

Legislative Assembly.

Thursday, 15th October, 1925.

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The SPEAKER took the Chair at 1.30 p.m., and read prayers.

QUESTION—RAILWAY LOCOMOTIVE HEADLIGHTS.

Mr. SAMPSON asked the Minister for Railways: In view of the very inadequate headlights with which many of our locomotives are fitted, and the consequent danger to traffic, will he cause inquiry to be made whether a more powerful light can be fitted?

The MINISTER FOR RAILWAYS replied: The headlights of locomotives are not inadequate except on occasion, when the emergency light has to be used. More powerful electric headlights could be fitted at a capital cost of £120 to £150 per locomotive—involving, for 75 per cent. of our locomotives, £36,000 to £45,000, besides additional working expenditure for maintenance and operation. This sum, if available, could be spent to very much greater advantage in other directions.

BILL—RACING RESTRICTION ACT AMENDMENT.

On motion by Mr. Sleeman, report of Committee adopted.

BILL—DIVORCE AMENDMENT.

On motion by Mr. Mann, read a third time and transmitted to the Legislative Council.

BILL—LAND ACT AMENDMENT.

Second Reading.

THE MINISTER FOR LANDS (Hon. W. C. Angwin—North-East Fremantle) [4.36] in moving the second reading said: This is another one-clause Bill to which I anticipate no objection whatever. Members are aware that when pastoral leases were taken up many years ago in the North, it was difficult to get the actual boundaries of the different leases. The lessees themselves in making application had to give certain points, which were taken by the Lands Department as the points from which the area was worked. Of late years, however, it has been found that some of the areas on which improvements have been made are outside the actual boundaries of the leases. Latterly more care has been exercised with regard to survey and classification of leaseholds, and so it has been discovered that lessees have sunk wells or erected fences and even buildings on small areas situated entirely outside the actual holdings. It was thought that the Land Act empowered the Minister, by Section 105, to rectify any errors of that description. Now, however, it is thought advisable, a number of such cases having cropped up, that a definite provision to that effect should be included in the Act; hence this Bill is being brought down. The measure provides that if an improvement has been made outside the boundaries of the lease, but on an adjoining area, the Minister may, if he thinks fit, rectify the boundaries of the lease; or, alternatively, that the person who claims a legal right to the area on which the improvements have been effected shall pay the cost of the improvements to the person who made them, such cost to be arrived at in the same manner as when a pastoral lease is resumed. Having regard to the difficulties which the pastoralists experienced during the early days in getting surveys made, I do not think it can be considered equitable that a person coming along later and finding a slight error in the boundaries of the leasehold should be entitled to take up improved land without compensating the person who made the improvements.

Hon. Sir James Mitchell: The provision is pretty far reaching.

The MINISTER FOR LANDS: I do not regard it as far reaching. I gather from the Lands Department that action of this

nature has been taken in the past. The Crown Law Department now consider that there is a doubt whether such action is legal.

Hon. Sir James Mitchell: Of course it is not legal, and it should never have been taken.

The MINISTER FOR LANDS: Yes; boundaries have been altered. It was contended by the Solicitor General that "approved application" meant the approval of the amended application. However, there is a doubt as to that, and therefore this Bill has been introduced.

Hon. Sir James Mitchell: If you want a bit of your neighbour's land, all you will have to do is to fence it.

The MINISTER FOR LANDS: There may be some doubt regarding the cost of the improvements, and that cost is to be arrived at in accordance with Section 48 of the Land Act, under which a referee can be appointed to deal with the matter, and if the referee's award is not accepted, the resident magistrate for the district may be appointed an umpire. The Bill merely gives fair play. Quit recently there was brought to my notice a case where a lessee had put the principal part of his improvements on a small area outside the actual boundary. There was another case where wells had been sunk just outside the boundary. It is only fair to correct errors relating to boundary lines, which in the North have frequently been imaginary.

Hon. Sir James Mitchell: The starting point is often wrong.

The MINISTER FOR LANDS: Another man should not be permitted to come along later and take advantage of a slight error on the part of the lessee. That is not a fair proposition. If the Bill is passed, the Lands Department will have power to alter the boundaries so as to take in the improvements, or else to charge the person who takes up such adjoining land with the cost of the improvements. Since the passing of the Amendment Act of 1917 and the appointment of the reappraisement board, much more care has been exercised than previously in regard to the demarcation of leases. The difficulty with which this Bill deals has arisen only of late years. I move—

That the Bill be now read a second time.

On motion by Hon. Sir James Mitchell debate adjourned.

BILL—PRIMARY PRODUCTS MARKETING.

Recommittal.

The MINISTER FOR AGRICULTURE: I move—

That the Bill be recommitted for the purpose of further considering Clauses 2, 10 and 21.

Mr. Sampson: Will the Minister add also Clause 5?

The MINISTER FOR AGRICULTURE: No. The hon. member can move to amend the motion.

Mr. SAMPSON: I move an amendment—
That Clause 5 also be included.

The Premier: Why?

Mr. SAMPSON: Because I desire to add to the clause a paragraph giving to those concerned the right to present a petition to the Governor for a recall of a member of the board if, in the opinion of the majority of the electors, such member is not doing what is considered to be in the best interests of the growers.

Hon. Sir James Mitchell: The Government cannot object to that; it is the initiative and recall.

The Minister for Works: You won't get much support for that from your own side of the House.

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

In Committee.

Mr. Lutey in the Chair; the Minister for Agriculture in charge of the Bill.

Clause 2—Definitions:

The MINISTER FOR AGRICULTURE: When the Bill was in Committee the member for Guildford (Hon. W. D. Johnson) successfully moved as an amendment to the definition of "Grower" the insertion of the words, "of products other than fresh fruit." However, in view of the amendments that were subsequently made to Clause 7, that is no longer necessary. Consequently I move an amendment—

That the words "of products other than fresh fruit" be struck out.

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

Clause 5—Marketing boards:

Mr. SAMPSON: I move an amendment—

That the following paragraph be added to stand as paragraph (d) of Subclause (5):—“(d) that the seat of a member may be declared vacant on a petition to the Governor signed by a majority of the electors of the members of the board, and thereupon the seat shall be vacated.”

I want to render it possible for those most concerned to recall a member of the board who, in the opinion of the majority of the electors, is not properly carrying out the duties of his office.

The Premier: Any busybody might get people to sign a petition for anything at all.

Mr. SAMPSON: In any case it would be competent for the member, the subject of the petition, to re-submit himself for election.

The Premier: You might get someone who wants the job himself to hawk a petition around.

Mr. SAMPSON: I was counting on the support of the Premier for this amendment. I am advised that in an Act operating successfully in another State, the power of recall exists. I should like to see it in operation here.

The Premier: We cannot take Queensland as an example.

Mr. SAMPSON: In this we can, although I would not go beyond this, of course.

The Minister for Lands: You will be wasting all the producers' money in having by-elections.

The MINISTER FOR AGRICULTURE: If the board were appointed for any length of time, it might be of advantage to accept the amendment, but in view of the fact that under Clause 4 a poll has to be taken every two years, there does not appear to be any danger that the interests of the growers will not be properly conserved.

Mr. Sampson: Does not that apply to control of the product; not to members of the board?

The MINISTER FOR AGRICULTURE: It might easily be that the members of the board were closely studying the best interests of the growers notwithstanding which there might be interference by outside agencies, as in Queensland, where a great deal of money has been spent in endeavours to defeat the purposes of the board. It may be possible to create antagonism against some member and thus paralyse the activities of the board. I am informed that a gentleman has been touring the country agitating against the Bill. An agent attended a meeting with that object, but was unable to in-

fluence the decision. If the board acted contrary to the interests of the growers, there is power for the Minister to intervene. In view of these safeguards there is no danger of a member of the board acting against the interests of growers.

Mr. Sampson: But the period is not expressed in the Bill?

The MINISTER FOR AGRICULTURE: I have an amendment to fix the period. Interested parties should not be given an opportunity to create agitation and probably nullify the efforts of the board.

Hon. Sir JAMES MITCHELL: I do not know whether members of the board are to be paid any considerable salary for their work, but if they have to fight petitions all the time, they will need to be fairly well paid. I hope the amendment will not be accepted. I doubt whether anyone would take a position on the board under such conditions, because a disgruntled few could easily circulate a petition. I am surprised at the radical proposal of the hon. member.

The CHAIRMAN: I am doubtful whether the amendment is in order. Provision is made for the Governor to prescribe certain things under Subclause 5 by regulations, but the amendment contains an instruction.

Mr. Sampson: The amendment says the seat of a member may be declared vacant.

The CHAIRMAN: But the latter portion states that if action is taken the seat shall be declared vacant.

Amendment put and negatived.

Clause 10—Board to accept product tendered when of prescribed quality and to pay growers out of proceeds of sale in proportion to quantities delivered:

The MINISTER FOR AGRICULTURE: In line 14 of Subclause 1 the word “period” was substituted for “year.” I move an amendment—

That after “period” the word “to” be struck out, and the words “as fixed by the board” inserted.

Hon. Sir JAMES MITCHELL: The Minister proposes that the board shall fix the period.

The Minister for Agriculture: They will have the whole responsibility of marketing.

Hon. Sir JAMES MITCHELL: For the moment we have some responsibility to the growers, and that is why we are discussing the amendment. I suppose the Minister's proposal will be the most satisfactory course to adopt because with potatoes, as with other

products, people try to get an early market. I have no objection to the amendment.

Amendment put and passed.

Clause 21—Interpretation of Sections 17, 18, 19 and 20:

The MINISTER FOR AGRICULTURE: The member for Guildford suggested that in Subclause 2 relating to notice to the chairman or secretary of the board of any encumbrance, the words "received by" should be inserted in lieu of "sent to." I think it would be advisable, while adopting the suggestion, to retain the other words. I move an amendment—

That after "sent to," in line 3 of Subclause (2), the words "and received by" be inserted.

Amendment passed.

On motion by the Minister for Agriculture, Subclause 2 further amended by deleting the word "to" in line 4.

The MINISTER FOR AGRICULTURE: I move an amendment—

That the following be added to Subclause (2):—"in case of an encumbrance created before the issue of the relative Order in Council within 28 days after the issue of such order or, in other cases, within 28 days after the creation of an encumbrance."

Amendment passed.

Bill again reported with further amendments.

BILL—DAY BAKING.

In Committee.

Resumed from the 13th October. Mr. Lutey in the Chair; the Minister for Works in charge of the Bill.

Clause 3—Prohibition of night baking:

The MINISTER FOR WORKS: I undertook to give consideration to the representations made regarding the spread of hours. A proposal was put to me by the master bakers who had in their delegation representatives of the country bakers, and also those who did not employ any labour. They made a proposal which I desired to discuss with representatives of the union, and particularly with outback mining districts, to see whether the hours proposed were workable.

Hon. Sir James Mitchell: I hope that is the Minister's desire.

The MINISTER FOR WORKS: I am in the happy position of being able to say that I propose to include in the Bill hours that are acceptable both to the employers and the union, and hours which the employers tell me will make the Bill quite acceptable to them.

Hon. G. Taylor: And workable?

The MINISTER FOR WORKS: Yes. They say they want the Bill with this alteration. It will then rest with the court when dealing with the wages to fix the limit of the hours. The hours I propose to insert will be between 5 o'clock in the morning and 8 o'clock at night. That is a very extensive spread. When the time comes for the court to fix the hours, it will fix the hours to be worked within that spread and will no doubt arrange different hours for different parts of the State. I do not think anyone will cavil at this spread of hours for the men who do not employ labour, for the country and outback bakers, for the big bakers and for the union. I move an amendment—

That in line 3 of Subclause 1, "six" be struck out and "eight" inserted in lieu.

Amendment put and passed.

The MINISTER FOR WORKS: I move a further amendment—

That in line 4 "eight" be struck out, and "five" be inserted in lieu.

Hon. W. D. JOHNSON: I regret it is necessary to provide such a big spread of hours. I know the Minister has been actuated by a desire to give general satisfaction to all concerned, so that there will not be too much controversy, and that there will be as little opposition as possible in another place. It is deplorable that we have to consider another place in matters that so greatly concern the workers. There are people who enjoy certain privileges, which they do not fail to exercise when any measure of reform for the workers is proposed. For the last 25 years there has been active agitation for day baking in this State.

The CHAIRMAN: The hon. member cannot discuss the general question of day baking on this amendment.

Hon. W. D. JOHNSON: If I do not speak now I shall have no opportunity of doing so. In view of this drastic proposal, I should be lacking in my duty to the union, of which I was secretary for some time, if I did not point out that there is another side to the question than that put forward by the Minister.

The CHAIRMAN: You are opposing the striking out of the word "eight"?

Hon. W. D. JOHNSON: Yes. We obtained from the court a fair measure of reform when it laid down that the employees should be called upon to do baking only between 6.30 a.m. and 6 p.m. We found, however, that this operated against the employees. People who did not employ labour so interfered with the trade of the men who did, that they were forced to put union men out of work. The union has agreed to this new spread of hours for the purpose of trying to cut out night work. Our attitude will no doubt be misunderstood elsewhere in Australia, because the spread would not have been agreed to there. Our trouble has been to get this principle understood. In New South Wales it was in operation for some time, but was difficult to work because the Act also excluded day baking. When the last change of Government occurred the Act was repealed, and the master bakers attempted to resume night baking. The new legislation there now reverts to day baking on a basis that overcomes the old difficulty. In South Australia the spread of hours is nothing like that which is proposed here. It is, however, better for us to compromise in this matter with a view to having the principle established. I am satisfied in the long run it will be recognised as the best principle, and that people will come to regard day baking as the better course to follow. It will be for the court to decide when the employees shall start their eight-hour day within this spread. With the object of securing some reform, I am prepared to accept the amendment in the hope that another place will pass the Bill and that the court will see to it that the employees work within reasonable hours. The members of the union are of the opinion that they will be able to bring evidence before the Arbitration Court to demonstrate that the eight hours can be so worked that the men will be able to start at 7 a.m. or 8 a.m., instead of at 5 a.m. as is proposed under the Minister's amendment.

Hon. Sir JAMES MITCHELL: I am pleased that the Minister has relaxed a little. He responded to pressure from outside, although he successfully resisted it in the House. If a man has to commence work at inconvenient hours, he is paid a little more than the man who would commence work later in the day. That is why men on night work are paid better than those on day work.

Mr. Heron: That is not always so. What about the miners?

Hon. Sir JAMES MITCHELL: Work is practically the same underground; one does not know whether it is night or day. Under the new proposal it will be for the court to say what hours shall be worked, and those hours can be fixed to suit the requirements of the trade and climatic conditions, too. It must be remembered that while casual workers can be obtained in Perth and also, perhaps, in Kalgoorlie, the position is different in the country areas, and the new arrangement will enable the country baker to carry on his operations more effectively. I do not know that anyone is opposed to day baking, but the interests of the people have to be considered.

Mr. TEESDALE: I am glad that the Minister has been able to reach an amicable arrangement with those concerned. It is refreshing to hear of such incidents.

The Minister for Works: I think I must be slipping.

Mr. TEESDALE: Evidently the member for Guildford thought it was a bit too friendly, and had to have a go at it. I was sorry to hear him say that the men would not necessarily start work at 5 a.m. If they did start at that hour, they would have practically the whole of the afternoon and the evening to themselves.

Amendment put and passed.

On motions by the Minister for Works, consequential amendments to Subclauses (2) and (3) regarding hours of starting and finishing baking, agreed to.

The MINISTER FOR WORKS: I move an amendment—

That Subclause (4) be struck out.

With the long spread of hours provided, the subclause is not necessary.

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

Clause 4—agreed to.

Clause 5—Special exemptions:

Hon. Sir JAMES MITCHELL: If permission is to be granted by the Chief Inspector of Factories for baking to be done at night, it should not be confined to permits granted because of a breakdown of machinery or plant. Any such provision should apply to the country as well as to the city. Provision should be made to meet emergencies. There may be only one baker

in a country town, and if he falls sick, a baker in another town may be requested to bake extra bread to supply the people in the former town. That extra bread could not be baked in the ordinary baking hours. Such an instance occurred recently. Again, it may be possible that a baker in the country may desire to go somewhere in the daytime, and it may be convenient for those concerned to bake at night. Some provision should be made to meet such cases. The Minister might consider exempting the smaller towns where there may be only 300 or 400 people.

Hon. W. D. Johnson: Do not forget that the spread of hours is from 5 to 8, and that in that period there can be two bakings.

Hon. Sir JAMES MITCHELL: I am referring to the smaller towns, not the larger ones.

Hon. W. D. Johnson: I can give you an illustration to show that it will do an injury.

Hon. Sir JAMES MITCHELL: I do not approve of restricting a man's energy or activity. Where there can be no competition and where we can do no harm by saying to the man who owns the bakery and who does not employ labour, "do as you please," why should we bother any further about it? I admit it is difficult to draft an amendment to meet the position, but if it is possible, we should do so. There is no sense in preventing a man adding a bakery to his other business in a small centre. We should remove restrictions where there can be no competition. I have not in mind places like Northam or Geraldton or other big towns.

The MINISTER FOR WORKS: I do not agree that we should make a law for one part of the State and not for another, as we did with the Scaffolding Act. That kind of thing is repugnant to me. Under the spread of hours we have provided, no difficulty will be experienced in the small country centres where only a couple of hundred loaves require to be baked in a day. If four or five batches were found necessary, they could easily be got out in the long spread that we have provided.

Hon. Sir James Mitchell: They may want to get away for a day.

The MINISTER FOR WORKS: This will not stop them from getting away. I have gone to the very limit. Regarding the power given to the Chief Inspector of Fac-

tories in the case of a breakdown of machinery and other happenings, I shall look into the point raised with a view to an amendment being made. It may be possible to delegate the Chief Inspector's power to a police officer.

Hon. Sir James Mitchell: Some provision might be made in the event of sickness.

The MINISTER FOR WORKS: There again the long spread of hours will come in.

Hon. G. Taylor: Take a small town out-back where there is only one baker

The MINISTER FOR WORKS: Then it might be possible for the baker in the adjoining district to work another shift. Regarding the position of the man who is operating himself, I discussed that point fully at the conference, and the employers declared that they would not be a party to any proposal such as that now desired.

Hon. Sir James Mitchell: But it is we who are framing this legislation.

The MINISTER FOR WORKS: And I am in charge of it, and I will not agree to exempt that man.

Hon. Sir James Mitchell: We shall see about it.

The MINISTER FOR WORKS: You can see as far as you like, but I shall go as far as I want to go. In view of what has happened elsewhere, an agreement has been made, and if the Leader of the Opposition desires to upset things now, he will have to take the responsibility. There will be no Bill if the man who does not employ labour is to be exempt. The Leader of the Opposition knows that a Bill with such a provision would be useless.

Hon. W. D. JOHNSON: The Leader of the Opposition is unduly concerned regarding the state of affairs in the country, even more than the country bakers themselves. This is a peculiarly managed industry. There is no industry where employees work under conditions similar to those that operate in the baking industry. We are experiencing calls for special outputs of bread, and in country districts circumstances often arise that make it difficult to cope with the public demand. But that is not limited to country districts: it takes place in the metropolitan area, and it often happens that what are called "jobbers" are engaged to proceed to a particular place where there may be special need for help. These "jobbers" are mostly young men out of work, but amongst them may also

be found aged and experienced bakers. Everything possible is done to meet a situation that may arise. It would be extremely difficult to provide in this Bill for the special circumstances to which the Opposition Leader has referred. Trayning and Kununoppin, which are about seven or eight miles apart, each have a baker. The Trayning baker employs labour, while the Kununoppin baker employs none. Under the amendment the latter would have an unfair trading advantage over the former, and it is from exactly such unfairness that the need for this Bill arises. At Northam, Katanning, and Albany baking is not done as the larger bakers would like to do it, but as the smaller men dictate. In such circumstances it is the small baker who calls the tune as to the hours for baking. I hope the Opposition Leader will realise that the Minister has gone a good way to meet the situation. With the spread of hours provided, there will be no difficulty. Under special conditions the measure is not likely to be strictly enforced in country districts, any more than the Licensing Act is. If express permission were given by this Bill, however, the whole operation of the measure would be undermined.

Hon. G. TAYLOR: I shall not oppose the Minister's amendment. In my district there is only one person running a bakery. He bakes and delivers, and does everything else connected with the business, for three towns. I do not know whether this Bill will compel him to do his baking in the daytime. Where there is only one baker, anything he does cannot influence the baking trade in the metropolitan area. I realise that this is the place for protecting men who work for wages, but they cannot be affected by what happens in a small backblocks town.

Mr. CHESSON: My experience of small towns is that the baker bakes on one day sufficient bread for two or three days' supply. He comes to the door and says, "I won't be delivering to-morrow," and then it is a case of Hobson's choice—take a dozen loaves or take none. In Cue there is one baker, who does the baking with the assistance of his family. He delivers twice a week to a distance of 30 miles from Cue. At some centres he delivers bread only once per week, and the people concerned manage to keep the bread in good condition. The spread of hours now provided will meet the needs of small towns.

Mr. BROWN: I do not know whether the amendment will suit some of the country bakers. In Pingelly there are two bakers, both doing their own work; and they have expressed themselves to me as opposed to this Bill. Possibly the spread of hours may render the measure acceptable to them. Sometimes a country baker has to make two bakings on the one day, and therefore these men think they may have to bake at night occasionally. Country towns outside a certain radius from the metropolitan area should be exempt. The Minister's amendment seems to me a compromise which the Committee would do well to accept.

Mr. ANGELO: The Minister has said that he does not like a measure which applies to only a part of the State. He must, however, realise that the conditions in the North-West are totally different from those in the South.

Hon. W. D. JOHNSON: That is the reason for the spread of hours.

Mr. ANGELO: If the hon. member interjecting realised the conditions in the North-West—

Hon. W. D. JOHNSON: I have worked there.

Mr. ANGELO:—he would know that in summer it is absolutely impossible to bake there during the day.

Hon. W. D. JOHNSON: The baking is done in the early morning.

Mr. ANGELO: The heat, especially when an easterly wind is blowing, is so intense as to curl up paper lying on the desk. I thought of moving an amendment exempting the North. The Minister should be broad-minded enough not to allow the measure to be enforced where such conditions exist. It would not be worth the money to send inspectors to see that the measure is observed in the North. The proposed exemption will affect only three or four small bakeries, not one of which employs any labour.

Mr. LAMOND: As the representative of probably the hottest electorate in this country and in Australia, I wish to say that the last speaker's remarks do not refer to the North-West. Many of the bakeries in my electorate do all their baking in the daytime.

Mr. ANGELO: How many bakeries have you?

Mr. LAMOND: The bakeries in Port Hedland are conducted by white men and white women, and all their baking is done in the daytime. Probably the bread they produce would compare favourably with Perth bread. At all events, the Port Hed-

land bakers are quite content to carry on in the daytime.

Clause put and passed.

Clause 6, Title—agreed to.

Bill reported with amendments.

Sitting suspended from 6.15 to 7.30 p.m.

BILL—GOLDFIELDS WATER SUPPLY ACT AMENDMENT.

Returned from the Council without amendment.

BILL—MUNICIPALITY OF FREMANTLE.

Received from the Council.

On motion by Minister for Works, consideration of the Message made an Order of the Day for the next sitting of the House.

BILL—LAND DRAINAGE.

In Committee.

Resumed from the 13th October; Mr. Lutey in the Chair; Hon. J. Cunningham (Honorary Minister) in charge of the Bill.

The CHAIRMAN: Clause 31 (each elector to have one vote) has been partly considered.

Mr. SAMPSON: An attempt is made in the clause to introduce a new principle. The Acts controlling local governing bodies provide that those who pay the most, shall have the greatest voting power. It is argued that because each elector has one vote for a Parliamentary election, the same principle should apply to the election of local governing bodies and boards such as that to be created under the Bill. The positions are totally different. The franchise for the election of a member of Parliament is on adult suffrage, and there is no necessity for any particular rate to be paid. Under the Road Districts Act, from which almost every other principle in the Bill has been taken, there is provision made for plural voting, particulars of which are set out in Section 34.

The Premier: And is that the last word in legislative perfection in this State?

Mr. SAMPSON: I do not say that, but in this regard it is reasonably fair.

The Premier: If that right is to be conceded to those who vote for these tinpot bodies, why not have the same right of voting for the Federal House?

Hon. Sir James Mitchell: Why don't you propose it?

Mr. SAMPSON: This is a direct tax upon property.

The Premier: So I suppose we are to retain the old reactionary Toryism all the way through.

Mr. SAMPSON: If people have to pay a certain rate, they should be entitled to extra voting power.

The Premier: Should a man have a number of votes for the Federal elections according to the tax he pays to the Commonwealth?

Mr. SAMPSON: No.

Hon. Sir James Mitchell: In this instance the rate is for a special service.

The Premier: We are the most antiquated country in the world regarding plural voting!

Mr. SAMPSON: The Committee should adopt the section in the Road Districts Act in lieu of the clause before us.

The Premier: You are a political troglodyte!

Mr. SAMPSON: What do you mean?

The Premier: A cave-dweller.

Mr. SAMPSON: A little while ago the Premier was talking about one vote, one value. We say that the voting power should obtain according to the taxes paid.

The Premier: If that is reasonable in this instance, why is it not reasonable for the voting in connection with this House and the Federal Parliament?

Mr. SAMPSON: Because the latter is on a different basis. I do not advocate any change regarding the voting for this House.

The Premier: If the principle is good in that instance, it is good here.

Hon. Sir James Mitchell: Certainly not.

Mr. SAMPSON: The individual alone is concerned regarding Parliament, but the ratepayer is called upon to pay rates in accordance with the annual rental or unimproved value of his property.

The Premier: And the taxpayer is called upon to pay certain rates in accordance with the laws of Parliament.

Mr. SAMPSON: If a ratepayer pays 2s. 6d. a year, he is allowed one vote. Is it fair and proper that a man who pays £200 or £300 a year shall be limited to one vote too?

The Premier: There are thousands of people in this country who pay no taxes at

all to the State, and others who pay thousands of pounds. Yet the votes of each have the same value!

Mr. SAMPSON: The Premier is closely in touch with this matter, and must have some qualms of conscience in protesting against the amendment I suggest.

The Premier: It is an antiquated, out-of-date, fossilised suggestion.

Mr. SAMPSON: I will oppose the clause and will later move for the inclusion of a clause along the lines of the section in the Road Districts Act.

Hon. Sir JAMES MITCHELL: The Minister does not seem to have any argument in favour of the clause.

The Minister for Lands: We argued it out the other night.

Hon. Sir JAMES MITCHELL: Members of the present Government have been, in all, 7½ years in occupancy of the Treasury bench and they have not altered the provisions of the Act referred to by the member for Swan.

The Minister for Works: Don't you speak too soon.

The Premier: We have inherited such an accumulation of Tory laws that it will take a considerable time to deal with them all.

Hon. Sir JAMES MITCHELL: If you deal with them as you have with some measures so far, please God it will be a considerable time.

The Premier: And the Council has just passed two without amendment!

Mr. Teesdale: And tossed one out.

Hon. Sir JAMES MITCHELL: What has the Premier to complain about seeing that the Council passed the two water supply Bills? I did not think it possible for the Council to pass those Bills without amendment, and I can hardly conceive it possible now. The Premier would have us believe that voting under this measure is equivalent to voting for a member of this House. But this rate or tax is to be paid in order that some special service may be rendered, a service of value to the land by draining water off the land, in order that the land may be put to better use. The election of a member of this House is a very different matter, and we all agree that at such an election there should be the broadest possible franchise. At one time and another my friends opposite have administered the Road Districts Act for years, yet have never raised a protest against the plural voting prescribed in that Act.

The Minister for Lands: Yes, we have. Last time it was lost on the casting vote of the Chairman.

Hon. Sir JAMES MITCHELL: I ask the House to remember that there has been no real objection offered to the graduated system of voting under the Road Districts Act, and that therefore the system might well be adopted in the Bill. I will vote against the clause. Apparently the Minister is not very keen about retaining it. Of course the election of the board will not be of special concern to the whole of the people of the State, but it will be of special concern to those who have to pay rates.

Hon. J. CUNNINGHAM: Listening to the Leader of the Opposition, one would think that the clause proposed to enfranchise the whole of the residents within a drainage district. Actually the provision is to permit only of ratepayers voting at the election of the drainage board. Of course it is the desire of some members to stick to the old, fossilised provisions still to be found in some of our earlier legislation, instead of endeavouring to broaden and liberalise the franchise. All that we propose to do is to entitle the ratepayers to equal voting power at an election.

Mr. SAMPSON: The principle may be fossilised, but nevertheless it is perfectly sound and has withstood the criticism of centuries.

The Minister for Works: We are the last country in the world to discard plural voting for local government bodies.

The Premier: And the member for Swan is the last man in the last country.

Mr. SAMPSON: Before an alteration such as that proposed is made, a general desire for it should be expressed.

Hon. J. Cunningham: The boards concerned have not entered a single protest.

Mr. SAMPSON: But has there been any general request for the variation? If not, it is unjustified.

Hon. J. Cunningham: All drainage boards have accepted this provision. They have all considered it.

Mr. SAMPSON: Since the Bill has been brought down?

The Premier: It doesn't matter tuppence what the members of the drainage board think about this principle.

Mr. SAMPSON: They are the elected of the people, giving their time in an honorary capacity to carry out the work.

Hon. J. Cunningham: Where is the general desire that the alteration should not be made?

Mr. SAMPSON: That is a negative viewpoint. Even the Premier is not supporting that. Those who pay should have control.

Hon. J. Cunningham: That is what the Bill provides—that the ratepayers shall elect the board.

Mr. SAMPSON: I hope the Committee will decide that the existing method shall continue.

Mr. BROWN: Property holders should be protected. If the areas of land held were uniform, it would be all right, but one man holding a considerable area would have only the same voting power as the holder of a small area. The provision in the Municipal Corporations Act and Road Districts Act is equitable. If one man is contributing £5 and another man £100, is it not fair that the latter should have additional voting power? Under the Road Districts Act he would have only four votes.

The Premier: That is the injustice of it. Why stop at four?

Mr. BROWN: This is a plank that the Labour Party have been advocating for years; it is the thin edge of the wedge.

The Premier: Yes, the next step is confiscation!

Mr. Lindsay: But even then you will want us to run things for you.

Mr. BROWN: The one-man-one-vote principle for State and Federal elections is unfair. A man leaning against a post—

Mr. Teesdale: Full of beer.

Mr. BROWN: Yes, and anything else he can get, has the same right at the poll as the man who has big interests at stake.

The Premier: He may have come out of an aristocratic club before deciding to lean against the post.

Mr. BROWN: The man who leans against a post as a rule is not in evening dress.

The Minister for Agriculture: You must have come out of the ark.

The Premier: The ark is modern compared with him.

Mr. BROWN: I believe in democracy. Men holding hardly any property are ruling the country.

Mr. Withers: A man might be producing more off a small area than another off a large area.

Mr. BROWN: Some people have no desire to acquire property. So long as we have a generous Government who will give

them £1 a week and provide an Old Men's Home for them, they will not deny themselves any luxury in order to acquire property. It is the thrifty man who is keeping this Parliament going. There would be no Parliament if we had to rely upon the man who leans against a post. The man who has ambition and who acquires property should receive some protection.

The Premier: Property! That is the thing. A university professor is of no value unless he has property!

Mr. BROWN: We are all trying to acquire a little more.

The Premier: Some of the men who have rendered the greatest service to humanity have had no desire to acquire property. Have you read anything of history?

Mr. BROWN: Suppose we were all like that.

The Premier: And suppose we were all grasping for property.

Mr. BROWN: Why does a man go out into the back country and grow wheat?

The Premier: Because he likes the rural scenery, the bees, the birds, the trees and that kind of thing.

The Minister for Agriculture: And the running brooks.

Mr. BROWN: But for such men, none of us would be here to-day. They are the men who are building up the country and they are entitled to protection.

The MINISTER FOR LANDS: I am satisfied the member for Pingelly has not read the Bill. The definition of ratepayer is the owner of rateable land. If a man has a small holding, which he is developing properly, he has a greater interest in a district where drainage is required than has a man possessing a large area and producing nothing. The living of the small man depends upon the produce he can raise from the land, and without drainage he cannot get the best production from his land. In the South-West, more than in any other part of Australia, there are large holdings and some of the owners do not care whether drains are put in or not. Some of them hold 1,000 acres when 150 acres would be sufficient. Those people might block the small men from getting drainage. The member for Pingelly argued that the man possessing a larger area should have greater voting power. That does not prevail outside of Western Australia. If this system is practicable in

England, why not here? The idea of some people is to block all progress. A man who is engaged in improving the land and producing wealth should not be penalised by a large owner. The road boards have plural voting, but at the request of the road boards of this district, if an owner does not reside in the district, he will be debarred from voting. Members should take the side of the small man occasionally and give him an opportunity to develop his holding. Four men might be working their land, but one man with a large undeveloped holding would be able to equalise their voting. That has been a drawback in this State for many years and it has to be altered. If this were a municipal Bill instead of a drainage measure, the position would be that the proprietors of many large business places would have four votes although they paid no rates whatever, these being paid by the public.

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

Ayes	..	..	..	..	22
Noes	..	..	..	..	10

Majority for 12

AYES.	
Mr. Angwin	Mr. McCallum
Mr. Chesson	Mr. Millington
Mr. Clydesdale	Mr. Munsie
Mr. Collier	Mr. North
Mr. Corboy	Mr. Taylor
Mr. Coverley	Mr. Teesdale
Mr. Cunningham	Mr. Troy
Mr. Heron	Mr. A. Wansbrough
Mr. Hughes	Mr. Willcock
Mr. Kennedy	Mr. Withers
Mr. Lamond	Mr. Wilson

(Teller.)

NOES.	
Mr. Barnard	Sir James Mitchell
Mr. Brown	Mr. Sampson
Mr. Denton	Mr. J. H. Smith
Mr. Latham	Mr. Stubbs
Mr. Lindsay	Mr. Richardson

(Teller.)

AYES.	NOES.
Mr. W. D. Johnson	Mr. Thomson
Mr. Pantou	Mr. C. P. Wansbrough
Miss Holman	Mr. Naley

Clause thus passed.

Clauses 32 to 41—agreed to.

Clause 42—Appointment of officers:

Hon. Sir JAMES MITCHELL: The provision in this clause that the secretary of

the board shall vacate his office if so directed in writing by the Minister is surely unusual.

The Minister for Lands: You will find it in the Health Act.

Hon. J. Cunningham: And in the Road Districts Act.

The Minister for Lands: Your own Minister saw the necessity for this.

Hon. Sir JAMES MITCHELL: Present Ministers must take the responsibility of their acts. They cannot shelter themselves behind anybody else. Surely the board can be trusted with the control of their officials.

Hon. J. Cunningham: The provision is similar to Section 128 of the Road Districts Act.

Hon. Sir JAMES MITCHELL: The Road Districts Act is good when it suits the Government, and bad when it does not suit them. I move an amendment—

That in Subclause (1) the words "Provided also that the secretary shall vacate his office if so directed in writing by the Minister" be struck out.

Hon. J. CUNNINGHAM: I utterly fail to understand the position taken up by the Opposition Leader. During his administration as Premier the corresponding section of the Road Districts Act must surely have come under his notice. Apparently, however, he has awakened to the existence of such a provision only in connection with the present Bill. The Opposition Leader seems hard pressed for something with which to block the Bill. He constantly endeavours to retard its progress. So far he has not given any logical reason for the excision of the words referred to.

Hon. Sir JAMES MITCHELL: I am gratified by the mild lecture from the Honorary Minister, but I shall not be deterred from objecting to what I consider wrong. Members of the Opposition have questioned about five clauses only out of some 40.

The Minister for Lands: But you do not think this clause is wrong.

Hon. Sir JAMES MITCHELL: I do. The judgment of the Minister cannot be better than the judgment of the members of the board, who are on the spot and have personal knowledge of the secretary.

Hon. J. Cunningham: The Minister for Works not long ago had occasion to exercise this power for the very necessary removal of a secretary.

Hon. Sir JAMES MITCHELL: I know more about that than the Honorary Minister knows. Unfortunately we cannot improve the Bill, because the whip cracks and away goes argument. The Honorary Minister is new and inexperienced, and new and inexperienced Ministers do provoke discussion by making remarks which had better be left unuttered.

Amendment put and negatived.

Clause put and passed.

Clauses 43 to 53—agreed to.

Clause 54—Minutes of boards:

Mr. SAMPSON: Recently there has been some criticism of the methods adopted by certain boards in the transcription of minutes, and the opinion has been expressed that typewritten minutes are undesirable. I do not agree with that opinion. The clause is not definite on the point, but I take it the Government do not specially desire that the recording of minutes shall be done by hand. I presume the Government have no objection to minutes being typewritten.

Hon. J. Cunningham: So long as the chairman's signature appears on each page of the minutes.

Mr. SAMPSON: It is impossible to type in a book, and consequently minutes would be typed on separate sheets, and those sheets would be pasted in the minute book.

Hon. J. CUNNINGHAM: This clause is similar to the corresponding section in the Road Districts Act. I have not had the point brought under my notice by any drainage board or any road board. I consider the matter is one for the boards themselves, provided they work according to the provisions of the Act. The clause requires that each page of the minutes shall be initialled by the chairman of the board. He could initial in the margin at the foot of the page on which the typewritten sheet is pasted.

Mr. SAMPSON: I thoroughly agree with the remarks of the Minister. Typewritten minutes are more proper for these purposes and the use of handwriting is out of date.

The Minister for Lands: There is only one difficulty and that is that you can alter minutes after they are typed. It is easy to remove the sheet and paste in another one in its place.

Mr. SAMPSON: But the signature of the chairman and the date is required on each sheet, and if a chairman would lend himself to an illegal altering of the minutes, he would do anything.

Clause put and passed.

Clauses 55 to 59—agreed to.

Clause 60—Construction and maintenance of works:

Hon. Sir JAMES MITCHELL: This is a good clause but it requires a slight amendment. It provides that a board may construct and maintain drainage works, but before undertaking them, plans and estimates and other particulars have to be prepared and details have to be advertised so that persons interested may inspect the particulars. If within a period of a month a petition against the proposed works is presented, embodying the signatures of a majority of the owners of rateable land within the district, the works cannot be proceeded with. Was this clause embodied in the Bill that the Minister found when he took up office?

Hon. J. Cunningham: Yes, it was in your Bill.

Hon. Sir JAMES MITCHELL: If it is right that the board should do this, the Minister should do the same thing. I move an amendment—

That in line 2, after "the" and before "board," the words "Minister or the" be inserted.

Hon. J. CUNNINGHAM: I draw the attention of the Leader of the Opposition to Clause 62, which relates to works to be constructed by the Minister. He will see there is no necessity for the amendment.

Hon. Sir James Mitchell: We had better have the provision in this clause as well.

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

Ayes	..	..	..	13
Noes	...	..	..	19

Majority against .. 6

AYES.	
Mr. Angelo	Mr. Sampson
Mr. Baggard	Mr. J. H. Smith
Mr. Denton	Mr. Stubbs
Mr. E. B. Johnston	Mr. Taylor
Mr. Latham	Mr. Teesdale
Sir James Mitchell	Mr. Richardson
Mr. North	(Teller.)

NOES.	
Mr. Anglio	Mr. Kennedy
Mr. Brown	Mr. Lamond
Mr. Chesson	Mr. McCallum
Mr. Clydesdale	Mr. Millington
Mr. Collier	Mr. Munslie
Mr. Corboy	Mr. Troy
Mr. Coverley	Mr. A. Wan-brough
Mr. Cunningham	Mr. Withers
Mr. Heron	Mr. Wilson
Mr. Hughes	(Teller.)

AYES.	NOES.
Mr. Thomson	Mr. W. D. Johnson
Mr. Maley	Miss Holman
Mr. Teesdale	Mr. Marshall
Mr. C. P. Wansbrough	Mr. Pantou

Amendment thus negatived.

Clause put and passed.

Clauses 61 to 69—agreed to.

Clause 70—Further powers of board:

Hon. Sir JAMES MITCHELL: The clause provides power for a board, subject to the approval of the Minister, to deepen, widen, straighten, or otherwise improve any watercourse and to remove obstructions from a watercourse. Does this mean that there is to be no national work?

Hon. J. Cunningham: No.

Hon. Sir JAMES MITCHELL: The Minister for Lands stated that there would be national work in connection with the deepening and improvement of watercourses and so on. Work in connection with natural watercourses should be regarded as a national undertaking, and there are many main drains that should be regarded as national works because the whole country benefits by such operations. Our rivers should not be handed over to the control of a drainage board. I do not know why the Minister has inserted this clause, and I think he ought to let it go out.

Hon. J. CUNNINGHAM: This clause will not be strictly administered in respect of any works of a national character. It stands to reason that the Minister, having the powers provided in relation to work of a national character, will not be restricted by the clause. It is generally understood that a great deal of the work to be taken in hand will be work of a national character. Only a few nights ago the Minister for Lands declared that this would be so. In a country like Western Australia, more especially in respect of districts in the southern part of the State, large works will be undertaken on which it will be necessary to expend public moneys, and which, after all, will be

a charge on the State. This clause will not restrict the powers of the Minister in that relation.

Hon. Sir JAMES MITCHELL: I am pleased to have heard what the Minister had to say. Rivers and watercourses should not be handed over to the control of a local authority, for after all such an authority would control but a very small length of a river.

The Minister for Lands: Read Sub-clause 2.

Hon. Sir JAMES MITCHELL: I have read it. If the Minister's words were the words in the Bill, it would be a very good Bill.

Hon. J. Cunningham: The Bill speaks for itself.

Hon. Sir JAMES MITCHELL: Then the Minister need not speak at all. The Minister for Lands will say that this power must be given to the board because a tree might fall across a river, in which case the board ought to have power to remove it. But the clause provides that the Government may allow a board to straighten a river and otherwise improve it. A natural watercourse should be a national work. Ministers have said that it will be, but of course their words are not the words of the Bill. However, since they have given their words, and those words will find a place in "Hansard," I must be satisfied. If I could defeat the clause, I would.

The MINISTER FOR LANDS: If the Leader of the Opposition will read Sub-clause 2, he will find that that is really what he is speaking about. Drains that are a national work are not the property of the board, and the board cannot touch them without the approval of the Minister.

Clause put and passed.

Clause 71—agreed to.

Clause 71—What shall be rateable property:

Hon. Sir JAMES MITCHELL: Land the property of the Crown, or used for public purposes, will be exempt under this. If the land were used as a State farm, it certainly ought to pay for drainage.

The Minister for Lands: The clause says "or unoccupied."

Hon. Sir JAMES MITCHELL: But it must be used for public purposes. Save in one or two instances, State farms have not been wonderfully successful.

The Minister for Lands: They would be of greater benefit to a district than a rate would be.

Hon. Sir JAMES MITCHELL: I do not think so. At the Merredin and Chapman State farms some good work has been done, but at the Brunswick State Farm there are now a number of farmers experimenting.

The Minister for Lands: There is a good deal of experimenting going on in the South-West.

Hon. Sir JAMES MITCHELL: The same was said about the wheat lands some years ago.

The Minister for Agriculture: Compare Newdegate, after one year, with your Peel estate.

Hon. Sir JAMES MITCHELL: The words of wisdom uttered by the Minister for Agriculture will not interest anybody in the country; they are the outcome merely of a narrow, circumscribed vision.

The Minister for Lands: One thing about the Peel estate is that it is now carrying a large number of settlers, where six years ago there were none.

Hon. Sir JAMES MITCHELL: The Bill, of course, will serve to drain the South-West, and the development of the South-West is much less an experiment than was the development of the wheat areas. People have been living in the South-West since the earliest days of the State. I do not know why we should always be ready to doubt the country we have the good fortune to possess. Reverting to the clause, I do not suppose any Government would refuse to pay rates if they had a State farm in the district or its equivalent in work of a national character.

The Minister for Lands: It would be a good thing for the State if our State farms cost nothing more than what we paid on them in rates.

Hon. Sir JAMES MITCHELL: If property is used by the Crown, no matter for what purpose, it will be free from rates, whereas if it be leased by the Crown the rates will have to be paid by the lessees. That is perfectly right.

Clause put and passed.

Clauses 73, 74—agreed to.

Clause 75—unimproved value:

Hon. Sir JAMES MITCHELL: It is here provided that no regard shall be had to any metals, minerals, gems, precious stones, coal, mineral oil, or phosphatic substance, contained, or supposed to be contained, in the land. Is timber to be included in the list?

Hon. J. Cunningham: Timber comes under the second proviso.

Hon. Sir JAMES MITCHELL: But that deals only with timber the property of the Crown. I mean timber belonging to individuals. I was wondering if we ought not to add timber to the list. There is a maximum charge so I suppose we need not bother. If we exclude some things, logically we should exclude all. In respect of Crown leases the Minister says the unimproved value shall be twenty times the annual rental. That was adopted when we first imposed a land tax and it is questionable whether it is a scientific system. We have increased rents considerably since then. At that time the amount was 10s., but now it may be four times that sum. It does not appeal to me that the value should be ascertained in that way, particularly in the drainage area.

The Minister for Lands: There are not many leases in the South-West.

Hon. Sir JAMES MITCHELL: But there are some, and there may be some leases of timber areas. I do not know of what good drainage would be there.

The Minister for Lands: The drainage will be undertaken only in areas where it is necessary for cultivation.

Hon. Sir JAMES MITCHELL: There are reserves all through the South-West that will be leased, and I do not see the use of taxing a man for drainage when he merely has a lease for grazing. The old method of arriving at the unimproved value is not fair. Why should we impose a drainage rate on land over which a timber getter has only the right to take the timber.

Hon. J. Cunningham: Very often after drainage the timber areas will become more accessible.

Hon. Sir JAMES MITCHELL: I shall believe the Minister, but I do not suppose anybody else will.

Clause put and passed.

Clauses 76 to 78—agreed to.

Clause 79—Board may adopt road board valuations:

Mr. SAMPSON: Power is given to the drainage board to take notes from the rate book and utilise the valuations that the road board has prepared or paid for. Whatever is done in this way would be free of cost to the drainage board, and the road board would bear the whole of the expense.

Mr. Latham: Anyhow, the people pay for it.

Mr. SAMPSON: But not necessarily the same set of people.

The Minister for Lands: We do not want to charge the ratepayers twice over.

Mr. SAMPSON: If the road board boundaries coincide with those of the drainage board, well and good, but it is conceivable that a great majority of the ratepayers would be outside the drainage area, and thus would pay this sometimes considerable amount of administration costs.

Clause put and passed.

Clause 80 to 87—agreed to.

Clause 88—Board authorised to strike rates:

Hon. Sir JAMES MITCHELL: This is an important clause. The Minister is again proposing taxation as he did under the two water Bills.

The Premier: Which were passed unanimously by another place.

Hon. Sir JAMES MITCHELL: Not un-animously, but a tactful Minister got them through. When the people know what they have to pay, there will be something doing.

Hon. J. Cunningham: They will be quite satisfied.

Hon. Sir JAMES MITCHELL: The Minister ought to be quite satisfied, but he will be the only man in the community who will be. I do not know how the Minister succeeded in getting the water Bills through the Upper House. He seems to have a great love for the limit of 2s. in the pound on the unimproved value. Each Bill contains that clause.

The Premier: We do not want to be too hard or make it too high.

Hon. Sir JAMES MITCHELL: I do not suppose the Premier wishes to quite kill the goose, but he wishes to pluck it well.

Mr. Lindsay: What about the 5s. per acre?

Hon. Sir JAMES MITCHELL: The Minister proposes a maximum of 2s. in the pound on the unimproved value with a limit of 5s. Under the water Bills land worth 10s. will pay precisely the same amount as land worth £4. However, it will cost as much to carry the water pipes to the poor land as to the good land. We know that the water will be charged for only at the take-off, so that the total cost for new extensions from the gold-fields water supply will be the pipe and maintenance. Under this measure the service cannot be calculated in the same way. Land worth 50s. will pay 5s. and land worth £50 will pay 5s.

Hon. J. Cunningham: There is no limit of 5s.

Hon. Sir JAMES MITCHELL: Yes, there is.

Hon. J. Cunningham: That is 5s. per acre on the area.

Hon. Sir JAMES MITCHELL: I take it that means the area of a man's holding. If it was to be an average of 5s. for the area, that would be quite another matter. I think I had better read the clause to the Committee.

The Premier: The Committee is very interested at present!

Hon. Sir JAMES MITCHELL: Well, could we recommit the Racing Restriction Bill? Does the Minister mean that the rate shall be 2s. in the pound with a maximum of 5s.? His interjection leads one to doubt whether that is intended. I should hope that is the limit. I am afraid this is a double-barrelled affair.

The Premier: It is not going to be 2s. and 5s.

Hon. Sir JAMES MITCHELL: No, but it could be 2s. in the pound or 5s. per acre. If it is on an acreage basis, 5s. would be the maximum. If it is on the unimproved value, would there be the same limit? Surely the Premier sees that if there is a limit in one case, there should be a limit in the other.

The Premier: No land, the unimproved value of which exceeded 5s. on that basis would be likely to come under the operation of this measure.

Hon. Sir JAMES MITCHELL: Yes. Osborne Park land would come under this Bill. The rate on that land would be £8 per acre.

Hon. J. Cunningham: The Harvey board are now rating up to the maximum of 2s.

The Premier: Whatever they rate, they do not pay.

Hon. Sir JAMES MITCHELL: If the limit is 2s. in the pound, it is far too high.

Mr. Lindsay: Is land at Osborne Park worth £80 per acre without drainage improvements?

Hon. Sir JAMES MITCHELL: I did not say so. The cost of the improvements on Osborne Park land would bring its value up to £80. There is no unimproved land at Osborne Park. Under this clause the swamp lands on the Peel Estate would be rated very heavily, and so would the swamp lands to be sold at Herdsman's Lake in a few days. I am quite aware, of course, that the maximum rate need not be imposed; but so

large a maximum ought not to be made possible, especially in view of the voting provisions of the Bill.

Hon. J. CUNNINGHAM: The Opposition Leader in his second reading speech pointed out that it would be unfair to tax a man owning land of an unimproved value of £2 10s. per acre at the same rate as a man whose land was worth £50 per acre. However, that is not the intention of the Bill. It is proposed to levy a rate with a maximum of 2s. in the pound on the unimproved capital value.

Hon. Sir James Mitchell: That is jolly near confiscation.

Hon. J. CUNNINGHAM: There is no restriction as to the total amount. The clause I presume, meets with the Opposition Leader's approval.

Hon. Sir JAMES MITCHELL: I move an amendment—

That in paragraph (a) of Subclause (2), "two shillings" be struck out, and "one shilling" inserted in lieu.

Hon. J. CUNNINGHAM: I must oppose the amendment. I have already stated that the Harvey Drainage Board have struck a rate of 2s. in the pound on the unimproved capital value. We know the great difficulties of the position at Harvey. If the revenue of the board is to be reduced, things will be made harder for the board and also for the Government.

Hon. Sir James Mitchell: You are talking about irrigation.

Hon. J. CUNNINGHAM: No; about drainage. The Opposition Leader should know that at Harvey there is a flat rate of 7s. 6d. for irrigation purposes, which has no relation whatever to the rate struck for drainage.

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

Ayes	..	..	..	12
Noes	..	..	..	18
				—
Majority against	..	..	..	6
				—

AYES.				
Mr. Barnard		Mr. Sampson		
Mr. Brown		Mr. J. H. Smith		
Mr. Denton		Mr. Taylor		
Mr. E. B. Johnston		Mr. Teesdale		
Mr. Latham		Mr. Richardson		
Sir James Mitchell				(Teller.)
Mr. North				

NOES.

Mr. Angwin	Mr. Lamond
Mr. Chesson	Mr. Lindsay
Mr. Clydesdale	Mr. McCallum
Mr. Collier	Mr. Millington
Mr. Corboy	Mr. Munsie
Mr. Coverley	Mr. A. Wansbrough
Mr. Cunningham	Mr. Withers
Mr. Heron	Mr. Wilson
Mr. Hughes	
Mr. Kennedy	(Teller.)

Pairs.

AYES.	NOES.
Mr. Thomson	Mr. W. D. Johnson
Mr. C. P. Wansbrough	Mr. Panten
Mr. Teesdale	Mr. Marshall
Mr. Stubbs	Mr. Troy
Mr. Maley	Miss Holman

Amendment thus negatived.

Hon. Sir JAMES MITCHELL: I move an amendment—

That the following be added to paragraph (a) of Subclause (2):—"but in no case shall the rate exceed five shillings per acre."

The Premier: That is a direct negative.

Hon. Sir JAMES MITCHELL: The Honorary Minister has himself limited the rate to 5s.

Hon. J. CUNNINGHAM: No, nothing of the kind. I can hardly believe that the Leader of the Opposition is serious, particularly when I take into consideration his remarks regarding some land at Osborne Park being worth £100 an acre, while other land there is worth much less. To propose an amendment to restrict the power, as he suggests, makes me doubt if he is serious. The Leader of the Opposition was on the right track when he discussed the question at the second reading stage. He realised the injustice of a flat rate to apply to good and inferior land, and now he departs from that attitude. I cannot accept the amendment.

Mr. LATHAM: The Minister made out a good case regarding land such as that at Osborne Park, but the Bill will deal with land in the South-West, where the conditions are different.

Hon. J. Cunningham: I am assured that some of the land in the South-West is the richest in the State.

Mr. LATHAM: But the Minister knows that we almost have to buy settlers to put them on the land, and he must realise that it is a mistake to add to the difficulties of the position.

The Minister for Lands: You know that is not correct.

Mr. LATHAM: The Minister for Lands knows that he has the greatest trouble to get people to buy land from the Agricultural Bank. We have to do the best we can to keep people on the land.

The Premier: That is the object of the Bill. This will allow a low rate to apply in some instances, and a heavier rate in other instances.

The Minister for Lands: Can you show me where I can buy any land in the South-West for 5s. an acre?

Mr. LATHAM: I am not talking about land to be bought for 5s., but about the imposition of a drainage rate of 5s. per acre per year. On top of that, settlers have to pay road rates.

The Minister for Lands: But the State has to make the roads.

Mr. LATHAM: The roads have to be maintained.

The Premier: If the State drains the land, it adds to the value of the land.

Mr. LATHAM: I know that, but I want to provide for as low a rate as is possible in the interests of these people.

The Premier: That is what we want, too.

Mr. LATHAM: I would like to see the maximum rate reduced.

The Premier: In some instances, it may be justifiable to impose a rate of 3d. per acre, and in others, a rate of 2s. an acre.

Mr. LATHAM: That may be so.

The Minister for Lands: It is a bad advertisement for the State when you say land in the South-West is not worth 5s. an acre.

Mr. LATHAM: I did not say anything of the sort.

The Premier: Why decry the value of the land of the State?

Mr. LATHAM: That sort of talk is all right, but the Premier knows I am not decrying the value of our land. I wish that more people would realise the value of the land in this State. Although the Minister for Lands talks as if this question dealt with the sale of land, it refers to levying a rate of 5s. per acre per annum. People on the land want every shilling they possess to develop their holdings in the early stages.

Hon. J. Cunningham: And they will ask for drains to enable them to utilise their land.

Mr. LATHAM: That is so, but I want the position of these people to be made as easy as possible during the first few years.

The Premier: Perhaps you will ask us to take their goods over the railways free of cost for a few years, in order to assist development.

Mr. LATHAM: That would be a good thing, too. I do not want the settlers frightened off the land by the imposition of heavy imposts. I hope the Minister will be considerate when striking the rates, and I think settlers should be exempt for a certain period.

Amendment put and negatived.

Clause put and passed.

Clause 89—agreed to.

Clause 90—Minimum rate:

Mr. SAMPSON: The clause provides power to impose a terrific rate. The imposition of a rate of £1 on each lot, including building lots, for instance, is altogether too severe. The Minister might break the ice and agree to an alteration making the minimum rate 5s.

Hon. J. CUNNINGHAM: I am not prepared to amend the clause as suggested by the member for Swan. The clause provides for a minimum rate and what more does he require?

The Minister for Lands: Even then, it is at the discretion of the board. One would think a drainage board would be out to get every possible penny from the people within its area.

The Premier: My concern is that these boards will be quite the other way, for they will be drawn from the very men interested, the landholders.

Hon. J. CUNNINGHAM: Yes, the boards will be constituted of the people themselves.

Mr. SAMPSON: That is so, but in the Road Districts Act—

The Minister for Lands: In the Road Districts Act it is compulsory to charge; it is not so here.

Mr. SAMPSON: Under the Road Districts Act the minimum rate is 2s. 6d., but in the Bill the minimum rate of £1 may be levied.

The Premier: I think we ought to make it obligatory on the board to charge £1.

Mr. SAMPSON: The trouble is that the £1 is the minimum rate to be levied.

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

Ayes	..	..	..	19
Noes	..	..	..	12
				—
Majority for	..	..	..	7
				—

AYES.	
Mr. Angwin	Mr. Lamond
Mr. Chesson	Mr. Lindsay
Mr. Clydesdale	Mr. McCallum
Mr. Coiller	Mr. Millington
Mr. Corboy	Mr. Munzie
Mr. Coverley	Mr. A. Wansbrough
Mr. Cunningham	Mr. Walker
Mr. Heron	Mr. Withers
Mr. Hughes	Mr. Wilson
Mr. Kennedy	

(Teller.)

NOES.	
Mr. Barnard	Mr. Sampson
Mr. Brown	Mr. J. H. Smith
Mr. Denton	Mr. Taylor
Mr. E. D. Johnston	Mr. Teesdale
Mr. Latham	Mr. Richardson
Sir James Mitchell	
Mr. North	

(Teller.)

AYES.	PAIRS.	NOES.
Mr. Pantou		Mr. C. P. Wansbrough
Mr. Troy		Mr. Stubbs
Mr. W. D. Johnson		Mr. Thomson
Mr. Marshall		Mr. Teesdale
Miss Holman		Mr. Maley

Clause thus passed.

Clauses 91 to 104—agreed to.

Clause 105—Discount on rates for prompt payment:

Mr. SAMPSON: This discount is only to be allowed if authorised in the by-laws of the board. I think that condition should be struck out.

The Premier: It is quite all right.

Clause put and passed.

Clauses 106, 107—agreed to.

Clause 108—Rate book to be evidence:

Hon. Sir JAMES MITCHELL: It is here provided that it shall be competent for a party sued to rely on the defence that he was not at any material time the owner or occupier of the land rated. Of course, the Minister will say it is quite all right to have this extraordinary provision in.

Clause put and passed.

Clauses 109 to 114—agreed to.

Clause 115—Minister may determine value of works transferred to board:

Hon. Sir JAMES MITCHELL: Now I shall have at least the member for Albany (Mr. A. Wansbrough) voting with me in this.

Mr. A. Wansbrough: Don't you make too sure.

Hon. Sir JAMES MITCHELL: And also the member for Leederville and the member for South Fremantle.

The Premier: You look like winning this time.

Hon. Sir JAMES MITCHELL: The clause provides that the Minister may prepare a statement of any works constructed or situated within a district and transferred to and vested in the board. Under this, drainage works already constructed to-day may be vested in the board. The Premier himself has said that our drainage works have hardly ever been successful. There is Grassmere, for instance, where the drainage is a positive disadvantage to much of the land. The Minister could form a board without consulting the people and say, "Now you have to pay interest and sinking fund on the amount that should never have been expended." The Bill gives the Minister power to act as a board himself, and under the clause he could collect from the owners the amount necessary to cover interest and sinking fund on the expenditure in the district. This is asking too much. I know that the Minister has not the slightest consideration for the people he is dealing with, for in every clause where he can get in something against them he is getting it in. It is right that any work done after the passing of the Act should be charged for, but it is not right that the Minister should make this retrospective. This gives the Minister the right, without doing another tap of work there, to collect rates on a work like that at Grassmere. Members of the Committee are taking mightily little interest in the Bill, although it represents one of the gravest questions that have come before the House this session, and the one likely to do the most good if properly administered. The clause ought to be so worded as to apply only to work after the passing of the Act.

The Minister for Lands: We have the Peel Estate already provided for.

Hon. Sir JAMES MITCHELL: I am aware of that.

The Minister for Lands: If it is transferred to a drainage board, it will have to be charged under this measure.

Hon. Sir JAMES MITCHELL: That is quite a different matter. I am speaking of work done in the past. Grassmere is one of the works.

Mr. A. Wansbrough: That was a national work.

Hon. Sir JAMES MITCHELL: It was not; there were court cases and people were sued.

Mr. A. Wansbrough: And they refused to pay.

Hon. Sir JAMES MITCHELL: Because the works were not of any benefit.

The Minister for Lands: Read the proviso.

Hon. Sir JAMES MITCHELL: That refers to works of a national character. I protest against the Minister taking this power. If a private person carried out drainage work and it was taken over by the board, he would not be paid.

The Premier: Without this power, how could we bring under the provisions of the measure some of the districts that have been drained?

Hon. Sir JAMES MITCHELL: By agreement.

The Minister for Lands: Then we must have power to pass them on to the drainage board.

Hon. Sir JAMES MITCHELL: While I realise that some power must be given—

The Premier: If any Minister acted unreasonably, he would have to justify his action to the House.

Hon. Sir JAMES MITCHELL: If I led a party such as that controlled by the Premier, I should be certain that it would approve of anything I did. The Opposition might question what had been done, but the Government would not take the slightest notice of them.

The Minister for Lands: It would be dangerous to alter this clause.

The Premier: All acts confer great powers on the Government, but they have to be exercised with discretion.

Hon. Sir JAMES MITCHELL: Of course; if every law were enforced, it would be difficult to move along the street. The Government are not too anxious to enforce laws unless they produce revenue, and this measure will produce revenue.

Hon. G. Taylor: The Leader of the Opposition speaks as an ex-Treasurer.

Hon. Sir JAMES MITCHELL: I speak from experience. It is a dangerous clause and I shall oppose it.

Clause put and passed.

Clauses 116 to 123—agreed to.

Clause 124—Form of debentures:

Hon. Sir JAMES MITCHELL: If money is borrowed, I hope it will be borrowed by the Government. It would be a bad thing to have debentures issued by the local authorities. The Premier knows that as a rule such finance is arranged by the Treasurer, and I hope that money borrowed for drainage will be raised in the same way.

Clause put and passed.

Clauses 125 to 163—agreed to.

Clause 164—Limitation of liability when work done in reliance on supposed legal authority:

Mr. SAMPSON: This clause contains a remarkable consideration to those who may honestly and reasonably but mistakenly believe they are authorised to do certain things which in the doing create damage. I should like an explanation from the Minister in justification of that principle.

The Premier: That principle is embodied in most Bills of this description.

Hon. Sir JAMES MITCHELL: Someone must take the responsibility for damage done in the circumstances set out in the clause.

The Minister for Lands: We would pay for only the damage done.

Hon. Sir JAMES MITCHELL: That is limited under the Act.

The Minister for Lands: This is the limitation clause.

Hon. Sir JAMES MITCHELL: This clause means that if the board do something they are not entitled to do, they shall not be responsible for damage to a greater extent than would be awarded to the person aggrieved in connection with any lawful act of the board.

The Minister for Lands: Read the proviso.

Hon. Sir JAMES MITCHELL: The proviso makes the position worse. A clause of this kind should not be passed. If the board, or the servants of the board, do things not authorised by the Act, the person injured is not to get damages.

The Minister for Lands: Yes; he is.

Hon. Sir JAMES MITCHELL: Damages are not to be greater if improper things are done than if proper things are done and injury results. If the board foolishly do something that results in loss, the loss is not to be paid for.

The Minister for Lands: What more should a person want than to be paid his actual damage?

Hon. Sir JAMES MITCHELL: But he is not to get that. The object of the clause is to protect weak administration. If a drain is not properly cut, and the water overflows and does damage, the owner would not get compensation under this clause. Throughout the Bill the doubt is always against the landholder.

The MINISTER FOR LANDS: A certain amount of drainage has been done at Busselton, and no provision has been made for outlet. The work was done some considerable time before the present Government took office, and claims have been made for alleged damage. This clause says that the person who suffers damage as the result of work done by the board, or the board's officers, reasonably and in the belief that there was power to do it, shall not claim greater compensation than if the work had been done under legal authority. I am confident that there is going to be difficulty with regard to this measure, that there is going to be strong opposition to its operation. There are in this country people who want the group settlers to bear the whole cost of drainage. Certain drainage should be charged as a national work, and certain drainage should be charged to the groups, and certain drainage should be charged to private owners. The group settlers have to pay for their particular drainage, but not for national drainage. The other landholders, who have benefited from the drainage equally with the group settlers, are apparently not to be charged at all. I want it to be thoroughly understood that the Royal Commission on Group Settlement pointed out that £175,000 is to be spent in the Busselton district, and that a proportion of the amount should be charged to private owners, and, further, that unless there is power to charge that proportion to those private owners the Government are not justified in undertaking that drainage scheme. Without this clause the private owners cannot be charged. The Bill should have been passed

years ago, before we started group settlement.

Clause put and passed.

Clauses 165 to 177, Schedule, Title—agreed to.

Bill reported with amendments.

House adjourned at 10.26 p.m.

Legislative Council,

Tuesday, 20th October, 1925.

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

QUESTION—RAILWAY COMMUNICATION, WILUNA.

Hon. E. H. HARRIS asked the Chief Secretary: 1, What investigations, if any, or flying survey have the Government caused to be made as to a proposed railway from Nannine to Meekatharra, or Sandstone to Wiluna? 2, Have any persons been recently employed to make investigations as to the route for a railway from any point of the existing railway system to Wiluna?

The CHIEF SECRETARY replied: 1, The Railway Advisory Board in 1911 reported on routes from Sandstone and Leonora to Lawlers; beyond that, no investigations have been made. 2, No.