Mr. PICKERING: I am proud to belong to such a party.

Hon. P. Collier: I did not say that.

Mr. PICKERING: You may not have said it in so many words, but you said it, and I thank you from the bottom of my heart.

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

Ayes	11
Noes	12
Majority against ..	1

AYES.

Mr. Broun	Mr. Pickering
Mr. Denton	Mr. Piesse
Mr. Durack	Mr. J. H. Smith
Mr. Harrison	Mr. A. Thomson
Mr. Johnston	Mr. Latham
Mr. Money	(*Teller.*)

NOES.

Mr. Angwin	Mr. Mann
Mr. Carter	Sir James Mitchell
Mr. Chesson	Mr. Sampson
Mr. Collier	Mr. J. M. Smith
Mr. Gibson	Mr. Underwood
Mr. H. K. Maley	Mr. Mullany
	(*Teller.*)

Amendment thus negatived.

Progress reported.

House adjourned at 10.48 p.m.

Legislative Council,

Wednesday, 18th October, 1922.

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

QUESTION—RAILWAY CONSTRUCTION AUTHORISED AND IN PROGRESS.

Hon. J. W. KIRWAN asked the Minister for Education: 1, What are the railways the construction of which has been authorised by Parliament but not completed? 2, What length of rails has been laid and what length remains to be laid, of each authorised line?

THE MINISTER FOR EDUCATION replied,—

Name of Railway	Distance (miles)	Length of rails laid	Length of rails to be laid
Esperance-Northwards Railway	60	...	60
Busselton-Margaret River Railway	40	1½	38½
Wyalcatchem-Mt Marshall Extension	23½	23½	...
Kondinin-Merredin Railway	85	31½	53½
Nyabing-Pingrup Railway ...	21½	½	21
Dwarda-Narrogin Railway...	33½	...	33½
Piawaning-Northwards Railway	24	...	24

QUESTION—ALCOHOL: INSANITY AND DESTITUTION.

Hon. H. SEDDON asked the Minister for Education: 1, What percentage of the cases treated in the Hospital for the Insane can be attributed to alcohol—(a) directly, (b) indirectly? 2, What percentage of the expenditure of the Charities Department can be attributed to the same cause?

The MINISTER FOR EDUCATION replied: 1, The Inspector General of Insane advises that to get out the percentages in respect of the 1,000 odd inmates would take a considerable time. He has, however, furnished the following statistics in respect of the last three years' admissions, but points out that the figures can be regarded only as approximate, for the reason that the "contributing causes" on which these are based are as at the end of seven days only after admission, and later information in the way of letters and statements by friends frequently adds alcohol as a contributing factor. His figures are:—Admissions three years ended 1921, 574; directly attributable to alcohol, 88; indirectly attributable to alcohol, 120. 2, So far as the Charities Department is concerned, no records are available from which the percentages could be worked out. The only reference to this aspect is contained in the following extract from the Royal Commission's findings on Causes of Distress:—"With one exception the Departmental officers were unanimous in the opinion that intemperance is the largest factor responsible for the need of the operations of the Department."

BILLS (3)—RECEIVED FROM THE ASSEMBLY.

1, Married Women's Protection.

2, Attorney General (Vacancy in Office.)

3, Pensioners (Rates exemption.)

Read a first time.

BILL—COMPANIES ACT AMENDMENT.

Introduced by the Minister for Education, and read a first time.

BILL—ADMINISTRATION ACT AMENDMENT.

Second Reading.

Hon. J. NICHOLSON (Metropolitan) [4.39] in moving the second reading said: This is a short Bill, and has run the gauntlet of a good deal of criticism in another place. It was introduced there by Mrs. Cowan, and its object is to effect an amendment in the Administration Act, 1903. Section 14 of that Act provides—

> (1) A husband or wife shall be entitled, on the death of the other, as to the property as to which he or she dies intestate, to the following shares only:—(a) Where the net value of the property of the deceased does not exceed the sum of £500, to the whole of such property; (b) Where the net value of such property exceeds the sum of £500, to the sum of £500 absolutely, and also to one-half share of the residue where there is no issue surviving; and where such issue survives, the husband or wife shall be entitled to one-third share of the residue and such issue to the remaining two-thirds, the division among the issue being per stirpes and not per capita. (2) Subject as aforesaid, the property of such deceased husband or wife shall be divisible among the next of kin.

The amendment which the Bill now before the House proposes to effect is, in my opinion, highly beneficial. The intention is to confer upon the mother an equal share where the father survives a son or a daughter dying intestate. Clause 2, paragraph (a), provides that in the case of any person who dies intestate leaving—

> a father and a mother but no issue, then if the whole or any part of the estate of such intestate would now by law be distributable to the father, the same shall be distributed equally to and between the father and mother.

The position under the law as it stands is that if a son dies intestate and unmarried, leaving a father and mother surviving him—the position would be the same if the son had been married and his wife had pre-deceased him without issue—then the father by virtue of these ancient Statutes passed in the reigns of Charles II. and James II., known as the Statutes of Distribution, becomes entitled to the whole of the property of the child who dies intestate. That is most unfair.

Hon. J. W. Kirwan: Would it not be equally unfair if the mother became entitled to the whole of the property?

Hon. J. NICHOLSON: I do not think so.

Hon. J. W. Kirwan: If it is unfair in one case, it is unfair in the other.

The Minister for Education: This Bill contemplates equal distribution.

Hon. J. W. Kirwan: But perpetuates the unfairness.

Hon. J. NICHOLSON: No; we do not want to perpetuate any unfairness.

The PRESIDENT: I think we had better hear what the hon. member has to state.

Hon. J. NICHOLSON: The amendment that is desired to be effected is to bring about an equal distribution between the father and mother in such a case as that. Clause 2 provides for that, and that would be an equitable distribution of the estate. An amendment to that effect was carried in Victoria in 1916 by the Intestate Estates Distribution Act. It was found in Victoria, I believe, that many cases of hardship occurred during the war. Many of the young men who made the great sacrifice did not leave wills.

Hon. J. Cornell: Not too many of them did not leave wills.

Hon. J. NICHOLSON: Most of them left wills. The military authorities, of course, took the wise precaution of seeing that wills were made as far as possible. Soldiers on active service, moreover, enjoy a certain exemption in connection with the making of wills which is not enjoyed by the ordinary civilian.

Hon. A. Lovekin: But this is not the whole of the amendment made in Victoria.

Hon. J. NICHOLSON: No. I am going to explain that. It was recognised that certain hardships had been suffered by mothers who did not participate. One can easily imagine a case where the father and the mother were living apart, the mother possibly supporting the children of the marriage, while the father was more or less a ne'er-do-well. Under the existing law, the ne'er-do-well father would be entitled to the whole of the money left by the son who died intestate. We can think of many cases where the mother is working hard to support children who are not getting support from the father. The money left by a son dying intestate would be of great value to her. One might also view the matter in another light: Assuming a son on making a will were asked, "To whom do you wish to leave your property?" In 99 cases out of 100 that son would say, "I want to leave it to my mother." All will agree that the son's anxiety would be to extend every possible comfort and benefit to his mother.

Hon. J. Duffell: Do you think he would close his bowels of compassion to his brothers and sisters?

Hon. J. NICHOLSON: No, but that is not the point.

Hon. J. Duffell: It would be the point if the mother were to get married again.

Hon. J. NICHOLSON: Assuming there are children, the mother has the care and responsibility of them.

Hon. J. Duffell: I do not think too much sentiment should come in here.

Hon. J. NICHOLSON: I am not introducing any more sentiment than is necessary to expound the provision.

The PRESIDENT: Hon. members might let the hon. member explain.

Hon. J. NICHOLSON: Paragraph (a) of Clause 2 will effect an amendment which is seriously required. Such an amendment has been passed, and is law, in Victoria. But in coming to paragraph (b) of Clause 2 we find a difference. That paragraph provides that where the intestate dies leaving a mother but no wife, husband, issue or father, the whole of the estate shall belong to the mother absolutely and exclusively. That is a provision to which Mr. Duffell's interjection might more properly apply. He asked, did I think it right that the mother should get the whole estate if the son died intestate, without leaving a father, but leaving brothers and sisters? The answer is that the mother would be as much entitled to the estate as is the father under the present law.

Hon. A. Lovekin: Is not the father primarily responsible for the maintenance of the family?

Hon. J. NICHOLSON: Either parent is responsible.

Hon. J. Duffell: The father is usually referred to as the breadwinner.

Hon. J. NICHOLSON: But where the mother is in a position to maintain the family, the mother can be held responsible.

Hon. A. Lovekin: Our law provides that the father must come first.

Hon. J. NICHOLSON: Yes, because he is recognised as the breadwinner. However, the Act provides that either parent shall be held responsible.

Hon. A. Lovekin: But the father must come first.

Hon. J. NICHOLSON: Yes.

Hon. J. Cornell: Paragraph (b) does not operate where the father survives.

Hon. J. NICHOLSON: That is so. It is only in cases where the father has predeceased the son that the mother becomes entitled to the whole of the estate. Moreover, if the intestate dies leaving issue or a widow, the position will be wholly differept.

The Minister for Education: What is the present method of distribution in circumstances contemplated in paragraph (b)?

Hon. J. NICHOLSON: The whole of the estate is then divided equally between the mother and the brothers and sisters. Where, however, the mother survives, it is intended that she shall get the lot.

Hon. J. Cornell: So she should.

Hon. J. NICHOLSON: I think this is just giving effect to what sons themselves would decide if they were making wills; that is to say, every son would make the will in favour of his mother. In the Victorian Act paragraph (b) limits the mother's right to £500, the balance to be divided amongst the next of kin, whoever they may be.

Hon. A. Lovekin. Including the mother.

Hon. J. NICHOLSON: Yes. The Act provides that the father and mother shall share equally in case there be no issue, and provision is made that in case of the mother alone surviving she shall have the estate up to £500. But that provision is not equitable, particularly when one bears in mind that the father, if he had survived, would have taken the whole. The mother should be placed in equal position with the father. If a man has any property to leave, almost invariably does he make a will. It is an obligation which he should discharge. By will he can leave his property in such a way as he pleases. In introducing this amendment, we are only striving to do what is fair and equitable.

Hon. J. Duffell: In what way is it unfair to provide that the mother shall have the estate up to £500, and that the remainder be divisible among the brothers and sisters?

Hon. J. NICHOLSON: The brothers and sisters are in much better position to fend for themselves. Surely they are not going to feel themselves dependent on what they may get from a brother who dies?

Hon. J. Duffell: It might matter considerably to their education.

Hon. J. NICHOLSON: The mother will discharge those obligations. It will be her duty and her pleasure to see that the younger children are assisted in every possible way.

Hon. J. Duffell: There will not be much assistance for them if the mother gets married again.

Hon. J. NICHOLSON: I do not know what assistance they would get if the father, having received the proceeds of the estate, were to get married again. From the point of view of the children, the position probably would be very much the same whether it were the father or the mother who got married again.

Hon. A. Lovekin: Suppose the father or the mother had been divorced; what would happen?

Hon. J. NICHOLSON: The one would be the father and the other the mother. It would not matter at all. You could not have two fathers or two mothers of the deceased. The relationship will remain.

Hon. J. Cornell: The blood relationship.

Hon. J. NICHOLSON. Precisely. You cannot get away from that. I move—

That the Bill be now read a second time.

The MINISTER FOR EDUCATION (Hon. H. P. Colebatch—East) [5.0]: I have pleasure in seconding the motion, but I ask the hon. member to defer, at all events until next week, consideration of the Bill in Committee. I support the Bill, because I think it does set out to remedy what is at present a wrong. But in remedying that wrong, we must be careful to see that we do not do a further wrong. I can see in paragraph (b) of Clause 2 the possibility of creating a wrong even greater than that which we seek to remedy. The hon. member speaks of what should be. But we cannot afford to legislate on the grounds of what ought to be and what is in the majority of cases. Under the existing Act there is an injustice in regard to the father inheriting the lot, but the distribution of intestate

estates is otherwise made equitably. Under paragraph (b) of this Bill there is a possibility of something monstrous being done. All people who have large properties do not make wills. Quite a number of wealthy people die intestate.

Hon. A. J. H. Saw: There was an instance of an estate worth a quarter of a million pounds the other day where no will was made.

The MINISTER FOR EDUCATION: Mr. Nicholson says the mother would desire to do this, that and the other. There are cases of mothers who are not worthy. Take the case of a father who has died and has left a family of children. The mother may be unworthy to look after them. Happily this is not often the case, but it does happen. One of the sons may be wealthy and may die intestate. Under our Act an equitable distribution would follow. Under this Bill the whole of the family which this wealthy son might have been maintaining will be cut out completely, and the whole estate may go to the mother who may be unworthy. We cannot afford to pass legislation which would permit anything of this kind being done. No doubt it was for that reason the amount was limited in Victoria to £500 in the case of the mother. She was the mother and was of course entitled to something, but to say that the mother should get the lot and the brothers and sisters should be cut out completely is to threaten an abuse even greater than the one we are attempting to remedy. We should also consider whether we should not make a better job of our existing law, and whether in the case contemplated the amount that the father and mother between them would be entitled to take could not be limited so that the brothers and sisters might have the same proportion. I hope members will look carefully into the question. It is essential that we should protect the brothers and sisters in the case of large estates. Mr. Nicholson will agree with me that there are many cases of large estates where no wills have been left. We should be losing sight of our duty if we passed this Bill upon the assumption that all mothers are certain to do the best possible thing for their children, and that wills are left in the case of all large estates.

Hon. J. W. KIRWAN (South) [5.6]: I am pleased that the Leader of the House has taken a sensible view of this Bill. It should have general support in the Chamber. It is, however, one which requires most careful examination on the part of members. An examination of paragraph (b) shows that if we pass the Bill as it stands, it will be possible for a property, which might for generations have been in one family, to pass away to strangers without any consideration being given to the next-of-kin who would be more entitled to it. A property, which may have been vested in an infant, may on the infant's death pass to the mother. The mother may marry again, and possibly the property would be willed by the mother, either to her own children by another husband, or to her step children, or to her own family. In that way the original holders of the property may lose it altogether and it would pass to strangers who were not really entitled to it. A grave injustice might thus be done to the next-of-kin. That is one of the injustices which may arise from the Bill as it is now before us. I am in favour of it, but there are some amendments which ought to be passed before we finish with the Bill. I have here a statement of the law as it is to-day concerning persons who may die intestate. The position as it has been presented to me is as follows: If a person dies intestate leaving a husband or a wife, as the case may be, and children, then the surviving partner of the marriage, the husband or wife, as the case may be, gets £500 plus one third of the residue. That, I think, is quite clear. If a person dies intestate leaving a husband or a wife, but no children, then the surviving partner, the husband or wife, as the case may be, gets £500 plus half the residue. The other half goes to the father if living, and if dead to the mother, the brothers and sisters, and the children of the deceased brothers and sisters. In that case the next-of-kin receives consideration. If a person dies intestate, leaving children only, then all the property goes to the children.

Hon. J. Duffell: In equal parts.

Hon. J. W. KIRWAN: If a person dies intestate without a husband or a wife or children, but leaves a father, then the father takes the lot. It is that particular part of the legislation as it stands at present that this Bill seeks to remedy. Where a person dies intestate without a husband or a wife or children, then under existing circumstances the father takes the lot. This Bill would provide that the mother should take the lot.

Hon. J. Nicholson: No.

Hon. J. W. KIRWAN: If a person dies intestate and leaves no father, then the mother, if living, takes an equal share with the brothers and sisters of the deceased, and the children of the deceased brothers and sisters, such children taking their parent's share only. I claim that the law as it stands at present, where the father takes the lot, is unjust. If that be so, it would be equally unjust if we said that the mother should take the lot. This Bill ought to be amended to provide that the next-of-kin should receive some consideration. The father, to my mind, should not get the lot unless there is no mother, brother or sister, or nephew or niece. Paragraph (b) seems to be manifestly unfair, inasmuch as the brothers and sisters, and particularly the children of the deceased brothers and sisters, may be in absolute want. Like fathers, mothers fail sometimes in their parental obligations, particularly at the change of life period. They may re-marry, and their husbands, total strangers to the family to which the property originally belonged, may waste the money. I would suggest that a certain amendment be embodied in the Bill and it should be somewhat on these lines. This

is not the amendment as it will appear, but it is the purport of it. If both the father and mother are living, then, up to £1,000, they should divide that sum equally; they should have one half of the residue if there are brothers or sisters, or brothers' or sisters' children; and if there are no brothers or sisters or brothers' or sisters' children, the father and mother should take the lot. The father should have no further rights than the mother. The present £500 allowed to the wife under Section 14 of the principal Act should be similarly allowed to the parents. When in committee I will propose an amendment which will give effect to what I have suggested. My idea is that the existing law is unjust. The father should not take the lot without some consideration being given for the next-of-kin, who may be entitled equally with the father. If the existing law is unjust, and we say that the mother should take the lot without regard to the brothers or sisters of next-of-kin, we shall be doing something equally unjust. It should be remembered that very often property is not merely the property of the individual, but it is the property of practically the whole family. A family may have been responsible for building up a large property. It happens now, and will happen again, that in this country of land settlement there will be estates practically the property of the family, although nominally held by the head of that family for the time being. If the Bill were to be passed as it stands now, it will be possible that the results of the efforts of two or three generations who have worked together to build up a valuable estate, may pass over to total strangers through the widow marrying again and willing away the property to people who have no claim upon it, to the detriment of the family originally in possession. It is as a safeguard against cases of that sort occurring under the Bill that I propose to bring forward the amendments I have outlined. These amendments will not interfere with the principle underlying the Bill, which is that the father and the mother shall have fair consideration equally under the amended law. The amendment which has been drawn up in proper legal form, will be placed upon the Notice Paper in due course, and it will then be found that the object is to institute a safeguard against the dangers that may arise under the Bill as it stands at present.

Hon. J. CORNELL (South) [5.16]: I rise only to deal with another side of the picture to that presented by members who have preceded me in this discussion. As the Bill stands now, it appeals to me as a layman to be perfectly logical in connection with the law as it exists to-day. I understand from the debate that if a person dies intestate to-day, leaving no issue, the father gets the whole estate. The Bill provides that, notwithstanding anything in the principal Act, the father and the mother shall share on a fifty-fifty basis. That merely perpetuates the principle operating to-day under which the father grabs all and the brothers and sisters get nothing. As the Bill stands, it merely continues a system that operates now. The essence of the existing law has characterised legislation back to the times of King Charles, in which times women were ruled with a club.

Hon. A. Lovekin: The Karrakatta Club?

Hon. J. CORNELL: No, a constitutional club.

Hon. A. J. H. Saw: Charles II. did not rule ladies with a club.

Hon. J. CORNELL: He certainly ruled them otherwise. Women to-day are regarded in a different spirit, and it is proposed that a mother shall be given equal rights with the father. That is in keeping with the trend of modern legislation. It has been pointed out that in the event of paragraph (b) of Clause 2 becoming operative and the estates going to the mother, she may marry again and she may will the estate out of the family who have possessed it for generations. That can happen, but it can happen just the same in the case of the father.

Hon. J. W. Kirwan: It is less likely in the case of the father than of the mother because she may marry again.

Hon. J. CORNELL: It is true that if an old man marries a young woman, it is not easy to say what he will do.

Hon. J. J. Holmes: You are not far out there.

Hon. J. CORNELL: It is much more likely that a father would marry a young woman than that the mother would marry a young man, because a woman is as young as she looks and a man is as young as he feels. I think the law requires tightening up. I am in accord with the Leader of the House and other speakers, that if there is any amendment it should apply with equal force to the father and the mother, and with equal justice. There is another point: The ne'er-do-well father has been mentioned. There may be ne'er-do-well mothers, but if my life has taught me anything, I think that it is more likely to be 75 per cent. in the case of the man and 25 per cent. in the case of the woman that such characteristics may be discovered. It has been suggested that the ne'er-do-well mother may benefit even when she has been divorced, or that a ne'er-do-well father may be favoured. You, Mr. President, are a worldly man, and you know that when one begins to use that line of argument and bring in brothers and sisters, you extend it very considerably. We will find ne'er-do-well brothers and sisters who have not got anything like the right to participate in the estate as the ne'er-do-well father or the ne'er-do-well mother, because after all the latter are the persons responsible for these ne'er-do-well brothers and sisters existing on earth. When we endeavour to set up these lines of argument we bring about considerable complications which will tend to perpetuate the ne'er-do-well people and place them in a position they are not entitled to occupy. I

am anxious that all rights shall be protected, and I simply refer to these aspects as they appeal to me as a layman.

Hon. A. LOVEKIN (Metropolitan) [5.24]: Mr. Nicholson omitted to mention that this Bill is the first Bill presented in another place by the first lady member of the Parliament of Western Australia.

Hon. J. Nicholson: I mentioned it was introduced by Mrs. Cowan.

Hon. A. LOVEKIN: It is probably the first Bill introduced by a lady member of Parliament that is on record. That being so, I anticipate we will treat it with that courtesy for which this House is generally noted. The Bill is a simple one from my point of view. If we wish to continue the existing law of distribution, this Bill is all right, as the only amendment it makes is to put the mother on the same plane as the father, leaving the distribution the same as it is now. The discussion that has taken place, however, very properly and rightly indicates that the present law of distribution is inequitable and unjust. The Minister has pointed out a case by way of illustration that goes to show that the present law is not right. Mr. Kirwan followed along similar lines, and Mr. Cornell did likewise. I agree with what has been said. I think with the Minister that we could improve the Bill very materially, regarding both paragraphs (a) and (b) of Clause 2. I suggest that after we have read the Bill the second time, we should refer it to a small select committee. It is a technical Bill and the alterations desired must be carefully framed, otherwise it may make matters worse than the law is at present. We do not want witnesses before the select committee I suggest; it will be merely to draft the amendments necessary to meet the views expressed by the House. Should no other member move in the direction I have suggested after the Bill has been read a second time, I will move to refer it to a select committee. I support the Bill in question and I will work to improve it in the direction I have suggested.

The PRESIDENT: Will you move that as an amendment?

Hon. A. LOVEKIN: I will move that motion after the Bill has been read a second time. Instead of moving you out of the Chair to consider the Bill in Committee, I will move to refer the Bill to a select committee. That I think is the proper course to pursue.

The PRESIDENT: Very well.

Hon. J. Nicholson: Will Mr. Lovekin be satisfied if the Bill is held over for consideration in Committee till next week? That will give members an opportunity to discuss it and consider necessary amendments. I do not know that we would get any further by referring the Bill to a select committee. The Bill is a short one, but I do not think it is necessary to refer it to a select committee.

Hon. A. LOVEKIN: The only reason I advocate a select committee is that we can get legal assistance in drafting the amendments.

The Minister for Education: You can get that without referring the Bill to a select committee.

Hon. J. Nicholson: Quite so.

On motion by Hon. J. Duffell debate adjourned.

BILL — WYALCATCHEM-MOUNT MARSHALL RAILWAY (EXTENSION No. 2).

Second Reading.

Debate resumed from the previous day.

Hon. J. CORNELL (South) [5.29]: The attitude I am about to adopt regarding the Bill is one that is somewhat repugnant to me. To think that I would oppose the second reading of a Bill to authorise the construction of a railway of seven miles is something that is altogether foreign to the attitude I have adopted towards similar measures that have been introduced since I entered the House some ten years ago. I feel forced into this position through circumstances over which I have no control. To-day I made a hurried retrospect of the railway Bills which have been authorised since I entered this House, and I found that the number authorised in the last 10 years is 15. During the years 1916-17, 1917-18 and 1918-19, I could find none. The Coolgardie-Merredin section of 183 miles of 4ft. 8½in. gauge was authorised in 1912 and other railways passed in the same year were the Hotham Crossing extension of 5½ miles, Newcastle-Bolgart 31 miles, Wagin-Bowelling 58 miles, and Wyalcatchem-Mount Marshall 50 miles. In 1913 the Flinders Bay-Margaret River railway of 31 miles was authorised. The authorisations in 1914-15 were the Boyanup-Busselton 37 miles, Esperance-Northwards 60 miles, Katanning-Nyabing 21 miles, Pinjarra-Dwarda 36 miles, Wagin-Kukerin 25½ miles, and Yillimining-Kondinin 88 miles. In 1915 the only extension was one of four miles of the Newcastle-Bolgart line. The next year in which a railway was authorised was 1919, when the Wyalcatchem-Mt. Marshall extension of 30 miles was passed, and in the following year the Piawaning-Northward railway of 24 miles was approved. The total mileage authorised in the 10 years is 684½ miles, and if we subtract the 183 miles representing the Merredin-Coolgardie section of the 4ft. 8½in gauge, we find that 501½ miles of new line have been sanctioned to districts where previously no railways existed. The total mileage approved in 1912 was 144½ and the whole of that line has been completed. The Flinders Bay-Margaret River railway of 31 miles, authorised in 1913, still remains to be constructed.

Hon. G. W. Miles: I thought that railway was purchased from a timber company.

Hon. J. CORNELL: The one authorised in 1913 was a new railway. Of the railways authorised in 1914-15 172 miles have been

completed. The railways authorised and not constructed are the Esperance-Northwards of 60 miles, and the Pinjarra-Dwarda of 36 miles. Regarding the latter railway, a member of this House and a member of another place are talking of resigning their seats.

The Minister for Education: No, that is over the Narrogin-Dwarda railway.

Hon. J. CORNELL: That is so. The four miles of railway authorised in 1915 have been completed. The 30 miles sanctioned in 1919 have been built, but the 24 miles passed in 1920 have not yet been carried out. Out of the total of 501½ miles authorised, 350½ miles have been completed. The railways authorised and not built represent a mileage of 151 and comprise the Pinjarra-Dwarda and the Esperance-Northwards lines. I have given unqualified support to proposals for the construction of railways to meet the needs of settlers in this State. Of the 501 miles of new railway authorised, only one railway was in the province I represent, and there was none at all in the province represented by Mr. Seddon. Members may search the records of the House since the goldfields have had representation without finding an instance of a goldfields member having voted against the authorisation of any railway. On the other hand, it can be said that practically the only line in their portion of the State for which authorisation was sought—the Esperance-Northwards railway—was voted out. It cannot be said that goldfields members have been parochial in the matter of railway construction. On every conceivable occasion they have supported railway proposals. In February, 1915, the Esperance-Northwards railway was assented to. This proposition had been opposed, horse, foot and artillery by three members of the present Government, two in another place, and the Minister in this House, on the score of the prevalance of salt in the Esperance district. After a battle extending over many years and against many opponents a majority of this House favoured the construction of the railway. The successes of the Government who sponsored the Bill include the three Ministers I have indicated, and their opposition to the measure has been followed by various subterfuges to delay the construction of this railway. A Royal Commission was appointed. Some members of the Commission admitted at the outset that they were hostile to the proposal, and yet they brought in a report strongly commending the Esperance district and its possibilities for cereal growing. Since then the Government have resorted to procrastination. The war was made an excuse for not undertaking the construction of any new railways. This might have been justified to a large extent, but I maintain there was an obligation on the Government to construct the Esperance line in the order in which it was authorised. All kinds of subterfuges have been adopted. We have been told that rails were not available. Yet 23 miles of rails lifted from the Kalgoorlie-Coolgardie line—rails which had paid for themselves over and over again by the traffic they had carried—were taken from the goldfields and used for the building of the Mt. Marshall line. Notwithstanding all the promises made to the goldfields people and the settlers in the Esperance district, these rails were utilised for agricultural centres. The settlers in those centres had no more right to the rails than had the settlers of the Esperance district, and it should be remembered that the Esperance-Northwards railway was authorised in 1914-15, whereas the Wyalcatchem-Mt. Marshall extension was authorised only in 1919. I understand that a large sum of money has been expended on preliminary work in connection with the Esperance-Northwards railway.

Hon. H. Seddon: A sum of £79,000.

Hon. J. CORNELL: In ordinary circumstances that sum should have been sufficient to cover the cost of the line. Yet not one mile of railway has been laid.

The Minister for Education: A lot of earthwork has been done.

Hon. J. CORNELL: Yes, but it is wasteful to form earthworks in light country and not proceed with the construction work; the formation frets away. I doubt whether we shall ever get this railway. That is the candid conclusion of one who has honestly endeavoured to bring this work to fruition during the last 10 years.

Hon. J. W. Kirwan: When the present Government go out, it will be all right.

Hon. J. CORNELL: If I were asked whether this railway would ever be completed, I should have no hesitation in answering that it would not, so long as the present Government remain in office.

Hon. J. W. Kirwan: Not so long as the Minister for Works and the Premier remain in office.

Hon. J. CORNELL: I am noted for candour and honesty, and I believe in candour and honesty being associated with all these things. I have stated what is my honest opinion in connection with the construction of the Esperance line. It is a work which could be carried out by a man with a glass eye, for there are no engineering difficulties of any description, no culverts or bridges needed. We find that no less a sum than £80,000 has already been spent on this work up to date, a fact which makes the position a lot worse. Not only has there been procrastination, but the attitude of the Government has made confusion worse confounded, and the policy of procrastination is heaping sin upon sin and evil upon evil. We know that without this railway it will be impossible to carry on cereal growing, because there are 15 miles of sand plain to cover before the good land can be reached. If the line were economically constructed, the position would not be so bad, but there has been so much drift that there is bound to be what we can only call a double incubus. The construction will cost twice the amount it was thought would be involved, and consequently it will take twice or three times as long for the line to

become a payable concern. My attitude in opposing the second reading of the Bill before the House may seem petty, but we know that when we are in trouble, or are on our trial, it is the small things which are the last resort left to us. This Bill now is the one thing on which we can make a protest. In asking for support for the early completion of the Esperance line, the goldfields members are probably placing a burden on the other hon. members which, perhaps, we have no right to impose. We do so, however, because the farmers who are to be benefited by the Bill we are now considering have to cart their produce a comparatively short distance, whereas the Esperance people, or at any rate many of them, have to carry their produce in some instances a distance of 40 miles. If hon. members will not go so far as to reject the second reading of the Bill as a protest against the delay in the construction of the Esperance line and the policy of do nothing and promise everything, I trust that they will agree to do what was done in connection with the Machinery Bill, namely, insert a clause which will bring about a delay in carrying out the work. This may be a new departure, but I am perfectly satisfied it can and should be done. We can affirm the second reading of the Bill, and in Committee we can make provision for the postponement of the commencement of the work for six or nine, or even 12 months.

Hon. J. J. Holmes: And what will prevent the Government building the railway in the interval?

Hon. J. CORNELL: I admit the Government can ignore Parliament, but it will give us the opportunity of having a go at them for flouting the wishes of Parliament.

Hon. C. F. BAXTER (East) [5.53]: I admit there is justification for the references made by hon. members to the delay in the construction of the Esperance railway. I was one of those who supported the building of that line which, unfortunately, for the Esperance district, has been hung up for a period of years. It does seem remarkable that the Government are not able to discover a way by which they can expedite the delivery of rails to that part of the State. When it is decided to build a line, the Government should use every endeavour to have the rails and fastenings available so that the particular work may be completed. But while there is justification for the goldfields members' criticism, I hope that the outcome will not be to retard the building of the suggested extension, but rather that it will have the effect of spurring on our Minister for Railways, who, were he as efficient in his administration as he is with his tongue, would have had the works entrusted to his care completed without undue delay. I do not consider that members are justified in adopting the attitude of holding up the construction of railways which are of considerable importance, not only to particular areas but to the State generally.

Hon. J. Kirwan: What would you do if you represented a goldfields province?

Hon. C. F. BAXTER: I have no doubt that I, too, would voice as strong a protest as the members representing goldfields provinces have done. I would not, however, go to the length of saying that I would vote against the extension of a line which was urgently needed.

Hon. J. J. Holmes: You would not call a meeting of the primary producers executive?

Hon. C. F. BAXTER: Whatever the Government may have done in other directions should not justify the House in rejecting a Bill such as the one we have before us. There are many settlers in that particular district and all are attempting at the present time to make wheat growing pay by carting over long distances.

Hon. J. Duffell: How long have they been there?

Hon. C. F. BAXTER: Some have been there a considerable time. It is one of the districts which, we are told, will be very successful. The land is good and it will respond by producing wealth, which is what we are looking forward to at the present time. We have heard a great deal about the construction of lines of railway over long distances in the south-western part of the State. But that is not the only part of the State that needs to be developed. I admit there is good country there, but that country will respond very slowly to the work of the settlers. If that part of the State becomes occupied, as has been suggested, there will be no revenue or any consequence for 15 or 16 years. Therefore, it is in the direction of building railways such as the one proposed in the Bill before the House that we should turn our attention, for it will be from land like that which the suggested railway will serve that we will derive a quick return. It would be folly to vote against the second reading of the Bill as everything is available to permit of the early and rapid completion of the work.

Hon. J. Duffell: And when this seven-mile extension is completed, another seven miles will be asked for.

Hon. C. F. BAXTER: That is a matter which can be dealt with at a future date. But I do not think that there is so much need for a further extension as there is for the one asked for at the present time. The extension now sought I am convinced will pay, and the time may not be far distant when it will be found necessary to carry the railway even further. The whole of this country, probably as far as Bullfinch, will be producing wheat within the next 15 years. All that will be required will be modern methods, that is to say, not the methods which are mostly in vogue to-day. I hope hon. members will not vote against the second reading of the Bill.

Hon. J. W. Kirwan: Your constituents do not have to cart 40 miles.

Hon. C. F. BAXTER: I sympathise with the constituents of the hon. member, but the position in which they find themselves does not justify the representatives of those people opposing the Bill under review. I trust that

the House will agree to the second reading of the Bill.

On motion by Hon. R. G. Ardagh, debate adjourned.

House adjourned at 6.0 p.m.

Legislative Assembly,

Wednesday, 18th October, 1922.

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

QUESTION—RAILWAY CONSTRUCTION, MARGARET RIVER-FLINDERS BAY.

Mr. PICKERING asked the Minister for Works: 1, When is it intended to proceed with the reconstruction of the Margaret River-Flinders Bay railway? 2, Has an estimate of cost been prepared? 3, If so, what is the estimated cost of carrying out the necessary works? 4, Has the site of the Margaret River station been decided upon?

The MINISTER FOR WORKS replied: 1, 2, 3, Under construction. 4, Yes.

QUESTION—LOCAL PRODUCTS AND GOVERNMENT ORDERS.

State Sawmills Tenders.

Mr. McCALLUM asked the Minister for Works: 1, Is he aware that the tender forms of the State Sawmills Department specify Eastern States manufactured biscuits, jams, preserves, etc., to the detriment of the locally manufactured article? 2, Will he take the necessary action to assure the locally produced article having at least an equal chance of competing for Government orders with the imported product?

The MINISTER FOR WORKS replied: 1, Where the buyers insist on special brands of jams, biscuits, etc., the sawmill stores have to stock same, but every effort has been and will continue to be made to put forward Western Australian productions, and certain lines are regularly stocked. 2, The sawmill stores are in competition with private storekeepers, either local or in Perth, Fremantle, Bunbury, and Bridgetown, and accordingly must cater for their customers.

LEAVE OF ABSENCE.

On motions by Mr. Mullany, leave of absence for three weeks granted to Mr. Boyland (Kalgoorlie) and to Mrs. Cowan (West Perth) on the ground of ill-health.

MOTION—GOVERNMENT BUSINESS, PRECEDENCE.

The PREMIER (Hon. Sir James Mitchell—Northam) [4.40]: I move—

> That for the remainder of the session Government business shall take precedence of all motions and Orders of the Day on Tuesdays and Wednesdays and on each alternate Thursday beginning with Thursday, 19th October.

Mr. PICKERING (Sussex) [4.41]: This presents a favourable opportunity to move in the direction of reverting to private members' business being taken on Wednesdays instead of Thursdays as at present. With this object in view I move an amendment—

> That the word "Wednesdays" be struck out, and that "Thursdays" be inserted in lieu.

Mr. WILLCOCK (Geraldton) [4.42]: I support the motion, and in speaking against the amendment I contend no reason has been given for an alteration. The reason may be obvious to the member for Sussex, but it is not obvious to the House. I have carefully watched the attendances of members since the alteration from Wednesday to Thursday and there has been no difference. If anything, there has been a better attendance of members on private members' day than in past sessions when their business was taken on Wednesdays. For instance, on last Thursday night when private members' business was taken there was a larger attendance than there was here last night when Government business was under consideration. The Minister for Works was not present last night.

The Minister for Works: If you want to know, the Minister for Works was ill last night.

Hon. P. Collier: He has enough to make him ill nowadays, too.

The Minister for Works: Don't you worry about that.