Legislative Council,

Tuesday, 21st October, 1913.

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

WEST PROVINCE ELECTION SELECT COMMITTEE.

Extension of Time.

On motion by Hon. F. DAVIS (for Hon. A. G. Jenkins) the time for bringing up the report of the West Province Election Select Committee was extended to the 28th October.

QUESTION—ROYAL PREROGATIVE OF MERCY.

Hon. D. G. GAWLER asked the Colonial Secretary (without notice): Can he say when the return asked for by me in regard to the remission of sentences of different prisoners by the Attorney General will be laid on the Table of the House.

The COLONIAL SECRETARY replied: The return took a considerable time to prepare, but it has now been in the office of the Premier for some days. Unfortunately, however, the Premier left for the country without initialing it, and until his return it cannot be placed on the Table of the House. I have done all I possibly could in the matter and have been repeatedly in communication with the office, but that is the unfortunate position now.

QUESTION—SEWERAGE SCHEME, EXPENDITURE.

Hon. W. KINGSMILL (for Hon. A. G. Jenkins) asked the Colonial Secretary: 1, What is the total amount expended on the sewerage works to date in the metropolitan area? 2, Is the amount expended in excess of the estimated cost, and if so, by how much? 3, The amount expended for private connections which is debited to private individuals?

The COLONIAL SECRETARY replied: I think this information could be better supplied in the shape of a return. Question No. 2 will involve a lot of research, extending over a week, as the estimates cover several years. I would like to have your ruling, Mr. President, on the point.

The PRESIDENT: I think the request for the information had better be made in the form of a motion for a return.

Hon. W. KINGSMILL: Is it necessary to give notice of motion?

The PRESIDENT: Yes.

Hon. W. KINGSMILL: Then I desire, on behalf of the Hon. A. G. Jenkins, to give notice accordingly.

QUESTION — COOLUP AGRICULTURAL AREA, DRAINAGE.

Hon. E. McLARTY asked the Colonial Secretary: 1, What amount has been expended upon drainage on the Coolup agricultural area to date? 2, Has any special drainage rate been levied in addition to 5s. per acre added to the cost of the land for such purpose? 3, If so, the name, or names, of the person, or persons, who pay such special rate, with the amount paid and the amount to be paid? 4, The reason, or reasons, which actuate the Government in imposing a special rate (if any) for drainage purposes upon one portion of the settlers and not upon others?

The COLONIAL SECRETARY replied: 1, £7,728 by the Public Works and Water Supply departments, and £3,090 by the Lands department. 2, No; but a drainage area has been declared at South Coolup, and within the district so declared the late board were asked to strike a rate to cover maintenance expenses. The board did not nominate for re-election and the matter is receiving consideration.

3, Answered by No. 2. 4, Any drainage rate levied would be payable by all ratepayers receiving benefit in the drainage area.

QUESTION—WATER SUPPLY TO GOLDFIELDS.

Hon. J. CORNELL (for Hon. R. D. McKenzie) asked the Colonial Secretary: 1, What is the total capital expenditure incurred for pipe line, pumps, and storage tanks between Southern Cross and Bullfinch? 2, What is the total net revenue derived from the sale of water each year since completion of said pipe line? 3, What is the total capital expenditure incurred for pipe line, pumps, and storage tanks at Ora Banda? 4, What is the total net revenue derived from the sale of water since the completion of the said pipe line? 5, When was said pipe line completed?

The COLONIAL SECRETARY replied: 1, The original temporary main cost £6,648. This was enlarged at an additional cost of £4,195, of which the Bullfinch Proprietary Company paid £3,300. The net capital expenditure by the Government on this extension is consequently £7,543. 2, 1910-11, £1,007; 1911-12, £670; 1912-13, £2,265. 3, £27,000. 4, £482. 5, September, 1912.

BILL — INTERPRETATION ACT AMENDMENT.

Introduced by Hon. J. F. Cullen and read a first time.

BILL—WATER SUPPLY, SEWERAGE, AND DRAINAGE ACT AMENDMENT.

Read a third time and returned to the Assembly with an amendment.

BILL—RIGHTS IN WATER AND IRRIGATION.

In Committee.

Resumed from 30th September; Hon. W. Kingsmill in the Chair, the Colonial Secretary in charge of the Bill.

New Clause—Application of Part III.: Hon. H. P. COLEBATCH moved—

That the following be added to stand as the last clause of Part III.:—"This part of this Act shall have effect only within such areas as the Governor may from time to time, by proclamation published in the 'Government Gazette,' declare."

New clause passed.

New clause—Construction and maintenance of works:

The COLONIAL SECRETARY moved—

That Clause 32 be struck out and the following inserted in lieu:—"(1.) Subject as hereinafter provided, the Minister may from time to time, either before or after the constitution of the board, construct and maintain irrigation works within any district. (2.) Before undertaking the construction of such works the Minister shall:—(a.) Cause to be prepared plans, specifications, books of reference, and an estimate of the cost of the proposed works, together with a statement showing the net earnings estimated to be derived from them, and a statement showing the value of the ratable property to be benefited by them, and cause the same or certified copies thereof to be deposited in the office of the Minister and also in the office of the board (if any). (b.) Cause an advertisement to be published in the 'Gazette' and in a newspaper generally circulating in the district, specifying—(i.) the description of the proposed works; (ii.) the times when and the places at which the plans, specifications, books of reference, and estimates may be inspected. (3.) The plans, specifications, books of reference and estimates so deposited shall be open to inspection by any person interested, and every such person shall be allowed to make copies of and extracts from the same free of charge. (4.) If within a period of one month after such publication a petition against the proposed works is presented to the Minister, signed by persons who constitute a majority of the occupiers of irrigable land, and whose holdings in the aggre-

gate are equal to at least one-half of the whole of the irrigable land within the district, the Minister shall not carry out the proposed works. (5.) If no such petition is presented the Minister shall submit the plans, specifications, books of reference, and estimates to the Governor for approval, and if they are approved the Governor may forthwith by Order-in-Council empower the Minister to undertake the construction of the said works, and such order shall be notified in the 'Gazette.' (6.) For the construction and maintenance of such works the Minister may exercise all the powers conferred on the board by this Act, except the power to borrow money conferred by section fifty-one: Provided that any moneys borrowed by a board for the construction of works within its district may be applied by the board to expenditure by the Minister in the construction of such works."

Hon. H. P. COLEBATCH: The new clause proposed by the Colonial Secretary was almost similar to one of which he (Mr. Colebatch) had given notice, but it was no doubt better adapted to the purposes of the Bill. There was one alteration, however, which he would like to see made. With regard to Subclause 4, the select committee last session recommended a provision somewhat similar to this, with an important difference: that in that case the petition had to be from those who desired the work to be carried out, and there was mention of the petition being by two-thirds of the total number of landowners owing two-thirds of the total area of land. It was then contended that this was rather an extreme provision. In submitting his amendment he (Mr. Colebatch) therefore left out the question of ownership or occupation of more than one-half of the total area of land within the district, but he saw the Minister had included it in this case. It seemed a mistake, as the Government might own or acquire one-half of the irrigable land and would take away the right of voting from the people, because, even if the whole of the private owners might object, the fact that the Government owned one-half of the land would leave these people without any redress whatever.

Hon. J. F. Cullen: No, the clause says majority of occupiers as well as owners.

Hon. H. P. COLEBATCH: The Government might, by acquiring one-half of the irrigable land, entirely set aside the right of veto, and when the majority of private owners came forward with a protest they would be told they were out of court because they did not own more than one-half the land in the district. He moved an amendment—

That in Subclause 4 of the proposed new clause the words "and whose holdings in the aggregate are equal to at least one-half of the whole of the irrigable land in the district" be struck out.

The danger had been previously pointed out of requiring a petition in favour of a scheme to be signed by a majority of owners who were also the owners of the bulk of the land, because one owner might be in a position to block the whole scheme. When the petition was to be one of protest and not one of consent the clause would throw difficulties in the way of the parties desiring to protest, and it might entirely destroy their right of veto if the Crown held one-half the irrigable land in the district. He did not contemplate that people would offer frivolous protests, and he thought that the right of protest should be permitted to be effective. As the clause stood the protest might not be effective.

Hon. W. PATRICK: It was his desire to move an amendment prior to that moved by Mr. Colebatch.

Hon. H. P. COLEBATCH: In view of Mr. Patrick's desire, he would withdraw his amendment for the time being.

Amendment by leave withdrawn.

Hon. W. PATRICK moved an amendment—

That in Subclause 4 of the proposed new clause the word "occupiers" be struck out and "owners" inserted in lieu.

Seeing that the owners would have to carry the burden, it was only right that they should have the say as to the initiation of any scheme.

Hon. E. M. CLARKE: It was not right that only those owners who held more than one-half the land should have the power of vetoing the initiation of a scheme. The provision was likely to be mischievous, for it might be used to block a scheme, or, on the other hand, to force a scheme upon the other owners. It was the small people who should have the right to speak.

The COLONIAL SECRETARY: The proposed new clause was to a large extent a reproduction of Mr. Colebatch's proposed clause, which had been sent down to the Crown Law Department that it might be drafted in such a way as to fit in with the Bill. Mr. Colebatch had used the word "occupier" and it was only right that the occupier should have a voice. In the majority of cases the occupier was also the owner, and it was not easy to see why any distinction should be drawn between them.

Hon. J. F. CULLEN: An important principle was involved. An occupier might be responsible for a month or a year, but the owner was responsible all the time. Practically the matter was not serious, because in all irrigation areas the owner was the occupier; but, as a matter of principle, the owner was responsible and should have the say.

Hon. A. SANDERSON: It was difficult for one not intimately acquainted with the several irrigation areas to picture the effect of such a clause in an outside district. But it was easy to forecast the effect in a district with which one was intimately acquainted. He was looking at the clause from the point of view of a representative of the hill country within a few miles of Perth. If the Minister would give an assurance that the clause would not be applied to that district then he (Mr. Sanderson) would not take up further time. But it was quite on the cards that the clause might be applied to that district. It was provided that the occupiers should have the deciding voice. In his opinion, in regard to the particular locality referred to, it should be the owners. In that district in a great many cases the owners were the occupiers; but, on the other hand, there were numbers of occupiers who might be responsible for only a few months, and so we might have dummy occupiers, whereas it was unlikely that we should have dummy owners. If it was intended to apply the provision to the hill country close to Perth he would support the amendment.

Hon. D. G. GAWLER: It was not easy to see any good reason for depriving the owner of the right of saying whether the money was to be spent. The principle was laid down in the Municipalities Act, and had been departed from only in exceptional cases. Clause 39 provided that a rate was to be struck on all irrigable lands. Obviously the burden would be on the owners of the property, and therefore the owners should have the right to say whether or not the scheme should be brought into operation. Under Subclause 3 of Clause 39 all the provisions of the Water Boards Act, 1904 relating to the making and recovery of rates were applicable to this measure. It was merely a question of whether the owner or the occupier had to pay. If the owner had to pay the rates there could be no object in depriving the owner of the right of saying whether the money should be spent.

Hon. H. P. COLEBATCH: The word "occupier" had found its way into his amendment because it was in the New South Wales Act, from which the amendment had been taken. Bearing in mind the interpretation of "occupier" under the interpretation clause he did not see much necessity for distinguishing between occupier and owner. He had pointed out to the Committee last week that in regard to the election of irrigation boards it was now provided that the owners should vote. When it became a matter of saddling the property with the charge of the scheme, it was right to say that the owners alone should vote. However, he hoped that the Committee would review the decision in relation to the election of boards, because the Municipalities Act might well be followed in that respect.

Hon. W. PATRICK: The owner ought to have the right of veto in dealing with the initiation of a scheme, but the occu-

pier should have the right to vote in respect to the appointment of a board. Most certainly the owner, who would be permantly saddled with the burden, ought to have the right of saying whether or not a scheme should be initiated.

Hon. J. CORNELL: If the amendment had provided for the insertion of the words "owner and" thus prescribing that both owner and occupier should have a vote, it might have been worthy of support; but when the hon. member desired to limit the voting to the owner the hon. member was going too far. An occupier might have interests and contracts concerning the land for a period of ten years ahead, in which case the whole of the occupier's interest might be wrapped up in that very land. By the amendment such an occupier would be denied the right to vote on the question of whether or not an irrigation scheme should be initiated in his locality. If the amendment were agreed to it would not be even in accord with the franchise for the Council, and he would expect the House at a later date to amend the franchise.

Hon. E. McLARTY: The man who had to pay was the man who should have the vote. For instance, if an owner had a thousand acres of land the rate would be imposed on the whole property. Perhaps he might have only a hundred acres leased, and two rates would be necessary. In any case the man who had to pay on the greater portion would have the voice in saying whether there was to be irrigation or not.

Hon. J. W. Kirwan: The majority of occupiers may be leaseholders under the Crown.

Hon. E. McLARTY: The whole of the occupiers might give up their holdings within a few months of approving of some scheme.

Amendment put and passed.

Hon. H. P. COLEBATCH moved a further amendment—

That in Subclause 4 of the proposed new clause the words "and whose holdings in the aggregate are equal to at least one-half of the whole of the irrigable land" be struck out.

If those words were allowed to remain they might prevent the majority of owners blocking an irrigation scheme which they did not want, and which they believed would not be a success. The Government might own one half of the land, and all of the owners would be out of court. By striking out the word "and" and inserting "or" the area of protest would be enlarged, but he saw no necessity for that, and if they allowed the majority of owners to protest when they thought a scheme was likely to be a failure a sufficient safeguard would be provided.

The COLONIAL SECRETARY: These words had been inserted to meet the wishes of a majority of the members of the Committee, but he did not feel strongly on the question. If the Committee thought the words should be struck out he would not object.

Hon. J. F. CULLEN: The Minister's reference to the fact that a number of members had favoured the inclusion of these words applied to the time when the Committee were considering the question of allowing a majority to consent instead of, as in this instance, a majority to refuse. Now that the proposition had been turned round, there was no necessity for these words.

Hon. H. P. COLEBATCH: When members had requested the inclusion of these words the idea was that there should be a petition in favour of a work being carried out, and it was pointed out how difficult it might be to get a petition in favour which would contain, not only the names of half the owners, but also represent the owners of half the irrigable land. The present clause, however, was dealing with a petition against a proposed work.

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

New clause:

On motion by the Hon. J. F. CULLEN the following further new clause was added:—"(1.) Any regulations or by-laws made or purporting to be made under or by virtue of this Act shall—(a) be published in the *Gazette*; (b) take effect from the date of publication or from a later date, to be specified there-

in; and (c) be judicially noticed, and unless and until they are disallowed as hereinafter provided, or except in so far as they are in conflict with any express provision of this or any other Act, be conclusively deemed to be valid. (2.) Such regulations and by-laws shall be laid before both Houses of Parliament within thirty days after publication if Parliament is in session, and if not, then within thirty days after the commencement of the next session. (3.) If either House of Parliament passes a resolution at any time within one month after any such regulation or by-law has been laid before it disallowing such regulation or by-law, then the same shall thereupon cease to have effect, subject, however, to such and the like savings as apply in the case of the repeal of a statute."

Postponed Clause 2—Interpretation:

Hon. H. P. COLEBATCH moved an amendment—

That the definition of "bed" be struck out.

Notwithstanding all that had been said he had not been convinced that it was necessary for the Government to take over the beds of creeks.

The COLONIAL SECRETARY: The Bill had a twofold object, firstly to regulate the rights in waters, and secondly to regulate the rights in the receptacle which held the water. The Committee had agreed that it was advisable to define the rights in water, but many hon. members did not see any necessity to define the rights in regard to the receptacle. After careful consideration of the Bill, and after reading the debates in the Victorian Legislative Council, he had come to the conclusion that the rights in both the water and the receptacle should receive legislative definition. It was distinctly understood that the Bill did not interfere with the beds of streams which ran through a man's property. Those beds were immune from the operations of the Bill, but the measure did deal with the beds of streams which abutted on a man's land, but only in one respect, namely, by preventing the owner of land abutting on a stream from suing the Crown for trespass. Otherwise the owner would have all the rights which he previously enjoyed. What rights had the owner now? According to the English law he had only the rights of a user, the right to use the bed to the centre of the stream. It was a right that was incidental to the land, a right that he could not transfer unless he transferred at the same time his right to the stream. In all cases where the stream was abutting on the owner's land the bed was not held in fee simple. It was held in accordance with a very old custom, and according to the law the man had a right to use the bed to the centre of the stream. The Bill recognised that right to the fullest possible extent, and the only right it took away from the owner was the right to sue the Crown for trespass in connection with irrigation work.

Hon. J. F. CULLEN: The Government would be well advised not to try to get at the present stage what might be considered a perfect Bill.

Hon. J. Cornell: It is very imperfect now.

Hon. J. F. CULLEN: It was bound to be. It was desirable that an irrigation experiment under reasonable conditions should be tried in this State, and a good start would smooth the way for a perfect Bill. With this definition out the Government would be no worse off than they were before. The Government were asking only for a definition of rights now existing. If the Bill should not declare all the rights now existing, it would not imperil those rights or hinder the Government in later on bringing forward a more complete and perfect measure. He strongly advised the Government not to hold out for what they might consider now a perfect measure, but to accept fair working conditions and get to work, and when difficulties arose the Legislature could be appealed to. He would vote for the amendment, but he was not for a moment saying that he would not be prepared at a later stage to declare a good deal of what the Bill was asking for.

Hon. A. SANDERSON: Whether the definition was omitted or not the Government of the day would be given considerable power. He assumed that the Government would honestly and intel-

gently try to make this a fair working measure, and the responsibility to do so should rest on the Government. It would probably be necessary to introduce an amending Bill and he would vote against the amendment. The difficulty of properly defining the bed was enormous. Members should not be too severe in their criticisms and should not give the Minister an opportunity to say the Committee had so emasculated the Bill that the Government would not go on with it.

Hon. D. G. GAWLER: For his part, the difficulty was that the definition of "bed" was restricted to land over which water normally flowed, and did not include land temporarily covered by the flood waters of a watercourse. Clause 5 undoubtedly restricted acquisition by the Government to the bed of a stream which formed the boundary of a man's land. There was a great difference between such a bed and a watercourse which flowed through a man's property, and of which he held the fee simple. There would be a great objection to handing the latter over to the Government. Clause 7 made it clear that, notwithstanding anything in the measure, the bed would remain practically the property of the owner, even such a bed as was mentioned in Clause 5, and that the owner would have like access to and use of it until it was appropriated for any of the purposes of the measure. One of the purposes mentioned in Clause 61 was to acquire land, and if the land was acquired the owner's right would pass to the Crown.

The Colonial Secretary: The Government would have to take his land?

Hon. D. G. GAWLER: Yes, and the owner would be compensated fairly. If the Government desired to instal works they would require the bed, and in that case it would pass from the owner. Otherwise, it seemed that the owner's right to the bed was very fairly safeguarded, and unless stronger reasons were shown he would oppose the amendment. The fact that the definition included only beds which formed the boundary was an argument why it should be accepted.

Hon. H. P. COLEBATCH: The hon. Mr. Gawler's contention would be all right if the beds were well defined, but they might extend over a considerable area of country which in summer constituted valuable feeding land. It had been argued that the definition would apply only to land where the bed formed the boundary, but the definition mentioned "land normally covered," and that would mean land covered by water in the wet season. Land which was covered for only a month or two in the year would be normally covered and therefore such land would constitute the bed of a stream. The definition was capable of the construction that if the watercourse formed a part of the boundary in any place, the whole of the bed of the watercourse would revert to the Crown. Under the New South Wales Act these beds were not resumed, and apparently the Government there had not yet seen the necessity for resuming them. The Minister contended that under the existing law the ownership of the bed was different from the ownership of the land. That being so, we should allow the law to stand. In many cases great hardship would be inflicted if these beds were revested in the Crown, and he could see no necessity for doing it.

Hon. E. M. CLARKE: In the evidence tendered to the select committee it was stated that the Gingin Brook formed the boundary between two blocks, and that in other cases it ran through owners' land. The waters spread over the land for a width of one to five or six chains. That water, though wider in winter, remained throughout the summer, and such streams should be safeguarded. If we had watercourses with well-defined channels, steep banks and sandy bottoms of no use to the owner and perhaps of great use to the Crown, it would be simple enough to define the position, but some of these watercourses formed magnificent feeding grounds in summer. The Avon river for miles constituted good feeding ground, and there was no well-defined channel. Such land should be protected.

The COLONIAL SECRETARY: The introductory speech by Mr. Swinburne, when submitting a like measure to the Legislative Council of Victoria, had been carefully read by him. The Victorian

Minister was asked a number of questions, particularly in reference to the beds, and he declared that the Bill would have no application to any beds except those which formed the boundary or part of the boundary of land owned by an individual. If the stream ran through a man's property, the bed would be his without doubt. If the land was good grazing land, the owner could use it, but if there was water running over it, the owner would be unable to use it.

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

Ayes	12
Noes	11
Majority for	1

Ayes.

Hon. E. M. Clarke	Hon. M. L. Moss
Hon. H. P. Colebatch	Hon. W. Patrick
Hon. J. D. Connolly	Hon. C. Sommers
Hon. F. Connor	Hon. T. H. Wilding
Hon. V. Hamersley	Hon. J. F. Cullen
Hon. A. G. Jenkins	(*Teller*)
Hon. E. McLarty	

Noes.

Hon. R. G. Ardagh	Hon. Sir J. W. Hackett
Hon. J. Cornell	Hon. R. J. Lynn
Hon. F. Davis	Hon. B. C. O'Brien
Hon. J. E. Dodd	Hon. A. Sanderson
Hon. J. M. Drew	Hon. J. W. Kirwan
Hon. D. G. Gawler	(*Teller*).

Amendment thus passed.

The COLONIAL SECRETARY moved an amendment—

That after "means land" in the definition of "irrigable" the words "which the Commissioners certify to be suitable for irrigation and" be inserted.

Amendment passed; the clause as amended agreed to.

Postponed Clause 4—Natural waters vest in the Crown:

Hon. H. P. COLEBATCH: In view of the decision of the Committee to limit the application of Part III. of the Bill to areas proclaimed by the Governor, he did not intend to insist upon the amendment of which he had given notice.

Amendment by leave withdrawn.

Clause put and passed.

Postponed Clause 5—The *alveus* of lakes and watercourses not alienated:

Hon. H. P. COLEBATCH: Consequential upon the decision which had been arrived at, this clause should be struck out.

Clause put and negatived.

Postponed Clause 6—Diversions from watercourses, etc., prohibited, except under legal sanction:

Clause passed.

Postponed Clause 7—Owner of land adjacent to watercourse to have access and remedy for trespass:

Clause negatived.

Postponed Clause 12—Owner of land adjacent to any watercourse may have permission to protect land from damage by erosion or flooding:

Hon. H. P. COLEBATCH moved an amendment—

That the words "the bed whereof is by this Act declared to have remained the property of the Crown" be struck out.

Amendment passed; the clause as amended agreed to.

Postponed Clause 14—Ordinary riparian right defined:

Hon. H. P. COLEBATCH: An amendment had already been moved by him in regard to this clause, but the Committee having decided that this portion of the Bill should apply only to proclaimed districts, he asked leave to withdraw the amendment. He did not think it would be wise to tie up the water to any great extent.

Amendment by leave withdrawn.

Clause put and passed.

Postponed Clause 15—Certain riparian owners may apply for special licenses to divert and use water:

The CHAIRMAN: An amendment had already been passed in regard to this clause, that in line 6 the words "not less than two years" be struck out.

Hon. H. P. COLEBATCH: While that amendment had been carried, another had been moved on the lines of the one previously withdrawn, regarding a garden not exceeding five acres in extent. That amendment he now wished also to withdraw.

The CHAIRMAN: So far as he was aware, the hon. member did not move it.

as there was no record of it having been moved.

Clause, as previously amended, put and passed.

Postponed Clause 17—Conditions for the exercise of certain rights to take and use water:

Clause passed.

Postponed Clause 26—Exceptions:

Hon. H. P. COLEBATCH: This clause ought to be struck out as it had no longer any meaning.

Clause negatived.

Postponed Clause 31—Board to have the powers and authorities of a Water Board:

Clause passed.

Postponed Clause 32—Construction and maintenance of works:

Hon. H. P. COLEBATCH: It was necessary for the Committee to strike out this clause, as a new clause had been passed to take its place.

Clause negatived.

Postponed Clause 39—Irrigation rates:

The COLONIAL SECRETARY moved an amendment—

That the following be added to Subclause 1:—Provided that land shall not be ratable if the Commissioners certify that such land is, in their opinion, unsuitable for irrigation, nor until works are constructed from which the board is prepared to supply water to such land.

Amendment passed; the clause as amended agreed to.

Postponed Clause 61—Land may be acquired and leased for cultivation:

The CHAIRMAN: An amendment had already been passed striking out the word "irrigable" in line 2.

The COLONIAL SECRETARY moved a further amendment—

That Subclause 8 be struck out and the following inserted in lieu:—In determining the amount of compensation regard shall be had solely to the following matters: (a.) The probable and reasonable price at which such land, with any improvements thereon, or the estate or interest of the claimant therein, might have been expected to sell at the date the land was taken. (b.) The damage (if any) sustained by the claimant by reason of the severance of such land from the adjoining land of such claimant or by reason of such other lands being injuriously affected by the taking. (c.) The court may award such amount as the court deems proper, not exceeding ten pounds per centum per annum on the amount ascertained under the provisions of this section for compulsory taking. (d.) Where the land taken produces any rent or profits the amount thereof received by the Minister, less the reasonable cost of collection from the day the land was taken to the date of the award, shall be added to the compensation payable; or, at the option of the Minister, interest shall be paid on the amount of compensation for the same period, at the rate of six pounds per centum per annum. Provided that unless the land is rated under this Act the value shall be assessed without reference to any increase in value arising from any works constructed or to be constructed under this Act.

Amendment passed.

Hon. H. P. COLEBATCH moved a further amendment—

That after the word "regulations" in line 1 of Subclause 11 the following words be added:—"sell under any of the provisions of the Land Act, 1898, or any amendment thereof; or may."

As the clause read the Government having acquired land for irrigation purposes, could grant leases in perpetuity at an annual rental; they could deal with the land under the leasehold principle. It was not his intention to interfere with the desire of the Government to do that, but personally he did not think they would find it a success, and therefore it was his desire to offer an alternative. If the leasehold system was not a success another Government which might come into power might be able to make a success of the schemes by selling the land. He was confirmed in the opinion he held on this question by what he had read in regard to irrigation schemes in America and Victoria. The people who were likely to take up land under the leasehold

principle were not those who would make a success of it. Reporting on one of the irrigation schemes in America, a writer in the magazine *Sunset* said—

> The owner of a small farm was pointing out the virtues of the property to the wife of a prospective Italian tenant. "Nice porch here," he exclaimed. "Fine place to sit of an evening when the work is done." The Italian woman shook her head, "No sitta da porch. Worka alla da time."

Then the writer went on to explain that these Italian settlers were the only people who had made a success of these schemes, because they got up at 4 o'clock in the morning and did half a day's labour on their own land before they started to earn their wage in a cannery or on neighbouring farms, and the wife and children would keep busy on their acre until it got too dark. The writer also stated that the landowner would not hesitate one minute to sell a two-thousand dollar miniature ranch on a first payment of fifty dollars provided the buyer was an Italian. His (Mr. Colebatch's) contention was that these people who were prepared to give up the luxury of sitting in a porch wanted to be sure that the porch was going to be there to sit on in the evening of their lives, and therefore they wanted the freehold of the land.

The COLONIAL SECRETARY: The desire of the Government was to introduce the leasehold principle as far as possible in connection with the disposal of land in Western Australia, and particularly in regard to the disposal of land intended for irrigation. The Government wanted these lands to be closely settled, and after giving the matter considerable thought they had come to the conclusion that in spite of the attitude of the Legislative Council last year the irrigation lands could be more closely and better settled under the leasehold system than under the freehold. What was likely to occur if the Government permitted the land to be disposed of under freehold conditions? After a number of years, instead of as might be the case, and probably would be the case, hundreds of families being settled in these districts, there would be only a small number of large holders who certainly would not do as much as if there were a large number of families. The Lands Department had had some bitter experiences in connection with the freehold system. Cases could be cited in which land had been resumed by the Government and some thousands of pounds paid for it, and then it had been cut up and sold, and after the lapse of a few years repurchased once more by the Government and again subdivided, and to all appearances, as the price of land continued to rise, the operation would be repeated over and over again. That was a condition of things the Government wished to avoid in connection with the irrigation proposals. Even if the House were hostile to the principle, members should adopt the course suggested by one hon. member last year, who was also opposed to the principle of leasehold, that it should be regarded as an experiment.

Hon. J. F. Cullen: You have that in the amendment.

The COLONIAL SECRETARY: The Government wanted to be in the position that in future they would be able to sell these lands without the sanction of Parliament.

Hon. J. F. Cullen: That is to say, Hobson's choice.

The COLONIAL SECRETARY: The House should not sanction the experiment proposed by Mr. Colebatch, and he hoped that hon. members would vote against it.

Hon. D. G. GAWLER: It was difficult to understand the arguments of the Colonial Secretary, who portrayed all sorts of evils that would be incidental to the freehold tenure. The amendment declared "the Minister may sell . . ." Apparently the answer to Mr. Cullen's interjection indicated that it was the desire of the present Government to see that other Governments did not exercise their policy whatever-it-might be. Other Governments that might follow the present Government were reasonably entitled to exercise whatever policy was theirs, just as much as the present Government. The farmers and settlers' association lately formed—and they were the people who were to be bene-

fited by this clause—recently declared that they would have nothing to do with it. Whom therefore was it the desire of the Government to benefit?

Hon. W. PATRICK: The amendment would receive his support, because it was not in any way unfair to the Government, inasmuch as it would not prevent the leasing of the land. As a matter of fact we had had an experiment already by the present Government in connection with workers' homes, and we knew from the report which had been laid on the Table of the House that practically all the homes had been built on the freehold system, notwithstanding the fact that the rate of interest was higher under that. The most successful instances of irrigation in Australia—in fact one might say the only instances of success—those at Mildura and Renmark, had been established on the freehold principle. The fear expressed by the leader of the House that the freehold system would lead to the aggregation of big estates had been proved to be incorrect. At both these places the population was large and the areas under irrigation were very small. There were very few cases in either of these colonies where the irrigation farms were more than 20 acres, and those colonies had been established for some 25 years. The leader of the House had no reason to be afraid of the effect on the irrigation schemes by any aggregation of estates. Both Mildura and Renmark proved that there would be no danger in carrying out the amendment proposed by Mr. Colebatch.

Hon. A. SANDERSON: If there were any danger of injury to existing rights by leaving the clause in the Bill as it stood, he could understand members strongly objecting to it, but when it was looked at from either the point of view of the public or that of hon. members, was it not a reasonable thing to say that not only was the clause in the nature of an experiment, and one of the experiments amongst many others was the system of leasing in perpetuity. It was not the slightest use the Government putting in a clause at the end of the Bill to say that the Bill was to be perpetual, because when a change of Government came, and he thought it would come quickly, the measure would be amended. Therefore, no injury would follow to anyone in the State by allowing the clause to pass as it was.

Hon. J. F. Cullen: And hold up the scheme?

Hon. A. SANDERSON: We would not be injuring anyone by passing this clause except the Labour Government.

Hon. H. P. Colebatch: And the taxpayer.

Hon. A. SANDERSON: How would the taxpayer be injured?

Hon. H. P. Colebatch: He will have to find the interest.

Hon. A. SANDERSON: The Government would have to find the money before the taxpayer was injured, and as the present Treasurer would not be able to find it before he went out of office no injury would be done to the country. We would not be hanging up the scheme by allowing the clause to pass.

Hon. M. L. MOSS: If he had put a correct construction on what the hon. member had said, it seemed that Mr. Sanderson intended to vote for the clause which he did not believe in. There was a big principle at stake. It required both Houses of Parliament to alter a Statute. The clause should be made sufficiently wide to allow both policies to be given effect to. If the amendment was agreed to it would be competent for the Government, while they remained in office, to permit of holdings being alienated under the clause only by virtue of a perpetual lease, while the next succeeding Government would have an opportunity of granting the freehold. It would not be a successful policy in connection with the Bill, merely to offer people a leasehold interest. So far as farming generally was concerned, he was convinced that if, five or six years ago, the principle had been laid down that land selection could proceed only on a leasehold tenure land settlement would never have developed to the extent it had done.

Hon. R. G. Ardagh: In some places it is a bad job that it has proceeded so fast.

Hon. M. L. MOSS: No, it was a good job. There were enormous tracts of

country which it would be better to give outright to people rather than have it lie idle. Under the freehold principle we would never have had half the number of people on the land reclaiming it and making it productive in the full knowledge that when the reassessment of rent came round they might discover that they had improved the country for others. The irrigation areas were small, and to make the scheme successful it would be necessary to hold out the freehold as a reward. These people must be given the same privileges as were offered to conditional purchase selectors of farming land. It was the duty of the Committee to give the Ministry an opportunity of applying the leasehold principle; but the Committee should look further ahead, because the present Ministry might not be administering the affairs of the State for all time, and, therefore, provision should be made for the application also of the freehold principle under the measure. Probably none would be more thankful than the Government if the amendment was agreed to, because when the scheme was put into operation the people would very soon be found clamouring for the freehold.

Hon. H. P. COLEBATCH: Probably Mr. Sanderson was in ignorance of the fact that already at a cost of approximately £40,000 the Government had purchased 7,000 acres at the Harvey, and at a considerable cost 3,000 acres at Collie; so the taxpayer was already under an obligation to meet the interest bill arising out of those purchases. Was the Committee going to agree to something which could not be a success?

The Colonial Secretary: How do you know it cannot be a success?

Hon. H. P. COLEBATCH: Under the leasehold system it had never been a success anywhere.

Hon. J. Cornell: Nor under freehold nor any other hold.

Hon. H. P. COLEBATCH: Yes, it had been, but only where people were prepared to work very hard indeed, and it was obvious that people would not make sacrifices on a leasehold holding. When the time came for the present Government to be rejected by the country it would probably be largely because of their adherence to the leasehold principle. Were we, then, prepared to deliberately pass a provision prescribing that the Government might acquire land but should not be allowed to dispose of it except on leasehold? If so, we ought to amend the Land Resumptions Act and say that the Government, having acquired big estates, should not resell, but only let them on the leasehold principle. Personally he was not prepared to allow the Government to acquire land by compulsory resumption, and then say that the land after being cut up should be, not resold, but only leased.

Hon. J. CORNELL: Mr. Moss had pointed out that it required both Houses of Parliament to alter a Statute. Unfortunately it required both Houses to make one. On the Yandanooka Estate Repurchase Bill he had endeavoured to make it clear that if it was intended to resell the land, his vote would be given against the Bill. On that occasion he had declared that he would vote against every land resumption Bill where the intention was to resell the land in fee simple. In this case the land would be resumed by the Government for the purposes of irrigation and closer settlement. It was the settled policy of the Government that there should be no further alienation of Crown land. Hon. members had condemned the Bill on the contention that irrigation had not been successful anywhere in Australia under any system of tenure.

Hon. F. Connor: It has been successful in Spain.

Hon. J. CORNELL: Mr. Colebatch in referring to an instance of successful irrigation had pictured the Italian as working all the hours it was possible for a human being to work.

Hon. H. P. Colebatch: I was reading from a report.

Hon. J. CORNELL: Would the hon. member like that class of man to come to Australia and work the hours which he worked in America?

Hon. W. Patrick: They had to do it at Mildura and at Renmark.

Hon. J. CORNELL: Perhaps so, some 27 years ago. Ideas had advanced since that time. What would be the result if the Government could not lease these lands?

Hon. D. G. Gawler: They can.

Hon. J. CORNELL: The argument was drawn between leasehold and freehold.

Hon. D. G. Gawler: We want the alternative methods.

Hon. J. CORNELL: Unlike the hon. member he did not want any shandygaff methods. Under the amendment the Government would have two systems of irrigation.

Hon. M. L. Moss: No. You have not two systems even in regard to the workers' homes.

Hon. J. CORNELL: Yes.

Hon. M. L. Moss: The point is that they all take freeholds.

Hon. J. CORNELL: There would be two systems of tenure, and a portion of one colony would be on the one system, while another portion would be on the other.

Hon. H. P. Colebatch: We will soon see which is the best.

Hon. J. CORNELL: There was no question as to which was the best. It had been said that all workers' homes were on the freehold system.

Hon. W. Patrick: Practically, yes. The Government report states that.

Hon. J. CORNELL: It was not so. The reason why Part III. of the Workers' Homes Act had not been put into effect was that the Government could not get suitable land, and because, thanks to the brick combine and other combines, the Government could not build the homes within the limit of £550 prescribed by the Act. At West Subiaco recently 39 blocks had been thrown open under Part III. He himself had taken the thirty-ninth on the leasehold system. He hoped the Committee would reject the amendment. If the clause as it stood was the evil which hon. members conceived it to be, it would be the downfall of the Government. That being so, why not pass it and have a change of Government?

Hon. A. SANDERSON: In taking up the attitude which he had adopted on this question he was simply carrying out his election pledges. He had promised his electors that unless it was a manifest injustice or absurdity he would not attempt to block the Government programme. Was a trial of the leasehold system likely to damage the country?

Hon. J. F. Cullen: It will block the Bill in its operations.

Hon. A. SANDERSON: The answer to that was that if the amendment was insisted upon the Government would take the opportunity of blocking the Bill and saying that the Council would not agree to it.

Hon. M. L. Moss: It is an only alternative proposal.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. A. SANDERSON: There was no intention of raising the whole point as to the policy of leases in perpetuity, but the Committee ought to consider whether the clause would inflict any injustice on the holders or do any injury to the country, and whether the Committee were justified in mutilating, as the Government would consider it, the Bill in such a way that they would be able to go to the country and say that the Council had blocked the Bill. The Labour party had nailed this principle to the mast. It was bitterly opposed by the farming interests and by the Liberal party, but, at the same time, when the Government were returned to office, it was known to every elector that they claimed this as one of the planks in their platform. In view of those circumstances, would the Council be justified in blocking the Bill? Nobody was more strongly opposed to that system than he was.

Hon. H. P. Colebatch: There are different ways of showing our opposition.

Hon. A. SANDERSON: In the position he had taken up, he was only carrying out his election pledges, and not all the gibes and jeers of Mr. Moss would make him alter his attitude. He would readily admit that his attitude lent itself to criticism, but he was not taking up this position without mature consideration.

Hon. M. L. MOSS: The hon. member had used a most unfortunate expression when he had said that to vote one way or another on this amendment would block the Bill.

Hon. A. Sanderson: I did not say that. That was an interjection.

Hon. M. L. MOSS: In case the observations of the hon. member might be quoted outside the House in such a way as to bring upon the Council blame which was not justified, he wished to make it clear that there was not the slightest intention to block the Bill; on the contrary, there was a unanimous desire to see an irrigation Bill on the statute-book. Let hon. members thoroughly understand that the Government would be left as free as possible, even if the amendment were carried. It would allow the Government to carry out a policy of leasehold, and their successors, if they were so minded, to adopt the principle of freehold. It was absurd to say that the insertion of an alternative method of making the land available had a tendency to block the Bill. That tendency could only be discovered if persons were looking for a loop-hole to accuse the Council of blocking the measure. The Government would be able to carry out their policy of leasehold without let or hindrance, and a future Government, who did not agree with the leasehold principle, would be able to say that in future these lands would be thrown open for selection under the conditional purchase sections of the Land Act.

Hon. E. McLARTY: The amendment was a reasonable one. It did not hinder the Government from carrying out their pet scheme of leasehold while they were in power, but it did not bind their successors to adhere to the same policy. The Colonial Secretary seemed to have an apprehension that if the land were sold an aggregation of the small areas into large estates would result. The hon. member need not have the slightest fear on that score. There would be more owners anxious to sell the small areas they held than there would be others rushing in to buy. Irrigation would not be carried out without a great deal of expense and labour, and those who had small areas would have no desire to increase their holdings. By the time they had paid the rates and the expenses of working, they would be more than satisfied with the area of land they held.

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

Ayes	14
Noes	6
Majority for	8

AYES.

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

NOES.

Hon. R. G. Ardagh	Hon. J. M. Drew
Hon. F. Davis	Hon. A. Sanderson
Hon. J. E. Dodd	Hon. B. C. O'Brien (*Teller*).

Amendment thus passed; the clause as amended agreed to.

Clause 62—Minister may undertake work to render land fit for irrigation:

The COLONIAL SECRETARY moved an amendment—

That all the words after "irrigation," in line 4, be struck out and the following inserted in lieu:—"and the cost of such work shall by virtue of this Act be a charge upon such land in priority to every other then existing or future charge or encumbrance, and shall be recoverable in like manner as irrigation rates under this Act are recoverable."

Hon. H. P. COLEBATCH: The Committee ought not to agree to the amendment, which was an immoral and improper proposition. Under the clause, if the owner of any land desired the Government to carry out certain works the Minister might do it provided the owner offered what the Minister considered was sufficient security. The Colonial Secretary wished to strike that out and annex as security the property of other people. If the man for whom the work was done could not pay, someone else would be made to pay. It would be impossible to get mortgages if the amendment was

passed. Surely we should not interfere with securities in this way.

Hon. M. L. MOSS: It was bad enough to take priority, but there was another point. Encumbrance applied to a lease and there would be priority of that. Surely no honest man could support this principle. Money was advanced on the security of property, and the amendment proposed that a mortgage would become practically a second mortgage. If we admitted a principle of that kind, where would it end? It would extend in all directions. We should strive at all times to preserve the rights which a person possessed, particularly in regard to money advanced which might mean trust funds. the income from which supported a widow and orphans, and we should allow no inroad of this kind. He did not know what had actuated the Government since the Bill left another place to suggest such an amendment.

Hon. J. F. Cullen: This is in one or two other Acts, unfortunately. Parliament was sleeping at the time the Bills were passed.

Hon. M. L. MOSS: Of that he was not aware.

Hon. J. F. Cullen: It is in the Agricultural Bank Act.

Hon. M. L. MOSS: The offence should not be repeated. Where money had been advanced on the security of land, anything advanced subsequently should be a subsequent security.

Hon. A. SANDERSON: The remarks against the amendment would, he thought, be supported by every member except declared Labour supporters. It seemed incredible that the Minister should propose such an obviously unjust provision that when a person had advanced money an Act of Parliament could confiscate his security. No explanation which the Minister could offer would jusify the amendment. The most charitable thing to assume was that it was a mistake.

The COLONIAL SECRETARY: Since the Bill was drafted it had occurred to the Government that circumstances might arise in which it would be advisable to assist persons to carry on irrigation works, to drain their land, or lay down levels. Instances might occur in which there was already a mortgage on the land, and unless Parliamentary sanction was given to allow the money spent to be a first charge, it would be impossible for the Government to lend assistance——

Hon. W. Patrick: Unless the mortgagee agreed.

The COLONIAL SECRETARY: Unless the mortgagee agreed. This was not a new principle. Many years ago the Legislative Council passed a Bill, known as the Rabbits Act, under which a squatter could receive assistance in the shape of material to the value of thousands of pounds, for the purpose of fencing his run against rabbits, and the whole of the material so lent by the Government became a first charge on the land, even though it had been already mortgaged to some financial firm.

Hon. C. Sommers: That was to avoid a national calamity.

The COLONIAL SECRETARY: The same principle obtained in this case.

Hon. C. Sommers: No.

The COLONIAL SECRETARY: This principle was identical. If it was dishonest to make such provision in this case, it was dishonest in the other case.

Hon. R. G. Ardagh: A different party, that is all.

The COLONIAL SECRETARY: Under the Water Supply, Sewerage, and Drainage Act there was provision that any money spent by the Government would become a first charge on the land over and above any mortgage. In almost every instance where the Government agreed to spend money, it was done only on condition that the loan became a first charge against the undertaking.

Hon. H. P. COLEBATCH: There was no analogy between the two cases mentioned by the Minister. He did not know whether it was right to do it in those cases, but it had been necessary to compel the people to take such action in their own interests and in the interests of their neighbours, whether they liked it or not. This proposal, however, referred to something which the owner of the land might do for his own profit, and that being so, surely the owner must provide the security. The owner could not be

allowed to say that he had no security but that so and so had lent him £2,000 or £3,000 and that he (the owner) would give someone else's property as security.

Hon. W. PATRICK: The reference by the Colonial Secretary to the advances for rabbit-proof fencing was a very unfortunate one. It was well known that that Act was to all intents and purposes a dead letter.

The Colonial Secretary: A large amount of material has been supplied.

Hon. W. PATRICK: But the Act was to a large extent a dead letter. If inquiry was made as to the conditions under which wire netting could be obtained, it would be found that a mortgage over the land must be given and that the Government would have the first claim. In South Australia netting had been supplied and the Government had asked for no mortgage, and practically nothing had been lost by it. When in Adelaide in January last he was informed that that Act was still in force. The netting was advanced and the district councils, which corresponded with our road boards, collected the money.

Hon. J. F. CULLEN: The Legislature, in his opinion, could not do this immoral thing. The popular notion that the Legislature could do anything was a delusion. The country would never give effect to such a law. If a mortgagee claimed against the Government, the claim would hold good.

Hon. M. L. Moss: You are wrong as regards this clause.

Hon. J. F. CULLEN: The point had never been tested. He had not heard of a case where an attempt had been made to put it into force. Apart from that, the Government overlooked the fact that if Parliament presumed to repudiate existing securities under the law, it must affect mortgaging and financing power throughout the country. Who would take a mortgage in a district which might be proclaimed an irrigable district, if he knew that some Administration, without rhyme or reason, might spend an amount of money which would make his security dead and useless? Where was the need for this vicious legislation? If an owner within an irrigable area wanted his land graded, and if he had a financial proposition, he would be able to find security somewhere, and if he could not find the security it would be better a thousand times that the work should remain undone than that natural justice should be violated by Act of Parliament. Surely the Colonial Secretary could not be serious in urging this proposition.

Hon. M. L. MOSS: Another point in reference to the amendment was that many men in this country got credit because they possessed a piece of land which was unencumbered. No registration of a Government encumbrance would be necessary, because the Government's claim would take priority of any debt, and any trader who trusted the owner after searching the Titles Office would be checkmated when he came to enforce his claim against the owner, as the Government could take priority. From that aspect, and the other one which had been discussed, the amendment was equally objectionable.

Amendment put and negatived.

Clause put and passed.

Bill reported with amendments, the report adopted, and a Message forwarded to the Assembly with a request that the Council's amendments be made.

BILL—TRAFFIC.

In Committee.

Resumed from the 15th October; Hon. W. Kingsmill in the Chair, the Colonial Secretary in charge of the Bill.

The CHAIRMAN: Progress had been reported at Clause 41, which dealt with special regulations as to speed.

Hon. H. P. COLEBATCH: Did it not seem an unnecessary, extraordinary, and roundabout way to get permission to hold a race that a club must first go to the local authority and then to the Minister? It seemed absurd that whenever a bicycle race was to be held the Minister had to lay down all the conditions controlling it. He would vote against the clause.

Clause put and passed.

Clauses 42 to 49—agreed to.

Clause 50—Trunk roads:

The COLONIAL SECRETARY moved an amendment—

That the following be added to stand as Subclause 6:—"Nothwithstanding anything in this section all such moneys as are mentioned in Subsections (3) or (4) shall, when received by a local authority, be deemed to be part of its ordinary revenue for the purpose of determining the extent of its borrowing powers under Section 436 of the Municipal Corporations Act, 1906, or Section 257 of the Roads Act, 1911."

In Subclause 2 it was specified that any sum granted for the main road was not to be regarded as the ordinary income of the local authority, but must be expended only for the purpose for which it had been allotted. One local authority, Victoria Park, considered that this might affect the provision under which they raised their loan, which was limited to ten times the ordinary average income of the council. Therefore the clause was put in to remedy any possible application either to municipalities or roads boards. What had occurred in connection with the Victoria Park local authority might occur in connection with some other local authority.

Amendment put and passed.

Hon. A. SANDERSON: Would the Colonial Secretary explain what was the idea of having these trunk roads proclaimed. The Minister had now power to make a grant for any specific purpose. There might be some meaning in this clause which did not appear on the surface. What was the object of this trunk road business?

The COLONIAL SECRETARY: It was left to the Minister to decide what a trunk road was, but anyone ought to be able to clearly define or understand what a trunk road meant. He (the Colonial Secretary) should say it meant the main road leading from one settlement to another, the main avenue of traffic. However, under this Bill, it was left to the determination of the Governor in Council.

Clause as amended put and passed.

Clauses 51 to 55—agreed to.

Clause 56—Application of Act to Crown and local authorities:

Hon. V. HAMERSLEY: Many local authorities found the Government were entering into trade in the various districts, and had many vehicles travelling over the roads, carting wheat and other commodities, and cutting up the roads considerably. Some of these local authorities felt that if they had to charge rates and taxes to other settlers in the community, they did not see why the vehicles used by Government officials should be exempt. Having to keep the roads in repair, the local authorities wanted all the revenue they could possibly get, and did not see why Government vehicles should be exempt any more than their own. Some men in these districts were paying rates to the local body to the extent of £20, £30, or £50 on their property, in addition to which they would be paying probably £5 to £10 wheel tax. The Government were trading in various centres, and contributed no tax by way of rates upon their property, and were contributing nothing by way of wheel rates. Their subsidies were so paltry that they hardly took the place of the taxes which their neighbours were paying to the board. If the Government started farming in a large way in various centres they should at least contribute the same rates to the local body as other settlers in the locality had to pay. It might be claimed that the Government gave subsidies, but they also gave the same subsidy, *pro rata* according to the taxation of the community, to other districts, and in many of those other districts the Government were not competing in the same way with the settlers in the production of cereals and other goods, providing stock for the market, and so on. He would oppose the clause.

Hon. J. F. CULLEN: It would be interesting to know whether the framers of the Bill foresaw that the Government were going to put their heavy traffic upon the streets directly, when they got their brickworks going.

Hon. F. Davis: The bricks are all carried by rail.

Hon. J. F. CULLEN: The Government would be competing with other brick makers. Was it fair that Government carts should be untaxable and their competitors in these wicked private enterprise brickyards should have to pay taxes. This clause might be left out.

The COLONIAL SECRETARY: It was hard to believe that hon. members were serious because what had been asked for was already provided. There was provision for no less a sum than £45,000 in subsidies to the roads boards. They received subsidies to the extent of 15s. in the pound.

Hon. H. P. COLEBATCH: The objection raised by Mr. Hamersley was not convincing because the end of the clause provided that if the Government engaged in any trade or business they would have to take out a license.

Clause put and passed.

Clauses 57, 58—agreed to.

Clause 59—License to be produced on demand:

Hon. A. SANDERSON: It seemed unnecessary that a driver should have to produce on demand his license.

Hon. J. F. Cullen: And that of his owner as well.

Hon. A. SANDERSON: Exactly. The clause was unnecessarily severe. There was practically no chance of any one defeating the ends of justice if the clause was struck out.

The COLONIAL SECRETARY: The clause had been taken from the English Act, and the provision was also in the Victorian Act.

Hon. A. SANDERSON: This provision might be necessary in England owing to the difficulties associated with identification, but here it was quite unnecessary.

Hon. J. F. CULLEN: Suppose an owner employed a dozen drivers how could he give his one certificate to 12 drivers? He moved an amendment—

That the following words at the end of the clause be struck out:—"and also any license which is required to be held by the owner."

Amendment passed; the clause as amended agreed to.

Clause 60—Appeal:

Hon. H. P. COLEBATCH: This clause should be struck out. It provided that an applicant for a license whose application was refused by a local authority might appeal to the Minister. No local authority would refuse a license without abundant reason, and it could not be seen why the Minister should want to constitute himself a court of appeal in a matter of this kind. There would be some legal redress if a local authority refused to license a person without good grounds. The Minister had told the Committee that many of these clauses were taken from the English or Victorian Acts, but where had this one come from?

The COLONIAL SECRETARY: The Bill was originally drafted 18 months ago, and in that measure provision was made for an appeal to a magistrate. The Roads Board Conference thought that such an appeal would be costly, and they suggested the appeal to the Minister.

Clause put and negatived.

Clauses 61 to 64—agreed to.

Clause 65—Tramways:

Hon. J. CORNELL moved an amendment—

That Subclauses 2, 3, and 4 be struck out.

The purport of these subclauses was that tramcars and conductors should be licensed, and that the fee should not exceed one shilling a year, and it was provided that the provision should not apply to the Government tramways or to the employees of the Government tramways. Why should a man who was in the service of the Government be exempt from a license fee when the exemption did not apply to the employees of the Kalgoorlie or the Fremantle trams. Surely these subclauses were not inserted from a revenue point of view.

Hon. M. L. MOSS: There could be no reason for differentiating between the employees on the Government tramways and those on municipal tramways, and moreover such a paltry fee as a shilling would not leave much of a margin of profit. If it was for any other purpose, why exempt the Government employees.

The COLONIAL SECRETARY: The clause was in the existing legislation and the Parliamentary draftsman introduced it as a matter of course. The fate of the Bill, however, was not dependent on the subclauses the hon. member desired to strike out. Therefore there would be no objection to the amendment.

Hon. J. F. CULLEN: There was no reason for striking out Subclause 2. The hon. member's object would be attained if the amendment were limited to Subclauses 3 and 4.

Hon. J. CORNELL: The clause referred to in Subclause 2 provided for licenses, and therefore the subclause should come out.

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

New clause:

The COLONIAL SECRETARY moved—

That the following be added to stand as Clause 41:—(1.) The owner of a motor wagon shall be liable in damages to any local authority for any damage or injury caused or happening to any road under the control of such local authority by such motor wagon, or in consequence of the use or passage thereof or of anything carried, drawn, or propelled thereby on or along such road. (2.) If any such damage or injury aforesaid is caused to any bridge or culvert, the person in charge of the motor wagon shall immediately place a conspicuous warning mark or sign, in accordance with the regulations, on or near such bridge or culvert, and shall forthwith send notice of the damage or injury to the secretary of the local authority in whose district the damage or injury was done. Penalty: Ten pounds.

New clause passed.

Postponed Clause 7—Passenger vehicle and carriers' licenses:

Hon. H. P. COLEBATCH: It was necessary to include here provisions similar to those in Subclause 3 of Clause 5. Under Clause 5 any person using an unlicensed vehicle was liable to a penalty of £10, but there was the saving proviso——

The COLONIAL SECRETARY: There was an amendment to be moved which was a repetition of Subclause 3 of Clause 5. He moved an amendment—

That the following be inserted to stand as Subclause 2:—"It shall be a defence to a charge under this section in respect of any passenger vehicle against any person other than the owner thereof if the defendant proves that he had no knowledge that the owner was not the holder of the requisite vehicle license.

Hon. J. CORNELL: Whatever the disability on the driver under Clause 5, it was coming right home when a man who got into an unlicensed vehicle plying for hire was liable to be brought before the police court, and the onus thrown on him of proving that he was not aware that the vehicle was unlicensed. The words "every person" could justifiably come out of the clause, and thus obviate the necessity for the proposed subclause.

Amendment put and passed.

Hon. V. HAMERSLEY: Subclause 3 provided that a carriers' license was required for every vehicle used for the carriage of goods for reward. This would impose a hardship on a number of men in the back country who contracted to cart wheat. Frequently a farmer whose vehicle was licensed in the ordinary sense with the local authority, in order to eke out an existence took on a contract to cart his neighbour's wheat. To require such a man to take out a carriers' license would be imposing a hardship.

The COLONIAL SECRETARY: This was very old legislation. It was in the Cart and Carriage Licensing Act, and also in the Municipalities Act.

Clause as amended put and passed.

Postponed Clause 10—Exemption of fire and ambulance vehicles and agricultural machines:

Hon. A. SANDERSON: The Minister had been good enough to say that he would deal with the matter of the exemption of goat-carts.

The COLONIAL SECRETARY: It was was not proposed to move any amendment specifically exempting goat-carts. No local authority would impose taxation on a goat-cart. There was no intention whatever to tax either goat-carts or dog-carts.

Hon. A. SANDERSON: It was to be hoped that some record would be made of the Minister's assurance.

The Colonial Secretary: I have an amendment drafted for you if you wish to move it.

Hon. A. SANDERSON: There was no desire to waste time. In view of the Minister's announcement, the amendment would be unnecessary.

Clause put and passed.

Postponed Clause 16—Apportionment of fees between districts:

Hon. J. CORNELL: The Boulder municipal council was of opinion that with three local bodies overlapping in that district some difficulty would present itself in the apportionment of fees. Subclause (2) provided that any such difficulty should be determined by the Minister, provided that if the Minister was himself a party to the dispute the difficulty should be determined by a police or resident magistrate appointed by the Minister. If such a migistrate was the proper person to deal with disputes between the Minister and the local authority, such magistrate was surely the proper person to deal with the question in any case. He moved an amendment—

That in lines 4 and 5 of Subclause 2 the words, "the Minister; provided that when the Minister is himself a party to the dispute the matter shall be determined by a" be struck out.

Amendment passed.

On motions by Hon. J. CORNELL the clause further amended by inserting "the" before "resident" in line 5 of Subclause 2; also by striking out "appointed by the Minister" in line 6, and inserting "of such district" in lieu.

Hon. H. P. COLEBATCH moved a further amendment—

That Subclause 3 be struck out.

This subclause assumed that the metropolitan area was to be treated in a different manner from the remaining portion of the State.

The COLONIAL SECRETARY: The principle as to whether the metropolitan area should be under the control of the Minister was affected by this proposed amendment, and it might be well to postpone the consideration of that issue until after the consideration of the other postponed clauses.

On motion by the COLONIAL SECRETARY further consideration of the clause postponed.

Progress reported.

House adjourned at 8.52 p.m.

Legislative Assembly,

Tuesday, 21st October, 1913.

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

OBITUARY—MR. B. W. DOOLEY.

Mr. SPEAKER: I have received a certificate signed by the hon. member for Albany (Mr. Price) and the hon. member for Mt. Leonora (Mr. Foley) certifying to the death of Mr. Bronterre Washington Dooley, a late member of this House.

The MINISTER FOR LANDS (Hon. T. H. Bath): As hon. members are aware, since last we assembled in this Chamber we have had to record the regrettable demise of one of our colleagues. It is my painful duty to move a motion in con-