

the Notice Paper. I wanted it to be considered to-night.

Hon. A. G. JENKINS: Is it not possible, by the will of the House, to consider the matter this evening; it seems to me a pity that it should be adjourned? At any rate we could start a discussion this evening, and if it became necessary to adjourn the matter, that could be done.

The Colonial Secretary: There is opposition all round.

Hon. Sir E. H. Wittenoom: The whole thing seems very involved, and I think we should have time to consider it.

*Sitting suspended from 8.15 to 8.30 p.m.*

*House adjourned at 8.31 p.m.*

## Legislative Assembly.

*Tuesday, 19th January, 1915.*

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

### QUESTION—RAILWAY WASH- AWAYS.

Mr. HOLMAN (without notice) asked the Premier: Is he aware that owing to washaways on the Geraldton-Meekatharra railway the trains have not been able to get through, and it is possible that some days may elapse before proper communication is restored, as the non-

delivery of mails and other necessities causes great inconvenience. Will he make immediate arrangements for the delivery of the mails and other necessities by motor tricycles or other means to Meekatharra and other centres affected?

The PREMIER replied: I have noticed what the hon. member has stated and I have been advised by the Commissioner for Railways within the last ten minutes that he expects being able to make temporary repairs which will enable a train to leave Yalgoo for Meekatharra at daylight to-morrow.

### QUESTION—WORKERS' HOMES, LEASEHOLD APPLICATIONS.

Mr. THOMSON asked the Premier: 1, Is it a fact that applications are being received, and approved, for workers' homes under Part 3 (leasehold) of "The Workers' Homes Act, 1911"? 2, If so, will he state why the same treatment is not being extended to applicants under Part 4 of the same Act?

The PREMIER replied: 1, Applications are being received for lots under Part III.; two applications have been approved for the erection of new dwellings under Part III., since August, 1914, when all lots were temporarily withdrawn from selection, i.e., Fremantle one (1), Geraldton one (1). 2, Applications are not at present being invited under Part IV., as it is more difficult to control expenditure where dwellings are erected by contractors than where the buildings are erected and the cost of wages and material are controlled by the Board.

### QUESTION—ORANGES EXPORTED TO VICTORIA.

Hon. J. D. CONNOLLY asked the Minister for Lands: 1, Has his attention been drawn to the article in the *West Australian* of 14th inst. on our fruit industry, in which it is stated that a large consignment of oranges sent from this State to Victoria was rejected by the

officials of the Victorian Department of Agriculture? 2, Will he cause inquiries to be made into the matter, with a view to preventing a recurrence of such a regrettable incident, which must have a detrimental effect upon our fruit industry?

The MINISTER FOR LANDS replied: 1, Yes. 2, The reputation of our fruit is largely in the hands of the growers themselves as the Department has no control in this matter and cannot prevent consignments being sent to the Eastern States.

#### QUESTION—RAILWAY CONSTRUCTION, BROOKTON-KUNJIN.

Mr. GRIFFITHS asked the Minister for Works: When will the Brookton-Kunjin line be handed over to the Working Railways or made available for traffic? 2, Is it a fact that authorisation for construction was given four years ago, and it was connected with the Wickepin line last August?

The MINISTER FOR WORKS replied: 1, It was expected to hand over this railway at the end of this month, but the recent heavy rains having caused some washaways, the transfer will have to be delayed for three weeks or so. Traffic has been carried over this line since November last. 2, The Act for the construction of this railway was assented to in February, 1911, but the work thereon was not commenced until May, 1913, because prior to commencement it was necessary to ascertain the relative costs of constructing the wide-gauge line between Perth and Kalgoorlie, via Armadale, Brookton, Kunjin, Merredin, and via Midland Junction, the Swan Valley, Northam—the comparison involving extensive surveys. Connection was made with the Wickepin-Merredin line at Corrigin in August last.

#### QUESTION—MATERNITY HOME.

Mr. SMITH asked the Premier: When will the long promised and urgently needed maternity home be proceeded with?

The PREMIER replied: The Government are now preparing the plans for the erection of a maternity ward at the Perth Public Hospital, and the work of erection will be proceeded with when these are completed.

#### PAPERS—ELECTORAL ACT OFFENCE.

On motion by Mr. HEITMANN ordered that all papers in connection with an offence against the Electoral Act, alleged to have been committed by a person named Allatt at Mullewa, be laid on the Table of the House.

The Attorney General laid the papers on the Table.

#### PAPERS PRESENTED.

By the Minister for Mines: 1, Metropolitan Water Supply, Sewerage, and Drainage, amendment of by-laws; 2, Permission to the Sons of Gwalia, Ltd.; to construct a timber tramway; 3, Workers' Homes Act, 1911, Applicants under Parts 3 and 4.

By the Attorney General: Papers dealing with an offence against the Electoral Act (ordered on motion by Mr. Heitmann).

#### BILL—INDUSTRIES ASSISTANCE.

*As to Recommital.*

The MINISTER FOR LANDS (Hon. W. D. Johnson—Guildford) [4.40]. I move—

*That the Bill be recommitted for the purpose of considering Clauses 15 and 23 and the Third Schedule.*

Hon. J. D. CONNOLLY: I would like to ask the Minister for Lands to add Clause 29. I have an amendment to suggest.

The MINISTER FOR LANDS: That is the clause referring to the regulations. I cannot agree to it being included. There is no need for that matter to be discussed again.

Hon. J. D. CONNOLLY (Perth) [4.41]: I move an amendment:

That after "23" the following be added:—"and 29."

When that clause was before the Committee I was not present and the latter portion of it was struck out. I can quite understand the Minister moving to delete that portion of the clause, because as it stands what is required is provided for under the Interpretation Act. The amendment I propose to suggest, if the clause is recommitted with the others, is that the clause should be made similar to that which was included in the Grain and Foodstuff Bill, that is to say, there should be a provision that either House may object to the regulations.

The Minister for Lands: That would conflict with the Interpretation Act.

Hon. J. D. CONNOLLY: No; what I now propose was passed in the Grain and Foodstuff Bill, and we find it also in the present Health Act and in other Acts. The clause provides, "The Governor may make all such regulations as may be necessary or convenient for giving effect to this Act." This wording is entirely different from that which appears in the Interpretation Act or in similar sections of other Acts. It simply means that if that regulation is made as it is now, whether it be *ultra vires*, or not, it becomes law unless it is objected to by both Houses. In other measures including the Grain and Foodstuff Bill, the regulations may be upset if they are not in conformity with the provisions of the particular Act under which they are made. I take it that the regulations made under this particular clause if it becomes law, will not have the force of law whether they are in conformity with the provisions of the measure or not.

The Attorney General: No. If they are *ultra vires*, they are *ultra vires*.

Hon. J. D. CONNOLLY: This clause says, "if convenient." In other measure these words do not occur. If the Government wish to express their intention in this way, my argument that regulation would be disallowed by either House applies with a greater force. We are enacting an entirely different law, to

permit one House and one House only to pass regulations. So long as this House agrees to a regulation it must become law, whether it is in conformity with the Act or not. That is my reading of this clause. If it is not correct, why have the Government departed in this and in the Grain and Foodstuff measure from the ordinary wording of regulation clauses. It is unusual for the present Government to agree to regulations being disallowed by either House, but when I saw this provision in the Grain and Foodstuff Bill I took it that the Attorney General had inserted it because the regulations would become law when passed by the Governor-in-Council, whether they were *ultra vires* or not. The Attorney General indicates that this is so, and that the regulations must be in strict conformity with the provisions of the Act. Then what is the objection to having the same provision as appears in the Grain and Foodstuff Bill, and making regulations amenable to either House.

The Minister for Works: Some people object to regulations when they are in conformity with the Act.

Hon. J. D. CONNOLLY: I know the Minister for Works holds strong opinions on the matter of regulations. Regulations, even if not in conformity with the Act, may have the force of law. They become part of the Act, and this provision will permit of the enactment of a law by one House and one House only. Therefore, I ask that this clause be re-committed.

The MINISTER FOR LANDS (Hon. W. D. Johnson—Guildford) [4.47]. I opposed the hon. member's suggestion because it would be superfluous to add the words to the Bill. Provision governing regulations is made in the Interpretation Act. Having that Act on the statute-book, all we have to do is to take power to make regulations. The manner in which they shall be made is outlined in the Interpretation Act. I am prepared to admit that Bills have been passed by the present Government, and to a limited extent by the previous Government, which repeat almost word for word the

section in the Interpretation Act, and I cannot understand why this procedure has been perpetuated. The Parliamentary Draftsman admits that it is superfluous, and he cannot understand why it has been done. It is of no use continuing to print a lot of unnecessary words in our legislation, and for that reason I moved for the deletion of the words which were struck out of this clause. The only argument advanced by the hon. member is that this has been introduced in other Bills. However, it is wrong, and it is of no use perpetuating a wrong.

Hon. J. D. Connolly: Why the difference in the wording of the first sub-clause?

The MINISTER FOR LANDS: I cannot understand it. The Parliamentary Draftsman has used words which are not quite similar to those in the foodstuff measure, but the meaning is identical. The difference affects only one or two words. The intention of the clause in the Foodstuff Bill, as in this Bill, is the same. But we have perpetuated the old blunder in the Foodstuff Bill by inserting the provisions embodied in the Interpretation Act, which law was passed to govern all Acts of Parliament passed thereafter.

Hon. J. D. Connolly: The wording of the clause in the Grain and Foodstuff Bill is entirely different from that in the Interpretation Act. It provides for either House. The Interpretation Act provides for both Houses.

The MINISTER FOR LANDS: The reason these words have been included in Bills since the passing of the Interpretation Act was to defeat the Interpretation Act. They were introduced by previous Governments. The correct course is outlined in the Interpretation Act, that both Houses shall enact a law, and both shall allow or disallow the regulations made under the law. But to defeat the Interpretation Act the previous Government introduced the practice of inserting a similar clause to this in their Bills, and it has been perpetuated regardless of the fact that it is in conflict with the Interpretation Act. Under the circumstances I cannot agree to the introduction of the

superfluous words, and therefore cannot agree to recommit Clause 29.

Hon. FRANK WILSON (Sussex) [4.51]: This matter has been thrashed out on many occasions. I disagree with the Minister that any previous Government adopted a certain course in order to defeat the Interpretation Act.

The Minister for Lands: That is the effect.

Hon. FRANK WILSON: The Minister is inaccurate in that statement. He should be careful what he says; we ought to be in a position to accept the Minister's statement.

The Minister for Lands: It has had that effect, even if it was not the intention.

Hon. FRANK WILSON: If we turn to the Interpretation Act we find that it is perfectly competent for the House to specify in the Bill how regulations shall be disallowed. Section 11 distinctly provides for by-laws, rules, regulations, or other instruments being placed before Parliament within 14 days after its next meeting, and to enact that all such instruments when published shall have the force of law, and shall continue in force unless repealed or altered under the power given by the Act. We can legislate under the Act for any power we like in regard to the disallowance of regulations.

The Premier: No one asserted otherwise.

Hon. FRANK WILSON: The Minister has conveyed the impression that it is otherwise. The Interpretation Act lays down the alternative that we may legislate as to how regulations shall be disallowed. If we do not particularly specify the procedure, it comes under the Interpretation Act.

The Attorney General: That is correct.

Hon. FRANK WILSON: Previous Governments have acted within the four corners of the Interpretation Act, and have legislated specially to provide that if regulations are disallowed by one House of Parliament, they shall not be given effect to. We have done this on many occasions. It was originally pro-

vided in this Bill that the disapproval of both Houses should be necessary in order to disallow regulations. If those words were inserted, we would be adopting an unnecessary system to provide for disallowance as this is already provided for in the Interpretation Act. But if any member wishes to provide that regulations should be disallowed by either House, provision to that effect must be made in the Bill. This is what the member for Perth wishes to do. I agree with the hon. member that there is just cause for amending this clause. I hold that our Interpretation Act is wrong. It should be amended.

The Premier: Why did not you amend it?

Hon. FRANK WILSON: It ought to be amended. We were content to make the necessary provision in the Bills we submitted to Parliament. The measure now under consideration provides for exceptional powers. We do not know what effect this legislation will have until it is tried. Yet the Government have absolute power to pass regulations under the measure, regulations which may be within the four corners of the Bill and yet most drastic, and they desire that the disapproval of both Houses shall be required to disallow them.

The Minister for Mines. It requires both Houses of Parliament to pass a measure.

Hon. FRANK WILSON: Yes, but it requires only the Government to make the regulations. That is the difference, and forsooth the Government desire that both Houses shall have to reject them. Once the Government have made regulations they, to all intents and purposes, will have the effect of law. The Government have a majority in this Chamber, and they have only to lay the regulations on the Table of both Houses in order to enable them to be given effect to. If the Council rejects them it will not matter; they will have the force of law.

The Minister for Lands: Is not that fair?

Hon. FRANK WILSON: Decidedly not, because Parliament does not frame

the regulations. We frame our legislation, and both Houses are required to approve of it. In other words, if either House rejects any portion of a measure it cannot have the effect of law. It is not sufficient for this House to pass it. On the other hand, the Government desire that it shall be sufficient for this House only to pass the regulations.

The Premier: According to the Interpretation Act.

Hon. FRANK WILSON: Yes, unless otherwise provided in the Bill. It is essential that regulations, especially such as will be framed under this measure, should be adopted only if both Houses agree to them, or if either takes exception to them they should not receive the force of law.

The Premier: Parliament has passed an Act which gives power to do a certain thing.

Hon. FRANK WILSON: It takes both Houses to pass a measure, and both Houses should have to approve of the Government's regulations.

The Premier: Both Houses agree to the principles of an Act, and one House can disagree with the regulations.

Hon. FRANK WILSON: Certainly, because they are not passed by Parliament.

Hon. J. D. Connolly: The regulations may have more effect than the Act.

Hon. FRANK WILSON: Yes.

The Premier: No, they must be in conformity with the Act.

Hon. FRANK WILSON: It is very specious argument to say that it takes both Houses to pass an Act of Parliament, and both Houses should be required to reject a regulation. Both Houses do not pass regulations. If one House rejects any portion of a Bill it cannot become law; therefore if one House rejects any portion of a regulation it should not become law.

Hon. J. D. Connolly: The Minister allows to stand the first part of the clause, in which the wording is entirely different from the Interpretation Act. Why not strike out the whole of the clause if the Government stick to the Interpretation Act?

Hon. FRANK WILSON: I hope the House will discuss the matter in Committee. I support the amendment.

The ATTORNEY GENERAL (Hon. T. Walker—Kanowna) [4.58]: The leader of the Opposition is finding fault with an Act which has been passed and observed for many years.

Hon. Frank Wilson: I am; we have a lot of bad laws.

The ATTORNEY GENERAL: The question now is not one of a debate on the Interpretation Act under which the clause, as framed, is in perfect order. The Interpretation Act insists upon the disallowance of regulations by a vote of both Houses—

Hon. Frank Wilson: Or as may be specified.

The ATTORNEY GENERAL: Or as may be specified by the measure being passed. The provisions of the Interpretation Act can be altered by expressing in the measure under consideration how regulations shall obtain the force of law. It is open to any member to propose a different way of making regulations, but the Bill itself is perfectly clear. The fears of members are extraordinary. I can conceive nothing more expressive and to the point than the wording of Clause 29—

The Governor may make all such regulations as may be necessary or convenient for giving effect to this Act, or for carrying out its objects and purposes.

The regulations can go no further. They cannot go outside of that. They cannot prescribe any object that is not provided for in the Bill. They can only do what is in accordance with the measure. What is the danger? What is the fear? Anything that goes beyond that, whether it is passed by both Houses or not, is *ultra vires* and cannot have the force of law. The power in the Bill is to enable the Bill to be carried out, to make the machinery for carrying out the objects and purposes of the Bill.

Mr. James Gardiner: Presuming that the Act is passed and Parliament closes, how will the consent of both Houses be obtained to the regulations?

The ATTORNEY GENERAL: We can carry on according to the spirit of the Act and according to the regulations, and within 14 days of the next meeting of the House the regulations must be laid on the Table. The course followed in this case has been followed in scores of instances. This is only an imaginary danger; the fear that the Government may make some regulation or do something which is outside the Bill. We cannot do that. The regulations must be in accordance with the spirit of the Bill.

Hon. H. B. LEFROY (Moore) [5.5]: I certainly think there is a danger in the first Subclause of Clause 29. It is different, as far as I can remember, from any provision of the sort that has appeared in any of our Acts of Parliament. The Interpretation Act is one thing, but the instructions are given in the Act of Parliament. The Bill provides certain instructions to the Government to make regulations and the Interpretation Act then provides the method of making the regulations, the course that is to be pursued. Unless instructions are given in the Bill to the Government, or empowering the Government to make regulations, they cannot make those regulations. The Bill gives the power and then it goes on to prescribe what course is to be pursued. In former Acts which we have had before us it is provided that the Governor may make regulations giving effect to the Act, but in this Bill it says—

The Governor may make all such regulations as may be deemed necessary or convenient.

I think that is going too far. Whatever the Governor may think necessary or convenient becomes law. We know that some of the greatest litigation which has taken place in this State has been on account of regulations being *ultra vires*. We know the great trouble that arose years ago over the Ivanhoe Venture when the courts were kept busy for months on the question as to whether the regulations were *ultra vires* or not.

Mr. Holman: The 10-foot regulation.

Hon. H. B. LEFROY: We do not want that trouble to arise again. I think the subclause is too wide.

The Premier: The alteration proposed will not prevent that arising.

Hon. H. B. LEFROY: I think the Government have gone too far. In all other measures which have come before the House empowering the Government to make regulations the power has not gone as far as to state that the Governor may make regulations "that may be necessary or convenient." Why should these new words be inserted? The courts may hold that because the Government considered regulations necessary or convenient that they have the force of law. I do not understand why the Attorney General desires to insert this novel clause in an Act of Parliament. Why cannot the hon. member be satisfied with the wording of the provision that appears in other Acts of Parliament?

The Attorney General: I think you are fighting a shadow.

Hon. H. B. LEFROY: I think the most dangerous part and that which the member for Perth objects to mostly is Subclause 1, which gives such wide powers to the Government. I hope the House will agree to discuss this matter in Committee.

The PREMIER (Hon. J. Scaddan—Brownhill-Ivanhoe) [5.10]: This measure is an important and urgent one, and the member for Perth is only taking a standing objection which he has on this matter, and not in connection with this particular Bill alone, for he has on the Notice Paper another amendment of a similar character to another Bill. As this is an urgent and important measure, under the circumstances the hon. member might allow this to pass in accordance with the law as it stands to-day, that is the Interpretation Act, and we can discuss the question on the other Bill. These words have been put in by the Parliamentary Draftsman. They were not specially stipulated by the Government. All we are concerned about is to have the necessary power to make regulations so that the law can become operative, and we wish to do so in accordance

with the Interpretation Act. If the hon. member objects to the wording of the clause, I will make arrangements with the Colonial Secretary to have the amendment made in another place, so that the clause shall be in accordance with the Interpretation Act. Having given that assurance, I hope the hon. member will allow the clause to stand now, as the Bill is so urgent and important.

Hon. Frank Wilson: Amended in the other respect in another place also?

The PREMIER: They will look after that.

Hon. J. D. CONNOLLY (Perth) [5.12]: On the assurance of the Premier that the clause will be amended in another place, and that the principle shall be discussed on a future Bill, I ask leave to withdraw the amendment.

Amendment by leave withdrawn.

Question (recommittal) put and passed.

#### *In Committee.*

Mr. Holman in the Chair, the Minister for Lands in charge of the Bill.

Clause 15—Advance to be first charge on land, crops, etc., of settler:

The MINISTER FOR LANDS: When in Committee on the Bill it was agreed that certain amendments should be made, and the Parliamentary Draftsman, on the representation of the Government, has submitted an amendment, the chief object of which is to put in the measure the proceedings adopted by the Farmers' Assistance Board. As hon. members are aware, the assistance board has been in operation for some time, and has rendered certain assistance, but they never rendered assistance unless they got an agreement for a first mortgage, but they never took a first mortgage until it was agreed to by the existing mortgagee, in the event of the mortgagee being outside the Agricultural Bank. The object of the amendment is to put that in the measure. Therefore, I move an amendment—

*That the following proviso be added to Subclause 1:—"Provided that when the holding of an applicant is already mortgaged by a registered instrument, or is subject, to the knowledge of the*

*Colonial Treasurer, to a vendor's lien for unpaid purchase money, notice in the prescribed form of the proposed advances shall be given to the mortgagee or vendor, and, if within fourteen days after such notice, the mortgagee or vendor, by notice in writing served on the Colonial Treasurer, objects to the proposed advances, the Colonial Treasurer shall not make the advances."*

Mr. JAMES GARDINER: If a mortgagee objects to any assistance being given by the Government the mortgagor has to go off his land. Such cases would be in the minority, and they may be extreme cases. If a farm on which there was a mortgage for £5,000 was put up for sale to-day, the mortgagee under the circumstances has only to realise the amount of the mortgage, plus his expenses. I want to protect the good man if I can. The object of the measure is to prevent a man who is a questionable mortgagor forcing the mortgagee to give him assistance which common sense and common security say should not be given. There may be instances where the mortgagor says, "I cannot advance any further money than I have already advanced, because I have not got it myself"; and in such circumstances the mortgagor may be forced to leave the property, with the result that the property will be sacrificed because no assistance is forthcoming from the Colonial Treasurer. Any number of mortgagees at the present time would be only too pleased to assist their mortgagors if the former could find the money to do so.

The Minister for Lands: But under these circumstances the mortgagees would never object to advances being made by the Government.

Mr. JAMES GARDINER: That is so; but a man may be forced off his land and the property sacrificed in spite of a very good equity being behind it.

Mr. Allen: Would not the man take his security somewhere else in such a case?

Mr. JAMES GARDINER: But he may not be able to get an advance elsewhere.

Mr. MUNSIE: I have a few words to say practically on the lines adopted by the member for Irwin (Mr. James Gardiner). The last sentence of the amendment somewhat surprises me. In my opinion, the member for Irwin put an extreme case. For my part, I consider that if the mortgagor has only £50 above the mortgage that amount of £50 is too much for the farmer to lose.

Mr. James Gardiner: Under those circumstances, I think, the mortgagee would take the risk.

Mr. MUNSIE: During the previous debate an hon. member suggested an amendment similar to that now before us, and another hon. member asked "But will you grant the assistance if the mortgagee objects?" The Premier, I think, replied that the Government were not prepared to take the responsibility of placing the farmer at the mercy of the money-lender. I quite agree with that sentiment. Two gentlemen who, I believe, will have seats on the proposed board, are Mr. Sutton and Mr. Paterson, and surely the Government would be guided by the recommendations of a board so constituted. If there is owing to a mortgagee even a considerable amount on a holding, and the board recommended that assistance should nevertheless be granted to the farmer, then the Government should not leave it to the absolute discretion of the mortgagee to say whether in such a case the Government shall or shall not be allowed to assist. I hope the amendment will be altered so as to protect the interests of those whom this Bill is designed to assist.

Mr. HARRISON: What would be the position under the amendment in the following case? A farmer has obtained assistance from the Trustees of the Agricultural Bank, and the estate cannot carry further advances. Assuming that the trustees refuse to advance further in these circumstances, could the Government then come to the assistance of the mortgagor under this amendment?



Hon. J. D. CONNOLLY: Does the holder of a bill of sale come under the amendment?

Mr. James Gardiner: I would not say so; not the holder of a bill of sale.

Hon. J. D. CONNOLLY: Perhaps the Attorney General will enlighten us on the point. A mortgage, I understand, applies only to land. In connection with agricultural and pastoral pursuits, the granting of a bill of sale over stock and implements is a very common occurrence, and in many cases the stock and implements would be worth as much as the land. Thus the holder of a bill of sale is no more protected than is the mortgagee.

The Minister for Lands: Under the Bills of Sale Act, the holder of a bill of sale must register; and thus the bill of sale immediately becomes a registered instrument.

Hon. J. D. CONNOLLY: "Holding," I take it, means only land, and does not include stock or implements.

The MINISTER FOR LANDS: The Government fully recognise that it is unfair to leave the mortgagor at the mercy of the mortgagee; but, after going into the matter most carefully, we realise there are grave difficulties on the other side. For instance, if we agree that every application submitted to us for assistance shall be referred to the mortgagee, and that assistance shall be granted whether the mortgagee agrees or disagrees, the Colonial Treasurer will be inundated with applications, and mortgagors will hold such a provision as a threat over mortgagees' heads. There may be cases in which it would be unfair for the Colonial Treasurer to step in, from another point of view. Suppose a mortgagee holds security over a farm and the mortgagor says to him, "I am in a bad way; I lost a crop last year; I want to put in 800 acres this season." The mortgagee replies, "I am not prepared to risk 800 acres; 400 acres will clear us." The mortgagor then rejoins, "No; I want 800 acres, and if you do not agree I will

apply to the Colonial Treasurer." Such a position would involve distinct unfairness to the mortgagee. The cases which have been used as illustrations will be extremely exceptional, and I submit we cannot legislate for exceptional cases. In 99 cases out of 100 it will be in the interests of the mortgagee to let the Colonial Treasurer advance. The position suggested by the member for Hannans (Mr. Munsie) would represent a most drastic attitude on the part of the mortgagee. In any case the Government do not intend to allow the mortgagee to take advantage of exceptional circumstances. The great danger is that too much power should be taken, and too much responsibility cast on the Colonial Treasurer. Were it not for the general feeling that next year there will be a good season, I should be disposed to say that in this measure we are going indeed a long way. We all feel confident that things are going to come out right, but we do not want to go beyond all the bounds of safety. If the clause were further amended as suggested, we should be going somewhat too far.

Mr. JAMES GARDINER: A fair addition to the clause would be that where the first mortgagee advances money under this measure for seed and so forth, then that further advance should be automatically included in his first mortgage. The first mortgagee may have behind him two or three other mortgagees, and I am inclined to think that before he could advance he would have to obtain the consent of the second, third, and fourth mortgagees, say. The first mortgagee ought to be saved all that trouble by a provision that such further advances should be automatically added to the amount of the first mortgage.

Mr. Smith: His mortgage would provide for that.

Mr. JAMES GARDINER: No; that is not so. An insurance company here has had trouble of that description. The member for Canning (Mr. Robinson) the other night drafted a clause which was to protect the first mortgagee, as is only right and fair.

The Minister for Lands: Surely that is only a question of arrangement between the mortgagee and mortgagor.

Mr. JAMES GARDINER: No; the first mortgagee might be willing to do it, but behind him are two other mortgagees or several other creditors.

The Premier: Subject to his doing it on the same basis as we are doing it.

Mr. JAMES GARDINER: Exactly. I want him to practically take the position which the Government are willing to take when they do it.

The Minister for Lands: It would be drastic to give an outside mortgagee the same powers as the Government.

Mr. JAMES GARDINER: Not for the purposes of this measure.

The Premier: You would give him priority?

Mr. JAMES GARDINER: The same priority as the Government will take. Let the amount be automatically added to his mortgage. The basic principle of this dealing is that the Government are going to advance for these several purposes, and as security will take a lien over the crop, with the first mortgage over the land. The idea is that if I have a stock mortgage over the stock the Government are not going to come in and abrogate that?

The Minister for Lands: No.

Mr. JAMES GARDINER: You are only going to take the mortgage over the crop plus the first mortgage over the holding?

The Minister for Lands: Unless we have to advance for horses and machinery.

Mr. JAMES GARDINER: Practically you take a mortgage over what you advance against?

The Minister for Lands: That is the position.

Mr. JAMES GARDINER: Then the Government should agree to let the first mortgagee who is willing to assist take the same position as will the Government when they advance.

The Premier: But we have the amendment that the Government cannot come in unless the other mortgagee agrees.

Mr. JAMES GARDINER: No, that is the first mortgagee, and not the second or third. Do you intend to consult all the mortgagees? The one that has the power to sell, irrespective of the other mortgagees, is the first mortgagee.

The Premier: The second mortgagee or the third may have made a further advance, knowing the extent of the first mortgage. If we are going to let the first mortgagee lend a further amount without consulting the second and third mortgagees it will be scarcely fair.

Mr. JAMES GARDINER: The clause provides for consulting the mortgagee, who, I take it, is the first mortgagee. If the first mortgagee is prepared to advance further money under the Bill the amount should be automatically added to his mortgage.

The Premier: If the first mortgagee lends a further amount he can only do it with the permission of the second and third mortgagees, and for that amount he becomes the fourth mortgagee. It is a serious matter to lift him from the position of fourth mortgagee to that of first.

Mr. JAMES GARDINER: You propose to come along and ask the mortgagee if he will further advance, and if he will not you make the advance and take priority of security. All I ask is that the first mortgagee shall be placed in exactly the same position.

The Minister for Lands: There are not many of these cases.

Mr. JAMES GARDINER: There are many second mortgages.

The Minister for Lands: Does that not apply only where the Agricultural Bank is the first mortgagee?

Mr. JAMES GARDINER: I do not think so. There are plenty of second mortgages over the Midland land. The first mortgagee who is willing to lend additional money should not be placed in any worse position than the Government.

The ATTORNEY GENERAL: The primary object of the clause is to help the farmer. The first essential is to grant him assistance. Where no mortgage exists there is no difficulty, but if he has received assistance from private persons a difficulty appears. It is contended that

if a corporation or individual mortgagee has assisted the farmer he shall be consulted and notified that the farmer has applied to the Government for a loan, and shall be able to say, if he chooses, "I will not let the Government help him." Is that all he shall be able to say? I take it the intention of the measure is that we shall enable him to say, "You stand aside, and I will help this man through." It would be a simple thing if there was but one mortgagee; but there may be several. It is right enough for the first mortgagee to say, "I am willing to help you." That mortgagee may be willing to go up to within a very small margin of the value of security. What of the other mortgagees? Is this man to be permitted to go over their heads, and to say, "Not until the utmost tithe of the assistance I have rendered is paid back shall you have one farthing." Having that power he may ignore the second and third mortgagees.

Mr. James Gardiner: He can ignore them now.

The ATTORNEY GENERAL: No; the first mortgagee has first say. He can foreclose, but he can only do it to the extent of the borrower's indebtedness to him, and after that indebtedness is met all that can be realised is available for the second and third mortgagees. The only corporation or body that can be trusted as a first mortgagee in a matter of this kind is the Government.

Mr. James Gardiner: Exactly.

The ATTORNEY GENERAL: The outside first mortgagee will always consider, or very generally, his personal interest, his monetary interest, what he has at stake, and nothing further, whereas the Government desires not only to get back the money advanced on the security, but to see that none of those who have assisted the farmer shall suffer in any way. The Government say, "We are going to keep properties intact: we find the money to cultivate them and enable the farmer to get a production from them, in order that he may pay back to us the money advanced and in order that other creditors may also reap the benefit." No other mortgagee would stand behind all the creditors in that way. No other mortga-

gee would say, "We will take so much for ourselves this year and will allow the other creditors to come in *pro rata*." The Government have consideration for the other creditors just as they have for the farmer. In helping the farmer the Government do not want to assist only the farmer. It would not be safe to allow a mortgagee to jump over the heads of other mortgagees and squeeze them out of existence.

Mr. James Gardiner: Although he has advanced the money?

The ATTORNEY GENERAL: Others have advanced money also.

Hon. Frank Wilson: What about a bill of sale?

The ATTORNEY GENERAL: A bill of sale is by way of a mortgage. A lease or a holding is only a chattel.

Mr. JAMES GARDINER: Who is advancing the extra money? If the first mortgagee is advancing the extra money he is giving all the other mortgagees a run for their money. If a mortgagee advances money, surely he is entitled to some security.

The Premier: Suppose the second mortgagee is prepared to further advance, would you give him priority over the first mortgagee?

Mr. JAMES GARDINER: I do not think I would. The Government say that they would come along and advance the money. This makes the Government the first mortgagee, and the first mortgagee becomes the second mortgagee. He is only liable for the amount that is advanced, if the mortgagee has only loaded the total security with an amount sufficient to keep it alive.

The Minister for Lands: He would be in a good position and the second and third mortgagees would be all right if the farmer got a crop, but if there were no crop what would happen?

Mr. JAMES GARDINER: The man whose security was good for £500, we will say, advances another £300 on it. He can only advance in the same way as the Government would advance. If there is a failure, he is bearing the actual loss out of pocket. If he is taking a risk in paying in the extra cash, he wants to be

placed, I maintain, in the same position as the Government would be placed.

The Premier: Oh, no. The Government and the private individual may have different objects in view. We are not entering into the business of a money-lender. A private individual may be entering into the business of a money-lender and if the crops are a failure he may foreclose on his first mortgage, and the second mortgagee may get nothing at all.

Mr. JAMES GARDINER: It is the first mortgagee who is advancing his solid cash; he should take the same position that the Government desire to take.

The Attorney General: He cannot do that.

Mr. JAMES GARDINER: He is advancing the same cash as the Government are advancing. If there is any consent withheld from the second or third mortgagee, there is going to be a lot of land lying idle.

The Premier: If the second and third mortgagees object to the first mortgagee, the Government may do it. Would that not suffice to meet the position?

Mr. JAMES GARDINER: The first mortgagee may be perfectly willing to help the second mortgagee, but the third mortgagee may say, "No, I will raise objections." And the poor unfortunate man is therefore turned off his land, although his equity may be all right with all the three mortgagees. If I come along and advance a sum of money to help a man and practically keep alive the interests of the second and third mortgagees, surely I should have some sort of first claim.

The Minister for Lands: There is some argument in it, but it is dangerous.

Mr. JAMES GARDINER: What are you going to do?

Mr. S. Stubbs: I will show the Committee what to do.

Mr. JAMES GARDINER: You will get an additional certificate if you can get through this position.

Mr. S. STUBBS: There are hundreds of typical cases that I could give to the Minister. In nine cases out of ten the men who went on the land during the land boom in the Liberal Administration were

told that they would get certain accommodation from the Agricultural Bank; in fact, the blocks were marked on the plans at so much money, according to the area and quality of the land. As long as that money lasted everything went well, and the storekeepers were paid their accounts regularly. About four years ago, however, the Agricultural Bank advances gradually petered out and the man on the land swallowed up all the money that the bank had agreed to advance. The Agricultural Bank, or the Associated Banks, held the first mortgage in 99 cases out of 100 along the Great Southern areas. Then it was that my troubles as a storekeeper began. The money that the farmers received had been finished. In many cases when the crops came in the farmers were unable to pay, and some of them only paid me 5s. in the pound. The first mortgagee did not come to my assistance. The second year I had to find all the money, every penny of it, to put that crop in. What happened in the second year? I may have been paid 7s. 6d. in the pound, but the mortgagee's interest was paid because I had to pay it—

The Premier: To keep your security up?

Mr. S. STUBBS: To keep that security alive. If the first mortgagee is kind enough to come to the rescue of the farmer and lend him more money he should in 99 cases out of 100 be satisfied if a lien is taken over the crop.

Mr. James Gardiner: Supposing the crop is a failure.

Mr. S. STUBBS: Then he is no worse off than the storekeepers who have to keep the mortgagee alive by paying interest on the security. I am certain that next year we shall have a bumper harvest in this State. There is a great deal of land ready for the crop now and in a beautiful condition owing to the recent rains we have had.

Mr. James Gardiner: Try that optimism to raise money now.

Mr. S. STUBBS: I would sooner be dead than be a pessimist. Any person who has lent £500 as a mortgage on any farm of any consequence where the land is good, would be quite right in advancing

another £200 and getting a lien over the crop for next year.

The PREMIER: There is a difficulty in the way of accepting the amendment of Mr. Gardiner. If three mortgages exist on a property and the first mortgage is for £500, the second for £150, and the third for £150, it makes a maximum of £800 on the property. That may be, under normal conditions, about as much as the property can carry. Unfortunately, owing to the season, many of the farmers are actually bankrupts. If they were to realise at the present time they would not be able to get the amount of their mortgage and the mortgagee would be the loser. One of the objects of the Bill in giving the Government priority is to prevent the mortgagees from selling the properties over which they have claims before the owners can get the benefit of any good crop they may have. We want to protect the farmer when good times arrive as well as protect him in bad times. The first mortgagee may be willing to assist him, but the second and third may not. We want to keep the security alive. We are there to protect the man and to put him on a sound footing. To get over the difficulty I would suggest that we compel the first mortgagee to get the consent of the second and third mortgagees before he can lend anything further on the property, and then if they do not agree, and as we do not want to sink the individual, or let him lose his farm, he should be able to apply to the Government to be treated as though the mortgagees had given consent.

Mr. James Gardiner: Do you not purpose taking up exactly the same stand with regard to the second mortgagee that the Agricultural Bank does?

The PREMIER: Exactly the same position except that we are the Government whereas the man, on the other hand, is a money-lender. We want to keep on the land the man who is there to-day and who has struck adverse conditions; and we do not want anybody else to come along in good times and reap the advantage of the man's pioneering work. If there are difficulties in the way, we are

prepared to come along and take priority, but only to save the industry. We have no concern in selling up a man.

Mr. James Gardiner: I think your suggestion is all right; when the second and the third mortgagee object, you can come in.

The PREMIER: That would secure the second and third mortgagee. When the Bill was introduced, it was submitted in a way that we thought would meet most difficulties. At the same time the Government had to be considered in an entirely different manner from anybody else, and while we were coming in and taking priority to render assistance we could do it without ulterior motives being attributed to us. One citizen is no more to the State than another. The committee said the clause was too drastic, and we had to get the consent of the mortgagee. If we cannot get that consent, what do hon. members suggest? In the last twenty-four hours I have had my mind disabused. I have been told by financial institutions that if a client went to a financial institution and said he was prepared to carry on for another season, and wanted £300 to do so, they might say to him they were not prepared to let him have more than £200. Then if the man declared that that was not enough, they would say that it was, and that he had no right to question the amount which they proposed to advance to him. What did that show? That the financial institutions, or some of them, might easily adopt an attitude not to carry a farmer further on bills as in the past. That meant that the man must starve. Are we going to allow that side by side with a Bill of this nature, when it is our desire to help these people? If the industry is worthy of any assistance, it is worthy of that assistance which will give a man hope to recover. I am nervous of the attitude of certain financial institutions because they have to lend according to the amount they have available. They will put on the screw, and instead of a man putting in 300 acres the institution may compel him to put in only one hundred, and instead of recovering he will find himself in a worse position. In the

meantime, the season having improved, and the property having improved, the financial institution may foreclose on the man just when he might have been in the position to recover. Our official organ, the *Sunday Times*, said that this was an outrageous proposal.

Mr. Bolton: Whose official organ?

The PREMIER: The official organ of all parties. We have said "Very well; if it is too drastic we will not help unless we get their consent."

Mr. Smith: Why interfere with mortgages at all?

The PREMIER: We do not.

Mr. Smith: Take a security over the crop.

The PREMIER: The hon. member does not appreciate the fact that we can come along and lend £300 to a farmer to help not only his farm but those who are carrying a mortgage on the property. He is safe to-day because his property cannot be sold. We come along and lend £300 to save the ship from sinking and make the security good. Next year the financial institutions may have difficulties in other directions which we cannot now foresee and they may foreclose. Then where would we come in? We are doing this to save the industry, and not for the purpose of making money. We are keeping possession of the ship until it gets to its destination. We are protecting not merely the farmer but the first, second, and third mortgagees. No fairer proposition has ever been submitted.

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

Hon. FRANK WILSON: It is difficult to form an opinion of hon. members' wishes. Last week the member for Irwin did not have very much concern for the mortgagee, but recognised that drastic action was necessary to assist the farmers, and that the South Australian Act was much more drastic. To-day he is equally in earnest in wanting to protect the first mortgagee. We cannot protect everybody and prevent the State from being a loser. It has been said that there are second, third, and sometimes fourth mortgagees, and also outside creditors.

Some settlers are in this unfortunate position, but when a man is so involved and is practically bankrupt it would be fair for him to consult his creditors. There would be no undue hardship if such a man called his creditors together and made arrangements to take advantage of the assistance of the Government or the further assistance the first mortgagee might be inclined to grant under special security which the general body of creditors would readily agree to give.

The Minister for Lands: Time will not permit of too much investigation.

Hon. FRANK WILSON: No, we must leave the extreme cases.

The Premier: Do not you think that reasonable administration will give all the power necessary to render reasonable assistance, and where the mortgagee will do it, he can?

Hon. FRANK WILSON: I support the amendment.

The Premier: If the mortgagee cannot do it, we can.

Hon. FRANK WILSON: Our first concern is to maintain credit, and if we do not do something of this nature and recognise existing mortgagees to the extent of consulting them and getting their consent—

The Premier: We do, but we do not want to be bound by any decision which might be to the prejudice of the mortgagor.

Hon. FRANK WILSON: If the mortgagee is not given a say as to further advances, credit will be undermined. Mortgagees will not only refuse to make further advances, but many will call in existing mortgages and the last stage will be worse than the first.

The Premier: This Bill has one particular object—to assist the farmer.

Hon. FRANK WILSON: To assist the industry.

The Premier: And the farmer must be the first consideration.

Hon. FRANK WILSON: He has been the first consideration.

The Premier: I am doubtful whether this amendment would make him the first consideration.

Hon. FRANK WILSON: Then why introduce it?

The Premier: We promised to have the clause recommitted so that the matter could be discussed.

Hon. FRANK WILSON: The Government have introduced the amendment and I presume will support it.

The Premier: It was introduced at the desire of the member for Canning, and is brought forward for discussion.

Hon. FRANK WILSON: I cannot understand the Government submitting an amendment which they will not support. Will the Government support it?

The Premier: We have not decided.

Hon. FRANK WILSON: This is a remarkable position. The amendment will do all that is necessary to preserve the credit of the country, and encourage private institutions such as the National Bank which has already sent out a circular proposing to assist its clients.

Mr. James Gardiner: They do not come under the Bill.

Hon. FRANK WILSON: But if they do not receive protection, they will not grant assistance.

The Premier: What protection do they require?

Hon. FRANK WILSON: The protection under this amendment.

The Premier: If they grant assistance we do nothing, and they will not come under the Bill.

Hon. FRANK WILSON: The ordinary mortgagee will not give any further assistance if he is not consulted.

The Premier: We do consult him, that is the policy of the board.

Hon. FRANK WILSON: When this matter was discussed last week at the instigation of the member for Canning the Minister acknowledged that it was a proper provision. The member for Irwin said he would welcome any amendment which would protect mortgagees.

Mr. James Gardiner: I was concerned about the mortgagee being notified.

Hon. FRANK WILSON: If there are a lot of creditors, they should be consulted by the mortgagor, and if he is in an unfortunate position he should sub-

mit a scheme for carrying on with the assistance of the Government or the first mortgagee, or any one else who will help him. We cannot provide for everything, and there are bound to be some instances of hardship.

Mr. James Gardiner: I am inclined to think the clause as it stands is preferable.

Hon. FRANK WILSON: I think the amendment is an improvement. If we ignore those who have made advances, there may be a calling in of mortgages, and that will defeat the object we have in view.

Hon. J. D. CONNOLLY: The object of the amendment appears to be to protect the first mortgagee, but the wording of the amendment covers only certain first mortgages. It is well known that most of the mortgages on farms are held by banks.

Hon. Frank Wilson: And private people.

Hon. J. D. CONNOLLY: Yes, but the majority are held by banks. I know of a financial institution outside of a bank which has lent a considerable sum. My knowledge of banking liens tells me that generally they are not registered; and if not registered they are not protected.

Mr. S. Stubbs: They are registered all right.

The Premier: If what the member for Perth says is right, I had better send a stamp officer round the banks to-morrow.

Hon. J. D. CONNOLLY: I always understood that under the Banking Act the depositing of a title or conditional purchase lease and the obtaining of an advance constituted a mortgage, although not a registered mortgage.

The Attorney General: The banks get their ordinary liens as well as their mortgages registered. Banks have very few equitable mortgages only.

Hon. J. D. CONNOLLY: It might be asked "Why not register?" but the instruments have to be registered already in order to be protected by this amendment.

Mr. THOMAS: One slight objection which might be raised against the Min-

ister's amendment has reference to money lenders of a certain description. The ordinary banking institution would raise no objection to Government assistance being given to its clients after the institution had ceased to render assistance; but there may be individuals, money lenders of the worst type, who, having advanced money and beginning to think their security is risky, would, if requested to grant permission for the advancing of money by the Government, not only refuse permission for that assistance but also refuse to give further help themselves, and so force the Government into the position of repaying the original mortgage in order to be enabled further to assist the holder.

Mr. S. STUBBS: The point the Committee do not grasp is that the passing of this measure in its original form aimed a blow—though, of course, not intentionally—at the future welfare of the farmer. If it were thought for a moment that this Parliament would pass a measure which, by a stroke of the pen, would destroy existing securities, the effect would be disastrous.

The Premier: Hear, hear! There is nothing of that sort in the Bill.

Mr. S. STUBBS: That was the real danger of the original Bill.

The Premier: There was nothing of that nature in the Bill.

Mr. S. STUBBS: In that case, I cannot read. The Premier is apprehensive that numbers of farmers may be debarred from taking advantage of the assistance which the Government propose to offer. I have no hesitation in saying that 99 farmers out of 100 requiring assistance will get the necessary permission from their first and second mortgagees. I hold a more favourable opinion than that of the member for Runbury (Mr. Thomas) with regard to the people who have advanced money to the farmer in the past. As first introduced the Bill absolutely ignored all persons having mortgages over farming land. The amendment cannot work injury in any shape or form.

The MINISTER FOR LANDS: I must take exception to the desire of

some members to place the responsibility for the amendment on the shoulders of the Government. The amendment is the amendment of the House. We introduced our Bill, and, naturally, we liked our own clause; but during the discussion in Committee the majority of the Chamber appeared to be of opinion that some protection should be afforded to the first mortgagee in case the mortgagor approached the Government for assistance. It seemed to be thought that the mortgagee should have the right to say yea or nay to the granting of Government assistance. The member for Canning (Mr. Robinson) drafted an amendment which had been seen, if not approved, by the leader of the Country party, and, further, had been seen by the Premier. The Government undertook to have that amendment re-drafted by the Crown Solicitor, and submitted here for discussion. However, the Government still maintain that their original clause provides the best course in the circumstances. Without this Bill, we are rendering assistance, but, before assistance is rendered, the mortgagee is first approached for his consent. Under the amendment, if the mortgagee refuses permission, that is final, and as far as the Government are concerned the holding must then be sacrificed, because the Government cannot do anything. We agreed to insert in the Bill a provision for consultation with the mortgagee. The amendment of the member for Canning, however, went further, and this amendment now before the Committee represents the amendment of the member for Canning as re-drawn by the Parliamentary Draftsman. My own opinion is that we might stop at the words "vendor or mortgagee," two-thirds of the way through the clause. However, I do not wish the responsibility for this amendment—an amendment belonging to the House—placed on my shoulders or on those of the Government.

The PREMIER: I move an amendment on the amendment—

*That all the words after "vendor" in line 6 be struck out.*

Hon. FRANK WILSON: I hope the Committee will consider the effect of this



amendment on the amendment, before voting on it. To myself it seems that if the words proposed to be struck out are struck out we do not want the amendment at all, because then it will simply mean that the Government will give notice—

Mr. Thomson: A polite intimation.

Hon. FRANK WILSON: Yes, an intimation which the Government tell us they are giving as a matter of courtesy already.

The Minister for Lands: We do that to-day, and so give the mortgagee an opportunity of discussing the situation with the board.

Hon. FRANK WILSON: And the Government propose to continue doing that?

The Minister for Lands: Yes.

The Premier: No objection is being raised to that procedure to-day.

Hon. FRANK WILSON: The question is, shall we or shall we not give any right to the mortgagee? Legally the board could make its advances and take the first security without reference to anyone else.

The Premier: No. We would not tie ourselves, that is all.

Hon. FRANK WILSON: But you are following the same course to-day, and notifying the mortgagee. It is striking at the credit of the whole of the State, and will work incalculable injury. I hope the Committee will accept the amended clause, and not emasculate it.

The Premier: If the clause is to injure the credit of the State it would be better if the Bill were allowed to go altogether.

Hon. FRANK WILSON: It will have that effect. All are concerned in this. To impair the security without giving the mortgagee some say is altogether too drastic.

Mr. JAMES GARDINER: Previously the Committee desired that the mortgagee should be notified; after that an amendment was drafted prescribing that automatically the amount advanced by the mortgagee should be added to the mortgage. We have an assurance from the Government that they already consult

the mortgagee. I understood that was to be put into the Bill. However, on the assurance of the Government that the mortgagee will be consulted, would it not be as well to accept the clause as printed? After all the discussion we have not got much closer to a realization of the position than the original clause gives us, with the assurance behind it that the mortgagee will be consulted.

The Premier: We readily give that assurance.

Amendment (the Premier's) on amendment put, and a division taken with the following result:—

Ayes	..	..	..	30
Noes	..	..	..	9

Majority for .. .. 21

#### AYES.

Mr. Angwin	Mr. Nairn
Mr. Bolton	Mr. O'Loughlen
Mr. Carpenter	Mr. Plesse
Mr. Chesson	Mr. Scaddan
Mr. Collier	Mr. B. J. Stubbs
Mr. Jas. Gardiner	Mr. Taylor
Mr. J. P. Gardiner	Mr. Thomas
Mr. Gilchrist	Mr. Underwood
Mr. Griffiths	Mr. Veryard
Mr. Hickmott	Mr. Walker
Mr. Johnson	Mr. Wansbrough
Mr. Johnston	Mr. Willmott
Mr. Lefroy	Mr. A. A. Wilson
Mr. McDowall	Mr. Heilmann
Mr. Mullany	(Teller).
Mr. Muusie	

#### NOES.

Mr. Allen	Mr. S. Stubbs
Mr. Connolly	Mr. Thomson
Mr. Male	Mr. F. Wilson
Mr. Robinson	Mr. Hardwick
Mr. Smith	(Teller).

Amendment on amendment thus passed.

Amendment as amended put and negatived.

Clause put and passed.

Clause 23.—Relief to farmers from contracts for the supply of wheat for future delivery:

The MINISTER FOR LANDS moved an amendment—

*That the following subclauses be added:—(6.) Every purchaser under a contract in respect of which relief is*

*granted under this section, and every sub-purchaser under him, may claim relief from their obligations under contracts of sale made by them so far as they are unable to perform such contracts in consequence of relief afforded under subsection (4) of this section; and in any action or other proceeding against any such purchaser or sub-purchaser for the performance or for damages for the non-performance of contracts of sale made by them, the court shall give effect to this subsection by granting relief to the same extent from the obligations under such contracts. (7.) The clerk of the court, at the request of the purchaser, may, in the name and on behalf of any farmer who may have contracted as aforesaid and is unable to perform his contract, make an application to the resident magistrate for relief from the contract, and the like order may be made on such application as if the application had been made by the farmer himself.*

When the Bill was previously under discussion, several members pointed out that an amendment moved by myself did not go far enough; that we could give relief to the farmer, but made no provision for protection to a man who had bought from a farmer and sold forward. Consequently we agreed to bring down an amendment to protect him. It may happen that a farmer who has contracted his wheat to another person who sells forward has no wheat at all to deliver, and that in such circumstances the farmer reasons that as he has no wheat to deliver he cannot deliver, and is not going to worry about getting relief from the contract. The man who sold forward would be under an obligation to fulfil his contract, and it would be wrong to leave him at the mercy of the indifferent farmer. It would be equally difficult to give the second man an opportunity of going to the court and taking action against the farmer. We now say in the amendment that the man who bought from the farmer and sold forward may go to the clerk of the court and explain the position; whereupon the clerk of the court makes application and gets relief for the farmer,

as a result of which the man who sold forward also secures relief.

Mr. ROBINSON: I am afraid the amendment I suggested to the Minister for Lands has been paraphrased, and does not now comply with the wishes of hon. members. One instance I gave the other night was that where a breach of contract had taken place and the farmer himself did not apply for relief then no sub-purchaser or purchaser on from him would have the right to apply for relief. The sub-purchaser under this Bill as it stands can only get relief when the farmer has applied for relief. If the farmer does not apply for relief the sub-purchaser cannot get relief under the clause.

The Minister for Lands: Proposed subclause 7 provides for that.

Mr. ROBINSON: I would like to see the words "subject to sub-section 4 hereof provided" deleted altogether. The inclusion of the words will only leave us where we were before.

The Minister for Lands: Under proposed subclause 7 the purchaser has to apply to protect himself if the farmer does not take action.

Mr. ROBINSON: The farmer must have made his own application or the clerk of the court must have made it for him. At all events, it seems to me that the system is likely to prove cumbersome.

The MINISTER FOR LANDS: These words must be included because under Sub-clause 4 the court can decide to wholly or partly relieve the farmer. The sub-contractor will be relieved also to the same extent. The clerk of courts can take the position that the farmer would otherwise take. He can make application to the court and the purchaser could get the relief provided for under Clause 4. It is not a cumbersome method.

Hon. Frank Wilson: Would you not want the evidence of the farmer himself?

The MINISTER FOR LANDS: The responsibility is cast on the clerk of the court of finding out how the farmer stands. If we were to make the purchaser do it, he would have to go round and forage out all this information which the clerk of courts can more readily ob-

tain. The position of the purchaser is made absolutely secure by this.

Mr. ROBINSON: I am satisfied that the Minister's explanation is correct. At the same time I think it is a cumbersome way of affording the relief. It will certainly provide food for lawyers. Before the court can decide upon the claims, it must hear evidence which must show the position of the farmer. Therefore, the farmer will have to be cited to the court.

The Minister for Lands: That will be for the clerk of courts to do.

Mr. ROBINSON: The expense will have to be met by someone. I admit that it gives the relief I asked for the other night, but it would be more simple if the words I have referred to were omitted.

Amendment put and passed.

Mr. E. B. JOHNSTON: I am more than ever satisfied that the Government would have been wise to have cancelled all contracts entered into before a given date, namely the 1st October last, as outlined in my motion which appeared on the Notice Paper last week. The farmers are not in a position to travel the long distances that they will be expected to travel under this clause. It appears to me that it is altogether a new principle to place clerks of the court in the position that they are to be placed in here. A clerk of courts is always supposed to take up an impartial position between litigants. Under this Bill the Minister proposes to place the clerk of courts in the position of agent or solicitor for one of the parties. I desire to enter my protest against the clause.

Mr. HEITMANN: Would you cancel contracts for those farmers who have entered into them in order that they may themselves get the higher price for their wheat?

Mr. E. B. JOHNSTON: Just as I would cancel the contract of a farmer who has only a little wheat so that he might be relieved from the claim made upon him. The Government are under this Bill enabling a great many people to get away from their obligations. It will also put farmers to great expense in the way of travelling to the courts. Progress associations and agricultural societies as

well as branches of the Farmers' and Settlers' Association have placed before me the request that I embodied in the amendment which appeared on the Notice Paper last week, namely that all contracts entered into before the 1st October should be cancelled. I submit that even if it had the effect of allowing the farmer to get the higher price for his wheat, it is better that the farmer should get the benefit than the agent who entered into the contract, and re-sold the wheat and who is being relieved from his re-sale by the Federal legislation and who will get the benefit of the increased price of wheat in the meantime.

Mr. HICKMOTT: I am inclined to support the member for Williams-Narrogin in his amendment. The Federal Government having prohibited the export of wheat, flour and pollard, and also the States having striven to prohibit the export of these commodities, the agents must be getting the benefit. I think the Government having come to the assistance of the farmers in other respects, should also come to their assistance in this way and cancel the contracts they have entered into before October. If wheat is not allowed to go out of the State the money must go into the pockets of the agents or the buyers.

Mr. HEITMANN: That has been going on for years.

Mr. HICKMOTT: Under these abnormal circumstances, I consider that contracts should be cancelled and that the Government should give the matter earnest consideration. The people who have a little wheat should be benefited as much as possible.

Mr. THOMSON: I almost wish that the member for Williams-Narrogin had moved his amendment.

Mr. E. B. JOHNSTON: It appears on the Notice Paper.

Mr. THOMSON: Then I am going to support his amendment. I consider that contracts made before the 1st October should be cancelled. We are dealing with extreme circumstances. Those who have entered into contracts prior to the 1st October should be relieved. We know that the Commonwealth Government have

prohibited the export of wheat. We will assume that a farmer has sold his wheat for export at 3s. 6d. per bushel. By the provisions of the Bill this farmer has to supply the agent with wheat at 3s. 6d., but the Commonwealth, having prohibited the export of wheat, the agent is in the happy position of turning round to-day and selling the wheat at 6s. 8d. and pocketing the difference of 3s. 2d. a bushel. Furthermore, the contracts were made when the farmers were not aware that a war was in existence. If it is necessary to bring in legislation such as this, and we cancel contracts, we will not be doing an injustice to any individual if the amendment of the member for Williams-Narrogin be carried.

Mr. Bolton: What about the man who has sold it forward?

Mr. THOMSON: Let him produce his books.

The Minister for Works: What would you have done if the price had gone down?

Mr. THOMSON: Then this legislation would not have been brought into existence. A farmer who, through extraordinary circumstances, finds that he has made a mistake should be relieved prior to the 1st October.

The MINISTER FOR LANDS: I can only express regret that members should bring forward such a proposition, which is dishonest. They are suggesting that there are farmers who have a certain quantity of wheat over and above their requirements, who have entered into contracts to sell it, and hon. members say that that wheat shall not be delivered according to contract, but that the farmer shall sell it possibly to the same person at an increased price. It is our duty to protect the farmer, but to go beyond that the Government would not consider the matter seriously.

Clause as amended put and passed.

Third Schedule:

The MINISTER FOR LANDS: The member for Wagin made certain representations in regard to the Third Schedule, and after going into the matter with Mr. Sutton, who takes an active part in regard to the advances made by the Seed Wheat Board, which, to a great extent,

works in with the Chamber of Commerce, an understanding was arrived at. I propose that we should liberalise the Third Schedule to the extent outlined on the Notice Paper, by amending paragraph 7 and inserting another paragraph to stand as 8. I move an amendment—

*That paragraph (7) be struck out and the following be inserted in lieu:—*

*"The applicant's cash requirements to not exceeding twenty-five per cent. of the surplus then remaining, and debts incurred in the working expenses of planting and harvesting the crop of the 1913-14 season."*

Those who assisted in planting the crop in 1913-14, and who have not been paid owing to the crop not turning out as well as was expected, will be given an opportunity of coming in before the other debts referred to in paragraph 8.

Mr. James Gardiner: Do I understand that the 25 per cent. of the surplus remaining is taken by the farmer; does that go to him, and what is he to do with it?

The MINISTER FOR LANDS: Whatever he wants the cash for.

Amendment passed.

The MINISTER FOR LANDS: I move a further amendment—

*That the following stand as paragraph (8):—"Other debts including rent in arrear or moneys due for advances made to enable an applicant to pay arrears of rent, etc. (Section 9 (c))."*

Amendment passed; the Schedule as amended agreed to.

Bill again reported with further amendments.

## BILL—GOVERNMENT ELECTRIC WORKS.

### *Second Reading.*

Debate resumed from the 12th January.

Hon. FRANK WILSON (Sussex) [8.40]: It will be remembered that last year we passed an Electric Lighting Agreement Act, and, reading this Bill through, hon. members will notice that the powers and obligations under that

Act are vested in the Commissioner of Railways. Before the legislature last year was a measure to ratify an agreement the Government entered into with the Municipal Council of Perth in regard to the supply of electric current. Hon. members who were not in the House at that time might not have looked up this agreement, but it seems a very advantageous one to the corporation, and was readily assented to by members of the House, as it was then constituted. The corporation got this current from the Government at cost price, with a maximum of  $\frac{3}{4}$ d. per unit. It was a sort of partnership entered into between the Government and the corporation for a term of some fifty years. The other provision was that the corporation should have the right to supply within a five mile radius of the Town Hall, and the other public bodies so supplied were protected by providing that the corporation should only charge practically what the current cost them. I take no exception to the transfer of the powers of that Act to the Commissioner of Railways. It is obvious that the current which is to be used principally by the corporation and the Government will largely be used in connection with the railway system and the tramways, and Government concerns. Therefore it seems that the Commissioner of Railways is the proper person to control the undertaking. There are very wide powers in the Bill, as pointed out by the Premier, in regard to carrying out future works, but they are similar, so far as I can recollect, to those held by the Minister for Works under Acts which he administers. The only point I need touch upon is the system outlined for dealing with expenditure. Here it will be noticed, notwithstanding the arguments we had with regard to a quarterly audit last week, that the Government propose that the Commissioner of Railways shall carry out an audit quarterly, and that the particulars of that audit shall be placed before Parliament. That is a step in the right direction. It will be also noticed—and I want to suggest that perhaps

the Premier might agree to amend the Bill in Committee—that the whole of the receipts and expenditure of this concern are to be taken into Consolidated Revenue. Here we have a huge undertaking which is practically a trading concern. Of course it differs from sawmills, steamships, and undertakings of that description, inasmuch as the main debtors to the Government will be municipalities. The corporation of Perth will be the principal debtor, while others will be various municipalities or roads boards at a distance greater than five miles from the town hall. Nevertheless they have the power to deal with individuals, corporate companies, and others who may be users of electric current, and the possibilities are that we shall gradually drift into the position that the enormous advantage the Government must have with these works will enable them to defy all competition. Power is given to the Government to supply individuals and companies, and enforce payment therefor. It is practically a trading concern, and therefore I submit that this may be a favourable occasion for prescribing the provision of proper capital for this undertaking. It would still be under the control of the Commissioner of Railways, and the Treasury would still be the bankers for the concern; but let it be kept entirely separate from Consolidated Revenue, and let a proper balance sheet be submitted at least once a year. It would be a great improvement to the measure if this principle were embodied. There is only one other point to which I need draw attention, namely, that the properties are all exempt from rates and taxes. I think perhaps that under the very favourable contract the corporation has secured, and remembering that the corporation is practically a partner with the Government in the undertaking, it is only proper to provide that these works at any rate should be exempt from taxes and rates, as indeed all Government property is. I have no intention of opposing the measure. Indeed, it is necessary that a Bill of this description should be passed.

Hon. J. D. CONNOLLY (Perth) [8.50]: As the Premier stated, this is purely a machinery Bill, providing for the working of the electric light from the central station by the Commissioner of Railways. But in carrying out the agreement referred to here the local authorities and the property owners are greatly concerned. While it may be necessary to give considerable power to the Commissioner of Railways, I think when the Bill is closely examined it will be seen that in some instances the powers provided are far too wide. The Commissioner of Railways is given great power in respect to entering upon land, whether public or private, without notice. In this way a great deal of damage may be caused. I admit that provision is made that any damage so caused shall be made good by the Commissioner of Railways. With a view to rendering the Bill more workable I have placed a number of amendments on the Notice Paper. The Commissioner of Railways is empowered to cut up streets in any portion of the municipality without notice to the local authority. At the present time the Commonwealth Post Office Department carries out similar work, and in so doing causes the local authorities a great deal of unnecessary expenditure, which by a little mutual understanding might be avoided. The Commissioner of Railways is given power to affix a lamp or post to any part of a building, and has power also to take a cable through a property. Suppose the owner of a house to which the Commissioner of Railways has affixed a cable desires to extend the building: has he the right to remove that obstruction, and if so is he to remove it at his own expense, or may he require the Commissioner to remove it? The Bill is silent on the point, and I wish to throw the responsibility on the Commissioner, who will have made a convenience of the property. Moreover, there is no provision in the Bill to compel the Commissioner to make good the damage. Again, he may enter on property and remove and carry away land, earth, stone, timber, or trees, etc.

The Minister for Mines: General powers of destruction.

Hon. J. D. CONNOLLY: Yes, the Bill would be all right if it dealt with unimproved land. Suppose the corporation has a nice avenue of trees, and that in the opinion of the Commissioner, or rather of his workman, one of these trees must come down: That workman promptly cuts it down. All I ask is that the Commissioner shall give notice before cutting down a tree.

Mr. Heitmann: Or wait till the tree dies.

Hon. J. D. CONNOLLY: It must be remembered that the Commissioner does not himself supervise every one of these little acts.

The Premier: How do you propose to get over the difficulty?

Hon. J. D. CONNOLLY: By making him give notice to the local authority.

The Minister for Works: Clause 7 provides for that.

Hon. J. D. CONNOLLY: No, it provides only for certain things, such as the breaking up of streets. Again, the Commissioner has full authority to erect lamp-posts. All these things should be done in accordance with the desires of the local authority.

The Minister for Works: He will not erect lamps without the instructions of the local authority.

Hon. J. D. CONNOLLY: He may open up streets, but will not be held responsible for any accident which occurs as the result of that action. I propose to add an amendment providing that the Commissioner shall accept the responsibility. However, it is purely a machinery measure, so I will refrain from further comment until the Committee stage is reached.

Question put and passed.

Bill read a second time.

#### *In Committee.*

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

Clauses 1 to 5—agreed to.

Clause 6—Incidental powers:

Hon. J. D. CONNOLLY: I move an amendment—

*That in paragraph (i.) the word "native" be inserted before "timber."*

Presumably it is not intended to cut down ornamental trees.

Hon. R. H. Underwood (Honorary Minister): Native trees are ornamental.

Hon. J. D. CONNOLLY: Sometimes.

The PREMIER: While we provide extensive powers there is no direction to the Commissioner to exercise them. He has to use common sense, and he would not unnecessarily destroy a tree to facilitate the erection of electric lighting equipment. Restrictions should not be imposed upon the Commissioner as though he were a foolhardy cuss who would commit vandalism out of pique. There are general powers under the Public Works Act and it is intended that as little damage as possible shall be done. When damage is done under such circumstances the Government always compensate the owners.

Hon. J. D. CONNOLLY: The Premier's remarks show the necessity for the amendment. He might as well argue that the Postmaster General has not made an improper use of his powers. Wanton destruction has been caused by officers of that department when erecting telephone wires. In one instance, a hole was knocked in the wall of a warehouse, and if it had been a little lower down it would have been serious. The insertion of the amendment would be a direction to the workmen.

Hon. FRANK WILSON: The Commissioner of Railways would not be likely to suffer from a lack of common sense in exercising the powers under this measure, but the powers will be exercised by subordinate officers.

The Premier: You should move an amendment that his servants shall exercise common sense.

Hon. FRANK WILSON: The Premier may do that. Similar powers have been unwisely exercised by other departments. An avenue of trees which had taken 30 or 40 years to grow was saved from destruction at the hands of a foreman only at the last moment. The trouble

is that the damage is often done before there is time to interfere.

The Premier: If "native" is inserted, no other tree could be touched.

Hon. FRANK WILSON: The amendment will not achieve the hon. member's object. Permission to remove native timber only will not safeguard the unnecessary destruction of ornamental trees. Native and other trees might be intermingled, and it might be necessary to leave the one and slaughter the other. If we can restrict the vandalism of those who have no regard for trees—

The Minister for Mines: Why let those vandals loose upon the poor native trees?

Hon. J. D. Connolly: I propose to make the clause refer to native timber.

Hon. FRANK WILSON: I do not know where we shall get native timber if it is not in trees.

Hon. J. D. Connolly: By native timber one means bush timber.

Hon. FRANK WILSON: We could not restrict the operations of the Commissioner to that extent, but due care should be exercised.

Hon. J. D. CONNOLLY: My object is to preserve trees planted by local authorities and private individuals. I have seen workmen from the Telephone Department lop limbs off beautiful trees within sight of Parliament House.

The Premier: It is either a matter of telephones and no trees or no telephones.

Hon. J. D. CONNOLLY: There should be a consultation in such cases before the damage is done.

The Premier: You are complaining of Commonwealth action.

Hon. J. D. CONNOLLY: The Premier is providing similarly wide powers.

The Premier: They will be exercised with commonsense.

Hon. J. D. CONNOLLY: Why should railway men exercise more commonsense than Commonwealth employees?

The Premier: Because they are State officials.

Hon. J. D. CONNOLLY: Perhaps the amendment does not achieve my object, but the Premier should agree to notice being given before ornamental trees are cut down.

The PREMIER: There is no need for the amendment. If the Commissioner contemplated the destruction of ornamental trees he would consult the local authority.

Hon. Frank Wilson: There is no harm in specifying it.

The PREMIER: It would be absurd to specify it. It would appear as if we regarded the Commissioner as a mere child. The wide powers are necessary and will be reasonably exercised.

Mr. ROBINSON: As a great lover of trees and one who wishes Perth to be made and kept beautiful I do not agree with the amendment, but an amendment should be drafted to protect the trees. Local authorities, to circumvent barbarous telephone men who erect posts and wires, and who, finding trees in their way, simply lop them off, have planted trees outside the footpaths.

The Premier: Apparently local authorities, and not the Commissioner, need to exercise commonsense.

Mr. ROBINSON: We feared that otherwise the idiosyncracies of the telephone men would lead them to destroy the trees. I appeal to the Committee that the trees which are already planted in the city of Perth should be kept there until such time as notice is given. I want to see the trees saved at all hazards.

Mr. ALLEN: I support the amendment that notice should be given to the authorities that it is proposed to lop certain trees. In West Perth the Commonwealth Government have in some instances so butchered the trees that they have died. Had the City gardener been consulted the work would probably have been carried out in a very different way and the trees would not have suffered. It is to be hoped, as the Premier says, that the officers of the Railway Department are more intelligent than those in the Commonwealth service. An instance of how the Commonwealth officers do their work in the telephone department is seen in the case in West Perth where they erected a telephone pole immediately opposite a pair of double gates so as to effectually block any vehicle that might be brought out.

Hon. J. D. CONNOLLY: Perhaps it would be well to withdraw my amendment with the object of moving another to read as follows:—"That at the end of paragraph (i) the following words be added:—'provided that no ornamental or fruit trees shall be cut or removed without at least seven days' notice being given to the owner.'"

The Premier: Why seven days? Why not make it "unless notice has been given to the owner"?

Hon. J. D. CONNOLLY: I agree to that.

The MINISTER FOR WORKS: Section 112 of the Public Works Act provides that the owner or occupier shall be given at least seven days' notice. Clause 9 of this Bill provides that it shall be subject to the Public Works Act of 1902.

Hon. J. D. CONNOLLY: I ask leave to withdraw the amendment.

The Premier: I think what the hon. member desires is that an amendment should be made to paragraph 4.

Amendment by leave withdrawn.

Hon. FRANK WILSON: Paragraph 2 states "that every electric line crossing above the surface of any street or any water commonly used for navigation shall be at least 20 feet from the surface." I do not think that 20 feet is sufficient. It certainly would not be sufficient across the Narrows. Even in a street, I think 20 feet is too low.

The PREMIER: That is the minimum. If a line were to be run across the Narrows, it would probably be made 50 feet above the surface, unless it were run across in a cable as is the case with the line across the Fremantle harbour.

Hon. J. D. CONNOLLY: I move an amendment—

*That at the end of paragraph (iii.) the following words be added:—"Provided, also, that if the owner of the house, building, or other structure shall rebuild or alter the same, the electric line or lamp shall be removed, and if so required affixed to the new structure at the cost of the Commissioner."*

Hon. FRANK WILSON: When discussing the Sewerage Bill, I think we



made provision that the vent should be away from the window a certain distance. In this instance I do not see why the line should not be at least six feet away from the window. People have a very great objection to having a lamp close to their window.

The PREMIER: This is again a matter of the application of commonsense. In the case of the Sewerage Act it was a matter of the vent. But this is a matter of carrying a line, and it is unlikely that any line would be fixed over the top of a window.

Hon. Frank Wilson: What about the lamp?

The PREMIER: The same thing would apply. It is not likely that any lamp will be fixed over the top of a window where it would be a source of inconvenience.

Amendment put and passed.

Hon. J. D. CONNOLLY: I move a further amendment—

*That in paragraph (iv.), lines 31 and 32, the words "in his opinion" be struck out.*

Does the Premier object to this amendment?

The PREMIER: It does not make any difference whether the words are left in or struck out.

Hon. J. D. CONNOLLY: I ask leave to withdraw the amendment.

Amendment by leave withdrawn.

Hon. J. D. CONNOLLY: I move a further amendment—

*That at the end of paragraph (iv.) the following words be added:—"provided that no ornamental or fruit tree shall be cut or removed unless notice has been given to the owner."*

I admit that the amendment does not mean a great deal.

The PREMIER: I have no objection to the amendment, but with regard to the other proposed amendment of the hon. member I wish to point out that it can really make no difference to the clause. Somebody's opinion must prevail, and it is best that opinion should be the Commissioner's.

Mr. Robinson: Why not make the amendment general?

The PREMIER: The best course would be to provide that prior notice shall be given to the persons affected.

Hon. J. D. CONNOLLY: I ask leave to withdraw my amendment.

Amendment by leave withdrawn.

Hon. J. D. CONNOLLY: I move an amendment—

*That after the word "lamps" in line 2 of paragraph (vi.) there be inserted "to a pattern or design approved by the local authority."*

The PREMIER: I cannot accept that amendment, which means that the municipality shall have absolute power to direct the Commissioner to use a certain class of pillar. The effect would be that while the Commissioner would pay, someone else would choose the design. The local authority might demand a pillar which would be equivalent to a monument, bearing a scroll of fame inscribed with the names of the municipal councillors, or pillars in the form of statues commemorating the various councillors.

Hon. Frank Wilson: Have not municipal councillors common sense, as well as you?

The PREMIER: Yes; but they do not always exercise it. The final decision must rest with the people who pay. If I give an assurance that the Commissioner will not erect any electric light pillar in the City or suburbs, that will be out of keeping with the surroundings, it should suffice.

Hon. J. D. CONNOLLY: There is no reason to fear that local authorities will act so absurdly as the Premier suggests. The Perth City Council merely desire that the pillars shall be uniform in pattern, instead of there being half a dozen different designs.

The MINISTER FOR WORKS: My fear is that, outside the actual City boundaries, within which the Perth City Council provide the lamps, the Commissioner of Railways will not supply any lamps at all. I am inclined to agree with the view of the leader of the Opposition that in some instances it should be compulsory on the Commissioner to erect lamps. In all probability, where the Commissioner does erect them outside the City boundaries,

the pole will be so unsightly that the municipal authorities will prefer to erect another one, even at their own expense. The greatest difficulty of all will be to get the Commissioner to erect lamps that are actually required for the safety of the public. It is even necessary that in some respects the general public should have protection as against the Commissioner. I am glad to hear from the Premier that so long as he administers this measure, he will consult with the local authorities in regard to the lamp pillars. I trust the Commissioner will see that his officers carry out this measure in the manner desired by hon. members. I know of actions by officers of the Railway Department which have been destructive, and detrimental to the interests of the towns in which the works have been carried out.

The PREMIER: As regards the present amendment, I think the better course would be to leave the point to be dealt with by the Minister in another place. I will undertake to frame an amendment which will meet the objections of the member for Perth, by providing that the Commissioner may not exercise some of the powers under this measure, such as cutting down trees, lopping off branches, or removing ornamental trees, without first giving notice to the parties concerned; or else I will frame an amendment which will overcome the difficulty by other means.

Hon. J. D. CONNOLLY: I take it from the Premier that the amendment he suggests will cover all the powers to be conferred on the Commissioner; and I ask leave to withdraw my amendment.

Amendment by leave withdrawn.

Clause as previously amended put and passed.

Clause 7—agreed to.

Clause 8—Streets, etc., broken up, to be reinstated:

Hon. J. D. CONNOLLY: I move an amendment—

*That the following paragraph be added to the clause:—"The Commissioner shall indemnify and keep indemnified each and every local authority of and from all actions, claims, proceedings, loss, damage, costs, and*

*expenses for which any such local authority may be liable or responsible or be proceeded against by reason of any acts done or omitted to be done by the Commissioner or his servants or persons on his behalf under this Act or in connection with any of the matters herein referred to."*

The local authorities should not be liable for damage.

The Premier: I have no objection to the amendment.

Amendment passed; the clause as amended agreed to.

Clauses 9, 10, 11—agreed to.

Clause 12—Commissioner not bound to supply electricity except in so far as he is bound by this Act or by contract so to do:

Hon. FRANK WILSON: Is it not proposed, if a local authority with which the Government has no contract, has asked for a supply of electricity, that the Commissioner will be bound to supply that local authority, provided the capacity of the works is sufficient to enable it to be done.

The PREMIER: We will be looking after all and sundry, but the time may come when it might be convenient for the Commissioner not to supply. Therefore we must not make it incumbent on him to do so.

Hon. FRANK WILSON: In the agreement entered into with the corporation last year, the corporation had the right to supply others.

The Premier: Within a five miles radius.

Hon. FRANK WILSON: Within the five miles radius, then, the Government will be obliged to supply.

The Premier: Yes.

Clause put and passed.

Clause 13—By-laws:

Hon. J. D. CONNOLLY: I move an amendment—

*That the following subclause be added:—(2) All by-laws so made—(a) shall be published in the "Gazette": (b) from the date of such publication or from a later date to be here-*

by fixed, shall (subject as by subsection (4) hereof provided), have the force of law: (c) shall be laid before both Houses of Parliament within fourteen days after such publication, if Parliament is in Session, and if not, then within fourteen days after the commencement of the next Session. (4) If either House of Parliament passes a resolution disallowing any such by-law, of which resolution notice has been given at any time within fourteen sitting days of such House after such by-law has been laid before it such by-law shall thereupon cease to have effect, but without affecting the validity, or curing the invalidity of anything done, or of the omission of anything, in the meantime. This subsection shall apply notwithstanding that the said fourteen days, or some of them, do not occur in the same Session of Parliament as that in which the by-law is laid before it. (5) Notice of any such resolution shall be published in the "Gazette."

I do not see there is much use in discussing this matter because the Government have expressed their opinion already on a similar amendment. It is the old proposal of providing that either House may object to the by-laws when placed on the Table. I admit it is a good provision to give wide powers when making by-laws in certain Acts of Parliament; it prevents measures becoming cumbersome, and by-laws can be revoked when found unworkable. But when we give these wide powers it is only fair that they should be disallowed by either House of Parliament.

The PREMIER: Perhaps the hon. member will appreciate the fact that in this particular measure it is not desirable to get too far away from the procedure in the Railways Act, because the Commissioner will be administering both Acts. In regard to the working of the officials also, it may be of advantage to have the measures as nearly as possible alike.

Hon. J. D. Connolly: Railways are worked all over the world, and they have model by-laws, but this is a special thing.

The PREMIER: So are electric plants worked all over the world, and some are worked without by-laws.

Hon. J. D. CONNOLLY: There is no analogy between the Railway Act and this. Railway by-laws are common all the world over. I agree, however, that there may not be the necessity for the provision in this Bill as in a measure like the Health Act, and in order not to waste time I ask leave to withdraw the amendment.

Amendment by leave withdrawn.

Clause put and passed.

Clause 14—Notice and commencement of action:

Hon. J. D. CONNOLLY: The limitation of six months within which an action must be commenced is right in regard to personal injury, but not in regard to damage to property. The owner may be absent from the State for the full period of six months; or again, the damage may not be discovered until after the lapse of that period. I move an amendment—

*That in line 2 the words "any cause" be struck out and "in respect of any injury to the person" inserted in lieu.*

The PREMIER: Does the hon. member propose that a person who suffers injury should take action within six months?

Hon. J. D. Connolly: Yes.

The PREMIER: Yet if it be a case of damage to property he may leave it for six years.

Hon. J. D. Connolly: There should be some limit.

The PREMIER: I think that in regard to damage to property the action should be commenced within six months after its cause shall have arisen.

Hon. J. D. CONNOLLY: Six months is a very short time in respect of damage to property. Unless the agent is a very live man the damage may not be discovered for six months.

The PREMIER: If no action is commenced within six months of the cause of the damage, the Commissioner may not be able to get his evidence together. I think six months is a fair limitation.

Mr. ROBINSON: In the Royal-street drainage cases the cause of the damage

was not apparent for six or seven years, and the damage did not become apparent for a still longer period. Under the clause none of these property owners—all if whom were working men—would have received compensation. The cause and the damage may be separated by a number of years. The law of the land in regard to property provides for six years, while in respect of personal injury it is limited to six months.

Mr. B. J. STUBBS: If we intend to extend the limitation it ought to be struck out altogether. The full effect of a personal injury may not be apparent until after six months and so the injured person would not be able to take action in respect of the full extent of his injury.

Mr. ROBINSON: The injured man simply starts his action within six months, and if he is so injured that it is difficult to tell the full extent of the injury the action may remain in abeyance.

Hon. R. H. Underwood (Honorary Minister): So would the property action.

Mr. ROBINSON: It is quite a different thing.

Hon. R. H. Underwood (Honorary Minister): Of course in your view personal injury is nothing as compared to damage to property.

Mr. ROBINSON: : I have no desire to enter into conversation with this gentleman on the opposite side who will persist in talking about things he does not understand. The words of the clause are English, and therefore I have no hope in this world of satisfying the hon. member as to the meaning of those words. It is a question, not of damage but of the cause. Personal injury is at once apparent, but in the case of damage to property the cause may not be apparent for years afterwards. In the case of a personal injury there is always a number of witnesses and, as the Premier remarked, if early notice is not given the Commissioner cannot collect his rebutting evidence, and therefore cannot defend himself.

Mr. B. J. Stubbs: The same argument would apply in the case of damage to property.

Mr. ROBINSON. No, because such damage is not always apparent, whereas in the case of personal injury, it is apparent at once.

Hon. R. H. Underwood (Honorary Minister): Not always.

Mr. ROBINSON: If that gentleman wishes to address you, Sir, let him stand in his place and do so.

The CHAIRMAN: Order! The hon. member is not in order in interjecting.

Hon. R. H. Underwood (Honorary Minister): Then no more is any other member.

Mr. ROBINSON: I have not the slightest wish to restrict an action that an individual may bring, because it is the right of every British subject; but equally will I not be a party to depriving that man of his action by agreeing to a clause which might have the effect of depriving him of his remedy.

Hon. R. H. UNDERWOOD (Honorary Minister): Life and limb are of as much importance as property. That is the Labour idea. The Liberal idea is that property is the thing we should look after. The Liberal proposal is that where it is a matter for life and limb we shall allow six months for the bringing of an action, and where it is a matter of property, six years.

Mr. Nairn: It is your own proposal.

Hon. R. H. UNDERWOOD (Honorary Minister): If I am not to be allowed to interject, I claim that others shall not interject.

The CHAIRMAN: When no notice is taken of interjections I allow them to go on, but immediately my attention is drawn to interjections, I must give the hon. member addressing the Chair full protection, and I intend to do so.

Hon. R. H. UNDERWOOD (Honorary Minister): In regard to your decision, may I say that ever since I have been in the House, and so far as I can gather from reading *Hansard*, interjections are made in every House in the British Empire, and while other members may—

The CHAIRMAN: The hon. member will proceed with his remarks in connection with the amendment.

Hon. R. H. UNDERWOOD (Honorary Minister): I support the contention that life and limb are of as much importance as property. The member for Canning (Mr. Robinson) states that personal injury is always apparent. That is not so. I have known cases in which the injury was not apparent for many years afterwards. Many of the Crimean veterans claimed compensation for injuries which, although directly due to their experiences in the war, did not become apparent until 20 years afterwards. If members want six years provided for property the same term should be stipulated in regard to life and limb.

Mr. NAIRN: The proposal for six months' protection in the case of life and limb did not emanate from the Liberal side. It is the Government's own proposal. If the Honorary Minister or the member for Subiaco moves to extend the time, and can adduce good reasons he may receive the necessary support. Good reasons have been adduced in regard to property, and there is no reason why the two should be confused. In many cases injuries have not been apparent even six months after the accident, and it would be common justice to consider that aspect. The same argument applies to property; destruction is not always immediately apparent, and it is difficult to set a time limit. These matters can be discussed without reference to Labour or Liberal sentiment.

Hon. J. D. CONNOLLY: I am willing to withdraw my amendment if the Premier will make it 12 months all round.

The Premier: I will accept that.

Hon. J. D. CONNOLLY: Then I ask leave to withdraw the amendment.

Amendment by leave withdrawn.

Hon. J. D. CONNOLLY: I move an amendment—

*That in line 2 of Subclause 1 "six" be struck out and "twelve" inserted in lieu.*

Amendment passed; the clause as amended agreed to.

Clauses 15, 16—agreed to.

Clause 17—Receipts and expenditure:

Mr. ROBINSON: The question raised by the leader of the Opposition might well be considered at this stage. The Government are embarking on a new venture which will absorb a large amount of capital. This should be carefully earmarked, because the costs to the councils under the agreement of last year are founded on the capital cost. Therefore, the capital moneys expended must be known to a penny. Instead of the ordinary method of bookkeeping, the Government should fix a capital sum and place it to the credit of this venture. If further capital is wanted in due course the Treasurer can have the amount increased. This would enable the public to gauge the exact position of the venture. The succeeding clauses provide all that a business man could wish.

The PREMIER: I see no force in the argument. The capital charge to all of our concerns is shown in the Treasury books, and in the books of each concern. In the case of the railways loan funds or revenue expended is charged to capital expenditure on the system, and the department pay interest to the Treasury. These figures are available to the public every quarter. The same course is adopted in regard to the tramways, and we intend to do the same in this case, so that effect is already being given to the hon. member's suggestion.

Mr. Robinson: Not in the same way.

The PREMIER: There is no difference. Clause 17 provides the only possible system if Parliament desires to continue the control of public expenditure. We already give too little detail to Parliament, but we have broadened it considerably during the last three years. In some States it is the practice to show only one item for the Railway Department, and Parliament knows nothing of the details. We have given details, and this is only possible by charging the total expenditure, as well as bringing to account the total revenue. In the final analysis the results are the same. If there is any profit it remains in consolidated revenue; if there is any loss it is charged against consolidated revenue.

The only difference in the suggestion of the hon. member is that we should state some fictitious figure as capital.

Mr. Robinson: No, the real figure.

The PREMIER: We provide that every year. The report of the Commissioner of Railways gives the particulars.

Mr. Robinson: At what page?

Hon. R. H. Underwood (Honorary Minister): What about the hon. member for Canning interjecting?

The CHAIRMAN: I never interfere when a member interjects, so long as the interjection is pertinent to the question. When an hon. member is speaking and appeals to me for protection, I will immediately stop all interjections. I hope the Honorary Minister will endeavour to assist me to keep order, which I endeavour to do fairly to all members. I ask the hon. member to resume his seat for on several occasions he has risen and interjected to me and not to an hon. member.

Hon. R. H. Underwood (Honorary Minister): I will not be the only one put down for interjecting.

The CHAIRMAN: I have extended the same courtesy to the Honorary Minister as to every hon. member, but if he, by persistently interjecting, causes a member to appeal to me for protection I would not be fulfilling my duty to the Committee unless I asked him to keep order.

The PREMIER: The particulars asked for by the member for Canning will be found on page 23 of the report of the Commissioner of Railways.

Mr. Robinson: Is it proposed to adopt the same method?

The PREMIER: That is already done in regard to the tramways. I can give hon. members my assurance that all these particulars are published regularly so far as the railways and tramways are concerned. Every year, too, they are audited by the Auditor General and reports submitted to Parliament. All that the hon. member is asking for is already provided. It is only a matter of some other method which would not affect the results in the slightest degree, and which cannot be

shown as being more correct or more likely to facilitate the operations than the method already adopted. The earnings of the Railway Department are brought to account and the department is charged up with a certain amount of interest which is based on the capital fixed by the Treasurer and the Commissioner for Railways and afterwards dealt with by the Auditor General. The same thing will apply to the tramway system generally. I do not know that it is in operation in any other part of the world. It is not desirable to inaugurate some new system which will be of no advantage. All the information that the public ask to be supplied with, they can read in the quarterly returns which are issued, but the trouble is they do not read them. I have seen newspapers complaining about the "policy of hush," and in the same issue I have seen them publishing the information that is supplied by the department concerned. As a matter of fact, details are published more fully here than anywhere else. Members make the statement that we do not give sufficient information to the public. Do they ever see in any other newspapers the expenditure and revenue of any other State of the Commonwealth set side by side or the deficit or surplus shown in such detail? They have never seen it and never will. It is a system of "hush" which goes on there to suit the purposes of the newspapers. They only publish what suits their book to publish. Every month we show the operations of every concern we have from the cash point of view.

The Minister for Works: That is the unfairness of it.

The PREMIER: I have been requested in the past not to publish these figures monthly, because it is said they are unfair. A statement of monthly receipts is not of very much value and one is afforded a very much better idea of the position by quarterly or half-yearly returns. People very frequently have a wrong conception of the position by taking these monthly or even quarterly returns. The view I have taken is, however, that no matter how misleading these figures may be, the public have been in

the habit of getting them, and I am not going to stop them and be accused of doing something which means their getting less information than they did in the past, although the monthly returns may not be as correct as the quarterly or half-yearly returns. Although we are not called upon by the Tramways Act to issue quarterly returns, the Commissioner is doing so, and they can be found in the *Government Gazette*. If members complain they are not getting the information they want, I am afraid I cannot do anything more. All the information that can be given is given, and I know of no State in the Commonwealth which gives so much information as we give through the Treasury in Western Australia.

Clause put and passed.

Clauses 18, 19, 20—agreed to.

Title—agreed to.

Bill reported with amendments.

*House adjourned at 10.40 p.m.*

## Legislative Council,

*Wednesday, 20th January, 1915.*

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

### PAPER PRESENTED.

By the Colonial Secretary: Report of the Fremantle Harbour Trust for the year ended June, 1914.

### QUESTION—RAILWAY CHIEF TRAFFIC MANAGER.

Hon. R. J. LYNN asked the Colonial Secretary: 1, Is it a fact that the position of Chief Traffic Manager in the Railways has been offered to a gentleman outside the service? 2, If so, has the Minister considered the effect which such an appointment will have on officers in the service?

The COLONIAL SECRETARY replied: 1, Yes. 2, Yes.

### QUESTION—STATE HOTELS AND LICENSEES.

Hon. D. G. GAWLER asked the Colonial Secretary: 1, Whether the licenses for the State hotels at Kwoollyn and Bruce Rock were renewed at the last December sittings of the licensing court held for the district? If not, why not? 2, Whether such licenses are still in force? 3, Whether at the present time more than one State hotel license is held by the same person; if so, the name of such person and the names of the licensed premises held by him? 4, Whether on any occasion any person while already the holder of any State hotel license has applied for a license for another State hotel? 5, Has the licensee of any State hotel been absent from his licensed premises for longer in the aggregate than 28 days? If so, has he obtained in all cases the permission in writing of a member of the licensing court for his district in accordance with the Act? 6, Has any complaint been made from the bench in any licensing district that certain licensees of State hotels have been absent from their licensed premises contrary to the Act? 7, Has any report been made by the police dealing with the absence of any licensee of a State hotel from his licensed premises or generally on the question?

The COLONIAL SECRETARY replied: 1, No; because application for renewal was not made. 2, Pending intended action by the Government, the licenses are deemed to continue as regards the premises by virtue of Section 55. 3, No. 4, No. 5, The actual licensee has been absent without the permission