

I mean, would be the case of a man who had lost an eye. One man might lose an eye and be back again at work in the course of three weeks. I know of a man who lost an eye and was back at work in three weeks, and I know of another who was not back in the sixth week. To say that a man should only receive half wages during that time is an injustice apparent to all, and what we propose is this: if an injured man desires to take advantage of the schedule he should receive the amount provided for there.

Hon. J. F. Cullen: Where is the power to put him off on half wages?

Hon. J. E. DODD (Honorary Minister): There is no power provided. The man I was referring to went back to work in three weeks, but went back without any advice, and he received 30s. for the loss of an eye. No doctor would have given him a certificate, and he went back because he had received no advice, and did not understand.

Hon. R. J. Lynn: Did he sign clear for the 30s.?

Hon. J. E. DODD (Honorary Minister): He signed off. Going back to the case of a man who loses a finger, he may lose that finger and still there may be some other injury in connection with the loss of that finger which may keep him off work altogether.

Hon. W. Kingsmill: He might get blood poisoning.

Hon. J. E. DODD (Honorary Minister): Yes. In that case it is unfair, and the man should only get compensation according to the Second Schedule. I do not think that there is much more that I need explain in the Bill, except, perhaps Clause 7 which provides for a system of compulsory insurance. There is a proviso that the clause shall not come into operation until such time as may be fixed by proclamation. The object is that it would not be right to insist on any policy of compulsory insurance until we have a State Insurance Department.

Hon. A. G. Jenkins: Why insert the clause at all at this stage then?

Hon. J. E. DODD (Honorary Minister): It may be obviating another amendment of the Act later on. What I want to point out is that a number of employers do not insure, and some of them are only men of straw. It has been reported to us freely that several employees have been debarred from getting compensation by reason of the fact that the employers do not insure, and had not sufficient funds to meet the amount of compensation. Recently a Bill was carried through the Parliament in Victoria providing that there should be a system of compulsory insurance. I do not think there is anything else I need explain. I move—

*That the Bill be now read a second time.*

On motion by Hon. Sir E. H. Witteboom, debate adjourned.

*House adjourned at 5.56 p.m.*

## Legislative Assembly,

*Tuesday, 28th July, 1914.*

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

# OBITUARY—HON. C. A. PIESSE, LETTER IN REPLY.

Mr. SPEAKER: I have received a letter from the widow of the late Hon. C. A. Piesse, which I shall read to hon. members. It is as follows:—

"Cintramia," Wagin, 27th July, 1914. The Hon. the Speaker, Legislative Assembly, Perth. Dear Sir,—On behalf of myself and the members of the family, I desire, Mr. Speaker, to sincerely thank you and the members of the Legislative Assembly for the marked sympathy shown in our recent sad bereavement. We all greatly appreciate the resolution passed by the Legislative Assembly placing on record its recognition of the services rendered the State by my late husband. Yours sincerely, Flora E. L. Piesse.

## PAPERS PRESENTED.

By the Attorney General: Amendment to Regulation 38 (c.) of the Education Department.

By the Minister for Railways: Papers in connection with Hugh McLeod's suspension, dismissal, appeal, and reinstatement in the railway service of the State.

## QUESTION—YORK HOTEL, DANGIN.

Mr. DWYER asked the Premier: 1. Has his attention been directed to the following news item appearing in the issue of the *Eastern Districts Chronicle* of 26th June:—"Sale of the York Hotel, —The sale on behalf of the estate of the late Mr. M. J. Monger has been effected through Mr. Kenneth Edwards of the York Hotel, the purchaser being Mr. J. S. W. Parker, of Dangin. The figure was a satisfactory one . . . ." 2. Is he aware that the J. S. W. Parker mentioned in the said news item is the well-known temperance and teetotal advocate? 3. Is he aware that the Dangin mentioned is a private townsite, the property of the said J. S. W. Parker, and situate about five miles from the Government townsite of Quairading? 4. Is he aware that the blocks of land of the Dangin townsite, sold by Mr. Parker, have been subject to

the restriction that the purchasers must not apply for any license under the Licensing Act, and consequently Mr. Parker himself is the only one who can so apply? 5. Is he aware that the said York hotel has been purchased by Mr. Parker with the object of applying to the York licensing bench for permission to transfer the publican's general license from that hotel to the Temperance hotel erected and owned by him at Dangin? 6. Is the said Mr. Kenneth Edwards mentioned in the news item identical with the member of the York licensing bench of the same name? 7. Will he cause the application for transfer of license referred to in question 5 to be opposed?

The MINISTER FOR LANDS (for the Premier) replied: 1, Yes. 2, I have no knowledge of Mr. Parker's views. 3, The townsite of Dangin was a private subdivision by the original owner of the land (Mr. Parker), but cannot now be called a "private townsite." 4, No such restrictions appear on the transfers of this land. 5, No, but if so it is assumed that any action taken will be in accordance with the provisions of the Licensing Act. 6, Inquiry will be made. A person who, as a paid agent, negotiates the sale of licensed premises would seem to be disqualified by Section 10 to act as a member of the court. 7, The matter will receive consideration.

## QUESTION—STATE HOTEL, DALWALLINU.

Mr. MOORE asked the Premier: 1, Is it not the intention of the Government to erect a State hotel at Dalwallinu on the Wongan-Mullewa railway? 2. If so, when will they commence the building?

The MINISTER FOR LANDS (for the Premier) replied: 1 and 2, The matter is under consideration.

## QUESTION—LAND RECLASSIFICATION BOARD.

Mr. MOORE asked the Minister for Lands: When will he place on the Table of the House the report of the reclassification

tion board promised on the 2nd July last?

The MINISTER FOR LANDS replied: I hope to lay the report, together with my recommendations to Cabinet and Cabinet decision, on the Table of the House to-morrow.

#### QUESTION—GRANT FOR PARKS.

Mr. McDOWALL asked the Treasurer: 1, How does he reconcile his answer that £2,875 has been paid away on parks and gardens with the following letter, dated 6th April, 1914, from the Under Treasurer:—"Replying to your letter of the 3rd inst, I beg to inform you that the town clerk was advised on the 5th ultimo that in consequence of the state of the finances, grants of this nature have been suspended for the present." Also with this letter from the Assistant Under Treasurer, date 6th June, 1914:—(a.) "In reply to your inquiry *re* grants to parks and gardens, I beg to inform you that no grants have been made for the gardens this year, in the metropolitan area. (b.) The item of expenditure mentioned, viz., £1,788, on the published return for May refers to the expenditure for eleven months of this financial year on Government gardens." 2, Were there any special circumstances connected with the grants paid?

The MINISTER FOR LANDS (for the Colonial Treasurer) replied: 1, The amount of £2,875 was paid prior to the decision of the Government (19/12/13) not to make any further grants for the present pending the remodelling of the conditions under which such grants are made. 2, The grants to the King's Park Board and Monger's Lake are annual grants to boards controlling what are considered national parks. The payment to the Point Walter Reserve is in the nature of an agreement made with the Melville Park Roads Board when they took over control. The others, Nannup, Kalgoorlie Roads Board, Foundry Reserve, and Kanowna were in accordance with promises given during the previous financial year. As previously explained,

when the conditions are remodelled the amounts withheld for last financial year will be made available to the authorities in whose favour they were granted, by an additional Vote on this year's Estimates.

#### QUESTION—RAILWAY RATES ON FERTILISERS.

Mr. GEORGE asked the Minister for Railways: What is the rate per ton for agricultural manures charged by the Western Australian Government Railways, South Australian Government Railways, Victorian Government Railways, New South Wales Government Railways, and Queensland Government Railways for 100, 200, and 300 miles?

The MINISTER FOR RAILWAYS replied: Western Australian Government Railways, 100 miles, 8s. 4d. per ton; 200 miles, 10s. 5d. per ton; 300 miles, 12s. 6d. per ton. The rates charged in the other States can doubtless be obtained from the departments controlling their railways.

#### QUESTION—RAILWAY FREIGHT RATES, INQUIRIES.

Mr. GEORGE asked the Minister for Railways: 1, Has he given instructions to the Railway Department that inquiries from members of this House in reference to freight rates cannot be replied to by the department direct but must pass through the Minister's office? 2, If so, will he give his reasons for this procedure?

The MINISTER FOR RAILWAYS replied: 1, Instructions have never been issued by me, but in compliance with those issued by Mr. Rason, when Premier of this State, and which, so far as I know, have been carried out ever since, a request by the hon. member concerning freight rates was submitted for my consideration. As this would involve a return covering the railways of the other States, and was admittedly required for the use of delegates attending a political party conference, the hon. member was

advised to make application direct to my office. 2, Because it is not the duty of railway officers to provide the hon. member with information concerning the railways of the other States.

Mr. George: It ought to be; that is all I can say.

#### QUESTION—WANDOO SLEEPERS.

Mr. E. B. JOHNSTON asked the Minister for Railways: 1, Is he aware that the Comptroller of Railway Stores is offering only 2s. 3d. per sleeper, inclusive of royalty, for wandoo sleepers at Darkan and Bowelling sidings? 2, Will he have this price increased to a more reasonable figure, in view of the value of wandoo sleepers to the Railway Department? 3, If not, why not?

The MINISTER FOR RAILWAYS replied: 1, Orders for small quantities of wandoo sleepers have been placed from time to time at 2s. 3d. per sleeper alongside railway line, inclusive of royalty. 2, It is considered that price offered is reasonable, provided sleepers have not to be carted any considerable distance. 3, See answer to No. 2.

#### QUESTION—BUNBURY HARBOUR IMPROVEMENT.

Mr. GEORGE asked the Minister for Works: Does he propose to allow the various schemes for the improvement of the Bunbury harbour to be considered by the local authorities and people of Bunbury before final decision is made?

The MINISTER FOR WORKS replied: Had the hon. member devoted closer attention to his Parliamentary duties he would know that the member for Bunbury (Mr. Thomas) some time back arranged for the Minister for Works to met the Bunbury Harbour Board, and subsequently the people generally, in order that the harbour extension scheme as adopted by the Government should be discussed and clearly understood. As a result of these meetings the proposals were unanimously approved and the Government commended for the attention they had given the matter.

#### QUESTION—POLICE OFFICERS IN GOVERNMENT QUARTERS.

Mr. E. B. JOHNSTON asked the Premier: 1, Is it a fact that police officers occupying Government quarters are being called on to pay the charges of Local Boards of Health thereon? 2, If so, will he have such charges paid by the department in future?

The MINISTER FOR LANDS (for the Premier) replied: 1, Police officers and constables in occupation of quarters have for the last 25 years, if not longer, paid the sanitary charges in respect of their quarters, the only exception being that recently in districts where the sanitary rates have been levied under the Health Act upon the owner, then the Government has had to pay. 2, No.

#### LEAVE OF ABSENCE.

On motion by Mr. UNDERWOOD (Pilbara) leave of absence for two weeks granted to the member for Roebourne (Mr. Gardiner) on the grounds of urgent private business.

#### PAPERS—RAILWAY IRREGULARITIES, CASE OF HUGH McLEOD.

On motion by Mr. PRICE (Albany) ordered: That there be laid on the table the whole of the papers in connection with Hugh McLeod's suspension, dismissal, appeal, and reinstatement in the Railway service of the State.

The Minister for Railways then laid the papers on the table.

#### BILL—RIGHTS IN WATER AND IRRIGATION.

*In Committee.*

Resumed from Thursday, the 23rd July; Mr. McDowall in the Chair, the Minister for Works in charge of the Bill.

Hon. J. MITCHELL: Is the Minister for Works prepared to recommit Clause 14?

The MINISTER FOR WORKS: It was my purpose to recommit the Bill

for the purpose of considering Clauses 14 and 17, but I have just been informed by Mr. Speaker that that cannot be done because it is against the Standing Orders. I regret this. I was particularly anxious to finish the Bill. If everybody would agree, however, we might possibly suspend the Standing Orders in order that we might get on with these two clauses. I would like the House to agree to that if possible. It would enable us to get the Bill sent on to another place. That was the intention of the House. I think the better course would be to deal with the hon. gentleman's new clause, and report to the House, see if we cannot get the Standing Orders suspended, and then if they are suspended deal with Clauses 14 and 17.

Hon. J. MITCHELL: I move—

*That a new clause be inserted to stand as Clause 26, as follows:—Notwithstanding anything in this part of this Act contained to the contrary—*

*(a) The bed of any lake, lagoon, swamp, or marsh situated on land heretofore or hereafter alienated by the Crown, and declared by this Act to be deemed to have remained or to remain the property of the Crown, shall not exceed in width the width of the water-course at its inlet to or outlet from such lake, lagoon, swamp, or marsh; and (b) This part of this Act shall not apply to the bed of any lake, lagoon, swamp, or marsh situated on the land heretofore or hereafter alienated by the Crown, and cultivated either wholly or in part at any time during the year, or capable of being drained and cultivated.*

I do not know that it is necessary to discuss the clause. Hon. members will see exactly what it refers to, and will remember that we discussed this clause at considerable length last year. I do not know why it has not found a place in the Bill this year. I understand, however, that it was rejected by another place. The fact that it has not found a place in the present Bill makes it necessary that it should be accepted again. I do not know

whether the Minister requires the clause to be discussed any further.

The MINISTER FOR WORKS: The hon. member for Northam moved this clause last year. When he did so I expressed the opinion that it was superfluous in view of the definite definition which was printed in the Bill. I then adopted the course that if, after being unable to convince the hon. gentleman that there was sufficient safeguard in the Bill, I would accept the clause. It was then submitted to another place and deleted. I do not know why it was left out. I would like to point out that I have again consulted the Parliamentary Draftsman, who has expressed the opinion that the clause is superfluous. Still, there is no harm in it, although the Crown Solicitor thinks it is superfluous. I do not intend again to try to convince the hon. member. It is only a small matter, and I do not propose to oppose it. I therefore, with these remarks, agree to the new clause.

New clause put and passed.

The MINISTER FOR WORKS: I understand, according to the information I have received from Mr. Speaker, that we have first to report the Bill, and that, on the report, we can recommit the Bill. Mr. Speaker takes up the attitude that the Bill having been amended we cannot recommit until another sitting. I take it we have to report to the House and recommit, and that we may proceed with the Bill if we suspend the Standing Orders so as to overcome the difficulty which has been pointed out by Mr. Speaker.

Preamble, Title—agreed to.

Bill reported with amendments.

#### *Standing Orders Suspension.*

The MINISTER FOR WORKS (Hon. W. D. Johnson—Guildford) [4.55]: Mr. Speaker, when the Bill was under discussion in Committee at the last sitting there were certain hon. members who drew attention to one or two clauses in the Bill, and it was agreed that we would allow them to pass on the understanding

that I gave the House another opportunity of discussing them this afternoon. As you have already pointed out, Sir, it is in the circumstances against the Standing Orders to recommit for the purpose of considering these clauses.

Hon. Frank Wilson: You can recommit if the Standing Orders are suspended.

The MINISTER FOR WORKS: We can do so if the House will permit. I therefore move—

*That so much of the Standing Orders be suspended as to permit of the recommitment of the Bill immediately.*

Mr. SPEAKER: I ask hon. members to divide, as in a case of this sort the vote of an absolute majority is required. Bells rung.

Mr. SPEAKER: I declare the motion for the suspension for the Standing Orders carried.

#### *Recommitment.*

On motion by the Minister for Works Bill recommitment for the further consideration of Clauses 14, 17, and 62.

#### *In Committee.*

Mr. McDowall in Chair, the Minister for Works in charge of the Bill.

Clause 14—Ordinary riparian right defined:

The MINISTER FOR WORKS: This clause deals with the question of recognising, to an extent—a limited extent, possibly—riparian rights. The Bill aims at securing to the Crown all rights in natural waters, but we are dealing with those owners who own land abutting on a stream, and, in order to give them some little consideration we have adopted the course pursued in other parts of the world, and in the Eastern States, of recognising the rights to a certain extent. I am prepared to admit that the clause aims at limiting the use of water. Some members state that it limits the rights of reducing or of marketing certain products produced from the soil, but that is not the object of the clause; it is to limit the free use of water. To-day there is no such thing as the free use of water unless one can use that water without appreci-

ably depreciating the flow of the stream. The member for Swan read into the clause the word "confiscation," but there is no such thing in law as the free use of the water by any individual unless he can have it without injuring another. We are not taking anything away, but giving the absolute right so long as it does not interfere with anyone else's right. Under the clause we give a person absolutely the right, free from any injunction. We say, "you shall have the right to use a given quantity of water." We do not say absolutely in the clause that it shall be limited for domestic use or for the watering of stock and the irrigating of a garden only, but we say above that provided in Clause 14 it shall be subject to a license. The object of issuing the license is to see that no one at the top of the stream can take more than is fair to the man at the lower end of the stream. We must license if we are to control, and it is necessary to control. The clause is more liberal than similar sections in other Acts in Australia. In the Queensland Act the free use of the water is only given to land alienated before the passage of the Act. In Victoria, after they passed their Act in 1895 they gave the right in almost similar wording to that of our clause, to three acres, but the irrigation portion only applied to land alienated previous to 1886. Therefore, when we place the provision in our Bill we are going further than either Queensland or Victoria, and going further than any similar Act that I know of in Australia. If we were to give the right to use water over five acres in industrial irrigation, we would require a very large volume of water indeed, without having regard to land that may be abutting on the stream. If we give free water for five acres as far as I am concerned the Bill is no good, because we would be giving to some that which in some years we could not supply, and doing more for those at the top of the stream than those lower down, and, further, doing an absolute injustice to those lower down the stream, also we would be doing more than the law permits to-day. I asked the

engineers to work out for me some figures bearing on the point, taking a mile frontage, and assuming the blocks to be anything between 20 to 30 acres. Taking the average frontage to the stream at say 15 chains, and allowing the five acres out of the 20 to 30 acres, as the case may be, the engineers say that giving two waterings of two inches each watering, which is the normal allowance, it would take  $5\frac{1}{2}$  million gallons to supply one mile. It would never do to say that the man at the top should get his full quota, and that the land below should go short.

Mr. George: Could not you protect yourself by a pro rata distribution.

The MINISTER FOR WORKS: That is exactly what we are doing by the licenses.

Mr. George: The gist of the question is what they produce they can dispose of.

The MINISTER FOR WORKS: If you allow them to dispose of what they produce and give them the water free, in order that they may produce a lot, it is reasonable to assume they will utilise the five acres to the fullest extent, and if they do that we shall have to give  $5\frac{1}{2}$  million gallons for every mile. In the Bill of last session three acres was the area named. Personally I was opposed to that, and it was only after a great deal of persuasion, and it being pointed out that in Victoria the Act made it three acres that I gave way, but, when the Bill reached another place members there raised the area from three acres to five acres. One cannot possibly agree to allow five acres to be used for industrial purposes, and go into competition with others who have to pay for the water because we could not give them the quantity of water.

Mr. George: This is compensation for the rights they have.

The MINISTER FOR WORKS: I am not prepared to admit that. There is no such thing as ownership in water. We are following the precedent of Victoria, and to show that we are prepared to give the same consideration to our people as in Victoria we have adopted this clause. I do not think it is fair that the people who have been fortunate enough to get along-

side the stream should get advantages above those who are not alongside the stream.

Mr. George: They had to pay more for their land.

The MINISTER FOR WORKS: It is questionable whether they have done so. We know that they paid an increased price in proportion to the value given by the free use of water. The man who is some distance from the stream has a disadvantage all the time.

Mr. George: He gets the land for less money.

The MINISTER FOR WORKS: That does not apply in all cases. I would be prepared to consider an amendment that we limit it to one acre, and permit them to use it as they like, or I am prepared to leave it as it is so long as we limit the use of the production for the dwelling. The object of the limitation is to prevent them getting free water and entering into competition with the man who has to pay for it. That is not done in any other part of Australia, and consequently we cannot agree to it so far as this Bill is concerned.

Mr. GEORGE: The object I had was to obtain some definite announcement with regard to the five acres. We all know the position in Western Australia to-day, that if a man wants a piece of ground, one of the vital considerations he has to calculate upon is whether he will have water for the various purposes connected with the farm. Land where there is a paucity of water does not fetch anything like the price of land which has streams running through it. I am satisfied that those whom I represent, and who are mainly affected by this question hold the view distinctly that having given an extra price for their land on account of its advantages with regard to water, that the five-acre business was intended as some sort of compensation for the taking away of their other rights.

The Minister for Works: It is Clause 17 which applies in your case.

Mr. GEORGE: My case is not affected.

The Minister for Works: Well, the case of your constituents. They will come under Clause 17.

Mr. GEORGE: This matter will prove hard on the people higher up the stream

and who happen to have a larger area of ground. A man must be allowed to use the water for any purpose whatever, provided that by its use the neighbours are not robbed.

The MINISTER FOR WORKS: That is the position. The clause limits the quantity of water by saying, you shall only produce what you require for your own dwelling. The object is that a man shall get more water by license.

Mr. George: How will the Minister draw the line between free water and the water obtained by license?

The MINISTER FOR WORKS: There will be regulations, and he shall declare the five acres he will use in connection with his dwelling.

Mr. George: Then he will not be able to grow stuff to feed his stock.

The MINISTER FOR WORKS: I would not like to go to that extent.

Mr. George: I do not know where it is going to end.

The MINISTER FOR WORKS: I am not prepared to go to the extent of three acres, because I cannot guarantee the supply of water.

Mr. GEORGE: The Minister has gone back on what we understood in the previous Bill. The point was made before, that whereas the Government were taking possession of these waters they did not propose to rob the people (I do not use the word in an offensive way) and they were going to give them this in return. I understand that a man can grow cabbages, but that he cannot sell them, and it is not certain whether he can grow fodder with which to feed his own stock.

Mr. TURVEY: The objection to part of the clause seems to me to be that it dictates to the owner of the land what he shall do with his property. The Minister proposes under this particular clause to say to those people who have holdings of not more than five acres along the brooks, "You shall not sell the produce from your holdings."

The Minister for Works: I did not say anything of the sort.

Mr. TURVEY: I understood the Minister to say——

The Minister for Works: You want me to give them free water to rob those lower down.

Mr. TURVEY: The Minister presumes that the whole of a frontage of 15 chains would be irrigated, but the total amount might not be more than a quarter of an acre. There would be no objection if the Minister were dealing only with established irrigation works, but the Bill will apply to the whole of the State, and the Minister proposes to dictate to every individual situated on the banks of a stream what he shall do with his produce.

Mr. George: Have not your constituents paid more for their land because of the water?

Mr. TURVEY: Certainly. In the Bedfordale Valley, and along the Canning River the people have paid well for their land. Perhaps these people will not need to irrigate the whole five acres, but the clause does not require the provision of sufficient water to irrigate this area.

Mr. S. Stubbs: What do you suggest?

Mr. TURVEY: The Minister should agree to an amendment removing the objectionable feature of dictating to the people——

The Minister for Works: Reduce the acreage.

Mr. TURVEY: The Minister is dictating as to what these people shall do with their produce. He says it would be incumbent upon him to provide sufficient water to irrigate the five acres, but the clause does not provide for this.

The Minister for Works: You argue that the first man should have the pull.

Mr. TURVEY: It is not incumbent on the Minister to provide sufficient water to irrigate five acres for every individual fronting the stream. There is only the right to such water as is in the water-course, but there will not be sufficient for irrigating five acres each.

The Minister for Works: The man at the top gets all the water, and the man below goes without.

Mr. TURVEY: The Minister should have some control, but surely he can obtain it without dictating what the owner shall do with his produce. If the clause is passed, it will mean that every orchard-



ist in the Bedfordale Valley and on the Canning River, and in almost every gully, will have to take out a license. If not, these orchardists will be unable to sell the produce from their five acres. If an orchardist requires water to irrigate only a quarter of an acre, he will have to take out a license if he does not want the Minister to dictate as to what he shall do with his produce. How ridiculous it is to say we shall give sufficient water free to irrigate five acres, but that all the stuff grown must be used in the holder's own home!

The Minister for Works: The acreage is wrong; it should be reduced to three acres.

Mr. TURVEY: I have no quarrel in regard to the acreage, but I object to the Minister dictating what the people shall do with their produce.

The MINISTER FOR WORKS: The clause provides that owners shall have the right to irrigate five acres, but it limits their right to produce stuff which is used in connection with their dwelling. The hon. member wants me to say that everyone along the creek at Bedfordale shall have free use of water for five acres, but these men have not got the water to-day, and have never had it. I decline to give all the water to the first half-dozen settlers on a stream, and to deprive those below. The hon. member said I am not obliged to guarantee water to all the settlers. This is so; but the clause gives the man at the top an absolute right to water for his five acres and to market what he produces, and debar the man below from getting any water at all. To-day a man cannot do this, and we have heard of an action at law whereby one orchardist endeavoured to protect himself against another who was taking more than his share of the water. The hon. member desires me to say that the men on top shall get all and those below shall get none, unless there is an extra quantity of water. This is unjust, and I am surprised at any hon. member suggesting special consideration to a special few who happen to have land at the top end of a creek. The Government will not tolerate such a suggestion. The discussion has

hinged on the ridiculousness of the clause, in that a man shall be allowed to irrigate five acres, and that this area shall be used in connection with a dwelling. On the face of it this is ridiculous, but another place desired that five acres should be inserted and, in order to get the Bill through, I agreed to it, with the limitation, knowing that I was under no obligation to guarantee that they should have all the water for five acres, and that if they wanted to market their produce they would have to take out a license. The clause is, as the member for Murray-Wellington desires. He says that a man's right should be recognised. We do so under this Bill, but we are not prepared to recognise his right to an extent which will permit him to do an injury to his neighbour. In order to recognise his right and protect his neighbour, we say that if he goes beyond that which he produces for his dwelling, he will have to take out a license, and under the license he will be able to do whatever is possible with the water in the stream, and without injuring his neighbour. The settlers along the Narrogin Brook will require a license. The object of the license is not to raise revenue. The charge will be nominal, and the object is to enable us to protect everyone along the stream. The member for Murray-Wellington referred to the fact that this will not apply to an owner in the case of a creek rising on his property. This is so; the owner has a right to the creek until it leaves his property, but then the Crown will control it, so that everyone shall have an equal opportunity to get water. I have raised this discussion so that hon. members will realise the position. It is wrong to say that the five acres shall be used in connection with a dwelling, but the Bill will be of no use without the limitation of the use of the water to the produce used in connection with the dwelling.

Mr. George: Why not let him have the water in connection with his land, instead of dwelling?

The MINISTER FOR WORKS: The quantity of water must be limited, otherwise there would not be enough. If hon. members desire, I will limit the area to one acre. At Bunbury I made it plain

that I would not give free water to anyone who would come into competition with another paying for water. I desire Clause 14 to be framed in such a way as to apply to the Bedforddale district and to give control to issue licenses, so that justice will be done to all along the stream. I am prepared to accept the amendment reducing the five acres to one acre; but if hon. members want more than one acre, then I cannot agree to any deletion of the limitation.

Mr. TAYLOR: The Minister has emphasised the necessity for the power to issue licenses, and he has indicated that the power should be exercised when a settler grows on five acres products for the market. The moment that an attempt is made by a settler to turn the land to productive and profitable use, and to make a living off it—

The Minister for Works: To the detriment of his neighbours.

Mr. TAYLOR: That is the point I am coming to. The Minister says he desires the power to issue licenses for the purpose of protection. Where is the protection if each of the settlers along a small stream has a license for five acres, unless the Minister is going to dole out the water by means of a pannikin, so to speak? He has told us that this power is to be found in all the Irrigation Acts of the Australian States; but I find that under the Queensland Act of 1910 landholders have the right of waterfall, limited to 10 years, and that as regards the five acres, if they had the land even under process of alienation when the Bill was introduced, they could claim as if the land belonged to them before the passing of the Act. Now, if there are 50 settlers on a short brook, and each of them pays a license fee of 5s., while there is not sufficient water to serve the whole of those 50 settlers to the full development of their five-acre blocks, then the Minister proposes to limit them. The hon. gentleman states that he will not allow the man at the top of the brook to have an advantage over the man at the bottom, in this respect. Licensing, however, will not protect anyone in this regard unless the Minister devises a system for measuring

out an equal quantity of water to each settler. This Bill is to govern the whole of Western Australia from end to end, and therefore the meaning of the provision seems to be that throughout Western Australia five acres will grow only sufficient produce to keep one household. That is absolutely what this provision of the Bill conveys.

The Minister for Works: You are advocating the claims of the Legislative Council. The Council inserted this provision; not the draftsman.

Mr. TAYLOR: But the Minister is responsible for the Bill. I am not supporting the Council; it is the Minister who is fathering the amendment of the Council. In answer to the member for Murray-Wellington (Mr. George), the Minister said, by way of interjection, that if fodder were grown on the five acres and stock fed with that fodder, the license fee would be charged. It is well for the Minister, now that the Bill has been re-committed, to know exactly how the provision will work. We are told that the license is to be used only for protective purposes, but I fail to see how it can protect if only a limited quantity of water is available.

Hon. J. MITCHELL: We are in this trouble because the Minister will insist on taking control of all the streams. He reaches out too far, and thereby lands himself in difficulties. There are cases of small streams running through property which has been bought at very high prices because the water was available for irrigation. I know of a case where a man has half an acre of orange trees growing very large crops, and therefore highly valuable.

The Minister for Works: But in that case the man irrigates from a spring in his own property.

Hon. J. MITCHELL: That man would have to go to the Minister for a license. We want the people to use the water, and we do not want to bother them unnecessarily. Why should the Minister want to control the thousand and one little streams of this State? The hon. gentleman wants to control every stream; every person is to go cap-

in-hand to the Minister for a permit before growing produce for sale. The Minister tells us that the license fee is to be nominal. If that is so, why should the other people not come into competition with those who pay the license fee? The Minister proposes to take rights from owners and give them nothing. I doubt whether, notwithstanding this clause, the Minister would be able to prevent any man from selling anything he grows. "Irrigated land used in connection with a dwelling" is vague wording. What is the use of asking the Committee to believe that any man can utilise for his own household purposes all the product of five acres?

The Minister for Works: I say, make it one acre and then I do not want any limitation.

Hon. J. MITCHELL: I object to the Minister making any charge at all.

The Minister for Works: Of course. You do not want the Bill.

Hon. J. MITCHELL: Yes; I do; and I wanted it before the Minister thought of it. The Liberal party started irrigation before certain members on the other side thought of entering politics. If we oppose any provision of a Government measure in this House, Ministers immediately say that it is because we do not desire the measure. The Minister for Works takes power even when it is not necessary, simply because he loves power; but, fortunately, he cannot exercise the powers of a Czar unless Parliament first agrees. I do not know how the Minister proposes to pay the inspectors who will be required in order to see that people do not send away cabbages and turnips grown on the five acres. If we agreed with the clause otherwise, we could of course amend it by striking out the words "used in connection with a dwelling" and substituting "produce to be used on the farm," which would give the settler the right to grow fodder or lucerne. The Minister, however, admits that in the case of some streams there would not be sufficient water to permit of each settler irrigating five acres. Of course, a settler could irrigate five acres and let the produce rot, if he liked.

The Minister for Works: Then he would not be using the water in connection with his dwelling.

Hon. J. MITCHELL: There is no serious purpose in the provision. I know of some people who grow oranges and other fruit just for themselves. Now, will those people have to get a license from the Minister before venturing to sell three or four cases of fruit that they may have grown beyond their requirements? Would the Minister say that anything grown on the five acres beyond the requirements of the settler must be allowed to rot on the place?

The Minister for Works: You should move to reduce the five acres to one acre, and then I will let them use the water as they like.

Hon. J. MITCHELL: If the Minister ate, or if the Minister and 20 others ate, all that is grown on one acre, the Minister would look very different.

The Minister for Works: I will take that risk.

Hon. J. MITCHELL: The best way to protect the rights of the settlers would be to strike out this clause and alter the Bill in other respects. I suggest that the Minister again postpone consideration of this clause. My principal objection is to the controlling of these streams at all. I would suggest to the Minister that he give the matter further consideration.

Mr. TURVEY: I take it that if an orchardist with land abutting on a stream wished to grow oranges for the market he would have to apply to the Minister for a special license to irrigate. If he grew only four shillings worth of stuff over and above his own requirements, he must apply for a license.

The Premier: He must have paid his fees.

Mr. TURVEY: Unless he obtain a license he cannot sell the product. I say the Minister is dictating to those people as to what they shall do with their products. If the Minister desired to protect those lower down the stream he could have gone about it by a different method, and without any dictation at all.

The Minister for Works: Make it one acre, and I will agree. Your only consideration is for the man at the top of the stream.

Mr. TURVEY: The Minister could have found other means of protecting those along the stream. There is no occasion to dictate as to what the orchardists should grow.

The Premier: He does not do that.

Mr. TURVEY: My only objection to the clause is that the Minister is taking unto himself the right to say to those people what they shall do with their products.

THE MINISTER FOR WORKS: There is no objection at all to what they shall do, provided they do not use water to the detriment of their neighbours. A man can grow as much as he wants for his own dwelling. If he wants more he has to get a license, which will give him the right to use a specific quantity of water in such a way as not to interfere with his neighbour.

Mr. Brown: Can a man feed cattle on his five acres?

THE MINISTER FOR WORKS: Yes. If those men at the top of the stream are allowed unlimited water the men down below will not get sufficient for domestic use. It must be remembered that without the Bill no man has a right to the water. We all know the difficulty there has been in connection with the brook referred to. The hon. member's constituents have been to law and have ruined one another in regard to this question. Now, when we propose to put a stop to this, he says we should give them a greater right than ever to rob one another.

Mr. ELLIOTT: The clause makes provision for water for the irrigating of five acres in connection with a dwelling. It must mean for the inmates of that dwelling. The inmates require groceries and meat and other necessities, and once we admit that the water is given in the interests of the inmates of that dwelling, the Minister's contention goes by the board. I take it that the inmates of the dwelling may produce more than they require, in which case there is nothing to prevent

them from selling the surplus in their own interests.

The PREMIER: Under the existing law no person, although his land abut on a stream, is permitted to so operate on the flow of the stream as to interfere with the rights of his neighbours further down the stream. He has no guarantee to-day that he will get sufficient water to irrigate five acres. The proposal is to assure to him free of charge sufficient water to irrigate five acres. If he desires to dispose of the products of that five acres he must pay for the water, the same as others. The only control exercised is to see that the men at the bottom of the stream have sufficient water and that the man at the top does not get the lot free. If there is sufficient for all purposes the man on top may have what he requires, whether it be sufficient for five acres or for 50 acres.

Hon. Frank Wilson: Not 50 acres?

The PREMIER: Yes.

Hon. Frank Wilson: He will have to pay for it.

The PREMIER: Certainly. The clause merely provides that equal consideration shall be shown to all. Members have asked that we should compensate a man. We propose to compensate him to the extent of giving him sufficient water free of cost to irrigate five acres, but of course, if he proposes to dispose of the product he must pay for the water.

Mr. S. Stubbs: What about established orchards?

The PREMIER: We are not going to take the water from them. The orchardists at the top of the stream cannot get enough water to irrigate their orchards to-day, for they cannot interfere with the stream.

Hon. J. Mitchell: That is nonsense.

The Minister for Works: They do it, but the law can prevent them.

The PREMIER: The law has prevented them. We provide that a man shall have free water only for the purpose of producing what he requires for domestic use. If he wants more he will have to take out a license. We do not want to reverse the existing conditions. The object of the clause is to see that

every man has equal rights to the natural stream.

Hon. J. MITCHELL moved as an amendment—

*That in line 10 the words "a garden" be struck out and "such land" inserted in lieu.*

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

Ayes	..	..	13
Noes	..	..	16

Majority against 3

#### AYES.

Mr. Broun	Mr. A. N. Plesse
Mr. Elliott	Mr. S. Stubbs
Mr. George	Mr. Turvey
Mr. Lefroy	Mr. F. Wilson
Mr. Male	Mr. Wisdom
Mr. Mitchell	Mr. Layman
Mr. Monger	(Teller.)

#### NOES.

Mr. Angwin	Mr. McDonald
Mr. Chesson	Mr. Mullany
Mr. Dwyer	Mr. Price
Mr. Foley	Mr. Scaddan
Mr. Hudson	Mr. Swan
Mr. Johnson	Mr. Walker
Mr. Johnston	Mr. Bolton
Mr. Lander	(Teller.)
Mr. Lewis	

Amendment thus negatived.

*Sitting suspended from 6.15 to 7.30 p.m.*

Hon. J. MITCHELL: The Minister has made it clear that he has no intention of allowing people to irrigate five acres unless they consume the products in the dwelling.

The Minister for Works: Unless they take out a license.

Hon. J. MITCHELL: Which of course will be at the sweet will of the Minister, who may charge whatever price he pleases.

The Minister for Works: And which I have stated will be a nominal amount.

Hon. J. MITCHELL: The Premier said it would bring in revenue.

The Minister for Works: He did not. You are misrepresenting what he said.

Hon. J. MITCHELL: Nothing of the sort. I believe the Minister desires to

get control of the streams so that there may be a charge made for the water. The five acres should remain and we should give unrestricted right to the owner to do what he pleases with the products. I am going to ask that the concluding words of the clause, "being part of such land and used in connection with the dwelling" be struck out, so that the owner might know where he stands. If a man irrigates at all and has a surplus of produce, under this clause he would not be able to sell it.

Hon. Frank Wilson: He is bound to have a surplus.

Hon. J. MITCHELL: And he would have to let it rot.

Mr. Underwood: He need not let it rot; he can get a license.

Hon. J. MITCHELL: He cannot get a license to sell stuff after the irrigation period is over; moreover, why should he have to get a license. We should define the rights of the people and not restrict the use of the water over the area it is proposed to allow free water for. I move an amendment—

*That the words at the end of the clause, "being part of such land and used in connection with a dwelling" be struck out.*

Amendment put and negatived.

Clause put and passed.

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

The MINISTER FOR WORKS: This clause deals with a different proposition inasmuch as we have been dealing with the stream on which it is not contemplated irrigation works will be constructed. Here, however, the clause is framed in anticipation of works being constructed for the purpose of irrigating a given district. If we were to allow the water beyond the limitation specified in this clause, it would mean that when we dammed up a river, the water would be diverted from that river for the purpose of irrigating a given area. If we were to amend the clause as hon. members desire, in addition to sending the water around these channels, we would have to allow a given quantity, sufficient to irrigate five acres down the main stream,

with the result that if we allowed the unrestricted use of water to irrigate those five acres, we would have to let so much down the main stream which would make it impossible for us to irrigate other areas in the district. Consequently it is an impossible proposition to alter the restriction.

Clause put and passed.

Clause 62—Water supply to railways:

The MINISTER FOR WORKS: There has been an omission from this clause. Last session I explained that the Midland Railway Company thought they were being unduly interfered with, and through their attorney, Mr. Murcott, they suggested that certain words should be inserted which would be sufficient to protect their interests. The Government could see no objection to the company having a right that they already enjoyed and, as it would not interfere with the principles of the Bill, it was agreed to add certain words to the clause. Through an oversight of the draftsman, these words have been omitted from the clause. I propose now, with the permission of the House to reinsert them. I move as an amendment—

*That the following words be added to the end of the clause:—"constructed under the authority of a special Act; and, subject only to riparian rights under this Act, water may be lawfully taken for such purposes."*

Hon. J. MITCHELL: Why is the Minister so ready to do so much for the Midland Railway Company and so little for the farmers? I agree that every railway must be supplied with water, but the Minister's attitude towards the company is in sharp contrast to his attitude towards other people. All through the Bill the Minister has been in direct opposition to those who have any rights at all.

The MINISTER FOR WORKS: The hon. member is merely continuing that political claptrap of which there has been so much lately in the Press. He seems to have the Midland Railway Company on the brain, and has tried to read into the clause something which will continue the criticism which he has levelled against the company during the last

month or so, and in connection with which he has got the worst of the deal. It is incorrect that we are doing for the company something which we are denying to others. If any man has a well or dam on his property it will not be interfered with under this measure. The Midland Company have certain water supplies which, in their opinion, will be interfered with by this measure. There is a difference of opinion between the Crown Law Department and the Midland Railway Company on the question. I do not think the amendment is necessary, but rather than have an argument, I have agreed to its insertion.

Hon. J. MITCHELL: I have no quarrel with the Midland Railway Company and have not said a word against them. I desire to help them as far as I can.

The Minister for Works: Like you are trying to help irrigation.

Hon. J. MITCHELL: The Midland Company should have sympathetic treatment, but I ask for the same treatment for everyone. The Minister missed the point entirely, as he always does whenever he troubles to reply.

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

Bill again reported with further amendments.

## BILL—ELECTORAL ACT AMENDMENT.

### *Second reading.*

The ATTORNEY GENERAL (Hon. T. Walker—Kanowna) [7.50] in moving the second reading said: This is not an extensive reform of the Electoral Act, but it is one which the department have deemed necessary in the interest of getting clean and complete rolls. It will be remembered that some little time ago there was quite a stir in another Chamber and considerable correspondence in the newspapers in reference to what were alleged to be irregularities in the Geraldton district on the part of the electoral officer. It appears that some names had been put upon the roll and the claim cards did not bear the number of the house, or

even the name of the street where the people lived within a municipality or townsite. It was then pointed out that in some parts of the State it was almost an impossibility to give the number of the house, especially in those parts where houses are not numbered and where, in fact, streets are not by usage known. There are a number of electoral districts in this State in which very many years ago townsites were surveyed, and while, of course, a record of them is kept in the department, and by name they are well known, the exact locality is a matter of conjecture. Even the survey pegs have been eaten out by white ants, and we could not possibly locate them without a resurvey of the townsite.

Mr. Taylor: Powellise the townsite.

Hon. J. Mitchell: It would be of no use powellising the pegs.

The ATTORNEY GENERAL: Section 44 of the principal Act, which this Bill seeks to amend, contains a subsection as follows:—

If the residence of the claimant is within a municipal district or townsite, the name of the street and the number of the house, if numbered, shall be stated.

This makes it compulsory that the name of a street in a townsite shall be given, and if there be numbers, then the number of the house in the street shall be stated. As a matter of fact, there are townsites without streets existing in this State, that is, places technically known as townsites, but in reality we cannot locate them, and whether a voter is living upon the actual townsite, or outside of it, cannot be distinctly or accurately asserted. The object of this measure is to secure to every elector the right to have his name upon the roll. It was the original intention of the Act, and we are in no sense seeking to alter the spirit or the purpose or the intention of the Legislature when they passed the principal Act. In connection with municipalities, if a man, registered as residing in a street in Perth, moves to another part of the same constituency, he does not lose his vote.

Mr. Elliott: He has to give notice of his change of address.

The ATTORNEY GENERAL: He is supposed to, but if his name is on the roll for John-street, and he has moved to George-street, he can claim the right to vote, even if his removal took place more than three months previously, provided his residence has been continuous in the district. If he is in the district he has a right to vote. The object of Section 44 of the original Act was simply to enable the electoral registrar to be sure that the voter claiming the right to vote lived within the district, and had a right to appear upon that particular roll. It was for no other purpose.

Hon. J. Mitchell: He must say where he is to be found.

The ATTORNEY GENERAL: That is to say, in the district.

Hon. J. Mitchell: Would you get him off the roll if he did not say?

The ATTORNEY GENERAL: Every one can say whether he is in a particular district, but he cannot necessarily give the name of the street and the number of the house, as required by Section 44 of the Act. If we allow this to continue, and strictly enforce it, the consequence must be to disfranchise quite a number of voters who are fully entitled to have their names on the roll. This small measure simply seeks to rectify this defect. It states, as has been done before, the essential parts of a claim, and then makes certain provisos. If the residence of the claimant is within a municipal district or townsite, the name of the street, if such name is by usage commonly known, shall be given, and if there be a number to the house in which the claimant lives, it shall be stated, but if the residence of the claimant is not within a municipal district or townsite, his residence shall be stated with such particulars as are sufficient to enable the locality of such residence to be ascertained. This is practically preserving all that we have in the old section, but we provide that the registrar may, in his discretion, accept and register a claim notwithstanding that the requirements of this subclause are not strictly complied

with, if he is satisfied that the claimant resides within the district.

Hon. J. Mitchell: Who?

The ATTORNEY GENERAL: The registrar has to be satisfied that the claimant lives within the district. This being so, he is entitled to have his name placed on the roll. I do not think that I need elaborate upon this reform. It is a reform to which attention was directed in another place, and by a member of another place in the Press, and as we all desire to have full and complete rolls, recognising the necessity for every citizen taking his share in political duties, I feel confident that there will be no difficulty in getting the measure through this Chamber. I move—

*That the Bill be now read a second time.*

Hon. J. MITCHELL (Northam) [7.59]: The Minister stated that this is a small measure and that there is no need to adjourn the debate on the second reading. I think Ministers would do well to bring down their Bills so as to give members sufficient time to consider their proposals. This measure is important. The proviso to Clause 2 is the important part of the new proposal. No one objects to having a complete roll, and we all want everyone put on the roll. We want to give everyone the fullest possible opportunity of getting on the roll and voting. There can be no gainsaying that. Members of this House have never been afraid of the vote of the people, of all the people, and any objection which has been raised in the method of registration has been in the interests merely of a clean roll. People in this country travel about a great deal. They move about from place to place, with the result that their names often appear on two or three separate rolls. It will probably be admitted by the Attorney General that this is done, and often done, by large numbers of men. This is very unsatisfactory indeed. I should like to see this Act include some provision under which a man would be compelled to vote in the electorate which contains his home. But of course the Bill does not provide for that. It sometimes happens, and often does, that a man's residence is

in Perth, and that whilst he is resident there he gets on the Perth roll. Subsequently he may go into, say, the Pilbara electorate, and after some time he can get on the roll for that electorate. It is possible for any of the officers of the Attorney General to say that the residence of this elector is other than the residence known in Perth. When a man is travelling about the country doing contract work, clearing, or working on a railway, he has no fixed place of abode. The electoral officers then have to find the home of the man, and it could quite well happen that he would get on another roll, although his permanent residence is in Perth, and he is on the Perth roll. I do not say that a man often votes twice, but it has been said, I believe with some truth, that men have voted more than once. Of course, we know it is very easy for mistakes to occur in this way. What we want is a complete roll and to make it impossible for a man to be placed more than once on the rolls of the State. If this end were aimed at by the Attorney General he would be doing a great service to the community. It is absolutely imperative that every elector should say where he is to be found. I do not care where he lives, but a man must live in some kind of boarding-house, private residence, or other establishment.

Mr. Underwood: He might camp under a tree, or in a wagon.

Hon. J. MITCHELL: That is so, but these men who wander about the country are probably engaged in prospecting or droving.

Mr. Underwood: What about a teamster in Pilbara?

Hon. J. MITCHELL: There are not dozens or hundreds of teamsters in Pilbara. Teamsters are usually found on some station or other.

Mr. Underwood: They are just casual teamsters.

Hon. J. MITCHELL: There may be some casual teamsters, but they must have some fixed address at which they can be found. I want to point out how important this is. It is impossible for the Attorney General or his officers to clean up the roll if they have not the right to say to a man, "You have given us your fixed ad-



dress, but we cannot ascertain that you are to be found there, and we cannot hear of you at all." They must be able to say if a man is not to be found at his permanent address that he must come off the roll. The Attorney General or his officers strike numbers of men off the roll when they make their periodical canvass. It is no use the member for Pilbara smiling in that incredulous fashion. I can quite understand that he has Pilbara on his mind and no other part of the State. Quite 99 per cent. of the people of the State have some fixed place of abode. The Attorney General has explained that he is amending the Bill in order that electors may have a wider opportunity of describing their place of residence.

The Attorney General: The Bill provides for those who live outside a town-site or in a place where houses are not numbered and streets are not made.

Hon. J. MITCHELL: So far as that amendment goes it is very necessary and right, and I am not objecting to it. Evidently the Attorney General has not been able to impress the member for Pilbara with the wisdom of the change. The words to be added in Subsection (d) of this clause are a decided advantage. It is absolutely necessary, and no light matter, that we should have clean rolls, and that any person should be enabled to check the rolls. It is quite possible for a single boarding-house to be the place of residence for 100 people who get on the roll. It ought to be possible for any person who likes to interest himself in the matter to see that the rolls are kept in order, and that the people who have left these boarding-houses are struck off the roll if necessary. No one could object, or any hon. member here, to a provision of that sort, and by making this provision the Attorney General has done very well indeed. I have nothing to say against the proposed amendment so far as the provision as to addresses is concerned. It is a very reasonable and right one. Of course we have to amend our Acts from time to time, and bring them up to date. I want the Attorney General to realise that we are entirely with him so far as that is concerned. In the old Act Clause 44

deals with the description of a place of residence, but the Attorney General did not approve of Clause 44. He now has a proviso which is that all this is to happen unless the registrar says otherwise. Can the Attorney General in all seriousness ask us to agree to this proviso?

The Attorney General: I think so.

Hon. J. MITCHELL: I do not think so at all. Everything that it is necessary to do is done in a direct way in this law as amended by the Attorney General. Nothing more is wanted. But he says all this is to be done unless the registrar thinks otherwise. That is practically what it means. This Bill enables the registrar to do just as he pleases. Matters are left to the absolute discretion of the registrar, unquestioned by the Attorney General or the Chief Electoral Officer. Simply at the discretion of the registrar any man may be put upon the roll. Is that reasonable?

The Attorney General: If he lives in a district.

Mr. Underwood: If the registrar is satisfied that he lives in a district.

Hon. J. MITCHELL: Yes, but I want to point out that this Act is so designed that not only the registrar but any other person interested can check the rolls. If this proviso is accepted then no hon. member can check any roll at all. The registrar will be the sole judge of the roll. With him will rest the full responsibility of keeping them up to date. Is that right? Every name appearing on the roll should contain sufficient information to enable any person who is interested to say whether the man named on the roll is entitled to vote. If we put this proviso in, however, the registrar will be the only man who can do this.

The Attorney General: No.

Hon. J. MITCHELL: Yes, it is at his sole discretion.

The Attorney General: It does not say so.

Hon. J. MITCHELL: Yes, it does; it says the registrar may do these things at his discretion.

Mr. Underwood: If he has no discretion we will get rid of him.

Hon. J. MITCHELL: It is just here that I disagree with the Attorney General.

The Attorney General: Provided the registrar is satisfied that a man lives in a district.

Hon. J. MITCHELL: Let me tell the Attorney General that Pilbara, for instance, is a very big electorate. Kimberley is even more extensive.

Mr. Underwood: No.

Hon. J. MITCHELL: I will leave these northern provinces and come down to the Avon electorate, which is fairly extensive, though not bigger than many others. The registrar, I think, lives at Northam. He has to satisfy himself that an elector is resident in the Avon district, which includes many townships, such as Tammin, Kellerberrin, Meckering, and many other small centres and farms.

Mr. Underwood: There is not a house amongst them.

Hon. J. MITCHELL: There are also many people living along the railway line, and every person living there should give some fixed place of abode. Notwithstanding the vastness of the area, the registrar has to satisfy himself that an elector is somewhere within that area.

Mr. Lander: How do you get along with clearers?

Hon. J. MITCHELL: Does the Attorney General think that the registrar is in a position to do that?

The Attorney General: If a man sends in a claim, say, under the name of "John Smith, Meckering"?

Hon. J. MITCHELL: He should not get on the roll.

The Attorney General: Why?

Hon. J. MITCHELL: Because he cannot stay in the Meckering township unless he lives in a house.

The Attorney General: There is no street, so how can you describe his residence?

Hon. J. MITCHELL: Every street in Meckering has a name.

Mr. Underwood: Supposing he is living not in a street, but on a reserve or common?

Hon. J. MITCHELL: I think that any man who is entitled to vote will have sufficient intelligence to say whereabouts in the Meckering area he is living. He is not likely to be living in a tent month after month, and even if he does, he must live in some particular locality. This Bill is certainly improving the Act in that regard, for it makes it possible to describe the residence of the applicants in a way that was not open to the electors before. The proviso that I am speaking of, however, is absolutely unnecessary, and will, of course, lead to complications, and possibly to fraud. It would be utterly impossible for any official fixed in a centre 100 miles from the outer boundary of a district to say whether a claimant is entitled to be registered or not.

The Attorney General: He has to satisfy himself.

Hon. J. MITCHELL: It is impossible, I say, for the registrar to make inquiries as to where a man is supposed to be at the time he is put on the roll. It is equally impossible for any other elector to exercise his undoubted right to check the roll. I object to this proviso, which makes the registrar more powerful than the Chief Electoral Officer, in the preparation of all rolls. We do not know who these registrars may be from time to time. We are not certain that a man will know his duties, or the district in which he is situated, or whether he is capable of exercising the very broad and wise discretion which the Minister thrusts upon him. Whilst I approve of the other amendment contained in the small Bill I do most seriously and strenuously oppose the introduction of this proviso. In my opinion it destroys all the good that the Attorney General seeks to do.

The Attorney General: That is practically impossible, speaking with respect. The proviso is the Bill.

Hon. J. MITCHELL: I am afraid that that is the case. I have been afraid all along that that is the case, and that is why I am just as certain that the proviso makes the Bill a bad Bill as the Attorney General is certain that the proviso makes the Bill a good Bill. In the case

of Geraldton there was objection, because the addresses were imperfect; and the Attorney General says, "I agree that the addresses were imperfect, and so I amend the Bill."

The Attorney General: They were right, all right; but they were informal because the names of the streets were not there.

Hon. J. MITCHELL: The Attorney General proposes to amend the law in order to obviate that trouble in the future. He admits that that was wrong. But, having done that, having thrown dust in our eyes in that regard, he sets to work to undo all the good he has otherwise achieved. He says the registrar may, at his discretion, do as he pleases. Why, every man, if the registrar so determines, may get on the roll with any address! Hundreds of men in any electorate could register care of the postmaster at some place or other, if they cared to do so.

The Attorney General: If they are electors within the district, they have a right to be on the roll.

Hon. J. MITCHELL: Certainly; but not when they are outside the district. That is what we fear would be the case under this proviso, and that is what we object to.

Mr. Taylor: The domicile gives them the right to vote.

Hon. J. MITCHELL: But there is no domicile. The hon. member should read the Act and this Bill. I have admitted already that the Attorney General has improved the Act in one respect, but the proviso will destroy the Act, as far as registration is concerned, otherwise. I hope hon. members opposite will look at this little measure, and on page 2 they will see the proviso; and if they agree to it I shall be astonished. At any rate, as far as we sitting on this side are concerned, we object to the proviso because we believe it will not make for a clean roll or achieve the object which the Attorney General has set out in the other portion of the Bill to achieve. I trust the Attorney General will agree to strike out that proviso. He amends the Act very satisfactorily without that proviso. It is not required to enable every man

in this State to get upon the roll: it is only necessary if a registrar happens to be a careless person and wishes to do his work in careless fashion. I warn hon. members that if this proviso is retained, they themselves will never be able to clean up a roll as they ought to be able to clean it up if they so desire. I hope, at all events, that the Attorney General will not put the measure through Committee to-day, because it is quite obvious that hon. members have not considered the Bill, and in the matter of the Electoral Act every member should take a keen interest. After all, every one of us is concerned to have a clean roll and to have the Electoral Act just as perfect as it can be.

Mr. LANDER (East Perth) [8.19]: I hope the Attorney General will not take any notice whatever of the remarks of the member for Northam (Hon. J. Mitchell). The proviso is absolutely necessary. Take for instance the case of the men on the rabbit-proof fence, and of the men prospecting along that fence. I defy anyone to say what electorate those men were in. All that could be said was that they were somewhere on the rabbit-proof fence. And that was the case for years. The men could not say that they were in any township. Again, between Ravens-thorpe and Broomehill—

Hon. J. Mitchell: They are not there now.

Mr. LANDER: But they were there. They could not say that they were in any particular place: they could only say they were on some location. I hope the Attorney General will see his way to allow this proviso to stand. As for stuffing the rolls, we have heard a lot about that from our friends on the other side. The Federal Government made a great effort to obtain information in regard to roll-stuffing. But what do we find? We find that men who should know better go and vote twice—men occupying good positions, good Liberals, who should have known better. Now, if it had been a Labour man who had voted twice—

Hon. J. Mitchell: It would not have been a mistake then. That is the difference.

Mr. LANDER: I admit that Liberals would have said it had been done intentionally. The hon. member knows as well as I do that in travelling about the country one comes across men who do not know where they are living—men travelling on a railway survey, for instance, located in a place that is unnamed. I think we ought to have sufficient confidence in the electoral registrars to allow them the discretion of saying whether a claimant should be placed on the roll or not. With regard to the honesty of electoral registrars, we need not confine ourselves to Western Australia. I do not think it can be said that there have been in the whole of Australia many cases of dishonesty on the part of electoral registrars to either one party or the other. Taking them all through, we must give them credit for being honest men. The proviso should stand, if we have confidence in our electoral registrars.

Mr. UNDERWOOD (Pilbara) [S.22]: Just a few words in reply to the remarks of the member for Northam (Hon. J. Mitchell). The hon. gentleman asserts that everybody must have a residence. Now, I can assure him that I have lived a good few years in this State without having anything that could be called a residence. I have been for years camped at places which could not be correctly described by any name, and there are not dozens but thousands—

Mr. Lander: That is right.

Mr. UNDERWOOD: Of prospectors in this State who, for the purposes of a claim card, have no residence. It happens occasionally that a man may be working a mine, that he has a mining lease, and then he can put in the mining lease as his address. But a man who is camped on a waterhole or a creek has no residence that can be described on a claim card. As a matter of fact, he has just a spinifex humpy and a fly.

Hon. J. Mitchell: Why cannot he say that?

Mr. UNDERWOOD: Would that assist the registrar?

Hon. J. Mitchell: Oh, considerably.

Mr. UNDERWOOD: Would it assist the registrar in the slightest degree to be told that the claimant resides in a spinifex humpy near Bennet's Soak?

Hon. J. Mitchell: Of course it would.

Mr. UNDERWOOD: The man's postal address would show Nullagine.

Hon. J. Mitchell: Where is Nullagine?

Mr. UNDERWOOD: The electoral registrars have a better knowledge of the State than the member for Northam has, and they would know where Nullagine is. I wish to put cases before the House showing the necessity for this Bill. The townsite at Bamboo Creek, for instance, was surveyed something like 20 years ago; and there have been only two residences, I think, ever built on the actual townsite, notwithstanding that there is a number of people in the vicinity. At the present time there is not even a peg to be found, and not the slightest indication of where the streets are. Yet at the present time there are about 50 men camped in that neighbourhood. Not one of those men could state what street he resides in. As a matter of fact, very few of them live in streets at Bamboo Creek. There is no address they could put on their claim cards, except Bamboo Creek. There is no other place they could describe their residence as being, and the only postal address they could give would be "care of the post office, Bamboo Creek." The member for Northam, I presume, desires that these people should name their spinifex humpies and send the names to the electoral registrar.

Mr. Taylor: They could call them "Toorak."

Mr. UNDERWOOD: Yes; "Toorak" and "Northam."

Hon. J. Mitchell: "Pilbara."

Mr. UNDERWOOD: "Pilbara," or something like that.

Mr. Taylor: What is wrong with "St. Kilda"?

Mr. UNDERWOOD: To attempt to enforce such a condition would simply mean that thousands of genuine electors in Western Australia would be deprived of the vote. I compliment the hon. Attorney General on his endeavour to im-

prove the law so as to permit of everybody in Western Australia who is entitled to vote having the privilege of voting. As a matter of fact, the opponents of the Labour party have almost invariably been in favour of a cramped roll.

Hon. J. Mitchell: Oh!

Mr. UNDERWOOD: One of the most strenuous fights that we have had has been to get the people on the roll.

Hon. J. Mitchell: What?

Mr. UNDERWOOD: Cramping has always been in favour with our opponents. They do not like the teamster, the prospector, and other "nomads," as they call them, to have a vote at all, because those "nomads" are apt to vote against our friends opposite.

Mr. Dwyer: "The flosam and jetsam."

Mr. UNDERWOOD: Again, in regard to teamsters, I wish to tell the hon. gentleman that in Pilbara alone there are at least 20 teamsters who have absolutely no permanent place of abode.

Hon. J. Mitchell: But they go from somewhere to somewhere.

Mr. UNDERWOOD: They go from Port Hedland to, say, Ethel Creek, about 400 miles.

Hon. J. Mitchell: "Port Hedland, teamster," would be the address.

Mr. UNDERWOOD: They may not be in Port Hedland once in a year. They may cart between stations. They may cart from Congdon. They may be pulling out stuff from Whim Creek.

Hon. J. Mitchell: That is another electorate.

Mr. UNDERWOOD: They are still entitled to have a vote, and a say in the government of this country. Indeed, they are just as much entitled to a vote as is the hon. gentleman who is kicking up such a fuss over this.

Hon. J. Mitchell: I quite agree with you.

Mr. UNDERWOOD: If it may be permissible to discuss a clause on the second reading, I should like to refer to the proviso. That proviso has been inserted in order to allow such people as I have been speaking of to get on the roll. If I have shown that it is impossible for those peo-

ple to state on a claim card any positive place of residence, then hon. members must agree that it is necessary to enact some provision by which those people can get on the roll; and the Attorney General has made provision for them here, and he has thoroughly safeguarded the provision. He calls on the registrar to be satisfied. He does not leave it in the registrar's discretion. There is no discretion about it. The registrar has to be satisfied.

Hon. J. Mitchell: Read the proviso.

Mr. UNDERWOOD: I am not allowed to do so on the second reading. Of course, the hon. member interjecting may be; but it is against the Standing Orders. The registrar has to satisfy himself that the claimant resides within the electoral district.

Hon. J. Mitchell: Satisfy himself by what means?

Mr. UNDERWOOD: By any means he can get hold of, by any means in his power. There would be any number of means of ascertaining it. This proviso, in my opinion, furnishes the only means by which it is possible to enrol the people I have described. I do not consider it necessary to urge the Attorney General to retain the proviso. I am pretty sure the hon. gentleman will retain it.

Mr. FOLEY (Leonora) [S.30]: The amendment seeks to give those people who are opening up the country the opportunity to vote which the present Act does not give. When a claim is made by a person, the argument might be brought forward that the registrar would not know whether it was in order or not. Opponents of the amendment can rest assured that on the claim card that every elector has to sign, provision is made for endorsement by another elector, or a man holding a certain position in the State, and no matter whether the man lives 100 or more miles from where the registrar may be, the registrar will always have that man to appeal to in order to make sure that the claim card is in order. The member for Northam (Hon. J. Mitchell) said he would like to see the existing Act amended in a different way. He considered that a man should have one place of residence, and make that his domicile, and have his

name on the roll for that place. The hon. member instanced Perth and said that no matter where the elector went, he could vote for Perth. That would be all right, but the man might be debarred from exercising his vote because he would have to go to so much trouble in order to vote by post, and so much time might elapse after the issue of the writ that the election might be over before the man could get his voucher and return it. If teamsters go from somewhere to somewhere we know that when they enrol they do not give their address as "camping in a wagon." If they go from one town to another they generally mention the name of one or other of those towns. But teamsters are not the only people who move about a State. I have a vivid recollection of commercial travellers going around the State and dropping in at Menzies on one occasion and becoming enrolled there in sufficient numbers to turn the result of an election against the party with which I am associated. It is questionable whether the practice should be permitted to exist; the present Act certainly does allow it. If we want to see a clean roll, as the member for Pilbara (Mr. Underwood) said, we should pass the amendment proposed by the Attorney General. Many people follow a migratory occupation, and provided they explain that they are camping half a mile south or east of the railway line, or half a mile east or south of the town they might be working in, if the registrar is satisfied with the description given, the individual in question should not be debarred from having a vote.

Mr. Wisdom: The Act provides for that.

Mr. FOLEY: It does not. The existing Act provides that any claim that does not comply with the section it is now proposed to amend, shall be rejected, and it goes on to say that there must be made a definite statement in regard to the street and the number of the house that the individual lives in. A man might be living in a municipality and yet not be living in one of its streets. On one side of the railway line in that municipality there might be the town with streets, and on the other side of it there might be no streets

at all. I trust that the amendment as proposed will be passed by this and another Chamber so that we may all see clean and full rolls obtaining in this State. What we in this House want to see is that all names are placed on the roll. The Labour party desire a big roll, and it has never happened in this State that the Labour party have failed with a big poll. The greater the poll the better we like it.

Question put and passed.

Bill read a second time.

### *In Committee.*

Mr. McDowall in the Chair, the Attorney General in charge of the Bill.

Clause 1—agreed to.

Clause 2—Amendment of Section 44:

Hon. J. MITCHELL: The section the Attorney General is seeking to amend provides that if the residence of a claimant is not within a municipality, district, or townsite the residence shall be stated with such particulars as are, in the opinion of the registrar, sufficient to enable the exact locality to be ascertained.

The Premier: That is outside a municipality.

Hon. J. MITCHELL: The proviso in the Bill states that the registrar may, in his discretion, accept and register a claim, notwithstanding that the requirements of this subsection are not strictly complied with, if he is satisfied that the claimant resides within the district. I would accept that proviso if I thought it necessary.

The Premier: This provides for inside a municipality.

Hon. J. MITCHELL: The Premier now wants to provide for people who have no fixed abode. If the proviso goes through, and there should happen to be a careless registrar, there is bound to be an uncertain roll. A grave injustice will be done if this goes through. It will be utterly impossible for any person to assist the officers of the department to clean up the rolls. The proviso will destroy the Bill entirely. It will get the rolls into a bad state more than anything else that could possibly happen. The Attorney General knows that the essence of the

business is to be able to trace every name upon the roll. That is not provided for here, and if it is not insisted upon, then goodbye to any semblance of a decent roll.

Mr. Bolton: You make it clear to the registrar under the amendment.

Hon. J. MITCHELL: I object to a definite provision in the clause and then afterwards saying that the registrar may do as he pleases.

The ATTORNEY GENERAL: I am at a loss to understand what the hon. member is driving at.

Mr. Underwood: It is not because he has not said it often enough.

The ATTORNEY GENERAL: That is so. In my opening remarks I said that there were townships in this State which for all electoral purposes were now obliterated; they existed on the map, so far as being called a name, but there was neither street nor house number in these towns, and no person living in the vicinity could tell whether he was in the townsite or outside of it.

Hon. J. Mitchell: You provided for that.

The ATTORNEY GENERAL: The hon. member is mistaken. The hon. member might know that he is living in a townsite or that the district he is living in is called a townsite, but that the townsite has no streets and no numbers. The existing Act says that if he lives in a townsite he must give the name of the street and the number of the house.

Hon. J. Mitchell: But you alter that.

The ATTORNEY GENERAL: Quite true, but he cannot now comply with the full requirements of the Act. Suppose a man is living in an out-of-the-way municipality, and has no means of particularly describing where he lives, except to declare it is in, say, Kanowna. He could not say where the street was, or give its name or the number of the house. Such conditions as these exist in many parts of the State, and it is these we wish to provide against. The proviso does not, as the hon. member contends, give a discretionary choice to the registrars to do as they please. It im-

poses a duty upon the registrar, compelling him to satisfy himself that the claimant lives within a given district before he allows the name of the claimant to go on the roll. The whole spirit of the Act is to give people a chance to get on the roll, and the clause imposes upon the registrar the duty of satisfying himself that the claimant lives within a given district. The discretion in the proviso cannot be exercised before the registrar has assured himself on that point. Once a registrar has satisfied himself that the claimant is a resident of a given district, he may exercise his discretion as to the acceptance of the description of the claimant's residence.

Mr. Wisdom: Why bother about an address at all?

The ATTORNEY GENERAL: In order to know in what district a man has to be placed. The description must be sufficient to satisfy the registrar that the claimant is resident in the district for which he claims a vote. The amendment is a very necessary one.

Mr. WISDOM: The Attorney General has made out a very good case for the original amendment, but a bad one for the proviso. The whole question hinges upon the recent trouble in Geraldton, and the Attorney General suggested that the purpose of the clause was to prevent a repetition of that trouble. But the proviso permits of a recurrence of the trouble, and, moreover, will legalise it, whereas it was not legal before. Under the proviso it will be possible for a man to appear on the roll as "John Smith, Geraldton," the very thing the Attorney General has told us he would do away with.

The Premier: It was never claimed that those people were improperly enrolled. They were entitled to be enrolled.

Mr. WISDOM: But they were improperly enrolled. The Attorney General provides quite well for the case of unnamed streets and unnumbered houses, because the name of the street will now be necessary only when such name is by usage commonly known, while the number

of the house is not necessary if the streets are unnumbered. The clause makes it quite possible in such cases to register "John Smith, Geraldton," or "John Smith" of any other municipality where such conditions exist. The whole difficulty of providing for those people is met, but the proviso gives opportunity for a careless registrar to put any man on the roll, irrespective of whether or not he gives an address. The clause is an excellent one, but the proviso is extremely dangerous.

Hon. J. MITCHELL: Every person in the settled portions of the State lives on a numbered block.

The Premier: No provision is made for the number of the block to be given.

Mr. Bolton: Scarcely 5 per cent. of the voters in the Murray electorate have an address.

Hon. J. MITCHELL: Any man living on a numbered block can describe his place of residence easily and accurately. I hope the Attorney General will agree to the striking out of the proviso.

Clause put and passed.

Clause 3—agreed to.

Title—agreed to.

Bill reported without amendment, and the report adopted.

## BILL—SUPPLY (TEMPORARY ADVANCES), £230,830.

### *Message.*

Message from the Governor received and read recommending this Bill.

## BILL—BILLS OF SALE ACT AMENDMENT.

### *Second Reading.*

Debate resumed from the 21st July.

Hon. J. MITCHELL (Northam) [8.58]: The Attorney General, in introducing the Bill the other day, led us to understand that it was much the same as that of last year. I believe it is, but I do not think the Attorney General was justified in saying it had been introduced at the request of the Chamber of Commerce. The Chamber of Commerce did not ask

the Attorney General to place in this measure the important principles involved. There are many such principles which have been given a place in the Bill at the instigation of the Attorney General. The Chamber of Commerce asked that a Bill be introduced to provide one small amendment on the existing law, but the Attorney General has added materially to the request of the Chamber of Commerce, and the Chamber cannot, by any stretch of the imagination, be said to endorse these additional proposals.

The Premier: That does not make the Bill any the worse.

Hon. J. MITCHELL: I did not say that it does, but the Attorney General used it as an argument that the Chamber of Commerce had asked for the Bill. Last year I asked that the hirer of goods under a hire purchase agreement should be protected under this or some other measure. I believe the purchaser under the hire purchase system should be protected under the Bills of Sale Act. The Attorney General, who expressed sympathy with my proposal last year, has seen fit to put forward the Bill again without including the provision I asked for. This Bill contains a clause to protect the wages of employees. I do not think the Attorney General is at all sincere in asking the House to agree to this provision. It sounds rather well to say to the working men, "Your wages will be protected against all comers," but I will show how little the Government believe in this idea, because they do not say that men who work for people who borrow money from Government departments shall be protected when their wages become due. If work is to be carried on, and if the improvement of this country is to continue, we must have money, and must borrow money. The most important thing for the worker is to find work, and sufficiency of work makes the worker independent. A shortage of work, no matter what the Act of Parliament might be, or what might be done by the Attorney General, will not make a man independent. The worker can only work and he can only work satisfactorily when there is competition among employ-



ers. The Attorney General says the man who gives a bill of sale is not to be secured. He virtually says there shall be no further borrowing where the security is to be a bill of sale. I would like to know who would lend money under the security of a bill of sale, if he is not to be protected against any claims which might be made against the grantor. The Attorney General says wages shall come first. Last year the Attorney General said that wages might be regarded very much the same as rent. In the matter of rent everyone knows exactly what the tenant is paying. It might be 10s. a week for a cottage, or it might be £1 a week for a better house, but it cannot be very much in the aggregate. But it is totally different where wages are concerned. The man who has house property to let is protected so far as his rent is concerned, but why? It is not in order that he may be certain of getting his rent, but that people without money may get occupancy of a house. The law protects the landlord in order that the landlord may allow the tenant to take possession without demanding the rent in advance, as he would assuredly do if he were not protected and had not the first claim against the goods upon his property. This provision is entirely favourable to those who work. The worker is often out of a job for a time and cannot pay his rent promptly. The workers of this city, who were on strike recently, were advised by the Trades Hall authorities not to pay their rent. I dare say the rent would be the last thing they would pay, seeing that it is secured under the law, and that the tenant is sure of being allowed to remain in possession of his home for a considerable time, so long as the value of the furniture is sufficient to cover the rent due. But when it comes to a matter of protecting wages under a bill of sale, it would be impossible to lend under this handy form of security which has done much to enable men to be kept in employment and wages to be paid. The Timber Workers' Co-operative Society recently published their balance-sheet, which showed that they had borrowed money with which to erect mills and establish their works. What would they have done if they could not have given

their mills as security for the money borrowed? If, as the Attorney General wishes to provide, the wages in a case of this sort could become a first claim, the position would be that with hundreds of men working there, and wages overdue for a few weeks, the security of the man who lent the money for the erection of the mills would be gone. Would that be fair or right, or in the interests of the worker? Can the Attorney General cite a case in which wages have been lost because of seizure under a bill of sale? Does he know of a case in which the security has been realised and the property of the employer broken up? I venture to say he does not. If the Attorney General wishes wages to come first, I would like to know what will become of the mortgage over real estate. Will the Minister advocate this for a moment? Not he. He will not advocate that wages shall come before the mortgages of the Agricultural Bank. Recently I was approached by a man who did some clearing for a borrower from the Agricultural Bank, for which he was not paid. The property fell into the hands of the bank, who sold it, and the man had to go without his money. Will the Attorney General say that he will put the two millions of money advanced by the Agricultural Bank in jeopardy, as he would be doing, if the borrowers from that institution, which is exceedingly liberal, had a right to employ men wherever they pleased about the country, giving to them the right to get their wages, even against the bank which advanced the money. If the Attorney General is sincere, he will see that the man who complained to me is paid, notwithstanding that the bank had already advanced the money for the work to the owner of the property. We cannot discriminate between one form of security and another. The Attorney General's contention is childish and absolutely wrong. Why protect the landowner, the man who lends money on mortgage over land and refuse to protect the man who lends money on mortgage over a timber mill or other movable goods? The suggestion is illogical and wrong from the point of view of the worker. At any rate, if the Attorney General wishes to do the one,

he must certainly attempt to do the other. Probably the greatest sin committed by the Government has been in connection with the destruction of security. The security of land and security of any kind is not worth as much as it was because of these constant attacks. This measure shows what the Attorney General is prepared to do. Whether it be wise or unwise, the Government do not seem to care so long as they can throw dust in the eyes of the worker and make him believe they are seeking to protect him and that all who object are willing that he should be deprived of his wages. As a matter of fact, experience does not justify the inclusion of this clause in the Bill; neither does experience demand of the Attorney General that he shall attack securities on every possible occasion. What we want is opportunity to the people, and the broadest possible opportunity at that. In a producing country like this the people must be borrowers, and they ought to be able to borrow on the most favourable market. But this cannot be done satisfactorily if the personal element is to count for so much, as most assuredly it will if this Bill is passed. Only very well known people of undoubted repute will be able to borrow at all on anything which is movable, and this, of course, is what we should guard against. We want to give all enterprising and energetic people, who wish to start a saw mill or put machinery on a mine, or do the hundred and one other things which provide employment, the opportunity to do the work which is so much needed. There is a provision which protects the department for the advance of seed wheat and fertiliser. This was included in last year's Bill and it is a good provision. But there is something which might very well be objected to in the provision made by the Minister. He takes special precaution in regard to the bill of sale granted to the Minister for Agriculture, or any officer of the Department of Agriculture. The Department of Agriculture is to trade but the Minister is not to be considered an ordinary trader. He is to be exempted from the ordinary conditions, and why? This applies to any bill of sale given. It might be for stock, or machinery, or anything.

The Minister is not to be considered an ordinary trader although he is engaged in ordinary enterprises. Can the Minister justify this discrimination under a bill of sale? Of course he cannot. There is no suggestion of reasonableness in the proposal. I know how this provision found a place in the Bill. The Minister for Agriculture receives assignments of growing crops from many farmers, and he issues orders or permits to storekeepers to supply goods, and at the end of the season he gets the proceeds of the crops and divides the money among those who have given credit.

The Attorney General: Is not that a good thing?

Hon. J. MITCHELL: I daresay it is; at any rate it suits the farmer, the merchant, and the storekeeper, to some extent, but it is not altogether satisfactory in every case. The Minister finds no money; he simply acts as trustee for the creditors in the estate. I dare say it does some amount of good, because it enables the farmer to obtain credit, which he otherwise would probably not get. I can understand that it is very doubtful security, and it should be strengthened if such is possible under this measure, but not in the manner proposed.

The Attorney General: In which way?

Hon. J. MITCHELL: The Attorney General seems to have exceeded the need of the special transactions to which I have referred, when he makes provision for any bill of sale granted by the Minister for Agriculture before or after the passing of this measure. He does not refer only to seed and fertiliser supplied to farmers, but to anything in connection with which the Minister may take a bill of sale. I hope the Attorney General will amend this clause because I cannot believe he thinks it necessary that the State trading departments should be put on a different footing from the ordinary trader. I do not think the Attorney General will ask this House to legislate to make such a discrimination, and I hope that if the proposal has been introduced into this Bill in error, he will rectify it. There are many small amendments, particularly in

connection with the registration of Bills of sale, that need to be considered. The Attorney General seeks to alter the Bill in some very important details, details that to my mind are important to all engaged in trade. I think we should be very careful to afford the fullest measure of protection to everyone and that we should be very careful indeed, when we require the registration of any document which forfeits security, to see that that registration is up to date. The Attorney General thinks it is not necessary when a bill of sale is transferred to register the transfer. I think that every trader in the State would agree with me that it is necessary that the transfer should be registered. It is very necessary that the people who are financing those who give a bill of sale should know just where the creditor is to be found. We can, however, deal with these small matters when we get into Committee. At the same time, I cannot congratulate the Attorney General upon the way in which this Bill is drafted, or upon the provisions that it contains. I think it will certainly do far more harm than good if it is allowed to pass. It is a pity that hon. members do not pay more attention to important matters of this nature. I think that every hon. member should study a Bill of this sort because it is so far-reaching. The Attorney General may make it possible for a bill of sale for a small amount to be given and registered. That may or may not be a good thing. There are many details which require the closest scrutiny, but I fear that the Bill will not get that scrutiny which it deserves. I trust that the Attorney General will allow the Committee stage to be taken to-morrow. It is not fair that a Bill of this sort should be rushed through in a few hours. Ministers have got into the habit of refusing to reply to any criticism in regard to their measures, with the result that in Committee we have to demand the same information all over again.

The Attorney General: It is the same Bill as last year.

Hon. J. MITCHELL: It is not quite the same Bill, but that does not matter. We are now asked to allow this Bill of

the Attorney General to become the law of the land. I disapprove of it myself, and I believe that any hon. members who go into the matter will also see that it is their duty to disapprove of some of its provisions.

Question put and passed.

Bill read a second time.

*In Committee.*

Mr. McDowall in the Chair, the Attorney General in charge of the Bill.

Clause 1—agreed to.

Clause 2—Amendment to Section 5:

Hon. J. MITCHELL: The Attorney General seeks to omit the words "or within three days of registration." Can the Attorney General give his reasons for this? The words are intended as a protection to the man who advances money under a bill of sale.

The ATTORNEY GENERAL: The object of this is simply to make clear as to what is a pre-existing debt as distinct from what is advanced contemporaneously, and contemporaneously includes what is advanced after the making of the bill up to the amount named as the loan.

Mr. S. STUBBS: Has there been any complaint about "within three days," that the Minister desires to omit them from the present measure? The reason I ask this is that a number of business people carrying on a large trade in the country think that the three days should be allowed to remain. I would like to ask the Attorney General why these words should not remain in the parent Act.

The ATTORNEY GENERAL: The amendment is made chiefly at the instance of the banks, who desire that it should be clearly defined as to what an antecedent debt is, that is, what a prior debt covered by the bill is, and what is contemporaneously advanced. The banks have some doubt on the question, and it is desired to make this clear.

Mr. S. Stubbs: There are other people besides the banks to be consulted in the matter.

The ATTORNEY GENERAL: Of course there are banks and their customers and their victims.

Hon. J. Mitchell: Their victims?

The ATTORNEY GENERAL: I say there are all sorts. Undoubtedly there are victims. I do not say legitimate victims, but those who unfortunately are too much in debt and cannot recover from it.

Mr. S. STUBBS: I think that the banks have not got the great grievance in connection with this matter that the Attorney General seems to think. I desire, if the Committee will agree, to strike out the proposed amendment and to leave things as they were.

The ATTORNEY GENERAL: The hon. member can move in that direction, but I shall oppose it, because I wish to have the Bill as perfect as possible.

Hon. J. MITCHELL: Perhaps the Attorney General means that the three days are not enough. Does this restriction operate against further advances under a bill of sale?

The Attorney General: There are no restrictions now.

Hon. J. MITCHELL: What may be argued is that a further advance must be made within three days, whereas what the Minister wants is that it may be made at any convenient time.

The Attorney General: At any convenient time.

Hon. J. MITCHELL: If that is the effect of the amendment there would be no objection to providing that any further advance under a bill of sale might be made at the convenience of the borrower. But it is very strange that so long as restrictions are made there has been no litigation because of them. If it is intended merely to extend the period and leave the time unlimited, there should be no objection to widening the clause in that way.

Mr. S. STUBBS: I am sure that the Attorney General is anxious that the measure now before the Committee shall come out in the best interests of the public. Would he allow this particular section to remain over until the last, so that I can make myself absolutely conversant with the objections of my solicitors and merchants in the country? If he would allow

me time to consult some of the leading merchants in the city, which I will do to-morrow, I shall be much more satisfied than I should be if the clause went through in its present form.

The ATTORNEY GENERAL: I regret that I cannot see the necessity for this. The meaning is perfectly clear. The old Act restricts, and it is very essential that we should have this wider and clearer meaning. The hon. member knows that a bill of sale covering an antecedent debt is void in bankruptcy within six months of the bankruptcy, and that for contemporary advances it is good and valid. When the sum mentioned is the sum to be borrowed, say £1,000, the borrower may only want £500 to-day, £250 a month hence, and £250 at a later period. All that is now considered as a contemporary advance, because it is covered by the consideration named in the bill of sale. There was doubt as to what was a contemporary advance before that. It was the advance within three days of the registration. That was where the confusion arose. I wish to remove that confusion. That is all. I do not see why we should hesitate any longer.

Hon. J. MITCHELL: If the Attorney General is right in his contention, I am quite satisfied; but I think it is very doubtful. In any case, however, I am satisfied that he will look into the matter and make sure that what he says is to happen will happen.

The Attorney General: I assure you that that is the distinct purpose.

Hon. J. MITCHELL: The lawyers on this side are not here to-night, but we shall find out to-morrow. My legal knowledge, of course, does not justify me in casting doubt on the Attorney General's opinion. We on this side, however, are inclined to doubt whether the Attorney General has provided what he thinks he has provided.

The Attorney General: The clause is worded with that object in view.

Hon. J. MITCHELL: I am sure that the Attorney General will see the matter placed beyond doubt.

Clause put and passed.

Clauses 3, 4, 5—agreed to.

Clause 6—Amendment of Section 8:

Mr. S. STUBBS: In regard to this clause, it is desired that the actual holder of the bill of sale shall be ascertainable. This would be effected if the word "must" were substituted for the words "need not" in lines 3 and 4.

The ATTORNEY GENERAL: I do not intend to put up a big fight on this. As I said last session when debating the point, a security is a good security once it has been registered, into whosoever hands it may temporarily come. The object of the registration of the bill of sale is to let the whole world know that there is a claim on whatever is covered by the bill of sale, and the name of the holder for the time being does not make the instrument more a security or less a security. The bill of sale is always simply a recognised preferential claim on the goods of the debtor, and all creditors have their full warning. Once the bill of sale is registered, the instrument is held up as a warning to all other creditors or intending creditors. What more is wanted than that?

Mr. S. STUBBS: My point is that a man who has given a bill of sale to a person for consideration may, if he is a rogue, get some third person to take an assignment of all the interest in that bill of sale. The other creditors might, I suppose, find the money and buy off that third person; but suppose they have not the money? A swindle might be worked by the transfer to a third person for half the value of the goods covered by the bill of sale.

The Attorney General: I do not know that that would be a swindle. A man can sacrifice his security if he wants to do so.

Mr. S. STUBBS: But he should not be permitted to do so to the detriment of other creditors. I do not know that the Attorney General quite sees my point, but the business people along the Great Southern Railway are with me. There can be no valid objection to the purchaser of a bill of sale having his name registered.

Hon. J. MITCHELL: The Attorney General should, I think, agree to the suggested amendment. The name of the

holder of a bill of sale ought to be known.

Mr. Dwyer: We made an amendment to that effect here last year, and the Upper House threw it out.

Hon. J. MITCHELL: I do not think so. The Attorney General has simply put up a re-print of the old Bill.

Mr. Dwyer: I remember distinctly that this Committee amended the Bill in that direction, and that the Upper House rejected the amendment.

Hon. J. MITCHELL: Then we are putting up a fight for the Attorney General against the Upper House.

The ATTORNEY GENERAL: What the member for Perth (Mr. Dwyer) has said is quite correct. The only objection I see to the suggested amendment is that it multiplies the duties of those who hold these securities. The adoption of the amendment will cause risks to be run in complying with formalities demanded by the Act, which formalities may be forgotten or neglected, and so unnecessary litigation may be caused. A security once given and once registered stands good into whosoever holding it may come; and I do not see that any special advantage is gained by multiplication of registration, if it is only registration of the same security, no fresh burden being placed on the property and no burden being removed from the property.

Hon. J. MITCHELL: A good deal depends on whether a bill of sale is held by a friendly creditor or by an unfriendly creditor, by a man who will do the right thing or by one who will look out only for himself.

The ATTORNEY GENERAL: Let the member for Wagin (Mr. S. Stubbs) move the amendment.

Mr. S. STUBBS: I move as an amendment—

*That in lines 3 and 4 the words "need not" be struck out, and "shall" inserted in lieu.*

Mr. DWYER: I take on this occasion the same view as I took when the Bill was previously before us. I consider that the transfer or assignment of a registered bill of sale ought to be registered, for the reason that people frequently make use of dummies for the

purpose of lending money, their own names not appearing in the transaction at all. If the subsequent transfer from the dummy need not be registered, then the names of such persons will never appear. Therefore, the principle even of the Moneylenders Act, now on the statute book, will be defeated. A transfer under such circumstances should certainly be disclosed so that the person who owes money should be able to say this person is my creditor, or that person is my creditor. The registration of a transfer at the present time need not be effected. Apparently there has been some doubt as to whether it should or should not be registered, hence the reason for this clause. In most cases it is registered. In every case a bill of sale transfer ought to be registered so that the borrower might have an idea who the person is to whom he should pay the amount due, and also so that secret money lending now indulged in by some persons might be done openly or not at all.

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

Clauses 7 to 16—agreed to.

Clause 17—Amendment of Section 18, Bills of Sale Amendment Act, 1906:

Hon. J. MITCHELL: I object to the final words of Paragraph (b), which read "or to any bill of sale granted before or after the commencement of this Act to the Minister for Agriculture or any officer of the Department of Agriculture." This gives the Minister special advantage over other people.

The Attorney General: It only validates securities now outstanding.

Hon. J. MITCHELL: Probably the Attorney General is not conversant with what is going on. I could not support the Minister or any one else having such special protection. The Minister merely acts as trustee for the people, and I object to preferential security being granted to him. The Minister should rank with other people.

The ATTORNEY GENERAL: We have securities now outstanding which put the Minister for Agriculture practically in the position described by the hon. member as trustee for all. There are

undoubtedly men who would have to leave their holdings to-day if it were not for the assistance the Agriculture Department has rendered.

Mr. S. Stubbs: And the storekeepers, too.

The ATTORNEY GENERAL: I am not depreciating the value of the storekeeper to the settler. No doubt many are making great sacrifices, and many have had to fall in consequence of the assistance to the settlers, but storekeepers are more likely to fall and less likely to get justice if the Agricultural Department does not take up the position it is now taking up of guaranteeing to all creditors a distribution of the products of the soil from the assistance rendered. The Agricultural Department is now seeing that every creditor gets at least a fair proportion from the realisation of the crop.

Mr. S. Stubbs: I have been doing it for the last two years in dozens of cases.

The ATTORNEY GENERAL: I am pleased to know the hon. member has been doing it. This Bill grants to the Agricultural Department the validity of these securities they have already taken, and also grants the Department the right to continue taking them.

Mr. Wisdom: Without notice.

The ATTORNEY GENERAL: Quite so. The member for Northam objects to the Crown having any preference in an event like that, but it is preference for the protection of the interests of all concerned.

Mr. S. STUBBS: For the information of members I might state that three or four years ago when bad seasons set in and the obligations the farmers entered into had been fairly heavy, in many instances they were unable to meet their obligations. Storekeepers went to their rescue, and in the second year renewed their paper, and very often guaranteed the fertiliser account and supplied them with seed wheat. Not only that, but they had to keep the men and their families for the whole year. About two years ago my firm and a good many others adopted the course of getting a lien over the crop, and the present Act makes it compulsory to give 14 days'

notice before you can register a lien over a crop. Directly that notice appeared in the *Gazette* we had Perth merchants, who were owed money by these particular persons, inundating us with caveats, and we had then either to withdraw our liens or else undertake to share pro rata with those persons who had lodged the caveats. That was all right up to a certain point, but we considered, as does the Minister for Agriculture, that if we were providing the necessary materials for the merchants who have been owed money for two years, it was only right that the persons supplying the seed wheat and manure and stores should be protected up to the hilt for the amount of those stores supplied during the growing of a crop. In other words, the other creditors should not claim one penny until the value of the seed wheat, fertilisers, and stores supplied in that first year was paid. I want the Attorney General to agree to the addition at the end of the paragraph of the following words:—

Or to any merchant or storekeeper for general stores and farm requisites supplied to the grantee prior to the commencement of any crop.

If the Minister had not supplied wheat and fertiliser scores of farmers would not have been able to put in crops at all, and my security would have been in jeopardy; therefore I have no objection to the Crown being paid first where the Crown has supplied the seed and manure.

Mr. DWYER: The amendment suggested by the hon. member would have very far-reaching consequences. The amending Act of 1906 was introduced at the unanimous request of all the merchants. They asked that Western Australia should be placed in the same favourable position as Victoria in the matter of loans required, that when a person desired to pledge any of his goods the general public should know, so that, if desirable, a caveat could be lodged against the pledging of such goods. The proposed amendment cuts at the root principle of the Act of 1906. The Bill places certain restrictions upon that Act. It is to be confined to, first of all, securities for the supply of fertilisers, bags and

twine, and, secondly, securities for the payment of money by the Minister for Agriculture made before or after the commencement of the Act. The Minister of Agriculture acts as the guardian of all settlers, and in the interests of the creditors as well. The new provision will allow the Minister to register his bill of sale without notice to outside creditors of the borrower of the money. The same protection is given to those who lend for manure or seed wheat. But to enlarge the scope of the provision in the manner suggested would be to give the same right to all storekeepers, and it must be remembered that there is scarcely a merchant in Perth who could not demand the same right. Why, it might as well be said that this clause is for the repeal of the Act of 1906.

Hon. J. MITCHELL: Under the clause the Minister will not be required to give notice at all.

The Attorney General: That is the object of it.

Mr. S. Stubbs: The private storekeeper would not know anything about the Minister having a bill of sale.

The Attorney General: Not if it was over a growing crop.

Hon. J. MITCHELL: The provision will give the Minister a distinct advantage. His trade will be in a better position than that of anybody else.

Mr. S. Stubbs: I might supply a man with goods, not knowing of the registration of his bill of sale.

Hon. J. MITCHELL: The Minister is to get a preference with every bill of sale. The Minister is in the position of an ordinary trader when he acts as trustee for certain traders. When the storekeeper seeks to take a bill of sale he must give notice.

Mr. Dwyer: The Minister for Agriculture is not a trader.

Hon. J. MITCHELL: The Minister acts as a sort of agent for the storekeeper, taking a bill of sale from the farmer, looking after the crop, selling it, and paying the storekeeper. The only advantage is that he can act for half a dozen creditors, and so save the farmer giving half a dozen bills of sale. The member for Wagin is right when he says

that all ought to be put in the same position as the Minister. The only legitimate argument in favour of the Minister having a special advantage is that he is doing a work which could not be done by anybody else. The clause refers to any bill of sale which the Minister may take at any time over anything.

The ATTORNEY GENERAL: If hon. members will turn to the Act of 1906 they will get a clearer idea of the purpose of this amendment. Section 18 reads as follows:—

Sections 3 to 13 inclusive of this Act shall not apply to any bill of sale of wool or stock, separately or combined, on any station, made *bona fide* for valuable consideration.

And we simply add these words after the word "consideration"—

or to any bill of sale granted before or after the commencement of this Act to any person over crops sown or growing upon or about to be sown in or grown upon the land mentioned in the bill of sale, such bill of sale being granted to secure payment of the purchase money of seed, fertilisers, bags or twine for use by the grantor in putting in, taking off and harvesting such crops, or to any bill of sale granted before or after the commencement of this Act to the Minister for Agriculture or any officer of the Department of Agriculture.

It simply enlarges Section 18 of the Act of 1906. But it would be very unsafe to make any further extensions and to deprive all bills of sale of the application of Sections 3 to 13 of the 1906 Act. The objections raised to the clause seem to cast an imputation on the Minister for Agriculture.

Hon. J. Mitchell: No, no.

The ATTORNEY GENERAL: If you can trust the Minister for Agriculture in the work he is doing, he can be trusted with the holding of these bills of sale as the guardian, as the member for Perth has put it, not only of the settler but of the creditors.

Mr. S. Stubbs: I contend that I should know of the bill of sale.

The ATTORNEY GENERAL: If the hon. gentlemen were the only one to

whom the operation of the measure was to be extended, I might be inclined to agree to the addition, but if I include the hon. member I must include all classes of storekeepers, and there would be no earthly good in having the Act of 1906 upon the statute-book. We merely propose to put the settler on the same footing as the squatter. The pastoralist can dispense with notice in regard to his wool and his stock, and we say the farmer shall have the same privilege in regard to his crops about to be sold; and we have added further that it shall not be necessary for the Minister for Agriculture to give notice or be bound by the formalities of the Act of 1906.

Mr. WISDOM: Does the absence of necessity to give notice apply to articles other than crops and stock?

The Attorney General: It is not so wide.

Mr. WISDOM: If the Minister requires this preference only for crops and stock, he has it without this special reference, because he comes under the ordinary privilege given to any other holder of a bill of sale over these commodities. By adding it in this way, it seems that a bill of sale might apply to any commodity, and people fear that the Minister will be enabled to get behind creditors and have his bill of sale registered before they know anything about it. It might be fair for the Minister to take this right over crop and stock; but the danger is that he is taking the right in regard to other things.

The Attorney General: It is the Minister acting as the Minister for Agriculture.

Hon. J. MITCHELL: I suggest that we insert an amendment restricting the Minister's bill of sale to the purposes set out in the clause.

The ATTORNEY GENERAL: I suggest that we insert after "granted" the words "in aid of agriculturists."

Mr. Wisdom: That would include agricultural implements or furniture.

The ATTORNEY GENERAL: I object to the Minister for Agriculture being bound to fertiliser, bags and twine and such things. He gives greater aid in assisting the settler to get his first and



second crop started. He might even advance him his implements from the Government works.

Mr. WISDOM: But why should he have preference over the others?

Mr. DWYER: Because he is not an ordinary trader?

Mr. WISDOM: He is; he is selling implements.

The ATTORNEY GENERAL: He is not an ordinary individual seeking to sell as soon as he can. He takes the bill of sale as much for the protection of the man who borrows as for his own protection, and for the protection of other creditors. The Minister stands in a position outside that of other creditors. There is not the individual interest in his case. His attitude is one of helpfulness; there is no aim to make money, and no greed at the root of it.

Mr. WISDOM: He is a trader all the same.

The ATTORNEY GENERAL: Yes, but the purposes of the trading are quite distinct.

Mr. DWYER: The primary object of a trader is to make a profit and his secondary object may be to further the interests of the agriculturists, but the primary object of the Minister is not to further his own interests, but those of the agriculturists who are in difficulties. Therefore, he should be placed on a better footing than the ordinary trader.

Mr. BROUN: The main objection to the Bill is that it allows the Minister to take out a bill of sale without giving due notice. During the time the Minister is taking out the bill of sale, a storekeeper may make advances to the settler, and he would not know of the Minister's intention. The Minister should give the same notice as any other creditor.

The Attorney General: Any one can find out by searching.

Mr. BROUN: Then they would be searching every day of their lives.

Hon. J. MITCHELL: I quite realise that the Minister for Agriculture needs to be protected as far as possible when supplying commodities to enable a settler to grow a crop, but I cannot understand why the Minister should have preference when he is merely securing a storekeeper.

The Attorney General should do what is fair by all the storekeepers, whether they are supplying the settler by permission of the Minister or direct. If this clause is passed, storekeepers who use the Minister as their agent will have an advantage over those who deal only with the farmer, and this is unfair.

Mr. WISDOM: This clause will have a more far-reaching effect than hon. members believe. What will become of the man who gives credit to the farmer, when the Minister for Agriculture can get behind him and leave him without any opportunity to lodge an objection?

The Attorney General: He objects to the Minister getting before him.

Mr. WISDOM: This clause will curtail the credit of the farmer considerably, and he will have greater difficulties to get his supplies from the merchant, who will be chary of giving credit to those who most need it.

Mr. S. STUBBS: The Minister overlooks the fact that while the Minister for Agriculture is getting his bill of sale registered, the farmer might go to a storekeeper and obtain £50 worth of material, leading him to believe that he will be paid out of the proceeds of the crop. The Minister should not be able to register a bill of sale unknown to the public.

Clause put and passed.

Clause 18—Bills of sale void against claims for wages:

Hon. J. MITCHELL: This clause embraces a great principle and the Minister should agree to report progress.

The Attorney General: We passed it last year.

Hon. J. MITCHELL: I must protest against this clause. This does not impose any limit in regard to wages. Whether a mortgage is over real property or not, no protection is afforded to the worker. In the case of the Government Savings Bank, men have lost their wages, because the owner of land, although he drew the money out of the bank, has failed to pay them. On the other hand the man who advances money under a bill of sale has no chance of knowing whether a worker is allowing his wages to mount up, or not. Again, it may be that a bill of sale is over a flour mill, and that the

man who gives the money only knows that the owner is liable as to that business. But the owner may be engaged in some speculative mining venture, and may be incurring wages to a tremendous extent, which wages might have a prior claim to that of the man who advanced the money. Every worker who gives a bill of sale can ascertain that a bill of sale is given, and having ascertained that can demand his wages weekly. The man who advances under a bill of sale, however, cannot find out from the workers employed what is owing to them, and it is often possible that he would not know where these men are employed. If there is the slightest suspicion that the employer cannot pay his wages, the worker should get his wages from week to week. Because the Attorney General says "You can have the wages first," it does not follow that he is doing any good. The man who is entitled to wages is entitled to the opportunity to work, and the opportunity to borrow is of the utmost importance to the man who wants the opportunity to work. By this clause the Attorney General will injure the small man. Does he approach a drastic change of this sort lightly? It will not do the workers any good, and may do them a lot of harm. It has to be seen to that we do not run a steam roller over the whole of the community, simply in order that we may include in this Bill some advantage which is certainly not to be found there. I do not know what possessed the Attorney General to include this clause. If he says, however, that he will put it forward with a limitation it is quite another matter. If he limits the wages to the work in connection with the industry for which the bill of sale rests, that will be all right. But to make the wages, no matter where they are earned, or where the workers are located, the liability against the bill of sale over some special property, situated as it would be in most cases in some township or other, would be a great mistake.

Mr. S. STUBBS: The object of protecting the labourer is a worthy one, but this clause would defeat the Minister's object if he insists on its going through

in its present form. A farmer desirous of improving his holding may be unable to raise further money, and if he applies to the storekeeper or the merchant for an advance on the security of his machinery, the storekeeper or merchant would be foolish to make the advance if this clause were adopted in its present form, because an unscrupulous employer, wishing to work a point, could at any time say to the wage earner, "I cannot pay you; you had better look to the storekeeper, who is the holder of a bill of sale over my machinery, for your money." If the Minister would agree to a limit of one month's wages—

Mr. B. J. Stubbs: That is what the clause intends.

Mr. S. STUBBS: Not according to my reading of it. Under this clause, if 3 months' or 6 months' wages were owing the holder of the bill of sale would be liable for the whole amount.

Mr. B. J. STUBBS: The member for Northam (Hon. J. Mitchell) has clearly demonstrated that he has little knowledge of the great amount of trouble to which a number of workmen are put to secure their wages, and no knowledge of the fact that many workmen lose a considerable proportion of their wages by reason of their employers giving bills of sale, under which such employers' goods and chattles are seized, while the workmen are left lamenting.

Mr. S. Stubbs: Is that in the City or in the country?

Mr. B. J. STUBBS: I refer to artisans employed in the City, and I speak from experience.

Mr. Wisdom: Quote instances.

Mr. B. J. STUBBS: Many employers carry on business with capital which really represents wages they should have paid to their employees.

Mr. S. Stubbs: That is very far-fetched.

Mr. Wisdom: Give us a concrete instance.

Mr. B. J. STUBBS: I do not intend to give names.

Mr. Wisdom: It is a cowardly charge.

Mr. B. J. STUBBS: In the case of an employer of my own, we had to continually chase him to obtain payment of

wages. Artisans in the building trade to-day can recount similar experience.

Mr. Wisdom: You are making a charge. Prove it.

Mr. B. J. STUBBS: I say that such practices are very prevalent, and that something ought to be done to protect those who work for their living and have nothing but their weekly wage to maintain themselves and very often wives and families as well. I wish to express my surprise at the fact that any hon. member should rise in this Chamber for the purpose of objecting to a workman's wages being protected for a period of one month.

Mr. S. Stubbs: By this clause you are making it harder for him to earn wages.

Mr. B. J. STUBBS: That is absurd. Every time we try to benefit the worker we are told that we are making things worse for him.

Mr. S. Stubbs: This clause is without a limit.

Mr. B. J. STUBBS: I am accepting what the Attorney General has stated, that the clause is intended to be limited to one month.

Mr. S. Stubbs: That is not correct.

Mr. Wisdom: Have another look at the clause.

Mr. B. J. STUBBS: The Attorney General has stated that. If the drafting of the clause is so careless—

Mr. S. Stubbs: That has been my point all along.

The CHAIRMAN: Order! The member for Subiaco is addressing the Chair.

Mr. B. J. STUBBS: The member for Wagin (Mr. S. Stubbs) did not make it clear to me, at any rate, that he would have no objection to the clause if its operation were limited to one month. The hon. member spoke against the general principle of this provision. A workman's wages should always be secured to him.

Mr. S. Stubbs: We do not object to that.

Mr. DWYER: I am glad to hear the hon. member say that he does not object to wages being a first call upon the assets of any firm or company, because if the hon. member admits that principle he will agree to this clause. The member

for Claremont challenged the member for Subiaco to quote a specific instance showing that wages men had been worsted so far as the payment of wages was concerned, by the holder of a bill of sale. There is one case which was quoted last year, the case of a man who kept a cafe in Perth and over whose goods was a bill of sale. He had a number of unfortunate employees who allowed their wages to run on. He made various excuses to them, and when a large amount was owing, the holder of the bill of sale seized everything and the employees were left lamenting. Some protection should be extended to workmen under a bill of sale, as it is extended to other employees under the bankruptcy laws. The Attorney General said on a previous occasion that he would have no objection to a reasonable limit, and I am sure if it is suggested it will be agreed to.

Mr. WISDOM: I am glad to know that members opposite are willing to accept a reasonable amendment. Personally I do not think there should be an amendment.

Mr. Dwyer: You would like to rip out the clause altogether.

Mr. WISDOM: I challenged the member for Subiaco to give an instance of workmen having been done out of their wages, and the member for Perth quoted the case of the keeper of a cafe. I call that foolishness because the employees allowed the employer to do them out of their wages. The whole effect of this amendment is to make securities valueless. It seems to me that the whole policy of the Government, or a large part of it, has been to kill securities. They are giving preference to the Government to go behind ordinary creditors, and now they are going to give unlimited preference over wages which will make a security valueless.

Mr. Dwyer: The speculator and money lender must not benefit at the expense of the wage-earner.

Mr. WISDOM: The Government are going the proper way about preventing anyone lending money on a bill of sale. What reasonable man with money to invest would lend money on a bill of sale

under such conditions as these? If members opposite went deeper into the matter they would find that we were more concerned than they are about the working man. The working man was a jolly sight better off under the Liberal Government than he is to-day.

Mr. B. J. Stubbs: You cannot convince him.

Mr. WISDOM: I move as an amendment—

*That the following words be added to the clause:—"Provided that the maximum amount which can be claimed for wages shall be an amount equal to one fortnight's wages."*

The Attorney General: I will agree to one month.

Mr. WISDOM: Very well, one month. Amendment altered accordingly.

Mr. HARPER: From the remarks of the members for Subiaco and for Perth, one would think the wage-earner had no brains, and that he had been victimised on many occasions. The more these matters are interfered with, the less opportunity there will be for the trades people to give employment to the workers.

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

Clauses 19, 20—agreed to.

Schedules, Title—agreed to.

Bill reported with amendments.

*House adjourned at 11.4 p.m.*

## Legislative Council,

*Wednesday, 29th July, 1914.*

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

### BILL—REGISTRATION OF BIRTHS, DEATHS, AND MARRIAGES ACT AMENDMENT.

Read a third time and transmitted to the Legislative Assembly.

### BILL—ROAD CLOSURE.

*In Committee.*

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

Clauses 1, 2—agreed to.

Schedule:

Hon. J. F. CULLEN: Have the Government had application from Woodanilling for the closing of a road separating the recreation ground from some additional land which the Government agreed to throw into it? I will not endeavour to get this inserted in the present Bill, but I would like to know whether it has been considered and if so, why it was not included.

The COLONIAL SECRETARY: I have no knowledge of the matter. It does not come within my department.

Hon. J. F. CULLEN: I cannot expect the Minister to agree to an amendment off-hand, but I regret that the road was not included. I hope that before the next Bill of this kind is brought in, consideration will be asked and obtained for the closing of this road.

Schedule put and passed.

Title—agreed to.

Bill reported without amendment, and the report adopted.