Carnarvon, but if we do that, and if afterwards some other place gets into similar

trouble, we shall have to bring down another Bill. The position is sufficiently safeguarded.

Mr. MUNSIE: I have no particular objection to the amendment, but I fail to see why the suggestion of the Minister to include Broome and Carnarvon should not be carried out. Seeing that two districts have applied for permission to increase their rating, I think they should be specified in the Bill. If it is left open, other boards may unjustifiably increase their rating.

Hon. R. H. UNDERWOOD (Honorary Minister): I am pretty sure the Minister will shortly have a similar application from the water board at Port Hedland. There is no danger in leaving the clause open for an increase in rating. No board would unnecessarily increase its rating.

Hon. P. COLLIER: I can endorse the remarks of the Honorary Minister. The trouble I found when Minister was that we had no power to compel the boards to increase their rates to cover their obligations. In many cases we had to remove boards and take over the schemes ourselves. These boards are composed of taxpayers, and they can be relied upon not to over-rate themselves. Therefore, there is no reason why we should restrict this to Broome and to Carnarvon. I have never known of any community in the State which would tax themselves in order to meet their obligations to the Government.

Hon. J. MITCHELL: I do not view this matter lightly. I have no doubt that Broome, Carnarvon, and Porth Hedland would give almost anything to get a water supply, and probably it is necessary that the ratepayers there should pay more than 2s. I hope, however, the Committee will not take the view put forward by the leader of the Opposition. We are constantly putting new burdens of taxation on the people. We might as well amend this clause to provide for increasing the rent of meters to £2 2s. instead of 10s. We should be careful about giving local authorities greater powers than they possess to-day.

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

Title—agreed to.

Bill reported with amendments, and the report adopted.

BILL—STATE CHILDREN ACT AMENDMENT.

Second Reading.

Hon. R. H. UNDERWOOD (Honorary Minister—Pillbara) [5.5] in moving the second reading said: It is not altogether the fault of the Government that the Bill comes before the House so late in the session. It was introduced at the beginning of the session in another place and referred to a select committee. Although it is late in the session I think I can safely say that the Bill has, to a considerable extent, already been before members. The whole question has been before them and the public for some few months past, through the medium of the Press, and the evidence which has been given before the select committee. This is really

only the continuation of existing legislation. The legislation in regard to children is, to an extent, new in all countries. The Act of 1907 made considerable improvements in the conditions which existed prior to that year. This is really a continuation of the Act of 1907.

Mr. Munsie: With a few amendments.

Hon. R. H. UNDERWOOD (Honorary Minister): I think that most hon. members will admit that these amendments will be for the benefit of the children.

Mr. Munsie: I do not know about the special magistrate being of much benefit to them.

Hon. R. H. UNDERWOOD (Honorary Minister): Some time ago provision was made that women should be appointed to sit on this court. I am rather pleased that I was a member of the Government which first introduced the principle of women serving on this bench. We have had three or four years of trial of this principle, and I think I can safely say that the women of the court have done really good work. We could with absolute safety now put such a provision into the Act. We could almost go further and say that we would extend that advantage to the appointment of women as full justices of the peace. The work they have done on this court proves their ability for this class of work. The new principles contained in the Bill are chiefly in regard to the employment of children. Generally speaking, we have fixed the age, when the child may be employed, at 14 years and that is young enough in my opinion. Many of us have had to work before that age and I do not think it was a fair thing. In regard to children engaged in performances, such as theatres and shows, we have fixed the age at 16.

Hon. W. C. Angwin: Why has the age for employment in racing stables been fixed at 14 and for performances in a theatre at 16?

Hon. R. H. UNDERWOOD (Honorary Minister): The jockey in a racing stable is learning his trade. A boy should make a start there at the same time as he is obliged to do in a factory. The reason why the age is put up in the case of theatres and other performances, is because the children might strain their voices if they are singers, and it takes away from them the delightful charm of childhood that we all love so much. For that reason alone the Bill is worth passing. It is desired to prevent people from employing children in shows and absolutely unfitting them for other work, and in most cases spoiling any genius they might have been born with. We are not prohibiting children from occasionally performing in public for other purposes than for profit. School children may sing in the choir and may give tableaux. That is not prohibited, and as a matter of fact it could be encouraged without injuring the children. Those we are aiming at are those permanently employed in theatres and shows of that description. In regard to racing stables, there are thousands of the Australians who served in Palestine who had their early training in racing stables. The racing stable affords probably the strictest apprenticeship that a boy

could submit to. To become an expert horseman it is necessary to start reasonably young.

Mr. O'Loghlen: They are the hardest task masters there are.

Hon. R. H. UNDERWOOD (Honorary Minister): I do not think it is necessary to make a long speech. The Bill is entirely a non-party one. It has been considered not only by the Government, but is recommended by the Children's Protection Society. Whatever faddish ways these people may have we must recognise that they are sincerely endeavouring to better the conditions of the children of this State. The clause in regard to the court has been somewhat discussed. It reads to the effect that if a parent, or the department, makes application, the court may reconsider any order that is made. This is an entirely new departure in regard to court procedure. The court having once decided a matter, it is not usual for it to go back to that court, but to some other tribunal. As things stand now the Minister exercises the prerogative of mercy.

Hon. P. Collier: And should retain it, too.

Hon. R. H. UNDERWOOD (Honorary Minister): It is retained in this Bill. The Minister can act on his own without the court. Should he not feel inclined to act and consider that his knowledge is not sufficient, the matter can go back to the court. There is a fear that the court having given a decision will not alter it. I do not think there is any danger of that. The court recognises as we have to recognise, that there is an enormous difference between a child and an adult. A child of 10 or 12 years of age may be absolutely incorrigible. In a couple of years' time that child may be entirely altered, and the court has more opportunity of inquiring into the actual condition of the child than the Minister has. As a matter of fact, hon. members will agree that a Minister is fairly busy and has not the time to make close inquiries about many of these children, and in doing what we propose we are doing something which is absolutely safe. In regard to the special magistrates, the position for the time being will be that police magistrates in various places will be appointed special magistrates.

Hon. W. C. Angwin: That is not the intention of the Bill.

Hon. R. H. UNDERWOOD (Honorary Minister): The provisions of the Bill will enable the Government to work on those lines. If the Government in their wisdom think it to the advantage of the children of this country to appoint special magistrates, they should have the power to do so.

Mr. Munsie: It is not an altogether good thing to have newspaper editors as special magistrates.

Hon. R. H. UNDERWOOD (Honorary Minister): I do not know why the hon. member should say that.

Mr. Munsie: It is here in the Bill.

Hon. R. H. UNDERWOOD (Honorary Minister): I will say that Mr. Lovekin has spent more money in assisting children than most of the men in this House.

Hon. P. Collier: He may have done so.

Hon. R. H. UNDERWOOD (Honorary Minister): Anyhow, I will promise that Mr. Lovekin will not be one of the special magistrates.

Hon. P. Collier: You will get through much easier if you do.

Hon. R. H. UNDERWOOD (Honorary Minister): It is provided in the Bill that cases in which claims are made for the support of illegitimate children shall be tried in the Children's Court. Women who are prosecuting men at the present time have to go to the police court and there are many of them who do not care to do that. It is provided that those cases may be tried in the Children's Court. I move—

That the Bill be now read a second time.

On motion by Hon. W. C. Angwin debate adjourned.

BILL—DISCHARGED SOLDIERS' SETTLEMENT.

Council's Amendments.

Schedule of nine amendments made by the Legislative Council now considered.

In Committee.

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

No. 1. Clause 4, paragraph (c).—Strike out the words "during the present war or within two years after the termination thereof":

The PREMIER: This provision is in all the Acts dealing with the settlement of soldiers in the other States. It is necessary that there should be some limitation of the period during which the measure shall apply to dependants who may desire to make application for land. I do not agree with the proposal that the period should be struck out. Therefore, I move—

That the amendment be not made.

Hon. P. COLLIER: I agree there should be some limitation of time. At the same time I question whether two years is not too short a period. I would suggest that we might amend the amendment further by increasing the period to four or five years.

Mr. MUNSIE: I hope the amendment will be agreed to. We are providing for the dependants in this clause, and it may happen that soldiers' children at the conclusion of the war may be in the stage of infancy, and 20 years later may desire to take up land. They should not be debarred from coming within the scope of the Bill.

Hon. W. C. ANGWIN: An important point is whether money will be available 20 years hence. I think a limit should be imposed here. But I agree with the leader of the Opposition that the time is rather short. We might make it four or five years.

The PREMIER: With these words struck out, there will be considerable difficulty in administering the measure. A dependant must have been wholly or partially dependent upon the earnings of the deceased person during a period within 12 months of his appointment as an officer or of his enlistment. Again, a child might have been born after the father's enlistment. It would be a pity to send the Bill back

now. However, personally I have no objection to the limit of five years.

Mr. MULLANY: I trust the Committee will not agree to the Council's amendment. I would be prepared to go to five years, which I think is quite far enough to go, however. If necessary, the measure can be amended later. Under the 20 years limit suggested by the member for Hannans, men would be coming forward with claims half a century hence.

Mr. ANGELO: How long is the promise of the Federal Government of a loan of £500 to each returned soldier to continue in existence? Surely there must be some time limit.

Question put and passed; the Council's amendment not made.

No. 2. Clause 4—Strike out Subclause 2:

The PREMIER: I do not like this amendment, which I consider dangerous. I move—

That the amendment be not made.

Mr. TROY: I support the Council's amendment. We know that during the course of this war men have been crimed for very small matters. I would not like to see a returned soldier who had been discharged for, say, petty disrespect to an officer, penalised under this measure.

Mr. MONEY: The amendment may have been made by another place in consequence of misinterpretation. Discharge for misconduct would not disqualify a soldier from benefiting under this measure. The land settlement board must also certify that the soldier ought not to benefit.

Mr. PICKERING: I support the Council's amendment, having opposed this provision in the original Bill.

Mr. DURACK: Is it competent for us to move an alternative amendment?

The CHAIRMAN: I cannot accept any modification of the amendment before the Chair.

Question put and passed; the Council's amendment not made.

No. 3. Clause 5—Add a new subclause, to stand as Subclause (3), as follows: "The board shall select its own chairman from the members thereof":

The PREMIER: I have no objection to the Council's proposal. I move—

That the amendment be made.

Question put and passed; the Council's amendment made.

No. 5—Clause 10, insert a new clause, to stand as Subclause (4), as follows:—"The power of resumption conferred on the Governor by Section 4 of the Land Act Amendment Act, 1906, may be exercised to enable land so resumed to be disposed of to discharged soldiers for agricultural, grazing, or pastoral purposes":

The PREMIER: This clause deals with the appointment of officers, inspectors, valuers, and so forth; and the Council has proposed that in this connection preference shall be given to discharged soldiers. I move—

That the amendment be not made.

Hon. P. COLLIER: It seems to me the amendment constitutes a direct insult to the Government.

The Premier: I think so too.

Hon. P. COLLIER: Another place is not only amending our Acts, but is giving instructions as to how they are to be administered. Where are we going to end? Surely the Council is going beyond its province. I endorse the principle of the amendment, but to put it in here would be ridiculous.

Hon. J. MITCHELL: The principle is in operation to-day. If it were not, hon. members would want to know why. It is absurd to insert it here. Yet this House may be misunderstood if we defeat the amendment.

Question put and passed, the Council's amendment not made.

No. 5.—Clause 10, insert a new subclause, to stand as Subclause (4), as follows:—(4) The power of resumption conferred on the Governor by Section 4 of the Land Act Amendment Act, 1906, may be exercised to enable land so resumed to be disposed of to discharged soldiers for agricultural, grazing, or pastoral purposes:

The PREMIER: Apparently the Council is not thoroughly seized of the position. Under the power provided in the Land Act the Governor may resume pastoral leases for agricultural or mining purposes, or for purposes of public utility. It is distinctly implied that pastoral leases cannot be resumed for pastoral purposes. Now it is sought by the amendment to provide that the power to resume shall apply to land required for pastoral purposes, to give the power to resume pastoral leases and re-let them to soldiers as pastoral leases. If this is to be done, special machinery will have to be provided. There is no provision for compensation, no question of purchasing the stock on the lease. The amendment takes away all security which the pastoral lessee has had in the past. The pastoral lessees took up their land under the provisions of the Land Act in the full knowledge that the provision for resumption for agricultural purposes could not be exercised, because the land is not fit for agricultural purposes. The matter should be dealt with only after careful consideration to ensure that the interests of the lessees are fully protected. If the clause is agreed to, as here proposed, it will mean that the land can be resumed under the Land Act, which, however, contains no machinery for dealing with pastoral leases. This may do a grave injustice to a large body of men who have pioneered and opened up this State. I hope the Committee will not agree to the amendment.

Mr. Munroe: It will go through all right. They have put their foot in it, and we will keep it there.

The PREMIER: I move—

That the amendment be not made.

Mr. TEESDALE: I am sorry to hear the interjection of the member for Hannans. It indicates that he is not prepared to look at the matter in a fair and impartial manner. If a better feeling is to be created between certain classes of society in this State we must rid our minds of feelings of that nature. This is a positive injustice to the pastoralist, and I think another place must have been chloroformed at the time they

passed it. They could have had no idea of the hardships and injustices involved in the proposal. Pastoralists in the past have had many hardships to put up with. In the north they have had to wait a whole year for a schooner to bring them sustenance. Some of them have broken down in health as the result of what they have gone through.

Hon. W. C. Angwin: Do you think the soldiers should be kept out of these areas?

Mr. TEESDALE: Though there is little I would not do for the returned soldier, I think there are other people also to be considered. This clause will open up the way to repaying those who have wrested this land from the desert and made it productive. Because a man has been able to get together a little for his old age as the result of his work in these outback areas, he should not be made a butt for this kind of legislation.

Mr. ANGELO: There have been some extraordinary amendments from another place during the last few weeks, but this caps them all. They are asking us to agree to a policy of repudiation and to tear up scraps of paper. Even the Labour Government do not go as far as that.

Hon. W. C. Angwin: We have to do a lot for the men who fought for us.

Mr. ANGELO: Many of the financial houses in London and in Australia have been built up through the pastoral industry. If this is carried the security of these pastoral leases will not be worth the paper they are written on. I remember when the Labour Government were in office that questions were asked from London as to the value of these pastoral leases for security purposes, and the reply was sent that the Labour Party was composed of men of honour and that the leases would not be repudiated.

Sitting suspended from 6.15 to 7.30 p.m.

[The Speaker resumed the Chair.]

Progress reported.

Sitting suspended from 7.33 to 8.10 p.m.

BILL—VERMIN.

Conference Managers' Report.

Hon. F. E. S. WILLMOTT (Honorary Minister) [8.11]: I have to state that the managers of the Assembly met in conference with the managers of the Council, and considered amendment No. 7 in the Vermin Bill, and have agreed that the alternative amendment proposed by the Council be withdrawn and that the original amendment be not pressed. I move—

That the report be adopted.

Mr. SPEAKER: I have received the following Message from the Legislative Council:—

The Legislative Council acquaints the Legislative Assembly, in reply to Message No. 23, that in accordance with the report of the managers' conference on the Vermin Bill, it withdraws its alternative amendment to amendment No. 7 and the original amendment No. 7.

Question put and passed.

Resolution reported, and the report adopted.

BILL—DISCHARGED SOLDIERS' SETTLEMENT.

In Committee.

Resumed from an earlier period of the sitting; Mr. Stubbs in the Chair; the Premier in charge of the Bill.

Mr. ANGELO: I doubt if it would be a legal action on the part of the Government to repudiate these pastoral leases.

Hon. P. Collier: You have no right to use the word repudiation. It does not come into this question.

Mr. ANGELO: It is the only word which can be used in this connection. If the amendment was so much desired, why was it not brought in under the Land Act? It was on the security of the pastoral leases that the banks made advances to many people to enable them to start their stations. The only value of these leases is their tenure; take that away and they become useless. If this amendment goes through, the person it will hurt most will be the poor squatter, the man who is just starting. I am the last man to try to do anything to prevent the returned soldier getting his just dues. If there is a class in the community who deserves the best we can give them, that class is the returned soldier. There is no occupation that I would sooner see him take on than grazing. There is any amount of land available. I know of three million acres between Hamelin Pool and Ajana. The other day I took three or four returned soldiers to the Minister and those men have taken up 100,000 acres each. All that they want is an advance to enable them to bore for water. This land is within the artesian basin. If my request on behalf of those men is carried out and artesian water is found, there is enough area there to settle at least 80. That is the kind of occupation I should like to see these men enter upon. The amendment aims at repudiation and nothing else. Therefore I am not going to agree to it. Our friends opposite occupied the Treasury bench for a considerable time, but they never introduced legislation of a character which aimed at repudiation. If this amendment goes through, the name of the National party in this State will be damned for ever.

Mr. O'Loughlen: Will you leave the party?

Mr. ANGELO: I shall seriously consider it.

Mr. DRAPER: I have sufficient confidence in hon. members to feel that they will not willingly do an injustice to people if they understand fully what the facts are. In another place this clause was passed under a slight misunderstanding. What influenced members there was that they could not see why a freeholder should be liable to have his land resumed, and why a pastoral lessee should be exempt when we were resuming land for the benefit of returned soldiers. I do not think hon. members considered what were the original rights of pastoral lessees, and they really desired to put those lessees on the same basis as the freeholder whose land was resumed. When a person takes up a pastoral lease or buys one, he knows he is buying it subject to the powers of resumption

which are contained in the lease and in the Land Act. He does not presume or anticipate that we are going to insert additional powers of resumption in the Land Act without paying him compensation. He has the right to assume that because it is a principle of the law of the British Dominions, we shall not take away private rights without paying compensation. That assumption is not made for the purpose of benefiting the whole of the community, but to confer some reward upon a class who have been fighting for their country. It may be worthy, but we should not deprive people of their property in order to confer a benefit upon others unless we pay compensation. If we take the argument that a pastoral lessee shall be placed in the same position as the owner of land, and that he shall be liable in the same way as the owner who had his land resumed, one cannot logically object to it. They are both on the same basis. If we are going to put them on the same plane, we must give them the same rights of compensation. So far as a landowner is concerned, we cannot resume his land unless he holds land of the unimproved value of £5,000, and if we do resume his land, we must still leave him also an amount of the unimproved value of £5,000. That provision is lacking in the amendment. Under this clause, no matter how many acres a pastoral lessee holds, we may take the lot. It is not a question of taking a certain portion of land from the pastoral lessee because we think he has too much, but we take the lot and we take the power to force him to sell his stock and deprive him of his living. I submit it is not a necessary or a fair power. When we take the land away from the owner, we must pay him for it because the Act under which we take it away provides a certain amount of compensation. We pay him and leave a substantial balance. He is always allowed to retain land to the unimproved value of £5,000. But that is not the way in which the pastoral lessee is treated. Since his lease is to be resumed in the same way as freehold, we must in common fairness compensate the pastoralist. This provision, unaltered, will do more damage to the small pastoralist than to the big pastoralist.

Mr. O'Loughlen: I do not think your sympathy is with the small man, anyway.

Mr. DRAPER: In this connection I have no sympathy with either the small man or the large man. A Minister could move to modify this clause so as to provide compensation for the pastoralist. I earnestly appeal to the Committee to consider the seriousness of the matter.

Mr. TROY: The last speaker is unduly pessimistic as to the position in which the carrying of this amendment will place the pastoralist. The hon. member says it will mean confiscation. But the Bill provides that the Government shall have power to resume agricultural lands, and if such agricultural lands carry no improvement, where is the value? Twelve months' notice will have to be given to the pastoralist, and a description of the land resumed is to be laid before Parliament at least 30 days before possession is taken.

Moreover, selectors on pastoral leases are bound to pay for improvements. Members opposite only a few months ago were telling every man that it was his duty to leave this country and fight for their possessions. Their present conduct is absolutely conscienceless.

Mr. Teesdale: Oh, cut out the sentiment.

Mr. TROY: That rebuke comes well from the hon. member, who is quite willing to place the soldiers on a sand patch at Riverton, but is not willing to place them on the pastoral areas of the north. He says, "Put the soldiers anywhere, but hands off the pastoral areas of Western Australia!" The member for Gascoyne made a most passionate appeal, and did that which I think is entitled to the censure of the House, playing on the feelings of members by forecasts of what the financial institutions might do. If we confiscated the pastoral leaseholds, the hon. member suggested, financial chaos would ensue. The hon. member is quite willing to send the soldiers to the Gascoyne River to grow bananas, but they must not touch the pastoral areas. The land on the Gascoyne River to which the hon. member has referred, is so well situated that it would have been taken up years ago but for its disadvantages. There was no necessity for the Premier to tell us anything about the pastoralists, because probably some of us know them better than he does. I am as well disposed towards the pastoralists as is any other member. I know many of them, and some of them I call my friends. Still, I should not be doing my duty if I voted to give them a monopoly of the pastoral lands for all time. Rather is it my duty to see that the pastoral country is carrying as large a population as it can.

The Colonial Treasurer: How much are you going to advance to these soldiers?

Mr. TROY: The soldier who goes on to a pastoral area of reasonable size will require less assistance than the soldier on an agricultural area.

Mr. Munsie: If we are going to advance £2,000 to one we must advance it to all.

Mr. TROY: There never was a proposition worth while without some objection. On a resumed agricultural proposition the soldier will require much more than £500. There are pastoralists who went on to their leases bare-foot, and made good; and if one can do it another can. If I had my way I would throw these pastoral lands open to everybody, soldier and civilian alike.

Mr. Piesse: Not regardless of rights?

Mr. TROY: Well, of course not. There have been more lobbying and whipping over this measure than over any other measure for years past. I would not agree to resumption without full compensation for improvements, and a little for disturbance, notwithstanding that the latter provision is not made in regard to the resumption of agricultural lands. If the Premier stands for no party and no interest, as he said, what is his objection to agreeing to this proposal? The Premier also made promises to the returned soldier. I want to see the present holders of these pastoral areas get fair compensation, and it therefore cannot be said that

I am prepared to do the pastoralists an injustice. It is accusing the pastoralist of selfishness to say that he is not prepared to give a fair deal to the returned soldier. I urge hon. members to stand by the amendment made in its wisdom by the Council.

The ATTORNEY GENERAL: I feel sure the Council must have been under the impression that the pastoral lessee would be entitled to compensation for the damage he might suffer under this proposal. By the law, as it stands, there will be no adequate form of compensation and, indeed, it may be argued that there is none at all. This amendment purports to amend Section 4 of the Land Act, 1906, which gives the Governor power from time to time to resume land comprised in pastoral leases, Sections 109 and 146 also applying. Section 109 relates mostly to the land in the South-West division, and nothing contained in it amounts to compensation. Section 146 refers to the fact that an agricultural area or reserve would have to be declared before the lessee could receive from the Minister fair value for his improvements, etc. It seems to me that under Section 146, if the land is resumed for soldier settlement purposes, no compensation can be claimed. Of course the Committee would not tolerate this, and it could not be intended by the Council. I agree that there is no pastoral lessee in Western Australia who, if his land was wanted for the purposes of soldier settlement, would not be glad to hand it over on receipt of fair and reasonable compensation. I suggest that the Council's amendment be amended by adding the following words:—"whereupon the pastoral lessee shall be entitled to compensation for land for loss or damage sustained thereby."

The CHAIRMAN: I cannot accept that as an amendment now because the Premier has moved that the Council's amendment be not agreed to. That amendment will first have to be disposed of.

The Premier: I should like to withdraw it.

Mr. TROY: The Premier cannot withdraw the amendment without the leave of the Committee. The best thing to do is to adopt the Council's amendment and then add the words desired.

Hon. W. C. Angwin: I was refused permission to amend No. 1.

The CHAIRMAN: I would refer hon. members to Section 46 of the Constitution Act, as follows:—

In the case of a proposed Bill, which, according to law, must have originated in the Legislative Assembly, the Legislative Council may at any stage return it to the Legislative Assembly with a Message requesting the omission or amendment of any items or provisions therein; and the Legislative Assembly may, if it thinks fit, made such omissions or amendments, or any of them, with or without modifications.

The member for Mount Magnet is quite right in saying that if the Premier's motion is defeated the Attorney General can add the words he proposes.

The PREMIER: My motion was that the Council's amendment be not agreed to.

The CHAIRMAN: If the Committee disagree with that, the amendment proposed by the Attorney General can then be made.

Mr. DURACK: It seems to me that by the amendment we propose to override an Act of Parliament which received deliberate consideration from Parliament. If such a thing as that can happen, the sooner an alteration is made to remedy that condition of affairs the better. The member for Roebourne referred to the discomforts the older settlers have had to put up with. Although I have had to bear the heat and burden of the day in the northern parts of the State, I do not intend to deal with the personal aspect of the matter, but I do say that when the pastoralists went to the North they went there prepared to put up with discomfort, but in the belief that they would receive fair treatment under the laws of the country. If for a moment they thought they were going to be unjustly treated in any way I do not suppose very few of them would have dreamt of putting in 30 years there. We have sufficient trust in the laws to know that we shall be protected. I would be prepared to agree to the suggestion of the member for Mount Magnet, but rather than deal with the question at this particular moment I would favour that a short Act be put through.

Mr. TROY: I suggest that we put this through now and next year amend the Land Bill giving the right to claim compensation.

Mr. DURACK: The Government might bring down a measure to meet the position and the question could then be fully discussed. I would also point out that the holders of leases have made improvements to meet the conditions of increasing herds. Many station holders have put up wool sheds costing thousands of pounds, and extensive yards in excess of requirements. If we are going to take away this land from them now, the expense which has been incurred will have been for no purpose.

The ATTORNEY GENERAL: If members vote against the Premier's suggestion, they therefore accept the amendment from the Legislative Council without modification. I want hon. members to accept the amendment with the modification. We can do that or reject the amendment.

Mr. TROY: Section 46 of the Constitution Act provides that the Assembly may, if it thinks fit, make such omissions or amendments with or without modification. In that case there is nothing to prevent us taking the Premier's motion first and then modifying the amendment. If an amendment can be accepted and then can be modified, it follows that the amendment can be accepted first and that the modification can be made later. The proper course is to deal with the motion moved by the Premier and then we can consider the Attorney General's proposed modification. Of course I cannot bind this side of the House.

Mr. NAIBN: What would be the position if the Committee refused to carry the Pre-

mier's motion, and agreed with the Council's amendment, which then would become law, and if we then carried the further amendment of the Attorney General modifying the Council's amendment, and if then the Council refused to accept the modification?

Hon. W. C. Angwin: The Government would not resume any area then.

The CHAIRMAN: The Chairman would report to the Speaker that the Committee had agreed to certain of the Council's amendments with a modification, and a message to that effect would go to the Council, and if they did not agree to our modification the Bill would be gone.

Mr. TROY: I agree with your reply to the member for Swan, Sir, but if the amendment is accepted and modified, and the modification goes to another place, and that place rejects the modification, then the Speaker will rule that, this being a money Bill, the amendment cannot be pressed and the Bill will be lost. Members are faced with the position of either accepting the amendment or losing the Bill. The Government can bring down a Bill next session to provide for compensation.

Mr. DRAPER: The amendment has come down from another place in the form of a new clause. We are asked to accept that new clause, or to modify it. If we accept the new clause, how can we modify it afterwards? The clause must be modified before it is accepted.

Mr. TROY: Nonsense!

Mr. DRAPER: It appears to me to be common sense.

Mr. MONEY: Standing Order 46 is clear. There is one vote on this amendment, which we can either reject, or accept, or else accept subject to modification. The modification must be before the Committee with the clause.

Mr. MUNSIE: If the vote is taken on the motion as moved by the Premier, and this Committee agrees with the amendment made by another place, I shall raise the point that the amendment cannot be modified afterwards.

The CHAIRMAN: On reconsideration, I would like to say that the question proposed on this amendment is that the amendment be not made. That question, like any other question, is superseded by another motion that the amendment be made with a modification, just as any other motion is superseded by an amendment. To modify the amendment would be to reverse the Council's decision.

Hon. P. Collier: How can the amendment supersede the motion?

The CHAIRMAN: For the time being.

Hon. P. Collier: If that is so, how can it be added to the motion?

The CHAIRMAN: If the Premier would agree to withdraw his motion, the Attorney General could move the modification.

Mr. TROY: All we have before the Committee is the Premier's motion. We must first agree to the motion. If the Premier's motion is negatived, then the Attorney General's amendment is agreed to.

Hon. F. E. S. Willmott (Honorary Minister): The Premier could ask leave to withdraw his motion.

The CHAIRMAN: In order to permit the Attorney General's modification to be moved, the Premier's motion must be withdrawn.

Mr. PIESSE: If the Premier's motion were put and carried, that would be the end of the amendment, but if it were defeated, then the Legislative Council's amendment could be amended. The fact of the Premier's motion being defeated would not terminate discussion.

Hon. W. C. ANGWIN: Would it not be easier to get over the difficulty by the Premier withdrawing his motion and the Attorney General then moving that the amendment be made with certain modifications?

The CHAIRMAN: Will the Premier agree to withdraw his motion for the time being? If so, I will put it to the Committee. If not, I must stand by what I have said. If the mover of the motion will not withdraw it I rule that the Attorney General's motion is properly before the Chair.

The Premier: I do not propose to withdraw.

The CHAIRMAN: Then the question before the Chair is that the Council's amendment be made, subject to the modification "whereupon the pastoral lessee shall be entitled to compensation for loss or damage sustained thereby."

Hon. P. COLLIER: The Premier is entirely opposed to the Council's amendment, and is going to vote against it. The Attorney General moves a modification, which is an endorsement of the Council's amendment. Here is a division in the ranks of Ministers. It is an extraordinary situation, but I suppose it is in conformity with National ideals.

Mr. TROY: If the Premier, who moved that the Council's amendment be not made, stands to that motion, then it is not open to the Attorney General to move that the Council's amendment be made, with a modification. I suggest that the Premier's motion be put first. That course would serve to clear the situation.

The CHAIRMAN: I should like to have the Speaker decide this. I am still of opinion that the amendment moved by the Attorney General is in order. If anyone moves to dissent from that ruling, the Speaker will decide the point. I should be glad if this were done.

Dissent from the Chairman's ruling.

Mr. Munsie: All right. I move—

That the Chairman's ruling be disagreed with.

The Chairman: Put it in writing. I shall be glad to accept it.

[The Speaker resumed the Chair.]

The Chairman: On Message No. 17, amendment No. 5, a motion was moved by the Premier that it be not agreed to. The Attorney General moved as an amendment that amendment No. 5 be made with the following modification, to add the following words, "whereupon the pastoral lessee shall be entitled to compensation, etc." The member for Hannans has disputed my ruling on the ground that the amendment is a direct negative of the question. I maintain that the hon. member is

wrong, because a direct negative to the motion would be that amendment No. 5 be made without modification.

Mr. Troy: The question now before the House is the point of order raised by the member for Hannans, that the ruling of the Chairman is not in order, the Chairman having ruled that it is possible for the Premier to move a motion that the amendment by the Legislative Council be not agreed to, and at the same time he accepts a motion from the Attorney General that the amendment be agreed to with certain modifications. It would be inconsistent to accept any amendment which is a direct negative of the motion. How can the two be before the Committee at the same time? The proper course to adopt would be this: that the Premier's motion, that the amendment be not agreed to, be rejected or accepted. If it is accepted that ends the matter, but if it is rejected the Attorney General can then move a modification to it.

Mr. Munsie: It is not competent for the Chairman to accept the motion he did unless the Committee gave the Premier permission to withdraw his motion. I contend that the Chairman is out of order in accepting a motion agreeing to the Council's amendment with certain modifications on top of the motion of the Premier that the amendment be not agreed to.

The Attorney General: We are bound by Section 46 of the Constitution Act Amendment Act, which says that the Assembly may, if it thinks fit, make such amendments, or any of them, with or without modification, to the amendments of the Legislative Council. If the Premier's motion were rejected it would mean the acceptance of the Council's amendment without modification, and it would not be proper to move afterwards that it be accepted with modification.

Hon. T. Walker: It is not competent for the Premier to move that an amendment be not agreed to and at the same time entertain a directly opposite motion that it be agreed to with a modification. They are each negatives of the other.

Mr. Speaker: I am sorry I cannot see eye to eye with the arguments advanced against the ruling of the Chairman. The Premier moved that the amendment of another place be not made. Another amendment was moved, on that, that the amendment be made with a modification.

Mr. Troy: No.

Members: Yes.

Mr. Troy: It should more properly be called an addition.

Mr. Draper: A condition.

Mr. Troy: The amendment is an addition and should be accepted after the motion has been disposed of.

Mr. Speaker: The amendment of another place reads:—"Insert a new subclause, to stand as Subclause (4), as follows:—(4) The power of resumption conferred on the Governor by Section 4 of the Land Act Amendment Act, 1906, may be exercised to enable land so resumed to be disposed of to discharged soldiers for agricultural, grazing, or pastoral purposes," and the Attorney General moved to add the following words, "where-

upon a pastoral lessee shall be entitled to compensation." If those words be added, it will be a modification of the amendment of another place. The Premier's motion was that the amendment be not made. The argument of the member for Menzies was that the amendment by the Attorney General was a direct negative. By no stretch of imagination can it be said that it is a direct negative. It is not a direct negative and I uphold the ruling of the Chairman.

Mr. Troy: The Premier has moved that the amendment be not made. The Attorney General moves that it be made.

Mr. Speaker: With a modification.

Mr. Troy: How can there be before the House at the same time a motion which says an amendment shall not be made and another which says it shall be made even though with modifications? I give it up.

Dissent from Mr. Speaker's ruling.

Hon. T. Walker: I move—

That the House dissent from the Speaker's ruling.

If there be a motion before the Chair that an amendment be not made there cannot be an amendment moved as well that it be made, even though a modification is proposed. One is a negative of the other, and it would be inconsistent for a ruling like that which has just been given to stand.

Mr. Munzie: On the ruling which has just been given the Chairman will then have to put a question after this fashion: The Premier's motion is still before the House and the only question will be "that the amendment be not made with the following modification."

Question put and negatived.

Committee resumed.

Hon. W. C. ANGWIN: I am surprised at the action of the Premier in regard to this matter. The Premier desires to make out that he wishes to serve all persons alike. He brings forward a Bill which gives the Government power to resume any land in an agricultural area above the value of £5,000. That has been approved of. After agreeing to pay proper compensation to the person whose land has been resumed he objects to a motion which is moved whereby a pastoralist can also be paid compensation on the value of his improvements. Why should the pastoralist be put on a different footing from the agriculturist? Why should we make the distinction? The Premier's action is unworthy of the leader of a great party. The future of this State is population, for the danger of this State is its North. We can settle our North only by providing areas in which people can settle. The American trusts are getting hold of our North. I wonder that the Premier has placed his colleague in such an invidious position.

The Premier: I did not oppose the Attorney General's amendment.

Hon. W. C. ANGWIN: But the Premier refused to withdraw his amendment so as to permit the Attorney General to move his. The member for West Perth pointed out that the clause was unfair because of the absence of

provision for compensation. I hope he will support the clause with compensation. Had the Premier acceded to the Chairman's suggestion to withdraw the motion, all this trouble and time would have been saved.

Hon. P. COLLIER: The Attorney General says his motion will be carried. If I were sure of that, I would not labour the question at this hour. But we have to remember that the Premier and leader of the Government is against us. This discussion is necessitated by the division in the ranks of the Government.

The Premier: I never said I would vote against the Attorney General.

Hon. P. COLLIER: Because of the Premier's attitude we have spent three hours trying to get round his motion. Why does not the Premier support this clause, which comes from the bulwark of the Constitution, the Legislative Council?

The Premier: One cannot agree on all points.

Hon. P. COLLIER: The Premier agrees with another place when it is something against the interests of the people generally. Repudiation has been mentioned in this connection, but that word applies only to those who fail to keep the promises made to our soldiers before they went to the Front. The Premier says to the returned soldier, "Go where you will, but keep off our sheep runs." What is there sacred about the pastoralist? I did not think there was one man in either House who would be prepared to say that pastoral lands should not be made available to our returned soldiers. I move an amendment—

That the words "for loss or damage sustained thereby" be omitted from the amendment moved by the Attorney General, and that the words "as provided in Sections 146-148 of the Land Act, 1906, with ten per centum on the assessed value of improvements added for severance," be inserted in lieu thereof.

The words "compensation for loss or damage sustained" would bring into the question the pastoralist's good-will, deprivation of leasehold, and so forth. Under a clause so worded the compensation would be so heavy that no pastoral holding would or could ever be resumed for the benefit of a returned soldier. The Committee has been under the impression that this amendment provides for the resumption of pastoral leaseholds. But it does nothing of the kind; it has nothing to do with pastoral leaseholds. If there should be anything like repudiation or confiscation involved in my amendment, it is only the same class of repudiation or confiscation as has been in our land legislation since 1906. All the power of resumption is in the Act now. The amendment does not affect that. All we are concerned with now is the compensation, and if the compensation prescribed in the Act is fair and equitable, why not continue to use it? My amendment provides for that.

Mr. Pilkington: But resumption for agricultural purposes, as provided in the Act, means only a relatively small area of land.

Hon. P. COLLIER: Whether the area is large or small, compensation has to be pro-

vided for the area taken. The principle is not affected.

Mr. Draper: The provision in the Act is not contrary to the lease, whereas what you propose is contrary to the lease.

Hon. P. COLLIER: Well, I move my amendment.

The CHAIRMAN: The Attorney General has moved that the Council's amendment be made with a modification. Mr. Collier has moved to strike out from the modification "for loss or damage sustained thereby," and to insert in lieu "as provided in Sections 146, 147, and 148 of the Land Act, 1906."

The PREMIER: The amendment moved by the leader of the Opposition brings us back to precisely our starting point. The position I took up is a perfectly sound one. There is no analogy between the agricultural freeholder and the pastoral lessee. It was never intended by the framers of the Land Act of 1898 that pastoral lands should be resumed for pastoral purposes. The very wording of the section is clear evidence of that. No court of law would ever hold that the section applied to resumptions for pastoral purposes. This is the interpretation I have always given to the section. If we are going to place the pastoral lessee in the same position as the holder of agricultural land, we should allow him to retain a certain amount of his leasehold. He should not be entirely dispossessed of his holding. The question is too important to be dealt with in a short time. Where the Government find that a man is doing good work on his land I do not think they would compulsorily acquire that land, but where a man is not fulfilling his duties to the State, we would not allow him to hold all that land. It would not be equitable to take a pastoral lease from one pastoral lessee and give it to another, when the former was fulfilling his duties upon it. I knew there was not need to withdraw my motion.

[Mr. Foley took the Chair.]

Hon. P. Collier: Not when it would have helped us out of a tangle?

Mr. TROY: I think we should report progress, and arrive at an amendment to-morrow which will meet with the desires of hon. members. I move—

That progress be reported.

Motion put and negatived.

Mr. TROY: I support the amendment of the leader of the Opposition, because I am of opinion that the amendment of the Attorney General is loaded. The conditions will be such that it will be impossible for any person to hold a pastoral lease. Parliament has given a renewal of these leases for the next 28 or 29 years. The pastoralist could therefore claim damage and goodwill for the next 28 or 29 years. It would be infamous for us to agree to the Attorney General's proposal. He knows full well what it means. If hon. members accept his amendment there will be litigation over the resumptions, and the leaseholder will claim full compensation for all the money which would accrue to him for the following 28 years.

Mr. Johnston: Is the amendment of the leader of the Opposition fair and reasonable?

Mr. TROY: Yes, because it provides compensation which obtains in regard to other leases to-day. I am also prepared to put in the 10 per cent for disturbance and inconvenience. I urge upon the Attorney General to report progress.

Mr. JOHNSTON: I am surprised at the democratic view taken by the Council in this matter in their patriotic desires to put the returned soldier on pastoral land without compensation. They are running the risk of doing considerable injustice to a number of people. There is an undoubted right of the part of the lessees to receive compensation if their leases are resumed. They will say "Thank God there is a lower House to protect them from the hasty legislation of the Legislative Council." The Upper House is apparently prepared to ruin a large number of people who have big interests in the country. We are entitled to give the returned soldiers every opportunity to settle on small pastoral areas provided proper compensation is given to the owners of the leases.

Mr. PICKERING: I am at a loss to understand why the Premier moved to disagree with this motion. I agree that some provisions should be made for the payment of compensation. Seeing that the Government knew that this question was going to be placed before the House, something ought to have been suggested which could be accepted. I am in accord with the amendment made by the Upper House.

Mr. TROY: I suggest that the leader of the Opposition be permitted to alter his amendment by adding to it, "Ten per cent. of the assessed value of the improvements for disturbance." That will mean compensation for improvements plus 10 per cent of the assessed value of the improvements for disturbance.

Hon. P. Collier: I will agree to that.

The ATTORNEY GENERAL: The only difference between my amendment and that suggested by the leader of the Opposition is that I propose compensation for that which is taken, and the leader of the Opposition proposes partial compensation.

Mr. Draper: Very partial.

The ATTORNEY GENERAL: If hon. members are genuine they will support my amendment. One cannot say on the spur of the moment what loss or damage a particular man may sustain, and we cannot make hard and fast rules. My proposal is plain and simple. It is, that if any loss or damage is sustained by reason of the resumption it would be paid for.

Hon. T. Walker: Who is to assess the loss?

The Attorney General: The Supreme Court.

Hon. P. COLLIER: I would not mind the Attorney General's amendments if some tribunal were specified that would assess the amount of the loss. There is no machinery in the measure whereby the damage or loss can be assessed. Therefore the pastoralist would go to the court and then on to the Full Court and probably the High Court and very likely the Privy Council. Then the pastoralist would

claim an enormous sum for damage, and he would produce evidence to show what his average profits had been for years past, and base his claim on those profits.

The Attorney General: The court would not allow such an argument to be made for five minutes; the court would tell you to sit down.

Hon. P. COLLIER: We know, of course, that that would not be the measure of damage. The amount of the award for loss would, however, under the amendment be such that not one acre of pastoral land would fall to a soldier in this State.

Mr. TROY: The Attorney General says he wants to give fair compensation. The leader of the Opposition says he wants to give partial compensation, and he refers to our existing land legislation in this connection: "The fair value of the existing improvements." Under the Attorney General's amendment there would be ten per cent. for disturbance. The Discharged Soldiers' Settlement Bill allows nothing whatever for disturbance.

Mr. Draper: I beg your pardon; that Bill refers to the Public Works Act.

Mr. TROY: Under the Attorney General's amendment there would be endless litigation. The Attorney General's amendment has only one purpose—to make the position so impossible, and so to over-capitalise leaseholds, as to render the taking up of pastoral land impracticable for the returned soldier.

Mr. NAIRN: The question of the disposal of stock seems to me the most important problem for the grazier's consideration.

Hon. P. Collier: The same objection applies to all resumptions of pastoral land.

Mr. NAIRN: We must make some proper provision regarding the stock. For a good many years our pastoralists had a rocky time. They are now having prosperous times. But that is no reason for making them anybody's prey.

Hon. P. Collier: Nobody proposes that.

Hon. W. C. ANGWIN: Some stations in the North are not stocked up by thousands of acres, and there might be no need to take away any area actually required by the pastoralist. As regards payment for compensation, the improvements paid for would become the property of the soldier taking up the leasehold area.

Mr. MUNSE: I trust the Committee at this late hour will agree to the amendment of the leader of the Opposition. No pastoral land will ever be resumed for returned soldiers under the conditions proposed by the Government. The Legislative Council did good work in inserting its amendment. The real mistake was made when this House forced through the Bill which it did a couple of sessions ago. If a pastoral lessee is using his lease to the fullest extent, no Government would attempt to resume it. But many of the leases could carry more than double the stock that is on them, as is the case on the Minderoo station. I am in favour of the amendment as it stands. No Government would be silly enough to resume land to the

detriment of the State. If the Attorney General's amendment is carried it will hold out to the returned soldier something which he can never hope to get; and even if the returned soldier got it, it would be at a price which would preclude him from making a living on a resumed pastoral area.

Amendment (Hon. P. Collier's) on the amendment (Attorney General's) put, a division taken, and the following result declared:—

Ayes	12
Noes	22

Majority against .. 10

Point of Order.

Hon. W. C. Angwin: I desire to challenge the vote. There are only 19 members in front of you, Sir. Three others are behind the Chair.

The Chairman: Standing Order 199 states that every member present in the House when the question is put shall be required to remain and vote. My ruling is that anyone in this Chamber must vote, and the fact that members are in the Chamber is sufficient for me to say they are entitled to vote.

Dissent from the Chairman's Ruling.

Hon. W. C. Angwin: I move—

That the Chairman's ruling be disagreed with.

[The Speaker resumed the Chair.]

The Chairman: There was a division on the question before the Committee. I gave out the result of the division as, Ayes 22, Noes 12. The member for North-East Fremantle took exception to this, and moved that my ruling be disagreed with, on the ground that there were three hon. members who constituted that 22 sitting on seats behind the Chair. I ruled that, as they were in the House, they were entitled to vote.

Mr. Speaker: I presume the hon. member for North-East Fremantle is relying on Standing Order 197, which is as follows:—

When the doors have been locked, and all the members are in their places, the Speaker shall put the question before the House, and then direct the "Ayes" to take seats to the right of the Chair, and the "Noes" to the left, and shall appoint one teller for each party.

Where were the members sitting when the division was taken to which objection has now been raised?

The Premier: On the three chairs at the back of the Chamber.

Mr. Speaker: I know that votes have been taken when members have been sitting on those chairs, but under the Standing Orders they should not count. I think hon. members will remember that I have removed them from there in order that they might take their proper places. If there are no seats available in a division, members stand

along the side of the Chamber on which they are recording their votes. If the Chairman sees a member on the floor of the House, he would not be entitled to accept his vote unless he had moved to his place. These chairs are merely for distinguished visitors. According to the Standing Orders, if members were on those chairs, their votes should not count. In view of that, I do not uphold the ruling of the Chairman, although it has been the custom for votes to be recorded from those chairs. I do not uphold the ruling, so that it may serve as an instruction to members in future to record their votes in the way the Standing Orders provide.

Committee resumed.

[Mr. Stubbs resumed the Chair.]

Hon. W. C. ANGWIN: Will you declare the vote correctly now?

The CHAIRMAN: In view of the Speaker's decision, I must ask the hon. member to give me the names of the members to whom he referred.

Hon. W. C. Angwin: They were the Minister for Works, the member for Pingelly, and the member for York.

The CHAIRMAN: The names of those three members will, therefore, have to come off the division list. The result of the division is now—

Ayes	..	..	..	12
Noes	..	..	..	19

Majority against	7
---------------------	----	---

AYES.

Mr. Angwin	Mr. Roche
Mr. Chesson	Mr. Troy
Mr. Collier	Mr. Walker
Mr. Harrison	Mr. Willcock
Mr. Jones	Mr. Munsie
Mr. Lutey	
Mr. Mullany	

(Teller.)

NOES.

Mr. Angelo	Mr. Nairn
Mr. Broun	Mr. Pickering
Mr. Brown	Mr. Plesse
Mr. Draper	Mr. Pilkington
Mr. Duff	Mr. R. T. Robinson
Mr. Durack	Mr. Teesdale
Mr. Hudson	Mr. Underwood
Mr. Johnston	Mr. Willmott
Mr. Lefroy	Mr. Hardwick
Mr. Mitchell	

(Teller.)

Amendment (Mr. Collier's) thus negatived.

The CHAIRMAN: The question now is that the Council's amendment be made with a modification.

Amendment (the Attorney General's) put and a division taken with the following result:—

Ayes	..	..	..	24
Noes	..	..	..	10

Majority for	14
-----------------	----	----

AYES.

Mr. Angelo	Mr. Lefroy
Mr. Broun	Mr. Mitchell
Mr. Brown	Mr. Mullany
Mr. Draper	Mr. Nairn
Mr. Duff	Mr. Pickering
Mr. Durack	Mr. Plesse
Mr. Foley	Mr. Pilkington
Mr. George	Mr. R. T. Robinson
Mr. Griffiths	Mr. Teesdale
Mr. Hickmott	Mr. Underwood
Mr. Hudson	Mr. Willmott
Mr. Johnston	Mr. Hardwick

(Teller.)

NOES.

Mr. Angwin	Mr. Roche
Mr. Chesson	Mr. Troy
Mr. Collier	Mr. Walker
Mr. Jones	Mr. Willcock
Mr. Lutey	Mr. Munsie

(Teller.)

Amendment thus passed.

The CHAIRMAN: Amendment No. 6—

Mr. MUNSIE: But what happened to the Premier's motion? We have just voted on that moved by the Attorney General.

The Premier: My motion went.

Mr. MUNSIE: No, it did not.

The CHAIRMAN: The question we just agreed to was that the Legislative Council's amendment be made with a modification.

Hon. P. COLLIER: The Premier's motion has not yet been disposed of. We have been dealing with the amendment. The Premier's motion is still before the Committee.

Mr. TROY: The Premier's motion has not been put. The Premier's motion was that the amendment be not made. What has happened to it?

The Premier: I withdrew it.

Hon. W. C. Angwin: Oh no, you did not. You were urged several times to withdraw it but you refused to do so.

Hon. P. Collier: The Premier's motion is somewhere about the House.

The PREMIER: Will you allow me to withdraw it now?

Members: No.

The CHAIRMAN: The Committee, whether rightly or wrongly, have carried the Attorney General's amendment that the amendment of the Legislative Council be made with a modification. There is no doubt about that.

Mr. TROY: The Premier moved a motion before that but he did not withdraw it. The leader of the Opposition moved an amendment but that was voted down. The amendment of the Attorney General has been accepted. Now, where is the Premier's motion? We would never have got into this tangle if the vote on the Premier's motion had been taken apart, and then the Attorney General's amendment could have been disposed of.

Hon. T. Walker: This is a comedy of errors.

Mr. Johnston: The Premier might withdraw his motion now.

Hon. P. COLLIER: He cannot do so. The Standing Orders will not allow him. There is no escaping from the fact that the Premier's

motion is still before the Committee and it will have to be put.

Hon. T. WALKER: The motion which you, Mr. Chairman, will now have to put will be something like this, "That the amendment be not made and that it be made with the following modifications."

The CHAIRMAN: The Premier moved that the amendment be not made. If the Attorney General thereupon had moved an amendment to omit the word "not" and add certain words, the matter would have been in order. But, as customary, the amendment was shortened in the form in which it was passed. That is the common sense view.

Hon. T. WALKER: You could not possibly read into the motion, Mr. Chairman, what you thought the Attorney General meant.

The CHAIRMAN: I have decided that the Committee have agreed to the Legislative Council's suggested amendment with a modification, and there the matter ends so far as the Chair is concerned.

Point referred to the Speaker.

Mr. TROY: Without any personal feeling to yourself, Sir, because I respect your honesty in the matter very much, I must point out that had the Attorney General's amendment been that the word "not" be struck out, that amendment should have been put to the Committee in this form, "That the word 'not' be struck out." I move—

That the matter be referred to the Speaker.

The CHAIRMAN: May I suggest that I intended to say that the effect of the Attorney General's amendment was to move that the word "not" be struck out.

Hon. W. C. ANGWIN: Surely the Chairman cannot put into a motion words which it does not contain.

[The Speaker resumed the Chair.]

Mr. Stubbs: The Legislative Council in Message No. 17 desired to add a new clause to stand as Clause 10. The Premier moved that the request be not agreed to. Thereupon the Attorney General moved an amendment, "That the following words be added to the Legislative Council's amendment: 'Whereupon the pastoral lessee shall be entitled to compensation therefor.''" On a division the Committee decided by 24 votes to 10 to accept the Attorney General's modification on the Legislative Council's amendment. I maintain that the effect of the carrying of the Attorney General's amendment is to supersede the Premier's motion that the amendment be not agreed to. I stated to the Committee my reasons for this view. The member for Mt. Magnet has moved that the matter be referred to you, Mr. Speaker, contending that the question has not been properly stated by me. Being of opinion that the Premier's amendment had been superseded, I refused to put it as a substantive motion.

Mr. Troy: The Chairman has stated that the Premier's original motion was superseded. The Chairman also said the Attorney Gen-

eral's amendment was to strike out "not" from the Premier's motion, which was that the Council's amendment be not made. If the Attorney General moved that "not" be struck out the question should have been, that the word proposed to be struck out stand part of the question. That was never put to the House, and therefore all the subsequent proceedings are entirely out of order and irregular.

The Attorney General: But I did not move that at all.

Mr. Troy: That is what I have said. Yet it is claimed that the Attorney General moved that the word "not" be struck out.

The Attorney General: I do not think anybody claims that.

Hon. T. Walker: It has been held that the Attorney General's amendment was in order. If so, since the amendment was carried the motion as amended must be put. The Chairman said that the Attorney General's motion superseded the Premier's motion. He makes them two substantive motions, which cannot be entertained at one and the same time. The Premier refused to withdraw his motion. Therefore, the only way in which the Attorney General's motion could be considered was to designate it an amendment, and as the ruling of the Chair was that it was an amendment I submit that we have to take the amendment in relation to the original motion. So the question that should be before the Committee is the Premier's motion as amended by the Attorney General's amendment. But the Chairman has refused to put it, and has tried to amend the motion already put by saying that the Attorney General moved as an amendment of "not." Of course the Attorney General did nothing of the sort.

Mr. Speaker: When I gave my previous ruling I had in my hand this description of the motion by the Clerk, "The Premier moved that the Council's amendment be not made. To that the Attorney General moved as an amendment that the Council's amendment be made, with the following modification." The position now is that the Attorney General's amendment has been carried, and therefore the question before the Committee is that the Council's amendment be made, with the following modification, "whereupon the pastoral lessee shall be entitled to compensation for loss or damage sustained thereby." That is the question which should be put from the Chair.

Hon. T. Walker: Where is the Premier's motion?

Mr. Speaker: The Premier's motion was that the Council's amendment be not made. The amendment by the Attorney General was that it be made with certain modifications. That has been carried, and therefore the Premier's motion has absolutely gone. The Attorney General's amendment destroyed the motion of the Premier. That is my interpretation.

Mr. Troy: An amendment cannot be moved unless it is relevant to the motion. The Premier's motion was that the Council's amendment be not made; the Attorney General's amendment was that the Council's amendment be made, subject to conditions. One is a distinct negative of the other.

Mr. Speaker: We will not discuss that. I rule that the question to be put is that the Council's amendment be agreed to with the modification.

Hon. T. Walker: I must move to disagree with your ruling. It is not only monstrous, but absolutely ridiculous. If there is anything that would make this House a laughing stock, it would be the interpretation which you have placed on the position. The House can never tolerate Mr. Speaker phrasing a resolution which has never been moved from the floor.

Mr. Speaker: The hon. member is not fair in stating that, because I decided earlier on it, and hon. members did not take exception to it.

Hon. T. Walker: The words of the motion cannot be altered by Mr. Speaker speaking from the Chair.

Mr. Speaker: I have taken them as they were taken down by the clerk.

Hon. T. Walker: The original motion, that the Council's amendment be not made, was put from the Chair in that phraseology, and it cannot be altered.

Mr. Speaker: The Committee have altered it by their vote; they have negatived it.

Hon. T. Walker: No. They have not altered the original motion, and as no words have been omitted by the Committee the original motion must stand.

The Attorney General: Who do you suggest has altered it?

Hon. T. Walker: It was altered from the Chair.

Mr. Speaker: The Premier's motion was that amendment No. 5 be not made. To that the Attorney General moved that the amendment be made, with a modification. I believe the Committee has carried the amendment moved by the Attorney General. That being so, the amendment stands with the addition of the words added to it by the Attorney General, and the question is that the amendment be made, with the modification. The Premier's motion has been discharged. The Committee have voted on the words "that the amendment be not made."

Hon. T. Walker: No, you are wrong.

Mr. Speaker: The motion that the Council's amendment be agreed to with a modification has been accepted.

Hon. P. Collier: Where are the Premier's words?

Mr. Speaker: They have been disposed of.

Hon. P. Collier: Not at all.

Hon. T. Walker: You cannot dispose of them.

Mr. Speaker: I have given my ruling.

Hon. T. Walker: And I am giving my reasons for disagreeing with your ruling. I must give those reasons to the House.

Mr. Speaker: We must discuss business as it should be discussed.

Hon. T. Walker: That is why I am on my feet, because it is not being conducted properly. The amendment has been put, but it is an amendment to the motion. It is impossible to get rid of a motion in this way. It is an interference with our privileges and rights to

take away a motion and say that it has gone because the amendment to it has been carried. The amendment becomes part and parcel of the resolution. You rule that it was an amendment, but I argue that there were two separate motions.

Mr. Speaker: The hon. member cannot discuss that.

Hon. T. Walker: If your previous ruling was correct, then the Attorney General's motion was an amendment to the motion.

Hon. P. Collier: Where has it gone?

Hon. T. Walker: That is not an amendment on the motion; it is a separate resolution, and there were two resolutions before the Chair.

Mr. Speaker: It amends the amendment.

Hon. T. Walker: You have no more right to interrupt me than I have to interrupt you, Sir. If it be an amendment on a resolution, the resolution is part and parcel of the other, and the two are to be read together. It is now a resolution amended. The resolution has been amended, and it is the amended resolution only that can be put. The amended resolution is that it be not made, and the other is that it be made.

The Premier: It was put as amended.

Hon. T. Walker: Not at all.

Hon. P. Collier: That is what we are arguing.

Hon. T. Walker: No one has a right to declare a portion of a resolution destroyed or blotted out. I must insist on my right to vote on the resolution as amended. If we do not stand up for our privileges we may be said to have passed something which was never in our minds at all. It is not pleasurable to dissent from your ruling, Sir, but I hope the House will vote to disagree with your ruling.

Mr. Johnston: I would point out that "May" speaks of the use of the "previous question." I submit that the only way we will get out of the position we have got into is by adopting the use of this "previous question." I move therefore—

That the previous question moved by the Premier be not now put.

Mr. Troy: I am glad the hon. member said he was approaching this matter with all due humility. He requires to do so. The previous question was a subterfuge, a means of getting rid of a new question without taking a vote. You, Mr. Speaker, have said that the Premier's motion has been discharged. That cannot be so. No matter can be discharged except by motion of the House.

Hon. P. Collier: We should recognise the House has got to an impasse through following a course of procedure which was irregular. I am prepared to allow the matter to drop and to permit the Chairman to submit the question in his own way, provided he admits that the Committee were wrong.

Hon. T. Walker: That can only be done by the consent of the House. On that understanding, I withdraw my motion against the Chair and then the question can be put.

Mr. Speaker: Is it the wish of the House that the hon. member's motion be withdrawn?

Members: Aye.

Motion by leave withdrawn.

Committee resumed.

The CHAIRMAN: The question is that the amendment made by the Legislative Council be made subject to the modification moved by the Attorney General.

Question put and passed.

No. 6. Clause 11.—In the first proviso, after the words "discharged soldier," in line two, insert "or in case of a deceased soldier the surviving relative that in the board's opinion is most deserving of consideration":

The PREMIER: I do not think it is necessary to put in these words. The soldier should have the right to say in his will to whom the land should be left. I move—

That the amendment be not made.

Mr. MUNSIE: The Bill provides at present that if a soldier gets a block of land and wishes to transfer it, he can transfer it to whom he likes; but that if the person to whom he transfers is not also a returned soldier, the transferee has to pay the full amount of the rent. Suppose a married soldier had land, and wanted to leave it to his wife, in the case of his death?

The ATTORNEY GENERAL: Then the wife is a dependant.

Question put and passed; the Council's amendment not made.

No. 7. Clause 17—Add at the end of the clause the following: "but before any such action be taken by the trustees, the board must be consulted and its approval obtained, any difference of opinion between the two bodies to be referred to the Minister, whose decision shall be final":

The PREMIER: I agree with that amendment, and I move—

That the amendment be made.

Question put and passed; the Council's amendment made.

No. 8. Clause 27—After the words "Governor may" strike out "with the sanction of the Government":

The PREMIER: The words struck out are unnecessary. The Governor has not power to do anything whatever without the consent of his Ministers. I move—

That the amendment be made.

Question put and passed; the Council's amendment made.

No. 9. Clause 30, Subclause (1), line 1—Strike out "as early as possible"; and insert "Within two months"; and after the word "prepared," line 2, insert "and printed":

The PREMIER: I am agreeable to this amendment. I move—

That the amendment be made.

Question put and passed; the Council's amendment made.

Resolutions reported, the report adopted, and a Message accordingly returned to the Legislative Council.

ADJOURNMENT—SPECIAL

The PREMIER (Hon. H. B. Lefroy—Moore) [1.57]: I move—

That the House at its rising adjourn until 2.30 p.m. (Friday).

Question put and passed.

House adjourned at 1.50 a.m. (Friday).

Legislative Council,

Friday, 20th December, 1918.

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

[For "Papers Presented" see "Minutes of Proceedings."]

QUESTION—VERMIN PROOF FENCING.

Hon. Sir E. H. WITTENOOM (without notice) asked the Honorary Minister: Is there any provision in the existing Vermin Act to compel an owner to satisfactorily fence his land with rabbit-proof fencing to the satisfaction of an inspector and whether such owner would be free from rates as is provided for in the Bill just passed?

Hon. C. F. BAXTER (Honorary Minister) replied: Under the Vermin Boards Act, 1909, all holdings are rateable. There is provision to exempt from rates any holdings that are considered enclosed with a vermin-proof fence.

BILL—WHEAT MARKETING ACT AMENDMENT.

Report adopted and a Message accordingly forwarded to the Assembly requesting it to make the amendments, leave being given to sit again on receipt of a Message from the Assembly.

BILL—EARLY CLOSING ACT AMENDMENT.

Report stage—Bill discharged.

The COLONIAL SECRETARY (Hon. H. P. Colebatch—East) [3.5]: I feel in a difficult position in regard to this Bill. The Government promised to introduce a Bill on certain lines and did so. It is evident to me that to persevere with a Bill on these lines would mean that several hours would be occupied in debating it, and that all possibility of getting it through this House and another place before the end of the session would be lost. It has been suggested that the Bill should be amended on other lines, the fixing of the hours by Parliament. That matter has been considered by the Government. The Government previously rejected a proposal that they should submit a Bill fixing the hours by Act of Parliament and they are still of that opinion. Therefore I am not in the position to support an amendment to fix the hours. I admit I am unable to carry out the promise I made and I am prepared to admit also that I have failed in the promise which I gave. I accept the responsibility and move—

That the Bill be discharged from the Notice Paper.

Hon. H. MILLINGTON (North-East) [3.8]: I do not know what my position is in connection with this matter. This is a Bill in which I am particularly interested. I do not know whether the Colonial Secretary will object to an amendment from me which might