

Legislative Council,

Wednesday, 22nd November, 1899.

Constitution Acts Amendment Bill, in Committee, postponed clauses considered, Divisions (4), progress—Fisheries Bill, in Committee, Clauses 1 to 5, progress—Commercial and Business Holidays Bill, discharge of order—Bank Holidays Amendment Bill, in Committee, progress—Land Act Amendment Bill (private), second reading, Amendment negatived; in Committee, reported—Cemeteries Bill, second reading, in Committee, reported—Adjournment.

THE PRESIDENT took the Chair at 4.30 o'clock, p.m.

PRAYERS.

CONSTITUTION ACTS AMENDMENT BILL.

IN COMMITTEE.

Consideration resumed from 14th November, of postponed Clauses 6, 8, and 28.

Clause 6—Colony divided into ten electoral provinces, each returning three members:

THE COLONIAL SECRETARY moved that between the words "Beverley" and "Moore," in the second sub-clause, "Guildford" be inserted.

HON. R. G. BURGESS: The matter was now rather complicated. He intended to move that "Guildford" be inserted in the sub-clause relating to the Metropolitan Province. By reducing the number of members to 24 the House had altered the boundaries of all provinces in the colony as arranged in the Bill, and it would be most difficult to give satisfaction to the different provinces. He would be glad to see the word "thirty" reinstated. Having to move an amendment now, and to move subsequently that the Bill be recommitted, he felt in a quandary about it.

THE COLONIAL SECRETARY: The hon. member might vote against the proposed amendment, and then move that the word "Guildford" be inserted in the sub-clause defining the Metropolitan Province. What the hon. member desired was to put Guildford (including Midland Junction) into the Metropolitan Province.

HON. R. G. BURGESS: That was not altogether his idea.

THE COLONIAL SECRETARY: If it was with regard to the 30 members,

that could be dealt with on the third reading.

THE CHAIRMAN: If the Committee decided they would not alter the provinces defined in the Bill, the House could, at the report stage, recommit the Bill and strike out the word "twenty-four" and insert "thirty."

HON. R. G. BURGESS: The advice of the Colonial Secretary would suit his intention. Members could vote against "Guildford" being inserted in the sub-clause.

HON. F. T. CROWDER: Why did the hon. member not want "Guildford" inserted?

HON. R. G. BURGESS said he would rather not state his reasons until afterwards.

THE COLONIAL SECRETARY: Mr. Burgess evidently had two strings to his bow, inasmuch as he did not wish Guildford to be in the Eastern Province, and at the same time he desired to have 30 members in the Council instead of 24. His present object, however, was not to have Guildford inserted in the Eastern Province, for the reason that Guildford was somewhat removed from the main portion of the province, and its interests were somewhat diverse. His (the Colonial Secretary's) object in proposing that Guildford should be included in the Eastern province, was that the Metropolitan province would otherwise be too large, and the interests of Guildford and Midland Junction seemed to him to be more in harmony with the interests of the Eastern province. However, he had no strong feeling in the matter; and if the Committee were disposed to put Guildford in the Metropolitan province, he did not object.

HON. H. J. SAUNDERS: It would not be fair to include Guildford in the Metropolitan province, and he would certainly support the amendment of the Colonial Secretary.

HON. W. T. LOTON: The Eastern province was practically an agricultural and viticultural province, and if Guildford, including Midland Junction, were placed in the Eastern province, Guildford and the town of Northam would send, not representatives of an agricultural province, but representatives similar to those elected by the Metropolitan province or the goldfields; and thus

the East province would be disfranchised in regard to true representation. Members would make a mistake if they amended the Bill and reduced the number of representatives in the Council to 24. People who lived on the goldfields were sufficiently numerous to have increased representation if they so desired, but they did not care to be what he might call "checkmated" by extra representation given in another direction. He submitted, however, that the metropolitan and suburban districts were increasing so rapidly in numbers, that they were as much warranted as the goldfields in claiming extra representation; and he would oppose the amendment of the Colonial Secretary. If the Committee were in favour of extra representation, now was the time to test the question; and should extra representation be decided on, all that would have to be done, on recommitment, would be to insert "thirty" in place of "twenty-four." He was aware that the members in the House would be increased somewhat in excess of half the number of representatives in the Assembly, but he did not know that it was necessary to preserve that proportion. At all events, if the number were increased, the colony would have extra representation in a House where extra representation was desirable in order to make a strong and firm Chamber, not liable to be led away as possibly members in another place might be. The Council were expected and ought to be more independent than the other Chamber, and better able to vote in the interests not of particular provinces, though that had to be considered too, but of the direct interests of the whole colony.

HON. J. W. HACKETT: The views of Mr. Loton ought to receive approval, and the amendment of the Colonial Secretary might be made a test question.

THE COLONIAL SECRETARY: It would be better to have the test vote on the next sub-clause, dealing with the Metropolitan province.

HON. J. W. HACKETT: There were no doubt objections to increasing the number of members in the Council, because 24 seemed to be ample to do the business of the country, seeing that the more populous colony of South Australia had been able to carry on parliamentary government for many years

with the same number in the Upper Chamber. On the other hand, it must be acknowledged that Western Australia was in a very special position. At the initiation of the electoral system of Council government, it was arranged, not altogether wisely, that certain districts, containing a very small population at that time, should be given an amount of representation which placed them on a level with districts containing as many as fifty times the number of inhabitants, and therefore the Chamber was anomalous to a large extent. There were some populous provinces, others moderately populous, and at least one province which contained a scanty white population. Under the circumstances, the Committee ought to give attention to redressing the balance in the direction of population, if possible, without destroying the main foundation on which the Chamber rested, namely the representation of interests. He was quite with Mr. Loton in believing this argument outweighed other considerations and disadvantages in connection with increasing the number of members in the Council, because the increased representation of two of the most populous parts of the colony would not place the Council in a weaker but in a stronger position.

HON. F. WHITCOMBE: That would swamp the minorities.

HON. J. W. HACKETT: No; it would not. It would only be a fair concession to the claims of population, which must not altogether be ignored, or if the claims were ignored, it must be at the peril of the Council.

HON. F. M. STONE: These were not the views Mr. Hackett held the other day.

HON. J. W. HACKETT: The hon. member's memory was playing him a trick, for he (Mr. Hackett) had not expressed any views publicly on the question.

HON. F. M. STONE: He did privately.

HON. J. W. HACKETT: The Colonial Secretary was privately informed by him that if the House were divided on the question, he (Mr. Hackett) would vote in favour of 30 members as against 24. That was the view he held then, and was the view he held now.

HON. F. M. STONE: What did the hon. member tell him (Mr. Stone)?

HON. J. W. HACKETT: Certainly the hon. member was never told that he (Mr. Hackett) would vote against the proposal to have 30 members.

HON. F. M. STONE: The hon. member had said he would feel himself bound to vote for the minority.

HON. J. W. HACKETT said he did not remember having said that.

THE CHAIRMAN: Private conversations had nothing to do with the business before the Committee.

HON. J. W. HACKETT: If Mr. Stone could prove his assertion, that would make a point; but he (Mr. Hackett) did not recollect having said anything of the kind. On the contrary, he expressed himself in another way immediately after the debate the other night, namely that he was in favour of 30 members as opposed to 24, mainly on the ground that the Council were weaker and not stronger because they represented so small a section of the population in one province, and a not very large section of the population in another, if not also in two more provinces. Looking all round, he was prepared to accept the proposed two new provinces, and it was a pity that a redistribution of provinces was not attempted instead of increasing somewhat unduly the number of members in the House. But this being the view another place had taken, and having himself summed up the advantages and disadvantages, he considered it preferable to have the addition of two new provinces to the eight already existing.

HON. F. T. CROWDER: Only a few days ago the Council pledged themselves that the number of representatives under the Bill should be 24 instead of 30. He failed to see how the Council could stultify their action at this hour.

THE CHAIRMAN: The hon. member was out of order in using the word "stultify." The Council could alter the Bill at any stage while the measure was under discussion.

HON. F. T. CROWDER: As the Chairman seemed to desire that the word "stultify" should be withdrawn, he had pleasure in withdrawing it. At the same time he always took a vote of the Committee as being binding on the House, and although the House always had the power of afterwards altering that vote,

still to his mind it belittled the estimate of opinion.

HON. J. W. HACKETT: No vote was taken on this question.

HON. F. T. CROWDER: No. A division was not taken, there being such a large majority. He would now vote for Guildford being placed in the Metropolitan province. He agreed with Mr. Loton that we should keep the agricultural portion by itself, as far as possible. Even at the present day, if an election took place for the East province, Guildford, Midland Junction and the surroundings could practically oust an agricultural member in favour of a town member. In 18 months or two years the Fremantle workshops would be removed to Midland Junction, taking with them at least a thousand votes, and what chance would an agricultural candidate have of being elected for the East province? None whatever. It might seem to some that in placing Guildford and Midland Junction in the Metropolitan province a large lump of representation would be added to that province, but at the same time Guildford and Midland Junction would be more in touch with the voters there than with those in the East province, who were agriculturists. In regard to the goldfields, there was no objection to the goldfields having extra representation if required. As to the Legislative Council, the members represented the whole of the colony. During the six years he had been a member he had never known the Council as a body refuse justice either to the people on the goldfields or any other part of the colony. The goldfields would get no better results from 30 members than from 24. It had always been recognised that as nearly as possible the number of members of the Council should be equal to half the number of members of the Assembly. If we had 24 members in the Council that would be only half the number of members in the Assembly, but if we had 30 it would be more than half. He hoped members would vote for the amendment of Mr. Burges that Guildford and Midland Junction be placed in the Metropolitan province. He hoped they would not go back—

THE CHAIRMAN: The hon. member should not say that he hoped hon. mem-

bers would not go back. The whole Bill could be recommitted for further amendment. The Standing Orders said:

On the order of the day for the third reading being read, the Bill may be recommitted; such recommitment may be made without limitation, in which case the entire Bill may be again considered in Committee.

The House might do a thing one day and, on reconsideration, find it advisable to reverse that decision. By going back on their previous decision they would not be stultifying themselves. Circumstances might come before members which might alter their decision. He called upon the hon. member to withdraw the expression.

HON. F. T. CROWDER: With all due respect to the Chairman, he did not see there was any necessity to interrupt him in his remarks. He knew the Council had a perfect right to do as they liked, and he simply said he hoped they would not go back on the vote given last week.

THE CHAIRMAN: That was the part of the speech to which he took exception.

HON. F. T. CROWDER: The Council had a perfect right to go back, and he only said he hoped they would not do so. He always endeavoured to keep within the four corners of the rights of members, and he did not think he should have been called upon as he was just now.

HON. R. G. BURGESS: The best thing members could do was to vote against the amendment of the Colonial Secretary. We wanted to look ahead in these matters, and any member who considered this question must see that it would be inadvisable to have Guildford and Midland Junction included in the East province. Victoria Park was a polling place for the East province: could that be a satisfaction to any member? The time would come when it would be found that a great mistake had been made. Great difficulty would be experienced in keeping the balance of power. Other matters, which had been referred to by every leading paper and every "rag" in the country, would soon come before the House. Some of these papers were only scurrilous rags, and he had a good mind to mention them. It was well known what he was referring to.

HON. F. T. CROWDER: What was the hon. member referring to?

HON. R. G. BURGESS: Matters which would come before them in a day or

two, including one of the most important that had ever been introduced into the Parliament of Western Australia.

THE CHAIRMAN: The Constitution Bill was now under discussion.

HON. R. G. BURGESS: The men who had all the information at their hands divided the country into these provinces after a good deal of trouble, and would it be satisfactory if what was now proposed were adopted? Would it satisfy the people in the Metropolitan province or the people on the goldfields? He very much doubted whether it would. He hoped members would defeat the Colonial Secretary's amendment.

THE COLONIAL SECRETARY: If the Committee resolved to put Guildford into the East province, that would pretty well settle the whole question of the sixth clause. By deciding not to put Guildford there, it would leave the question open for discussion on the next item. If the Committee resolved that the Metropolitan province should comprise Guildford, and they also struck out the Metropolitan-Suburban province, it followed that the number of members would remain at 24. On the other hand, if the Committee decided to retain the Metropolitan-Suburban province, the number in Clause 5 must be altered to "30," as it was originally. His reason for including Guildford in the East province was that he thought the Metropolitan province, inasmuch as hon. members had already decided to make the number of members 24, would be too large in proportion to many of the other provinces. Mr. Hackett had shown there were three kinds of provinces, namely one with a large population, others with a moderate population, and one at least with a sparse population. Mr. Hackett also stated that the Legislative Council represented interests, and this was a statement which would be indorsed by every member of the House. The Council represented interests to a much larger extent than it was possible for the Assembly to do, and rightly so, for it was a chamber for review of legislation which took place principally in another chamber. His own view was that 24 members were quite sufficient; but he admitted, and he did so with a considerable amount of regret, that the goldfields had not been repre-

sented in the House as they ought to have been.

HON. F. WHITCOMBE: That was the fault of the representatives.

THE COLONIAL SECRETARY: Of course there were members for the Central province who were to a large extent representatives of the goldfields.

HON. F. WHITCOMBE: It must be admitted that he, himself, was one at fault.

THE COLONIAL SECRETARY: When the goldfields were spoken of, one's mind generally went to the Eastern goldfields.

HON. J. W. HACKETT: Donnybrook was not included?

THE COLONIAL SECRETARY: Not at present.

HON. F. WHITCOMBE: Nor the Northern Province.

THE COLONIAL SECRETARY: The only member representing the North-East province who had given attendance in the House, and had taken an earnest interest in its affairs, was Mr. Matheson. Mr. Parsons had been absent the whole of the session, and the goldfields to that extent had been disfranchised. The third member for the province was not often in his place in the House to give Mr. Matheson that support which the latter naturally expected.

HON. J. W. HACKETT: Mr. Jenkins lived on the goldfields.

THE COLONIAL SECRETARY: The goldfields had not had the representation in the House they had a right to expect, considering the population, wealth, and interests of that part of the colony. If the Eastern goldfields were to be given another province, it was only right and fair to subdivide the Metropolitan province into two, because the population of the two districts were about equal. There was an immense population in the Metropolitan province, which included Guildford and Helena Vale, amounting to not less than 50,000.

HON. R. G. BURGESS: The two provinces represented about half the population of the colony.

THE COLONIAL SECRETARY: A vote might be taken on the amendment now, and if it were defeated, then of course the whole question would arise on the next sub-clause.

HON. F. WHITCOMBE: The Colonial Secretary had to be congratulated on the new idea he had given as to the redistribution of seats and the further representation of provinces, inasmuch as he appeared to argue in support of the principle that if the elected representatives chose to neglect their duties, therefore more representatives should be given.

THE COLONIAL SECRETARY: That was not the argument.

HON. F. WHITCOMBE: That was surely the reason adduced by the Colonial Secretary for providing additional representation for the Eastern goldfields; and, as the principle was a good one, it might be extended to the Central province.

HON. R. G. BURGESS: There was not sufficient population in the Central province.

HON. F. WHITCOMBE: It was not a question of population, but, according to the Colonial Secretary, a question of dereliction of duty.

HON. J. W. HACKETT: Were all the Central province members present?

HON. F. WHITCOMBE: Two out of the three were present.

THE COLONIAL SECRETARY: Only matters of fact had been stated by him, and had not been used as arguments.

HON. F. WHITCOMBE: Mr. Hackett had placed the matter almost beyond discussion when he said that the Legislative Council were representative of interests and not of population; and if the Council were representative of interests, and interests only, the provinces should be so divided and mapped out that only particular interests were represented, and so that one interest should not predominate over another. The amendment of the Colonial Secretary was to the effect that the township interests of Guildford and Midland Junction should be allowed to override the whole of the agricultural interests of the East province; and, if the amendment were carried, it meant that the population of those two places would be able to dominate the East province at the next election, and at every subsequent election, until the matter was further dealt with. If the Chamber had to be representative of interests, and interests only, then surely the interests of Guildford and Midland Junction were more allied with the interests of the metropolis than they could possibly be

with the interests of the agricultural community in the East province. That being so, the Guildford district, as it was called, should be connected with the Metropolitan province, instead of being cast as a firebrand amongst the peaceful agriculturists represented by Mr. Burges. That hon. member evidently recognised the difference in the two classes which it was sought to put together in one province, namely the industrious and the industrial. Mr. Burges wished the industrial, as the goats, to be separated from the industrious, as the sheep; and he was quite right. Hon. members were told that the division about to be taken would decide whether the number of members in the House should be 24 or 30.

THE COLONIAL SECRETARY : No ; that would be decided on the next sub-clause.

HON. F. WHITCOMBE : It had certainly been his impression that the previous decision as to the number of members would hold good, and that the provision as to six extra members would be set aside. That was the position he was in favour of, because he had always been given to understand that the members of the upper or critical assembly should be in the proportion of one to two, of the members of the lower or deliberative assembly. If the representation were fixed at 30 members, it would become necessary, in order to maintain the proportion of two to one, to increase the number of representatives in the other House to something like 60, which would be too many for the colony. Holding the view that 24 members of the Council were quite sufficient to maintain the balance of power between the two Houses, he would not vote for the proposed extension; and, assuming that Sub-clause 5 would come under consideration at a later stage, he would use his energies to fairly allotting the representation as between the Metropolitan province and the East province. He would certainly vote against the amendment of the Colonial Secretary, because it would not be right for the Council to throw the apple of discord into the heart of the peaceful East province.

HON. R. G. BURGESS : The East province had South Perth now.

HON. F. WHITCOMBE : South Perth was particularly represented by Mr. Stone, and must be a peaceful constituency. The potential increase of electors, consisting of operatives of the railway shops at Midland Junction, would so completely swamp the agricultural interests and vote that, if the amendment of the Colonial Secretary were carried, the representation of the East province would be a second metropolitan representation, and not in any sense agricultural or pastoral.

Amendment—that between “Beverley” and “Moore” the word “Guildford” be inserted—put and negatived.

THE COLONIAL SECRETARY moved that in Sub-clause 3, between “comprising” and “Perth,” the words “Claremont, Subiaco, South Perth, and Guildford” be inserted. In view of the decision the other day, that the number of members of the Council should remain at 24, he was only carrying out the wishes of the House in submitting this and following amendments. The amendment now proposed raised the whole question, and as hon. members voted they would express their views as to whether the House should consist of 30 members or of 24.

HON. F. M. STONE : After having decided that Guildford should not be included in the East province, and there were strong arguments why that place should not be included, there was nothing remaining, if it were desired to adhere to the decision already arrived at, but to include Guildford in the Metropolitan province, including Midland Junction. If it had been included in the East province, we should have had a town representation and an agricultural representation, and he did not think that would be right. No argument had been used why we should reverse the decision of the Committee and go back to the 30 members. The matter was fully discussed and the Committee, without going to a division, resolved that there should not be 30. The Council represented all branches of the colony. We had agricultural representatives, goldfields representatives, town representatives, and pastoral representatives. It was proposed to give the goldfields three more members, and to counterbalance that by giving the towns three more. That would leave the pastoral and agricultural interests in a minority. The

alteration proposed gave nine additional members to the towns.

HON. R. G. BURGESS: Where?

HON. F. M. STONE: Perth, Fremantle, and the suburban.

HON. R. G. BURGESS: That did not make nine additional.

HON. F. M. STONE: There were three for each province. The agricultural portion of the colony would only have three provinces altogether.

HON. R. G. BURGESS: Nonsense.

HON. F. M. STONE: The towns would have nine members and the goldfields six. The goldfields were not only represented by those six, but also in relation to the North province, which was a goldfield, and the Central province, so that they would have 12 representing them, whereas the agricultural districts would be represented by nine. Had any argument been used why those six should be added? On the contrary, we found that the Eastern goldfields were not represented because the members were absent. Were we to give them three additional members for that reason? If those members attended in their places, the goldfields districts would be represented by 12.

HON. A. P. MATHESON: How did the hon. member make that out?

HON. R. G. BURGESS: The members referred to did not represent the goldfields districts only.

HON. F. M. STONE: Still, they were representative of the goldfields districts, and were bound to look after those districts. What object was there in increasing the number of the members of the Council? In South Australia, where there was a much larger population, there were only 24.

HON. R. G. BURGESS: South Australia was a poor country.

HON. F. M. STONE: The number of members of the Upper House should be half that of the Lower; but 30 members would be more than half. He hoped members would vote for Guildford being included in the Metropolitan Province, as the only means of arriving at a reduction of the 30 members. If putting Guildford into the Metropolitan Province made that province too large, we could not help it.

HON. H. LUKIN: Guildford and Midland Junction should not be in the

East Province, which was distinctly an agricultural province, and the interests of Guildford and Midland Junction would conflict more and more with those of the East Province as time went on. As to the number of members of the Council, an increase was not necessary. Could anyone say this colony was not adequately represented by the Council as constituted at present? The goldfields were quite sufficiently represented. As Mr. Stone had pointed out, there were nine members indirectly connected with the mining industry, this number being quite a sufficient proportion. If those members did not attend—and they did not all fight as Mr. Matheson did, which was a good thing—that was the look-out of the constituencies who returned the members. The Council adequately represented the colony at present.

HON. R. G. BURGESS: The Council did not represent the goldfields.

HON. H. LUKIN: The goldfields were represented by the Council, and already had extra representation in the Lower House. If any member could show that any particular industry in the colony was not adequately represented in the Council, he would be one of the first to say "Let us have more members"; but nobody had attempted to show it.

HON. A. P. MATHESON: Members were rather losing sight of the amendment by the Colonial Secretary, in their anxiety to increase or not to increase the number of members. The subject was wider than that. It was apparently found necessary to split up the districts which originally constituted the Metropolitan-suburban province, and without much consideration it was proposed that Guildford should be given to the East province and the balance to the Metropolitan province, that was to Perth. The Metropolitan province as at present had a much larger population than the other provinces, a much larger population than Fremantle, and that fact appeared to have escaped the notice of the Colonial Secretary and every other member.

HON. F. WHITCOMBE: Members here were not elected on a population basis.

HON. A. P. MATHESON: That was true, but the question of population had to be taken into account in fixing the provinces.

HON. F. WHITCOMBE: Very small account.

HON. A. P. MATHESON: If the amendment by the Colonial Secretary were passed, it would have to go to another place, where the matter would be canvassed, and doubtless a suggestion would be made that South Perth and Claremont should be added to the Fremantle province, meaning the West province, and Guildford and Subiaco be left in the Metropolitan. Only in this way could any fair proportional representation be arrived at. The present position was such as was usually brought about by an attempt to tinker with a Bill. One clause was amended, which necessitated a lot of consequential amendments, and in debating the matter no one could judge what the results would be.

HON. F. T. CROWDER: The hon. member wanted to make the number of members of the Council 27.

HON. A. P. MATHESON: The position he took up on the question alluded to by Mr. Crowder was this: Every member in the House appeared to be in favour of not having the Metropolitan Suburban Province. Mr. Stone's amendment cut that out, and added the new South Province. If the House wished to cut out the Metropolitan Suburban Province it was no business of his (Mr. Matheson's), but it was his business to have the South Province left in if possible. That was an unwieldy province, and it was necessary that it should be divided.

HON. J. W. HACKETT: It would help the canvassing of the hon. member.

HON. A. P. MATHESON: It would be of material assistance to canvassing. The other night he spoke of candidates having to go from Esperance to Leonora, but having looked at the map showing the new provinces and parliamentary districts, he found that one would have to go very far beyond Leonora; right up to the tropics. That only intensified the remarks he made at the time. He had never been opposed to the Metropolitan Suburban Province. Had he known the direction in which the voting would go he would have opposed any amendment. If the Metropolitan Province were altered in the way suggested by the Colonial Secretary, the measure would then only come back for further alterations in order that the

Fremantle electoral province might be enlarged. He certainly intended to oppose the amendment with a view to the clause going back to its original shape.

HON. E. McLARTY: It appeared a reasonable solution of the difficulty to make the Metropolitan province a large one, and then increase the number of members of the House to 30 as originally proposed. The goldfields with their large population were entitled to the additional representation provided in the Bill, and he would support the addition of Guildford to the Metropolitan province.

HON. D. K. CONGDON: On the second reading he had stated his own feeling was that there was no necessity for the increase, but he had since come to the conclusion that it was desirable to make the addition. These additional members would add materially to the usefulness of the Council in the future, because they would give the opinions of six other men. Although the new representatives might be appointed by two diametrically opposite portions of the colony, very few members came to the House with a view of looking after only one side, but as a rule dealt fairly with questions from all points of view.

Amendment (the Colonial Secretary's) put, and a division taken with the following result:—

Ayes	...	...	...	10
Noes	...	...	...	8
Majority for ...				2

AYES.	NOES.
Hon. H. Briggs	Hon. R. G. Burges
Hon. F. T. Crowder	Hon. D. K. Congdon
Hon. C. E. Dempster	Hon. J. W. Hackett
Hon. S. J. Haynes	Hon. W. T. Loton
Hon. H. Lukin	Hon. A. P. Matheson
Hon. D. McKay	Hon. E. McLarty
Hon. G. Randell	Hon. H. J. Saunders
Hon. F. M. Stone	Hon. W. Spencer (Teller).
Hon. F. Whitcombe	
Hon. J. E. Richardson	
(Teller).	

Amendment thus passed.

THE COLONIAL SECRETARY further moved that Sub-clause 4 be struck out.

HON. J. W. HACKETT moved that progress be reported. At the stage now reached, this course was desirable, especially having regard to the fact that one vote would have made the last division equal. The whole matter would have to be considered later, and probably in a Committee differently constituted.

Motion put, and negatived on the voices. Division called for, and taken with the following result:—

Ayes ...	...	...	6
Noes ...	...	...	12

Majority against ... 6

AYES.	NOES.
Hon. R. G. Burges	Hon. H. Briggs
Hon. D. K. Congdon	Hon. F. T. Crowder
Hon. J. W. Hackett	Hon. C. E. Dempster
Hon. W. T. Loton	Hon. S. J. Haynes
Hon. A. P. Matheson	Hon. H. Lukin
Hon. H. J. Saunders (Teller).	Hon. D. McKay
	Hon. E. McLarty
	Hon. G. Randall
	Hon. J. E. Richardson
	Hon. F. M. Stone
	Hon. F. Whitcombe
	Hon. W. Spencer (Teller).

Motion thus negatived, and the discussion proceeded.

HON. J. W. HACKETT: The amendment to strike out Sub-clause 4 raised the whole question again, and in view of the narrow majority in the division on the last amendment, he felt it would be his duty to divide the Committee on every one of the sub-clauses. The Colonial Secretary knew the matter would all have to come under review again in a fuller Committee, and it seemed a waste of time to go on now.

THE COLONIAL SECRETARY: In view of the vote passed the other night to strike out "thirty" and insert "twenty-four," and in view of the division just now of 10 to 8, which he regarded as a good majority, in the circumstances, he did not see any other course than to go on with the amendments. If he had not the support of the Committee, progress would be reported. Seeing that the feeling of the Committee was in favour of there being 24 members in the Council, and that we should re-adjust the provinces in harmony with that vote, he could not understand the action of the hon. member.

HON. J. W. HACKETT: It would be re-readjustment.

HON. F. M. STONE: The attitude of Mr. Hackett surprised him. The hon. member got up and said, "If we divide on this it will be a test question whether we should have 24 or 30," and he (Mr. Stone) took it there should be an end of it. But the hon. member was not satisfied with that, and moved to report progress. Then, seeing that the view of the House was against him, he tried to withdraw the motion, which was defeated,

and then he wished to dictate to the Committee how the business should be conducted. The time of the House should not be wasted by taking divisions the same as the last. Having already taken a test vote on the main question, the hon. member now wished to divide the Committee on this, but he hoped the Committee would not adopt conduct of that kind.

HON. R. G. BURGES: The Committee had done so before.

HON. J. W. HACKETT: It was quite competent to a member to call for a division.

HON. F. M. STONE: The hon. member had hitherto always been the first to acknowledge that when a test vote had been taken on a question members should loyally abide by it. He appealed to the hon. member not to go further in the matter. If a division were taken the result would be the same, the same members being present.

HON. J. W. HACKETT: In spite of the little lecture Mr. Stone had been good enough to give him—which he thought uncalled for, and for which he failed to see any reasonable justification—he certainly intended to take this as another test question, and at every point at which the question of the two additional provinces came up he would take another test division for the satisfaction of his friend opposite. He could not understand that a test division was to be considered as a test for every question that might be raised in regard to the measure. What he would test now was the feeling of the House in regard to a Metropolitan-suburban province, and he would endeavour to test the feeling in regard to this matter at every stage. He believed the feeling of the House, after being sufficiently tested, would come round to the view he held. He had considerable hope of converting even the Colonial Secretary within a reasonable period. The next test question might be more serious than the hon. member realised, that being whether a province containing an insignificant scattering of electors—he would not name the province—should be allowed to hold its place by the side of the Metropolitan Province or the goldfields provinces. That was a question which went far beyond the discussion on the point now under considera-

tion, but he warned the hon. member that it would most assuredly be raised.

THE COLONIAL SECRETARY: This had placed him in an unpleasant position, for he distinctly stated what would be the result of the vote on the clause, and he asked members to carefully consider the matter. He believed the vote was a deliberate and carefully considered one, and he was bound to be loyal to it, especially as he had charge of the amendments.

HON. J. W. HACKETT: The hon. gentleman was bound to get it reversed.

HON. C. E. DEMPSTER: Mr. Hackett acquiesced last time.

HON. J. W. HACKETT: Yes; that was a mistake. The Colonial Secretary did not call for a division.

Amendment (the Colonial Secretary's) put, and a division being called for by Hon. J. W. Hackett, it was taken with the following result:—

Ayes ...	...	...	8
Noes ...	...	...	10

Majority against ...	2
----------------------	---

AYES.
Hon. R. G. Burges
Hon. D. K. Congdon
Hon. J. W. Hackett
Hon. W. T. Loton
Hon. A. P. Matheson
Hon. E. McLarty
Hon. W. Spencer
Hon. H. J. Saunders
(Teller).

NOES.
Hon. H. Briggs
Hon. F. T. Crowder
Hon. C. E. Dempster
Hon. H. Lukin
Hon. D. McKay
Hon. G. Randell
Hon. J. E. Richardson
Hon. F. M. Stone
Hon. F. Whitcombe
Hon. S. J. Haynes
(Teller).

Amendment thus passed.

THE COLONIAL SECRETARY further moved that between the words "comprising" and "Boulder" in Sub-clause 6, there be inserted "Coolgardie, Mount Burges, Yilgarn, Dundas." That would involve the striking out of the South province.

HON. J. W. HACKETT: A division must be taken in order to express the opinion that the goldfields were entitled to more members. Perhaps it might be taken on the amendment by the Colonial Secretary.

HON. A. P. MATHESON: The amendment should be opposed. He had supported the motion to report progress because it was obvious that all this debate would take place, and that the time of the House would be wasted; and it was equally obvious that an attempt would be made on the third reading, probably with success, to recommit the

Bill. If one of his colleagues were present that would materially affect the result, and that colleague was endeavouring to be here for the purpose of trying to deal with this question.

HON. F. WHITCOMBE: That was what he went away for.

HON. A. P. MATHESON: The hon. member had no right to say that of an absent man, unless prepared to prove it. This was one of those uncalled-for interruptions which were constantly coming from hon. members, when the person attacked was absent, and it was in extremely bad taste.

HON. F. WHITCOMBE: The hon. member went away before the vote came on, and was not back yet.

HON. A. P. MATHESON: Mr. Whitcombe knew why the hon. member went away.

HON. F. WHITCOMBE: The hon. member went to the Melbourne Cup.

HON. A. P. MATHESON: The hon. member's absence had nothing to do with the business before the House. If the motion of Mr. Hackett could have been debated, the Committee would have seen there was every reason why progress should have been reported; only unfortunately, being creatures of impulse, a large number of members imagined there was some catch in the suggestion, and voted against a most reasonable proposition.

Amendment (the Colonial Secretary's) put, and a division taken with the following result:—

Ayes ...	...	...	10
Noes ...	...	...	8

Majority for ...	2
------------------	---

AYES.
Hon. H. Briggs
Hon. F. T. Crowder
Hon. C. E. Dempster
Hon. S. J. Haynes
Hon. H. Lukin
Hon. D. McKay
Hon. G. Randell
Hon. F. M. Stone
Hon. F. Whitcombe
Hon. J. E. Richardson
(Teller).

NOES.
Hon. R. G. Burges
Hon. D. K. Congdon
Hon. J. W. Hackett
Hon. W. T. Loton
Hon. A. P. Matheson
Hon. E. McLarty
Hon. W. Spencer
Hon. H. J. Saunders
(Teller).

Amendment thus passed.

THE COLONIAL SECRETARY further moved that Sub-clause 7 be struck out.

Put and passed.

Clause as amended passed on the voices.

Clause 8—Members retire periodically:

THE COLONIAL SECRETARY moved, as a consequential amendment, that in line 6 all words after "member" be struck out; also that in Sub-clause 4, lines 2 and 3, all words between "province" and "shall" be struck out.

Amendments put and passed.

At 6:30 the CHAIRMAN left the chair.

At 7:30, Chair resumed.

Clause as amended put and passed.

Clause 28—Disqualification for membership of either House:

THE COLONIAL SECRETARY said Mr. Matheson had previously moved that the words "be an undischarged" be struck out and "becomes a" inserted in lieu thereof, and in consequence of that Mr. Stone moved that the consideration of the clause be postponed. He (the Colonial Secretary) had brought this under the consideration of the Draftsman and the Crown Law Officer, and was informed that it was necessary to retain these words. The Bankruptcy Act used to have these provisions, which caused a good deal of trouble in this direction, but they had been excised from the Bankruptcy Act and did not conflict with the Constitution Act, so that the trouble which had arisen was not likely to occur again. There was a portion of the clause which seemed to be hard, and to require some amendment. He thought that in consequence of the careful consideration of the clause, Mr. Stone had an interview with the Secretary of the Crown Law Department on the matter, the result being that he (the Colonial Secretary) was advised that it would be better to strike out the words "or a debtor against whom a receiving order in bankruptcy has been made." If those words remained, a man against whom a receiving order in bankruptcy had been made would be for ever debarred from sitting in the Legislative Council. It was proposed to substitute for those words, "or a debtor against whose estate there is a subsisting receiving order in bankruptcy." The word "subsisting" made all the difference. He was advised that these words would sufficiently meet the case. He therefore moved that all the words after "bankrupt," in Sub-clause 5, down to "made" be struck

out, with a view of inserting "or a debtor against whose estate there is a subsisting receiving order in bankruptcy." If an order in bankruptcy had been annulled, the debtor would of course be eligible for a seat. There had been some odium attaching to a member who moved that a seat should be declared vacant; but the seat was actually vacant, and the proceeding was only formal; and this being the present law, it was considered desirable to retain the provision.

HON. F. M. STONE: It appeared there had been some mistake with regard to the amendment, which did not go far enough. He understood from the Colonial Secretary that a seat would become vacant, but it was necessary to have a further clause similar to Clause 31 of the Bankruptcy Act. Under the present Act, a member who was a bankrupt could hold his seat unless a motion was made that it should be declared vacant. Such a motion had been moved by him on one occasion, and he did not like it. Progress should now be reported.

THE COLONIAL SECRETARY: There was no desire to oppose reporting progress, but it would be advisable to proceed with the consideration of the schedules.

HON. F. WHITCOMBE supported the suggestion to report progress.

THE COLONIAL SECRETARY moved that progress be reported.

Motion put and passed.

Progress reported, and leave given to sit again.

FISHERIES BILL.

IN COMMITTEE.

Clauses 1 and 2—agreed to.

Clause 3—Interpretation:

HON. F. M. STONE: As to the mesh of the net, the definition "knot to knot," meant the measure taken diagonally from knot to knot, from the inside of the mesh when wetted ready for use, and stretched so that the opposite knots on the alternate corners were in contact. Some strings stretched and shrank more than others, and in buying nets three and a quarter inches had to be obtained in order to allow for shrinkage. He thought, however, that nets of three and a quarter inches, when dry, were rather more than three inches in the water, and it might be advisable to have the measurement of

the net when dry. But here again was a difficulty, because the inspector of a wet net could not tell what the measurement had been when dry. This only went to show that the Bill could not be dealt with by hon. members in Committee of the House, but should be threshed out before a select committee. There were no fewer than 14 clauses in which amendments were necessary, and to consider these amendments would take more time than could be afforded this session. At Albany, for instance, there was a lot of whiting, which could not be caught with a three-inch mesh, and it might be necessary to open that harbour for a certain time for whiting fishing; but, of course, that could not be done under the Bill as now drawn. In his opinion, the present Act was sufficient, if proper machinery was provided, to meet requirements until next session, when a comprehensive Bill could be introduced. The present Bill, if passed, would be a complete failure.

THE COLONIAL SECRETARY: The Inspector of Fisheries (Mr. Gale), who had considerable experience, and had consulted fishermen and others, was of opinion that the Bill was a great improvement on the present Act, and gave powers of administration absolutely necessary at the earliest moment. Most of the clauses not taken from the present Act, were taken from the Acts of Queensland and other colonies. As to the definition of "knot to knot," an amateur fisherman had told him the mesh ought to be three and a half inches, because there was a large number of mullet of 14 and 15 inches long which could not be caught with a three-inch net; and Mr. William Rewell, than whom none had had more experience, expressed the opinion some time ago, when the proclamation was made as to the opening of the Swan River, that the mesh should be three inches. Most of the nets were tanned before use, so that they did not shrink in the water, or, if they did shrink, it was only to a trifling extent. He was satisfied from conversations with Mr. Gale that the Bill has been well considered, and the Inspector had only one objection, and that was to a proviso inserted by the other House in Clause 5, which he did not think carried out the intention of the measure. Perhaps part of Clause 6

might be struck out, and an amendment made in Clause 14, leaving the provisions as to the net a matter more of regulation than of enactment. He was informed that Clause 6 did not prevent the Governor framing regulations prescribing the mesh of the net; and perhaps no great harm would occur by striking out the definition of "knot to knot," because, if one or two sub-clauses of Clause 6 were struck out, the Bill would not be affected by the omission of the definition.

HON. F. M. STONE regretted that the name of Mr. Gale had been mentioned, because that obliged him to say that Mr. Gale had absolutely no experience at all. That gentleman had never seen a prawn net used in his life, or he would not be in favour of the absurd provision that the prawns caught should be marketable, and that prawns should be riddled in the water in which they were caught.

THE COLONIAL SECRETARY: That clause was from the Queensland Act, and there was no difficulty about the provision.

HON. F. M. STONE: Mr. Gale was just commencing to learn his business, and was going about getting different opinions. If that gentleman were before a select committee, he could be "turned inside out," and his opinion was valueless on a question of this kind.

HON. F. WHITCOMBE: Was that why he was appointed to the billet?

HON. F. M. STONE: Others had been appointed too. This person was a very good man. As to the practical part, those to whom he referred knew nothing about it, but simply went to various people and asked their opinions. A three and a-half inch mesh was the mesh for sea-mullet nets. This Bill had better go before a select committee. The clauses he liked were the licensing clause and the clause about not fishing in another man's water, which required some amendment.

THE COLONIAL SECRETARY moved that the sub-clause "Knot to knot" be struck out. That, he thought, would meet the views of the hon. member. The provisions which the hon. member considered unsatisfactory were not deemed so in other parts of the world.

HON. A. P. MATHESON: If the amendment were passed, it would reduce the Bill to an absurdity.

THE COLONIAL SECRETARY: He would further move to strike out Clause 6, and put that in the regulations.

HON. A. P. MATHESON: Unless the Colonial Secretary proposed to strike out every allusion in the Bill to the words "knot to knot," he must retain some sort of definition.

THE COLONIAL SECRETARY: When dealing with Clause 6, the Committee could strike out, at any rate, Subsections *a*, *b*, *c*, and *d*.

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

Clause 4—Fishing-boats to be licensed:

HON. F. M. STONE: This clause referred to the catching of fish in Western Australian waters, and applied to the whole of the colony. Was it necessary to license boats say from Sharks Bay, up North, where there was no market for fish? There were no cool storage boats to bring down fish at the present time, and it would be an injustice to that part if every one who fished there had to have a license. The clause said, "No boat shall be used for catching fish in Western Australian waters for sale." Suppose a man happened to get a good haul of fish, and came ashore and received a shilling for 20 or 30, or something of that sort, if not licensed he would be liable to a penalty. The same thing would apply to Esperance Bay, where there had been no cry for the fish to be protected. Up in the North the water was teeming with fish, and it would be absurd to make a person pay for a license in those parts. It was necessary that there should be licenses for different parts of Western Australia, but the Bill as at present was not what was required for the whole of the colony.

THE COLONIAL SECRETARY: In Clause 6 there was a provision for the Governor to except a locality. The proviso read thus:

Provided that the Governor may from time to time by proclamation declare that in certain places, in certain times, or for certain fish, meshes of smaller dimensions than those by this section required may be lawfully used, and thereupon such proclamation shall constitute an exception to this section.

HON. F. M. STONE: That was not with reference to a license. He thought

the Bill should not apply to the northern parts of the colony, nor to the south-eastern portion, and to test the feeling of the House he moved that the clause be struck out. That was the only way it could be done, and he was sorry, because, as he had said, he was in favour of licenses being granted for fishing.

HON. A. P. MATHESON: The object of licensing a boat was quite as much to protect the boat as the fish, and he failed to see why fishermen in one part of the colony should be required to take out a license and pay £1, and fishermen in another part be exempt, simply because fish were more abundant in one part of the colony than in another. Mr. Stone said the clause would affect harshly the man who went out to fish for pleasure, and got rather more than he wanted to eat. Surely the same hardship would apply equally to a person fishing in Perth water. It was necessary that a policeman should be able to identify boats and their owners. He thought the clause should stand as at present.

HON. F. M. STONE: On the Swan river fishermen fished with the object of selling what they caught; but in those parts he had mentioned a man did not come out day after day; yet under this Bill he would have to pay 30s., whilst perhaps the fish he caught would not be worth 3s.

HON. A. P. MATHESON: It would be sufficient to make fishermen take out a license. It was not necessary that a person should have to pay for a license for the boat as well.

HON. F. WHITCOMBE: The object aimed at might be obtained by inserting after the word "waters," in line 2 of Clause 4, "North of Champion Bay and east of Middleton Beach."

HON. F. M. STONE: It would be necessary to apply that to the whole Bill as well as this clause.

HON. F. WHITCOMBE: In going through the Bill the necessary alterations might be made.

THE COLONIAL SECRETARY: Or there might be a new clause.

HON. F. WHITCOMBE: It would be a mistake to strike this clause out unless the Bill was to be struck out. The measure seemed to be somewhat unsatisfactory, and it appeared to be

rather a waste of time to discuss it at this stage of the session.

HON. J. W. HACKETT moved that the word "shall," in line 5, be struck out, and "may" inserted in lieu thereof. A Minister ought not to be compelled to grant a boat license no matter how much he might disapprove of the person applying for it.

HON. F. M. STONE: If a person committed an offence, that was provided for, but it was desired not to allow him to get another license during the year, or to inflict some such penalty; and it was not advisable to strike out the word "shall" and give the Minister discretionary power.

HON. J. W. HACKETT: It was to be feared Mr. Stone intended to fight the Bill clause by clause. It was obvious that discretion should be left in the hands of the Minister, who would not dare to refuse a license when there was no reasonable objection; and in many cases a discretionary power would be most valuable.

HON. F. M. STONE: The police might have a "down" on a man, and on their report a fisherman might be refused a license without a hearing. A cabman's license, for instance, was never refused.

HON. J. W. HACKETT: A cabman's license supplied the very illustration, because such licenses were perfectly discretionary, and depended on the applicant's character and various circumstances.

HON. F. WHITCOMBE: This clause dealt with the licensing of boats, and for that reason he favoured the amendment, because if a Minister had no discretionary power, it would be competent for any person to get a license for a boat which might be unseaworthy.

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

Clause 5: Fishermen fishing for sale, to be licensed:

HON. A. P. MATHESON: The proviso to the clause was to the effect that no person should fish with a net, except for shell fish, unless he were a holder of a fisherman's license. There was no definition of "net," and any persons, even children, would be liable to a penalty if they fished with a net for shrimps or bait. The proviso appeared to him to be

ridiculous, and he moved that it be struck out.

Amendment put and passed.

HON. J. W. HACKETT moved that in Sub-clause 2, line 1, the word "shall" be struck out, and "may" inserted.

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

Clause 6: Offences; three-inch mesh required in certain waters; one and a half inch mesh required in certain waters; forbidding the setting of certain nets or of any nets in certain waters:

THE COLONIAL SECRETARY: It was not certain what amendments would be required in this clause, and he moved that progress be reported.

Motion put and passed.

Progress reported, and leave given to sit again.

COMMERCIAL AND BUSINESS HOLIDAYS BILL.

DISCHARGE OF ORDER.

HON. S. J. HAYNES: The Bill was in his charge only temporarily, but he found it required many alterations. He therefore moved that the order be discharged.

Question put and passed, and the order discharged.

BANK HOLIDAYS AMENDMENT BILL.

IN COMMITTEE.

Consideration resumed from the previous day.

Schedule:

HON. J. W. HACKETT moved that progress be reported.

Motion put and passed.

Progress reported, and leave given to sit again.

LAND ACT AMENDMENT BILL (PRIVATE).

SECOND READING.

HON. F. M. STONE (North): In moving the second reading of this Bill, I may mention, for the information of hon. members, that there are certain conditional leases, ten altogether, I believe, consisting of a thousand acres each, making a total of ten thousand acres, held by certain persons representing the Salvation Army. Hon. members will remember that at one time it was pro-

posed to make an over-sea colony here, and the Government were approached with a view of getting land granted to the Salvation Army for that purpose. However, I suppose the Government were not able to see their way to accede to the wish expressed, and under the land regulations the Salvation Army then took up these ten leases of one thousand acres each. Under the land regulations they could not be taken up in one block by one person, and therefore they had to be taken up in the names of different persons belonging to the Salvation Army, there being ten persons for the ten different leases. Under the Bill it is proposed that, notwithstanding the Land Act, these leases may be transferred and held by one person, or company, or corporation, or association, so that, if the Bill is passed, the Salvation Army can then transfer the leases into the name of the person who holds property on behalf of that association, in trust for it. Under the Land Act certain improvements have to be made upon the different leases. Each lease has to be fenced in within a certain time. Now it is proposed, under Clause 2, to amalgamate all these leases, and instead of having ten different fences have one to fence in the whole block.

HON. C. A. PIESSE: Is not that already so?

HON. F. M. STONE: No; you have to fence in each particular thousand acres, and it must be remembered that one person can only hold one conditional lease of a thousand acres. It is provided that the Salvation Army shall spend at least £1,000 a year on the prescribed improvements until such improvements are fully completed, in addition to the exterior fencing. This Bill is a private measure, and was referred to a select committee in another place. As hon. members will see, from the report laid on the table, the Committee reported in favour of the Bill.

HON. R. G. BURGESS: Who has that report?

HON. F. M. STONE: It was presented yesterday.

THE PRESIDENT: I read the report yesterday.

HON. F. M. STONE: It is a short report, to the effect that the Committee have taken evidence and that they are in favour of the Bill being passed.

HON. R. G. BURGESS: Is that evidence before the House?

HON. F. M. STONE: A copy of the evidence and the report. The Salvation Army have a scheme for expending at once from £8,000 to £10,000 in permanent improvements on this land.

HON. R. G. BURGESS: Why should not the same concession be granted to other parties?

HON. F. M. STONE: The leases are held by different persons. The object is a good one, it being proposed to put agricultural labourers on these blocks.

HON. R. G. BURGESS: What class?

HON. F. M. STONE: And, as I have pointed out, the Salvation Army will spend some £10,000.

HON. H. LUKIN: Are they giving any guarantee that they will spend it?

HON. F. M. STONE: If they do not, the lease will be forfeited. They have to spend £1,000 a year, and still have to do the improvements under the Land Act.

HON. R. G. BURGESS: What class of labourer will they introduce?

HON. F. M. STONE: A class of labour that I trust will be desirable for the colony.

HON. R. G. BURGESS: Desirable! Undesirable.

HON. F. M. STONE: I cannot understand the position of the hon. member. The only thing I can see is that it is a little opposition on account of my having opposed a Bill yesterday.

HON. R. G. BURGESS: Nothing of the kind; I will give my reasons.

HON. F. M. STONE: This Bill is introduced for a good object. I think that at one time everyone was in favour of the granting of land to the Salvation Army for the purpose of an over-sea colony, but the Government were unable to make such grant, and the Salvation Army started the matter themselves, and took up 10 blocks of land, as I have pointed out. They do not propose to be excluded from the land regulations, but to spend the amount they have to do, otherwise the leases will be forfeited. It is intended that, instead of fencing in each 1,000-acre block, they shall put a fence round the whole 10,000 acres. The Select Committee have reported that the Salvation Army are prepared to spend from £8,000 to £10,000, and perhaps that is an inducement to amalgamate the leases; but I

repeat that they still have to comply with the conditions under the land regulations, otherwise, as I have said, the land will be forfeited. Sub-clause 1 of Clause 3 says :

Section 55, Sub-section 4, of the principal Act shall be sufficiently complied with by the prescribed improvements being performed on any part of, and by the exterior fencing of, the aggregate area of the said leases, and by the possession and residence, on any part of the said area, of the manager or agent of the transferee.

HON. F. WHITCOMBE: About one-fourth of the necessary fencing.

HON. F. M. STONE: No; they have to fence the whole outside of the 10,000 acres.

HON. D. MCKAY: Why is it not made specially applicable to the Salvation Army?

HON. F. M. STONE: These leases only apply to the Salvation Army.

HON. J. E. RICHARDSON: They may sell the land to a company.

HON. F. M. STONE: No; because they must have the consent of the Minister, and I take it the Minister would not allow this land to be used for the purpose of speculation. He would not allow the Salvation Army to sell the lease to anyone else. They can do it now if they like. They can sell it in the names of the different persons holding these blocks.

HON. R. G. BURGESS: Only under the conditions of the Land Act.

HON. F. M. STONE: We are still keeping the conditions of the Land Act, except that instead of making them fence in each 1,000-acre block we allow them to fence in the whole, and, instead of one person having to reside on each 1,000-acre block, the Salvation Army may cause their manager or agent or a member of the Army to reside on one portion, which will be sufficient. I think hon. members will agree that the Salvation Army have been of great benefit and are doing a good work.

HON. R. G. BURGESS: That is all right.

HON. F. M. STONE: This scheme is proposed to help them to continue that work, and I do not think any hon. member will get up and object, if we are trying to help a good cause. I know that at one time the Salvation Army were laughed at, but that has been completely surmounted, and we recognise

that they are doing a great deal of good, not only in this colony but all over the world. When the Government could not give them the grant of land required, we saw them taking up land themselves, and spending money on it, as they had to do under the land regulations. Going still further I think we can take their word, given before the Select Committee, that they are prepared with a scheme of expenditure upon this property. If the Salvation Army want to go in for any transfer, the Minister will inquire into the matter, and see that it is done for the purpose stated. As I have already said, the Minister would not allow the land to be used for speculative purposes. The measure specially prevents their doing such a thing. We know that this Bill is introduced for a good purpose, and I do not think any hon. member will object to its being passed. The Select Committee are perfectly satisfied with the measure, and I do not think the House will contradict them. I have very much pleasure in moving the second reading of the Bill, because I know it is for a good cause and for the benefit of the community.

HON. C. A. PIESSE (South-East): I am sorry to have to move in this matter in the way I am moving, or intend to move, and I do not adopt this action from any ill-feeling or wish to obstruct the Salvation Army in the good work they have undertaken, but I desire on this particular occasion to protest against the provision in the law limiting the amount of land which may be taken up under a conditional purchase lease to a thousand acres. I think there would have been no need for this Bill to-day had the area been fixed at a reasonable quantity. Here we have millions of acres of land, and we limit a selector to a thousand acres. I never heard of a more ridiculous provision in my life. We have in this case an instance of what it means to people who really want to settle on the land. In the past the cry has been, "The people on the land," but what we want is the money on the land. If the Land Act had been made so open that people could have selected up to five thousand acres, we should in this instance have found two selections taken up instead of ten, and there would have been no need for this Bill. It is time we dealt with this matter in a broad

way, not legislating for one particular class. I am not going to say a word against the Salvation Army, and hope my remarks will not be regarded as antagonistic to them, but I think there are other people doing equally as much on the land as the Army will do, and possibly more. These people find themselves hampered in twenty different ways, the consequence being that all sorts of evasions of the Act are going on. Those interested in the land question, who are doing their best to settle on the land, are evading the Act in every possible way, and they have to resort to all sorts of tricking—I cannot call it anything else—to get the land which is absolutely required.

A MEMBER: They must have dummy-ing.

HON. C. A. PIESSE: Dummying, pure and simple. You bring in a Bill to deal with one section of the people, and we have no proof that they will do better than others. It is proposed to grant special legislation for them, and to leave the rest of the community to go on in what I may term the crooked ways. How do you get on if you are a landowner and desire to reside in the city? You have to spend £1 in improvements as against 10s. that the up-country resident pays. The House should not tolerate special legislation of this sort; and I move, as an amendment, that the Bill be read this day six months.

HON. R. G. BURGESS: I quite agree with the remarks of Mr Piesse.

HON. J. W. HACKETT: Do you second the amendment?

HON. R. G. BURGESS: I am speaking on the second reading of the Bill.

HON. J. W. HACKETT: If you speak and do not second the amendment, it will lapse.

HON. R. G. BURGESS: I intend to speak on the second reading of the Bill, and I am not asking for Mr Hackett's ruling.

HON. J. W. HACKETT: Then I shall ask the President's ruling. Is it not a fact that if the amendment be not seconded it will lapse?

THE PRESIDENT: If the amendment of Mr. Piesse is not seconded, it of course lapses.

HON. R. G. BURGESS: Then I second the amendment. I had nothing to do with the proposing of the amendment by Mr. Piesse, but as Mr. Hackett forces me I must second it. I support some of the remarks that have fallen from Mr. Piesse, but he might just as well leave the subject alone, because if the Bill were amended and returned to the Legislative Assembly, it would only be sent back again with the amendments rejected. There has been class legislation in this colony before, as we know from the injustice done to producers in the Northern part of the colony, who are subject to the tyranny of the residents of the Southern districts. What class of people is it intended to introduce to the colony by assisting in the establishment of this over-sea colony? The Salvation Army have done good, and will do good, but I contend that it is not advisable to pass a Bill to encourage the immigration of people who are certainly not a bit more desirable than the alien population, for the admission of which, in very necessary cases, it is impossible to get legislation passed. The class of people who should be encouraged to settle on the land are those with capital, and it seems extraordinary to me that the Government and the Commissioner of Lands should give concessions to all sorts of outside people. The present settlers on the land of this colony are subject to tyranny and injustice, and there is a bitter feeling against the Lands Department. A great supporter of the Government, in speaking at Wagin the other day, showed very vividly how bitter that feeling is throughout the country. I can corroborate what was then said; and, while I represent an agricultural constituency, I will continue to protest against the injustice suffered by producers. But to fight against this injustice is like fighting against the wind, because we have to meet the opposition of members of the House, who are not qualified by experience to speak on these matters. We who represent agricultural districts, respect the opinions of those members on subjects which they understand, and it is only right that they should respect our opinions on agricultural matters. The opinions of those who are on the land making a living and doing good to the country, are just as much entitled to respect as the opinions

of those who read up the subject and publish the results in newspapers. I make my living by utilising the experience of a lifetime, and my opinions cannot be altered by anything that Mr. Hackett may say or write. As an example of the injustice which is done to settlers, a man is allowed to take up 1,000 acres of land, and if he is not living within 10 miles, he has to spend £1 an acre in improvements. And then look at the clause in the present Act which provides that if a man take up a piece of land, and it turn out not as good as he expected, he may go to the Commissioner, and with the Commissioner's consent, need not carry out the improvement conditions. The Lands Department have a large staff of surveyors, inspectors of land and others, and yet if a man, after two or three years occupation, says he has been deceived, he is free from the improvement conditions. All this shows there must be some blunders going on. There is good land in the colony, but it is very hard to get 1,000 acres in one block that is all good, and £1 an acre has to be spent in improving any inferior land there may be in the block; and it is a disgrace to a country with millions of acres, to make any settler, who is doing his duty, spend this £1 per acre. Farmers work like slaves, but all over the world they are given no protection, and excite no sympathy from the Legislature of any country. They are said to get special railway rates, but these special railway rates are simply a special farce. The main objection to the Bill is that it will introduce an undesirable class of people into the colony, and for that reason I must oppose the second reading.

HON. E. McLARTY (South-West) : I feel called on to say a word or two in regard to this Bill, and I regret I cannot agree with what has fallen from Mr. Burges and Mr. Piesse.

HON. R. G. BURGESS : But the land in question is in your district.

HON. E. McLARTY : I really cannot grasp what the Bill before the House has to do with the hardships under the land regulations.

HON. R. G. BURGESS : The department give concessions to some, while they make others carry out the conditions.

HON. E. McLARTY : Hardships may exist, and possibly there is something in what Mr. Burges has stated in regard to the regulations, but that has nothing to do with the Bill. The Salvation Army, by this Bill, are granted 10 blocks of land, all adjoining.

HON. C. E. PIESSE : We do not object to that.

HON. E. McLARTY : I see no reason why the Salvation Army should not be allowed to enclose that land with one fence, instead of 10 fences.

HON. A. P. MATHESON : How about the ten houses ?

HON. E. McLARTY : There is no mention in the Bill that the Salvation Army shall not carry out the conditions the same as other people. They state they are prepared to spend eight or ten thousand pounds, and the point we have to insist upon is that, if the land is taken up, the conditions shall be complied with. That being so, I see no reason why the Salvation Army should not be permitted to erect only one fence. It seems to me it would be a great hardship on people coming to this colony, spending a lot of money, and doing a great deal of good, to insist on their carrying out those conditions, and fencing in ten allotments. Mr. Burges has referred to the class of people, but I think there is nothing to justify his remarks that the people introduced would be undesirable. They may be the very best class of people, and suitable to carry out what is required of them.

HON. R. G. BURGESS : You have no guarantee.

HON. E. McLARTY : And you have no guarantee that it is not so. I think it is the duty of the Government and the House to assist people doing so much as the Salvation Army are to alleviate distress and raise the fallen. I shall certainly support the Bill. As I have said before, if the Bill were intended to relieve the holders from carrying out the conditions, I should oppose it, but it is nothing of the kind. The whole thing is simply that the improvements shall be carried out perhaps upon one or two blocks. That would be of immense advantage to the owners, and I am sure my friend who has spoken will agree with me on the point.

HON. C. A. PIESSE: We want to make it general.

HON. R. G. BURGESS: What we object to is special legislation.

HON. E. McLARTY: If the Land Act inflicts a hardship on the general public, there is no reason why it should not be amended, but I do not see why this Bill should be opposed on those grounds. Some few years ago the Government were asked to make a concession by giving the Army a block of land on certain conditions, but at that time they could not see their way clear to do it. I thought it was a great pity, and if I had had any voice in the matter, I should have allowed the Salvation Army to select land for the good purpose for which it was intended. I always regretted the Government did not see their way to assist. The Salvation Army are not asking the Government for any concessions, but are willing to pay the rent the same as others, and to carry out the conditions and spend a great deal more perhaps than most leaseholders are doing. Therefore I think their request a reasonable one, and that we should grant what is asked for in the Bill.

HON. D. MCKAY (North): I shall support the second reading of this Bill, and I think no opposition should have been shown to it. I should like to have seen the Bill made specially applicable to the Salvation Army.

HON. J. W. HACKETT (South-West): I also have pleasure in supporting this Bill, and I may point out in answer to the objection which has just been made by Mr. McKay, that the point only has reference to the schedule.

HON. C. A. PIESSE: There is a breach of the Act here—20,000 acres in 12 leases.

HON. J. W. HACKETT: I wish to say a few words as to the object and the class of persons who will go upon the land. I may say with regard to the land itself that it consists of about 20,000 acres, and the Salvation Army are prepared to spend on improvements the full amount required under the Land Act, in addition to the sum needed for the exterior fencing, and of course a residence for the manager or agent. There was an ambitious scheme on the part of General Booth to take up a very large block in the South-West of the colony suitable

for agricultural purposes, where a colony of the kind which he called an "over-sea colony" could be established. His "over-sea colony" was to contain persons drafted from the farm colonies in the United Kingdom, colonies of the second class, to which reclaimed persons and waifs and strays may be brought after going through the discipline of the Salvation Army homes. The Premier objected strongly to the importation of persons who might be descendants of the criminal classes, if not criminals themselves, and the result was that the scheme was modified so that a very small block was taken up, and it was agreed that there should be no attempt to plant an "over-sea colony." In return for these concessions on the part of the Salvation Army, it was generally agreed that this private Bill should be passed into law. The idea of the Salvation Army is simply to form a farm colony as a settlement of their own, to which they can send persons who are needy or in distress, or chosen persons selected by themselves, who are acquainted with farming work, and also neglected and deserted children from our larger towns. They have carried out a scheme of this kind in the neighbourhood of Melbourne with the utmost success, and it is a pleasure to the charitably disposed to see what they have done. They expect to reproduce that on a large scale for the same object and purpose. They propose to as far as possible bring this land into cultivation, and I may tell the House that it contains about 20,000 acres, of which not more than 5,000, by the most liberal estimate, are fit for higher cultivation. The Salvation Army are a class who deserve special encouragement, for this reason; they are of all people I know those who the least bottle up their wealth. All the money they receive they spend at once; and if the land is put into their charge you may be quite certain they will do everything they can with it.

HON. C. A. PIESSE: They will have to fulfil the conditions.

HON. J. W. HACKETT: They are one of the most practical bodies of men that can be imagined. Their idea is to work charitably, and to do that they obtain large sums of money to spend on their works, in addition to any profit

brought in; and we may well be prepared to believe that the money referred to will be spent upon this land. The whole object is good. There is no danger of a monopoly, or a large piece of land lying unused. They expect to form a place where persons may dwell, and generally to inaugurate one of the most admirable and philanthropic as well as useful works in our colony which may be conceived. I hope the Bill will receive, not only the generous, but the enthusiastic support of the House.

HON. H. LUKIN (East): I have pleasure in supporting the Bill. No doubt there is one objection to it as there must always be objection in a general way, this being that it is special or class legislation. We cannot get away from that; but, taking a broad view of the whole subject, I think few hon. members will question that the Salvation Army have done a tremendous amount of good throughout the length and breadth of the British Empire.

HON. J. W. HACKETT: The whole world.

HON. H. LUKIN: The whole world, for that matter, and there is no doubt they deserve every encouragement.

HON. C. A. PIESSE: So do other people.

HON. H. LUKIN: So long as this concession is sufficiently safe guarded, and there is no loophole for them to get out and trade with the land in a way they should not, their request should be acceded to. I just mention this, though history ought to teach us that, as far as the Salvation Army have gone, that is not one of their principles, and we can trust them to deal honestly with this land, judging from their antecedents. Still, in any case, the concession should be so hedged round that the Salvation Army cannot escape the regulations, even by special permit of the Minister. It should be so hedged round that they will be bound to comply so far, at all events, if not entirely, with the Act.

HON. D. MCKAY: It is so.

HON. H. LUKIN: They would have to spend a thousand a year, and that should be quite sufficient safeguard. As to the people whom they are likely to introduce and put on the land, Mr. Burges seems to think they are a very doubtful class, and perhaps a class we should be better without. Anybody who has read up about the Salvation Army knows that

the people they send out to an "over-sea colony" are people who have served a certain probation. They are all people whom they have had under their control for some time, and, therefore, they are not exactly the riff-raff that I think Mr. Burges expected.

HON. R. G. BURGESS: I know something about it as well as the hon. member.

HON. H. LUKIN: As to the matter that Mr. Burges and Mr. Piesse brought forward about other people who ought to have such a concession, those hon. members must know that our land laws are very liberal indeed. Nobody can dispute it; and in making them so liberal, it is very hard to prevent them from being abused. If they were made more liberal so that people could get larger blocks of land, I am afraid greater abuses would come in, and it would be necessary to hedge the leases about with conditions more than at present. Mr. Burges is one of the men who would abuse the system.

HON. R. G. BURGESS: I would make use of it: more use than you would.

HON. H. LUKIN: I have much pleasure in supporting the Bill.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

Bill passed through Committee without debate, reported without amendment, and report adopted.

CEMETERIES BILL.

SECOND READING.

THE COLONIAL SECRETARY (Hon. G. Randell) in moving the second reading said: This is a small Bill which has unfortunately been rendered necessary by some defects in the principal Act. Certain provisions were left out, I think, owing to some oversight by those who had charge of the Bill. No doubt Mr. Hackett, who perhaps is better acquainted with the question than I am, will supplement anything I may say. The powers sought to be given to boards of cemeteries are absolutely needed. I think that if hon. members read through this short Bill, they will see how necessary it is that the provisions of the measure shall be in the Cemeteries Act. Clause 2 reads:

The trustees of every public cemetery now or hereafter to be appointed under the Ceme-

teries Act, 1897, shall be a body corporate, with perpetual succession, under the name of the "Trustees of the cemetery" (the word "cemetery" being immediately preceded by the name or designation of the cemetery for which the trustees are appointed), and shall have a common seal, and may sue and be sued by such corporate name.

The necessity for trustees being a body corporate escaped attention previously, and Clause 3 gives the trustees power to make by-laws, and to impose pecuniary penalties not exceeding £5 for each breach. I need not say more, except that I have one or two amendments to propose to the present Act, in order to fulfil the original intention of the framers of that Act. In Section 4 I propose to insert an amendment providing that "Minister" shall mean the Minister administering the Act, and in Section 31, to strike out the words "Colonial Treasurer," and insert the word "Minister," so as to bring the Act under the control of the Commissioner of Crown Lands. I hope the Bill will recommend itself to hon. members, because it is absolutely necessary that these public bodies should have the powers proposed.

HON. J. W. HACKETT (South-West): I have much pleasure in seconding the motion. I may remind the House that the so-called Cemeteries Act of 1897, which this Bill proposes to amend, was one of the most ludicrous attempts at drafting that ever came before a Parliamentary body. Amongst other provisions, it will be remembered that the trustees of a cemetery were empowered to bury a living person, always provided that person were a pauper, and there were several other provisions of a similar character, although not quite so ridiculous. It will be recollected that when we got to the second clause on that occasion, the Committee practically "fell to pieces" over the measure. Mr. R. S. Haynes attempted to fight it out, but gave it up in despair, and Mr. Matheson and other members also contributed amendments; and though nobody supposed the Bill to be perfect, we thought it fairly workable, and were not prepared for the imperfections subsequently found. I believe that in a short time a new Act altogether will be required, but in the meantime the trustees of Karrakatta Cemetery find themselves face to face with a difficulty, owing to the fact that the various denominations,

amongst whom the cemetery is divided, require some religious control over their allotments. It was agreed by the trustees that a deed poll should be executed by which they should allow the denominations certain rights over the allotments; but when the trustees came to execute the deed poll they found no provision for a common seal. Without a seal it would be necessary for the trustees to sign the deed poll in their personal characters, and their representatives would become responsible, so that whenever a trustee dropped out, and a new one was appointed, the utmost complications would follow. The moment that was discovered, the trustees had to apply for power, at all events, to use a common seal, and to ask for corporate succession, and that accounts for the second clause, while Clause 3 is rendered necessary by the fact that, though the trustees were empowered to make by-laws and have made them, they have no power to prosecute or impose penalties for any breach. These are two amendments which the Karrakatta Cemetery trustees have found it necessary to represent to the law officers of the Crown as absolutely essential; and the result is the Bill before the House.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

Clauses 1 to 3, inclusive—agreed to.

New Clause:

THE COLONIAL SECRETARY moved the following to stand as Clause 4:

The Cemeteries Act, 1897, is hereby amended as follows:—In section four, after the words "in this Act," in the first line, insert the words "'Minister' shall mean the Minister administering this Act." In section thirty-one, strike out the words "Colonial Treasurer," in the second line, and in place thereof insert the word "Minister." In section thirty-seven, the word "to," in the sixth line, is struck out.

Clause put and passed.

Bill reported with an amendment, and the report adopted.

ADJOURNMENT.

The House adjourned at 9.30 o'clock, until the next day.