advices I received, a further announcement has been made recently indicating that the acquisition of inferior grades ceased as from the 30th September last. I understand this action was consequent upon the greatly changed conditions which demanded increased exports of butter to England.

Naturally, all the phases dealt with are affected by circumstances prevailing today. We must all admit that war conditions necessarily affect the dairy industry as they do other avenues of activity. Another phase involved relates to transportation, while other aspects affecting the situation include the shortage of petrol supplies, road transport difficulties and the question of manpower—all serious matters affecting not only the dairy industry but other industries as well. While I have been provided with much material regarding this question which I have not placed before the House, I assure members that departmental officials are anxious to make available all the information they possibly can, but they are not anxious to have their time taken up with an inquiry by a Select Committee when they have already at their disposal all the information that could possibly be obtained. If Mr. Roche or any other member desires information on this subject, the whole of the files and reports can be made available for that purpose. When a similar motion was moved in another place, that was the course pursued and when the member who had taken the matter up had perused the files and all the information placed before him, the matter was allowed to drop.

Present-day conditions arise solely from the fact that this House, when amending legislation was submitted in 1939, strongly opposed certain portions of it, and after being amended the Bill was returned to another place. The position was explained by the Minister for Agriculture in these words—

> The Legislative Council's proposal is to exclude from the Bill that portion of Clause 6 which deals with the transport of cream. I regret very much that the Council has made this decision. Nevertheless, I fully appreciate the excellent provisions of the measure and what its ultimate effect will be when it becomes law. I carefully perused the comments of the speakers on the amendment; and it seems to me that considerable pressure was brought to bear by vested interests. Although the desires of the department will to some extent not be realised if the Committee agrees to the amendment, yet the measure is of such great importance to the industry that I would not care to jeopardise its passage by suggesting that we disagree with the amendment. I regret that a large majority decided against this provision, but I venture the opinion that within a very short period we shall have pressing requests, backed by members of another place, to reinstate it. I realise that it would be hopeless to fight the Council on the amendment and I therefore move that the amendment be agreed to.

I may emphasise the fact that the Minister for Agriculture was responsible for introducing the amending legislation in 1939 and it is owing to this Chamber having amended the measure in a rather drastic manner that we have the conditions prevailing today. I shall not labour the question, but I suggest to Mr. Roche that he accept my suggestion and approach the Agricultural Department with a view to having all the files and papers placed at his disposal. If he does so, I feel sure he will satisfy himself that he will be able to procure no further information by means of a Select Committee.

On motion by Hon. W. J. Mann, debate adjourned.

House adjourned at 3.53 p.m.

Legislative Assembly.

Tuesday, 13th October, 1942.

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The SPEAKER took the Chair at 2.15 p.m., and read prayers.

PAPER—LIQUOR LICENSES AND S.P. BETTING.

As to Inquiry by Royal Commission.

THE PREMIER [2.17]: I desire to lay a paper on the Table of the House, but before doing so I wish to make one or two preliminary observations. Members will recall that on Wednesday last we carried a motion regarding the appointment of a Royal Commission. In accordance with the

procedure of the House, a copy of the resolution was sent by the Clerk of the House to me but, almost simultaneously with my receipt of the resolution, I received a letter from His Honour the Chief Justice, to whom I had made no representations, and it is his letter I desire to read. The letter dated the 8th October is addressed to the Minister for Justice and reads—

I notice in this morning's paper that the House of Assembly passed a resolution yesterday that I should act as a Royal Commission to inquire into certain political charges against the Government in relation to its administration.

Had this proposal come under my notice earlier I should have taken strong exception to it, not only on the ground that it proposed that a judge should undertake extra-judicial work on an essentially political matter, but also on the ground that it selected a particular judge to undertake the Commission without any previous approach to ascertain whether he would be prepared to undertake, or could undertake, the work.

But the matter goes deeper. In the British judiciary it is a salutary custom that judges should not undertake extra-judicial work involving political disputes. Instances could be cited in other States (one quite recently in Victoria) where this wise rule has been followed. I have conferred with my brother judges on this question and we are all strongly of opinion that the rule should be followed in this State also.

For the above reasons I beg to inform you that I am not prepared to undertake this Royal Commission.

I may add that, in the future, even in the case of Royal Commissions on non-political matters, I and my brother judges respectfully request that, if it be desired to appoint a judge as Commissioner, the judges should be first consulted.

(Sgd.) J. A. Northmore,
C.J.

In these circumstances we are faced with the task of obtaining a substitute to act as a Royal Commission to inquire into the allegations. As a local judge will not be available, we propose, if no objection is raised in the House, to endeavour to obtain a judge of the High Court of Australia or the Supreme Court of one of the other States, and will take action to that end forthwith.

Mr. Patrick: Who was it that did not act in Victoria?

The PREMIER: I do not know.

Mr. Patrick: It was a judge?

The PREMIER: Yes. Whether he is acting as a judge now, I do not know. I desire to inform the House of the action proposed to be taken by the Government. If there is no objection we shall endeavour to obtain the services of a judge of the Supreme Court of one of the other States or perhaps a High Court judge to make the inquiry. I move—

That the paper be laid on the Table of the House.

Question put and passed.

QUESTIONS (4).

RUBBER.

As to Examination of Used Tyres.

Mr. CROSS asked the Minister for Industrial Development: 1, Is he aware that recently several shipments, including one parcel of 47 tons of scrap rubber and many used tyres, were sent from Western Australia to the Eastern States? 2, Is it a fact that the parcel referred to included (a) 6 tons from Olympic Tyre & Rubber Co.; (b) 7 tons from Goodyear Tyre & Rubber Co.; (c) 14 tons from Dunlop Rubber, Australia, Ltd.; (d) 20 tons from the military authorities? 3, If so, did the used tyres first receive expert examination with a view to having suitable tyres recapped for use in this State? 4, Will he take the action necessary to ensure that all used tyres are examined before export so as to obtain the fullest benefit in regard to labour requirements and use in Western Australia?

The MINISTER replied: 1, Some shipments have been sent East recently. 2, Tonnages approximating to those in the question have been shipped by the Dunlop and Olympic Companies. The Goodyear Company disposes of its scrap tyres to either the Dunlop or Olympic Company, and has not made a shipment of seven tons. No shipment has been made by the military authorities. 3, The tyres shipped by the rubber companies included some purchased as scrap, but parcels were mainly made up of tyres returned to the companies under the provisions of the Control of Rubber Regulations, when new tyres were being purchased. All tyres were closely inspected to prevent tyres which were capable of being repaired from being sent to the reclaiming works. 4, Action is at present being taken, under joint arrangement between the Department of Supply and Development, Department of the Army, and the rubber companies, to prevent tyres which can be repaired from leaving the State? All salvage tyres go to the Army Salvage Depot, where they are first examined by an Army

representative, and then by an expert from the rubber companies. The Minister for Supply and Development (Mr. Beasley) recently agreed to appoint Mr. T. Carlisle, retreading expert of Stirling-street, Perth, to act with the representative of the Army and the rubber companies in this matter with a view to ensuring that all used tyres capable of being repaired will be retained in Western Australia.

CIVIL DEFENCE.

Government Expenditure.

Mr. NEEDHAM asked the Minister for Mines: 1, What amount of money has been expended by the Commonwealth Government towards the cost of Civil Defence in the provision of air-raid shelters, A.R.P. material, etc.? 2, What amount has been expended by the State Government for a similar purpose? 3, What amount has been advanced to local governing bodies to help defray expenditure incurred in providing air-raid shelters, etc., in their respective districts?

The MINISTER FOR THE NORTH-WEST (for the Minister for Mines) replied: 1, Actual expenditure to date, £69,374. In addition there are heavy commitments yet to be met. 2, Actual expenditure to date, £40,154. In addition there are heavy commitments yet to be met. 3, £29,080.

WHEAT, ACREAGE RESTRICTION.

Mr. BERRY asked the Minister for Agriculture: 1, Has he any information in connection with the acreage sown to wheat for (a) the current year, and (b) last year? 2, Can he tell the House the anticipated yield for the current year and the yield for last year?

The MINISTER replied: 1, (a) 1,713,000 acres; (b) 2,650,445 acres. 2, (a) 23,000,000 bushels, equivalent to 13.4 bushels per acre; (b) 37,500,000 bushels, equivalent to 14.1 bushels per acre. The information relating to the current year was issued by the Government Statistician in the preliminary forecast of the 24th September. The acreage figures are based on the actual areas licensed for wheat for grain.

CITRUS FRUITS INDUSTRY.

As to Manpower.

Mr. SAMPSON asked the Minister for Industrial Development: Following the affirmative answer to the question without notice which I asked him on the 17th September ("Hansard," page 621)—

> In view of the grave difficulty faced by lemon and other citrus growers in regard to the absence of a reasonable market, will he discuss with the Minister for Agriculture the possibilities of action whereby the staffs of those interested—subject to the availability of sufficient manpower—may be increased, thus enabling the manufactories concerned to work more than one daily shift?

what progress, if any, has been found possible?

The MINISTER replied: One establishment treating citrus fruit in Western Australia now working two shifts. Another is now working three shifts and treating 15 tons of fruit per day. Both concerns are arranging for the installation of more plant. In the one case this should be installed in the near future and will enable three shifts to be worked for the balance of the season. Both plants will be operating at maximum capacity during the whole of next year and will be capable of processing double the amount of fruit that was processed this year.

BILL—MUNICIPAL CORPORATIONS ACT AMENDMENT.

Introduced by the Minister for Works and read a first time.

BILL—COMPANIES.

Restored to Notice Paper.

THE MINISTER FOR JUSTICE [2.27]: I move—

> That this House, in accordance with the provisions of the Standing Orders relating to lapsed Bills, resume consideration of the Companies Bill, and that the resumption of the consideration of the Bill in Committee be made an Order of the Day for the next sitting of the House.

HON. N. KEENAN (Nedlands): I am sorry the Minister has not brought down a Bill and gone through the ordinary procedure, because it may be within the recollection of members that the original Bill brought down was practically abandoned. It was referred to a Select Committee with power to re-mould it entirely. The Bill so re-moulded was not submitted to a second reading, but was proceeded with in Committee. Owing to some lapse of attention by members that course was proceeded with, instead of the Bill—which had never been before the House for the purpose of being

read a second time—being submitted to a second reading. If we pass this motion, we practically once more confirm what previously happened by a mere lapse of attention. I did take objection at the time, but owing to some misunderstanding the member for Guildford-Midland took charge, although he did not quite succeed. Therefore, as I have said, the Bill was proceeded with in Committee without members being given the opportunity to discuss it on a second reading. That was very regrettable. I was under the impression when the Minister spoke to me about his intentions that he would bring down a Bill embodying the alterations made up to the stage that the House had proceeded with the Bill last session and submit it to the House for a second reading. That would have been infinitely more satisfactory, because I can assure members that had consideration been given to the Bill it would have been of a much wider and different character from that which was discussed in Committee.

A matter of principle is involved. If I may be allowed to say so on a motion of this kind, company legislation which is proper and necessary for the State of Western Australia is different from company legislation proper and necessary for New South Wales, Victoria or Great Britain, or any part of the Empire where industrial conditions are far advanced. We here are in the nursery stage and consequently legislation prescribing the conditions under which companies should be formed in this State are essentially different from those prevailing in the other States, particularly Victoria, a highly-industrialised State, and New South Wales, also a highly-industrialised State, as well as in the United Kingdom, which has been highly industrialised for over a century. I therefore ask the Minister whether he is prepared to re-consider this matter. It would be facilitated in every way; because, speaking for myself—I was unfortunately forced to be critical of the Bill—I will give the Minister every assistance I can. I do not want to miss the opportunity to place before the Minister, other members of the Cabinet and members generally, very important reasons why we should frame our company legislation in a manner entirely different from that which is necessary and proper for highly-industrialised States. For instance, we have in this State to face the position that very small capital is possible to be procured. Our industries are only baby industries. The Minister for Labour knows full well that if we place conditions on those industries applicable to large companies with huge resources and assured markets, we would absolutely squelch them. In my early days on the goldfields we formed syndicates so as to avoid the expense that would otherwise have been incurred under our company law. We started the mining industry with such small syndicates; the larger companies were formed at a later stage, when we had more or less broken the ground and had enabled the industry to feel its feet. I am afraid I am rather trespassing on your indulgence, Sir.

Mr. SPEAKER: The hon. member is quite in order.

Hon. N. KEENAN: I ask the Minister for Justice if he is prepared to consider a submission of this measure in the form of a Bill up to the stage it was proceeded with in Committee, so that it may be submitted for a second reading. In that way we could clear up the point with advantage to the State.

THE MINISTER FOR JUSTICE (in reply): The points raised by the member for Nedlands were considered when the Bill was before the Royal Commission. The Bill was certainly not submitted again to the second reading, but that was in compliance with a ruling of this House to which members agreed. I do not think it would be reasonable for me now to make any alterations to the Bill, as I was only one member of that Committee.

Hon. N. Keenan: I am not asking the Minister to make any alterations to the Bill.

The MINISTER FOR JUSTICE: I do not think our conditions are so different from those of the other States. The Bill contains provisions that apply to the other States. Even if our industries are in their infancy, I cannot see that that point should make any difference to our company law. Witnesses—the best that could be obtained in Western Australia—were brought before the Royal Commission and not one of them submitted anything contrary to what is contained in the Bill. I am, therefore, unable to accede to the hon. member's request. I am, of course, aware that he is quite sincere in what he has said and I am sure he would give every assistance possible. The hon. member had every opportunity, when the Royal Commission was sitting, to give evi-

dence before it. He might have thought, as a Parliamentarian, that it was not quite right to do that, and that, though it might not have been exactly infra dig., it was not exactly in accordance with past practices. But should this House think any alteration is necessary, no doubt consideration will be given to that aspect. At the present moment, however, I cannot reasonably agree to the proposal, because there were about nine members on the Commission and they gave very earnest consideration to the matter, and put a great amount of work into the Bill. They considered not only the legislation in Australia but also that of New Zealand and England.

Hon. N. Keenan: Nobody questions that.

The MINISTER FOR JUSTICE: After the members of the Commission had given every possible consideration, they unanimously came to the conclusion that this was the best Bill we could bring before the House at the present juncture.

Question put and passed.

BILL—INDUSTRIAL ARBITRATION ACT AMENDMENT.

Report of Committee adopted.

BILL—MAIN ROADS ACT (FUNDS APPROPRIATION).

Second Reading.

THE MINISTER FOR WORKS [2.38] in moving the second reading said: It will be remembered that last session an Act entitled the Main Roads Act (Funds Appropriation) Act, 1941, was passed for the purpose of transferring to Consolidated Revenue the 22½ per cent. of the Metropolitan Traffic Trust Account payable to the Commissioner of Main Roads in pursuance of Section 33 of the Main Roads Act. The 1941 Act was restricted to license fees received in the metropolitan area in relation to the licensing year ended the 30th June, 1942. The amount received by Consolidated Revenue by reason of the said Act totalled £30,199. The provisions in the Bill now before the House are precisely the same as those in the 1941 Act, except of course for the period covered. The present Bill is restricted to the metropolitan license fees in relation to the licensing year ending the 30th June, 1943, and it is estimated that an amount of £22,000 would thus be diverted to Consolidated Revenue. As previously, it is provided that an amount equivalent to that diverted to Consolidated Revenue by this Bill shall be made available from petrol tax funds to the Commissioner of Main Roads, for the purposes specified in Section 33 of the Main Roads Act, namely, the improvement, reconstruction, etc., of roads and bridges within the metropolitan traffic area.

The Commonwealth Grants Commission's report for 1941, it will be recalled, definitely stated that an amount of £65,000 had been deducted from the amount assessed as payable to Western Australia last year, because of the failure of the State to bring its road finances more into line with those of the non-claimant States. Therefore the amount assessed as due to the State was reduced from £695,000 to £630,000. The Grants Commission's report for 1942 has been received, and it is gratifying to note that no deduction has been made this year on the said grounds. A telegram received recently by the Under Treasurer from the Grants Commission reads as follows:—

> It may assist your Treasurer when preparing his Budget to know that no adjustment was made in our ninth report on account road debt charges. Our decision was governed by special circumstances affecting road finance including reduced Federal road grants, declining motor taxation and action of Government in using part of license fees to meet annual charges on road debt.

It can, therefore, reasonably be contended that the State revenue has gained not only the £30,199 paid under the 1941 Act, but also a substantial amount by reason of the Commission's recommendation and without any loss or inconvenience being suffered by any local authority.

It is interesting to know that the 22½ per cent. paid to the Commissioner of Main Roads from the metropolitan traffic fees during each of the six years ended the 30th June up to 1941, amounted, for the year 1935-36, to £29,716. In 1936-37 it had risen to £32,511, and in 1937-38 it had increased to £35,800. In 1938-39 it was £38,573, and the peak year was 1939-40, when it was £39,416. In 1940-41, the amount was £37,666. It had declined last year to £30,199, and it is estimated this year that it will be reduced to £22,000. The total amount expended in Western Australia from loan funds on roads as at the 30th June, 1942, was £3,443,985, and the charges on Consolidated Revenue (and this is important) in connection therewith

amounted to £167,308 for the year ended the 30th June, 1942. It has to be remembered that from loan funds nearly £3,500,000 was spent, which increased the annual charge on the Treasury by £167,000 odd.

The relatively small amount involved in the Bill will make no appreciable difference so far as the State's road programme in the country districts is concerned. In this connection I have previously explained that for the ten years ended the 30th June, 1940, of the total of £5,406,424, expended from petrol tax on roads, 91 per cent. was in districts outside the metropolitan traffic area, and of the total (for the same period) of £1,113,660 expended from General Loan Fund on roads, 97 per cent. went to the country districts. It is clear that from the inception of the Federal Aid Road Scheme, the country districts have received fair and proper treatment regarding the expenditure of the petrol tax allocated to this State. Admittedly, that was only right as the road scheme was instituted for the development of Australia as a whole, and for this reason the basis of allocation is on the factors of area and population. The passing of this Bill will make available a small proportion of the State's road license fee revenue for the payment of loan servicing charges on loan expenditure on roads and will, to some extent, meet the oft-stated requirements of the Grants Commission.

I have explained the reason for the introduction of the Bill, which is actually to continue the measure that was passed last year. The question was then raised whether the Commission would have regard to the action of the State Parliament in passing the measure, and it now appears from a telegram just received that regard has been paid to that fact because we have not been penalised this year, and one of the reasons given for that procedure is the action taken by the Government last year in putting forward its proposals.

Mr. Patrick: And also the reduction in the petrol tax.

The MINISTER FOR WORKS: They have let us off completely, and have given as one reason the fact that we took their advice last year. There is no need to labour the matter but the forecast given then has been borne out. No one has been penalised, and the Treasury has benefitted not only to the extent I have indicated but also by the relief from the penalty imposed by the Grants Commission, because the State did not take into account traffic fees for the purpose of providing interest and sinking fund on loan expenditure totalling, as I have indicated, nearly £3,500,000. I move—

That the Bill be now read a second time.

On motion by Mr. Doney, debate adjourned.

BILL—PERTH DENTAL HOSPITAL LAND.

Second Reading.

Debate resumed from the 8th September.

MR. THORN (Toodyay) [2.48]: I have had an opportunity to peruse the speech by the Minister for Lands when he introduced the Bill. It will be remembered that a similar measure was introduced last session to deal with certain land vested in the Perth Dental Hospital and the Western Australian College of Dental Science. Owing to the parties concerned not being able to arrive at a satisfactory solution of certain matters, the Bill was not proceeded with. The Minister announced that the parties had now satisfactorily solved their differences and, accepting the explanation of the Minister who is the responsible authority in the matter and in view of the support accorded the measure by the member for Perth, I have no reason to oppose the Bill, the second reading of which I support.

Question put and passed.

Bill read a second time.

In Committee.

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

BILL—GOLDFIELDS WATER SUPPLY ACT AMENDMENT.

Second Reading.

Debate resumed from the 8th September.

MR. DONEY (Williams-Narrogin) [2.51]: The Bill is on all fours with the Water Boards Act Amendment Bill which was before the Chamber earlier in the session, and is essentially one to be dealt with in Committee. Members may remember that three of the six amendments I moved in connection with the Water Boards Act Amendment Bill were accepted. The Bill

now before the House, which relates to goldfields water supply matters, requires similar amendment. As on the previous occasion three of my amendments fell by the wayside, obviously I shall not persist with them in connection with this Bill. Were I to do so I would risk injuring the uniformity that should characterise the two measures. I draw the attention of the Minister to the necessity for an explanation regarding Clause 2 which suggests that a group of dwelling houses would include flats or a collection of flats. While I shall not urge any amendment, I shall ask the Minister for an explanation of that provision. I have no objection to raise to the measure, apart from the point I have mentioned.

HON. N. KEENAN (Nedlands): There is a small attendance of goldfields members in the Chamber today. The Bill, if passed, will affect residents of the goldfields. I notice that in Clause 2 provision is made that if the board erects a standpipe for supplying a group of dwelling houses with water, it shall be entitled to recover rates from the properties concerned. There may not be any actual supply to those dwelling in the houses but the mere erection of the standpipe will entitle the board to collect rates. The member for Williams-Narrogin spoke about flats; there are no flats on the goldfields.

Mr. Doney: Are you quite sure on that point?

Hon. N. KEENAN: I am pretty certain there are not.

Mr. Doney: I fancy there are.

Hon. N. KEENAN: Does the Minister suggest there are flats on the goldfields?

The Minister for Works: Yes.

Hon. N. KEENAN: They must be few in number.

The Minister for Works: There is more than one dwelling house on one block.

Hon. N. KEENAN: On subdivisions?

The Minister for Works: No. On land that is covered by the one title.

Hon. N. KEENAN: But separate houses?

The Minister for Works: They are erected on land, for which there is only one title.

Hon. N. KEENAN: Yes, but if they are separate houses they do not constitute a flat. It would not be proper to designate as flats separate houses that are built on one block of land, even though the land is the subject of one title. The Bill, which should not be proceeded with in the absence of members who represent goldfields constituencies, does not provide any limit regarding the erection of the standpipes and the liability for the payment of rates. The liability may extend for a quarter of a mile away. Nevertheless, according to the Bill, the erection of a standpipe will mean that the adjacent properties will immediately become rateable.

That will be to impose a burden not attempted anywhere else in the State, and this is no time to add to the burdens of people on the goldfields. If the Minister is not prepared further to adjourn the second reading debate, he should agree to let Clause 2 stand over until goldfields members are present. I may have no right to intervene in this matter apart from the general right possessed by ever member, but it is unfortunate that there should be an almost complete absence of goldfields members this afternoon when we are asked to pass legislation that may possibly affect their constituents to a serious degree. I am not entitled to move the adjournment of the debate, but I suggest the Minister might postpone the consideration of Clause 2.

MR. SAMPSON (Swan): The member for Nedlands is unreasonable in his objection to the erection of water standpipes. We are living in difficult times. If the suggested equipment has to be provided for the houses on the goldfields, then possibly water could not be supplied at all. Waterpiping is exceedingly difficult to obtain these days. Bearing in mind the frequently temporary existence of goldfields, to provide water for a group of dwelling houses by means of a standpipe is a commonsense proposition, which, in my opinion, should receive the support of all members. While such a provision may not be convenient in some instances, it represents by no means an innovation respecting water supplies in country districts where temporary provision is necessary. In the circumstances the method suggested in Clause 2 should receive support.

Question put and passed.

Bill read a second time.

In Committee.

Mr. Marshall in the Chair; the Minister for Works in charge of the Bill.

Clause 1—agreed to.

Clause 2—Provision for supplying groups of houses:

The MINISTER FOR WORKS: The clause embodies a proposed new section to the parent Act which is ancient, having been passed in 1902. In those days there were no flats such as there are now. Members will recollect that the supply of water for the goldfields is drawn from Mundaring, and en route to the fields provides for the requirements of various country districts. To indicate the restricted power provided by the existing law, I direct the attention of members to Section 34 to support the contention of the Goldfields Water Supply Department that it has no power to levy rates on a group of houses. Section 34 reads—

> The board may turn or cut off the water supply—(a) If the land to which water is supplied is unoccupied; or (b) When any rates or moneys due for water supplied, or agreed to be supplied, or any rent or charges for any meter or other fittings remain unpaid for seven days after they become due; or (c) If the occupier refuses to permit a meter to be attached to any pipe on his land; or (d) If the occupier commits or permits any breach of any of the provisions of this Act or the by-laws thereunder.

We have found that the only right conferred by the section is that we may take water on to the land and then rate the land. If three out of four tenants pay and one does not pay, how can the water be cut off the block? Under a system of group houses there must necessarily be several tenants. The amendment deals specifically with supplying water to groups of houses. Under the clause there will be a right to rate each tenant and collect from each tenant. In the absence of such a provision, there would be no means of compelling any of the tenants to pay. That right has been taken in recent years as regards water supplies in the metropolitan area. In road districts the assessment is made on the unimproved annual value of the land without any reservation. The department would have to assess unimproved values itself in the absence of this clause. The intention is to have the various houses in a group separately valued and rated. Where there is more than one habitation on one block, the owner of the block pays the water rate, while tenants pay for excess water. Accordingly there must be a right to rate such tenants. The department assures me that there is strong doubt as to whether there is a right to collect under the existing law.

Mr. DONEY: The Minister's explanation is clear as to collecting excess water rates, but one would not know which tenant out of a group of tenants was liable for the excess. The meter registers the excess in bulk, but does not indicate which particular tenant or tenants should pay excess. The Minister seems to regard the terms "groups of dwelling houses" and "flats" as synonymous, but they have wholly different meanings. A group of dwelling houses is one erected on a particular piece of land and isolated from other dwelling houses. A flat is certainly a dwelling house, but a group of flats is so ordered as to permit of a number of families living separately under one roof —an entirely different set of conditions.

Hon. N. KEENAN: I still fail to understand why this clause appears in the Bill, and I have considerable fear that it may impose a severe liability on goldfields people. The section in the principal Act applies only to the controllers of the Goldfields Water Scheme having power to cut off water, without any reference whatever to cutting off water from households. I am behind the Minister as regards making provision for separate assessments where they are necessary. In the case of flats, however, the owner of the flats is invariably assessed, only one assessment being made. The owner in turn makes assessments on the tenants of his flats. Under the amendment there is no limit at all as regards the standpipe in the case of a group of dwelling houses which are to be rated because of the existence of the standpipe. The phraseology is entirely beyond the necessities of the case. The amendment would cover any number of land titles. If anywhere within the discretion of the department a standpipe were erected, the department could, under the amendment, make assessments for dwelling-houses at any distance away from the standpipe. The Bill does not mention distance. It does not say one hundred yards or half a mile. All that is necessary is to erect one standpipe and then send out assessments for every dwelling-house, however remote it may be from the standpipe. That is going far beyond curing the evil the Minister has in mind.

Mr. SAMPSON: I am surprised to hear the objection to the propsed new section. Everybody knows that in certain cases there is a number of separate tenancies on one block of land. If one visits Kalgoorlie one finds that in the main street there is alongside the institute and the post office a number of separate tenants. If the clause is agreed to, it will be competent to issue assessment notices to the different tenants. The proposed new section refers to "a standpipe or other prescribed fittings." It is possible for a meter to be provided for each tenant, each meter to be operated by a different key and all to be operated by a master key. The Minister need have no anxiety in respect of this clause. It will minimise the need for water piping, which is a very important matter at this juncture, and will enable those people whose dwellings are located on the one block to secure a supply of water. It is a good thing for the goldfields residents and for the department, because the cost of providing water would otherwise be considerably higher. As regards the difficulty in collecting rates, that need not give the Minister one moment's anxiety, because rates follow the land. The proposed new section provides an opportunity to treat every separate tenancy with consideration. I hope it will not be amended.

The MINISTER FOR WORKS: Now that the question has been raised, I am anxious that it shall be cleared up, and propose to provide at a later date a definite instance that will appeal to members as indicating where this provision is needed, where the department's powers are limited, and it cannot legally collect water rates. If a main is taken past land, whether it is occupied or unoccupied, that land becomes rateable, but only at the minimum rate. The standpipe is mentioned in the proposed new section and the words "or other prescribed fittings" are also included. All the Water Supply Department ever does is to take water on to land. The department instals a meter and the ratepapers are responsible for keeping the fitting in order. The Bill seeks to give the department power to compel various owners on the same block to keep the water pipes in order and they are also responsible for the upkeep of the meter.

Progress reported.

BILL—ALBANY RESERVE ALLOTMENTS.

Second Reading.

Debate resumed from the 8th September.

MR. BOYLE (Avon) [3.25]: When this Bill was introduced I intended to oppose it, in common with all measures of this type, on the principle that when such land is leased it should be put up for public auction before being disposed of. I find, however, that the measure really performs an act of justice to certain residents of Albany. I happened to be a member of the Albany Municipal Council when this reserve was largely settled and was vested in the council as trustee. Many people have built rather fine houses in this locality and it is the council's wish that they should be allowed to purchase the freehold. In introducing the measure the Minister is carrying into effect an act of common justice to the people concerned, and in the circumstances I support the Bill.

MR. WATTS (Katanning): I wish to say a few words in support of the measure. In ordinary circumstances, it is true, we should not be enthusiastic about alienating Crown lands except by the method suggested by the member for Avon. However, there is no doubt ample justification for this measure. For a good many years I have known this area, which is in the vicinity of Middleton Beach. There are persons from my own constituency who are concerned with a small part of the land which is the subject of the Bill. It appears that they were obliged under the terms of the leases they had from the Albany Municipal Council to erect somewhat more substantial dwellings than could be called camps and, in consequence, there are some reasonable homes—not very grand, but quite nice and comfortable—on the land in question.

These people have the alternatives of remaining lessees, when more or less compelled to be better than campers because of the restrictions placed on them at the time; or of having some legislation of this nature introduced to carry out what was obviously the intention of the council and of the lessees when they took over the land—that is to say, that there should be continuity of tenure of some permanent nature. In the actual circumstances of this case, I do not think we should take any exception to the

measure. The valuation of the land by departmental officers and the payment by the lessees in order to obtain the freehold, for a period of two years, as provided for in the Bill, seems to me to be perfectly reasonable. If they do not want to do that, they will ultimately have to evacuate the land at the end of the period of their leases. In view of the peculiar conditions attached to this land, we should not object to the measure.

MR. McDONALD (West Perth): The Minister has had the responsibility of trying to clear up a difficult situation. It is a matter of preserving the reasonable interests of the tenants consistently with the public interest. While I give the Minister full credit for an attempt to adopt the most effective way of dealing with the situation, I am not content with the Bill. It is true that the lessees were compelled to erect rather more than holiday camps on account of the stipulations of the Albany Municipal Council. The first blame lies with the council. I think the tenants must have known that they only had a lease of the land, and people who have leases know that such tenancies must expire. The tenants, however, have more or less been forced to spend more money than otherwise they would, and I am agreeable to their receiving some special consideration on that account. I should, however, like to know whether there has been any encroachment upon the people's reserves in other parts of the State. I had one particular bone to pick in this House because I found that part of King's Park Reserve, which happens to abut upon Mount's Bay-road, and has been part of the King's Park Reserve ever since its dedication some fifty years ago, had been taken away from the control of the King's Park Board.

Mr. Marshall: Has it been excised from the reserve?

Mr. McDONALD: I think so, but cannot speak with certainty upon that point. It has been made use of without any tenders being called, by a gentleman known as Mr. Bernie, who is using it for trading purposes.

Mr. Boyle: Is that freehold?

Mr. McDONALD: It was part of the King's Park Class A Reserve. Suddenly we found that this particular part of the reserve, which provides the only access to King's Park from Mount's Bay-road until one gets to the Point, had been removed from the jurisdiction of the King's Park Board, and was in occupation by a gentleman who was using the area for industrial purposes. That shook my faith in the control of our reserves. I should like to know how many more instances there are of reserves having gone away from the purpose for which originally they were dedicated. I do not say that municipalities or other local authorities may necessarily have any ulterior motive in what they do or may have done. In the first place, they may have entered upon something with, no doubt, very laudable intentions but, by reason of circumstances, portion of the people's reserves have disappeared, or become subject to some special interest, and sooner or later it may happen not only in Albany but in other parts of the State that pieces of land will be taken from the people, and the fee simple given to private interests. I do not say but that in some instances this has happened not unreasonably, from one point of view. I wish to see every justice done to the people on this reserve at Albany. Some of them are my particular friends, and I want to see them get justice. I view with reluctance, however, any measure that would take away part of a Class A reserve in an area which should be one of the finest playgrounds for the people in Western Australia, running as it does along the edge of King George Sound.

Every acre of that area is, I think, of the utmost importance from many points of view, and should be maintained for all time for the people of the State and of Australia, and for the tourist population. Apart from that, I do not like grants of fee simple to be given in these areas where people have in effect a right for all time, not merely to their land but to a kind of semi-private beach or foreshore, or frontage to some stream or river which may form part of the area. I am not sure that justice might not be met in this case by giving the tenants a further 21 years' lease. They will all have had 21 years, or will have done so when their existing term expires. The buildings are made of wood, and will not last a great length of time in any case. If these people have had possession for a further 21 years, it may be that fair protection will have been afforded to them. At the end of that time the people's rights to

this particular reserve would revert to them and be conserved for the future. I am perhaps to blame for not going to the Minister for Lands and having a talk to him on this question. We are, however, very busy nowadays, and it is difficult to find time for everything. If he would like to defer consideration of this Bill for a week, I would call upon him, and perhaps he might be able to give me an assurance that would satisfy me that this Bill will not be followed by a number of other Bills of a similar nature.

The Minister for Lands: I can give you that assurance now.

Mr. McDONALD: He might assure me that there are not other reserves in the State which have been subject to encroachment by local authorities or private citizens.

Hon. W. D. Johnson: This is a matter between your constituents and this House, and not one between you and the Minister.

Mr. McDONALD: It is a matter between the House and the Minister. I first thought the Minister might consider the appointment of a small committee to inquire into this question as it affects the whole State. I would support such action. We want to get things done quickly. I was prepared to call upon the Minister and discuss this matter with him. My faith has been shaken by the King's Park Reserve episode. I should like to be satisfied that there will be no more encroachments upon the people's reserves, and that when we deal with this matter in a reasonable way, that will be the end of it and there will be no more difficulties to clean up in the future. That is why I feel I am unable to support this Bill at present. Whilst wishing to assist the Minister in every way to do a fair thing by these tenants who, I think, need special consideration at the hands of this House, I am not inclined to support the second reading. I would, however, support something that would give them every fair consideration. I think they are entitled to that consideration, but to be given something less than the fee simple of one of the picked spots (from the point of view of the public and the tourists) that are to be found in the whole State.

HON. N. KEENAN (Nedlands): This is a Bill which on further consideration would appear to me to be in the nature of a present or a gift to people, who must have known all along that their occupancy of the land was limited. The history of the matter is that in 1919 a certain block of land known as Reserve 2676 was, under the provisions of the Land Act, 1898, vested in the Albany Municipality for the purpose of recreation —camping and for general purposes—to enable the public at certain times of the year to go down there from the more arid and dry portions of the State and have access to the sea. The Albany Municipal Council, in whom the land had been vested, was given power to grant leases up to 21 years, but not exceeding that length of time, of any portions of the reserve, and appears to have exercised that power. It gave leases and entered into agreements with certain persons who, as the member for West Perth told the House, have erected wooden buildings upon the land. Every one of those persons knew that the tenancy was not to exceed 21 years, and that at the end of that time they were to have no further rights of occupancy of the land, which would then revert to its original state and be available to the public at large. Accordingly these people erected buildings that can in some instances be described as substantial dwellings.

The Premier: Some are very substantial.

Mr. Marshall: No more substantial than a tenant would be likely to erect knowing that his tenancy would expire in 21 years.

The Premier: No!

Hon. N. KEENAN: The tenants must be taken to have known that there was a limited time during which they would be allowed to occupy the land. If they erected buildings more substantial than the length of their tenancy would warrant, they did so with the knowledge that that would not ensure any extension of their tenancy. It is proposed by the Bill to give those persons a freehold under conditions that they will enjoy special privileges as buyers. They will have the right to buy the land, and no one can contest that right or have an opportunity to buy. That, as the member for West Perth has said, is something in the nature of an invasion of public rights. If that is to be done in this case, where will it stop? How will the rights of the general public in any particular block of land be protected against occupiers who have entered into possession with the knowledge that their possession is only of a temporary character? The claim may be advanced that some of these tenants have spent a considerable sum of money on these buildings and

the land on which they stand, and it has been suggested that the municipality required them to spend considerable sums of money. Whether that is so or not does not alter the fact that they knew the tenancy was a temporary one. The Minister now brings down a Bill to say that because these people have erected buildings on the land they are to be entitled, in priority to any other person in the State—

Mr. Marshall: To the exclusion of any other person.

Hon. N. KEENAN: If they are in priority, there is nothing left for other people, but I will use the word "exclusion" if the hon. member wishes. At all events, they are to be put in a position in priority to anyone else in the matter of acquiring the freehold of the land. Some very grave reasons will have to be advanced for the ordinary member of the House to be converted to that view. I myself have yet to be converted.

MR. MARSHALL (Murchison): I support the contention of the member for West Perth and the member for Nedlands. When I first read the Bill, I felt surprised that the Minister had introduced it. I suppose the day will come when Albany will be a very big district. We hope the State will progress materially and the population increase to a great extent. The area under review is one of the selected spots in Albany, and will grow to be more valuable and more desirable as a place of recreation, amusement and camping than it has ever been. I am not agreeable to having the land alienated. The principle involved in the Bill is a bad and dangerous one. The onus should be thrown on the municipality of Albany to make the best deal it can with the lessees. Evidently the municipality is in a large measure responsible for the substantial nature of the structures erected on the reserve, and doubtless has commanded substantial rents from the lessees. It is quite wrong for the municipality to throw on Parliament the onus of rectifying an error made by it and to desire the people of the State to make a sacrifice in order that the difficulty may be overcome. The municipality should, if necessary, return to the lessees much of what it has collected by way of annual rent.

I gather that this land is situated in what will be one of the most important parts of Albany as the port develops. Yet we are asked to give exclusive rights to the lessees on a valuation to be made by the Lands Department. The valuation will not be a fraction of what it would be in the course of another 20 years, but if we once part with the land we shall be unable to extract anything further from the owners because they will hold it in fee simple. When pastoral leases are forfeited and revert to the Crown, the Minister protects the rights of the outgoing lessee. He assesses the value of the improvements, and the succeeding lessee has to pay for them. Why is not something similar proposed at Albany? Why not throw the land open for sale and protect the lessees in respect of their improvements, that is if the House is foolish enough to agree to any of this land passing into fee simple? If the fee simple is to be granted, we should ensure that everyone has a right to compete for the land, thus following out the principle hitherto observed by the Lands Department.

For some unknown reason a special benefit is to be conferred upon the lessees, who must have known when they erected buildings and were paying an annual rent that the leases would expire sooner or later. The most ignorant amongst them must have realised that in course of time the property would revert to the Crown by virtue of the expiration of the leases. I would hesitate to subscribe to a measure of this sort if the land were located far from a spot which in course of time will become very valuable, not alone to the people of Albany but also to the people of the State. Hundreds of goldfields people go to Albany to enjoy a holiday and erect camps there, but we are asked to part with land suitable for the purpose and give it to certain individuals. By passing the Bill we shall create a precedent under which people may arrange and conspire with municipalities to get the fee simple of land by similar means. If we make this concession to lessees at Albany, what right would we have to say nay to a lessee of a valuable block elsewhere who had taken the responsibility of erecting a substantial building on it? If we do part with the land, we should follow the established procedure of throwing it open for competition. I am not prepared to part with these blocks. They will be wanted by the people in years to come. I support the contention of the member for West Perth and the member for Nedlands that another 21 years' lease of the land might be granted, but no more.

If the structures erected on these leases are of wood and iron, I do not know whether, on the expiration of the leases, they might not be removed. Most wooden houses can be jinkered over distances of many miles and set down elsewhere. This is happening in my district now, where the military authorities want land. There are ways of getting out of the difficulty at Albany and leaving the land in the possession of the Government. I would not grant the fee simple of the land or any exclusive rights to any individual. If there is a block on the goldfields set aside for residential purposes and only one person applies for it, it must be submitted to auction. If the Albany municipality is responsible for the difficulty that has arisen, it should disgorge some of the revenue it has received and compensate the lessees. This might then be a lesson to other municipalities to be careful what they do in dealing with land entrusted to them. The Albany allotments are the heritage of the people of the State and not merely of a few people at Albany. The member for Albany often tells us that Albany has one of the best harbours in the world and will become one of the greatest seaports and, believing his statement, I cannot support the Bill.

MR. WITHERS (Bunbury): I do not like legislation of this sort. I am wondering whether the Minister has any more information to give us than he tendered in moving the second reading. Possibly he has; it may be that one could not then appreciate the pitfalls that existed. Doubtless he has made further inquiries and I am hopeful that he has discovered something to commend the measure. From the information given so far, I certainly do not like the Bill. The Government, through the municipality, evidently endeavoured to do something with an eye to the future, and many people in Albany were long-sighted and wanted these allotments reserved. I do not know whether the buildings that have been erected encroach on the water front or camping areas. If they do, the land should not be resumed for the purpose of re-selling. From my experience at Bunbury, I can realise what this means. One may say that Bunbury is surrounded by water, particularly in winter.

Mr. Fox: In the harbour?

Mr. WITHERS: And there are not sufficient recreation grounds for the people. Over a long period the Bunbury Municipal Council has been resuming private property on the foreshore and in future will have to resume more. This is not due to any fault on the part of the council. In the early days the land in question formed part of the Stirling Estate and later was sold to the public, and it is impossible to improve the beaches unless the frontages, which are privately held, are repurchased. I do not want to see the same thing happen at Albany. The people should not lose their right to the use of this land and be mulcted in heavy expenditure in order to repurchase areas so that people may be provided with facilities for recreation. These reserves belong to the people. I am not concerned about those who have erected structures on these allotments because they knew they held the land on lease. I am not sure whether the allotments interfere with the beach alignment or with the camping area, but in my opinion they should not be parted with. I am not committed to opposing the Bill, but unless the Minister can give further information in support of it, I must vote against the second reading.

MR. CROSS (Canning): Thirty years ago I was a member of a committee at Katanning that organised Katanning Day. We chartered a special train to convey people to Albany and the outing was a success. This continued till after the war, and members of the Katanning committee considered that the Class A reserve would be useful if its facilities were available on Katanning Day and similar days for the enjoyment of the people who went there on those occasions. To the end that this should be done, representations were made to the authorities. I do not know whether it was as a result of that but, soon after the Armistice, representations were made by the Albany Municipal Council for permission to build huts on the Class A reserve which had been vested in the council for the use of visitors. That reserve, in my opinion, is just as much the property of people of the State who go to Albany as it is of the Albany people, and I hold that it should be preserved to the people of the State. I know the land well: in fact, I was on it 30 years ago. I contend it should be reserved for all the people of the State for all time. I do not know what the Albany Council was thinking of to permit substantial buildings to be erected on a

reserve that was set aside for the use of visitors, who come chiefly from the Great Southern district. Therefore I shall not support the Bill.

Too many attempts have been and are being made to encroach on recreation grounds and parks provided for the people by the prudence of our forebears. Every now and then an effort is made, for instance, to get a piece of land from King's Park for a tennis court or something of the kind. I intend to oppose every attempt to interfere with any Class A reserve. The Albany councillors should be told to get out of the muddle they made as best they can. Apparently the only persons who want the Bill passed are the lessees of blocks on the reserve and the Albany councillors. Persons who have erected substantial residences ought to be given a fair crack of the whip by way of extension, but that consideration should be strictly limited to such persons. Steps ought to be taken to ensure that municipalities and road boards may not give permission for the erection of substantial residences on reserves.

THE MINISTER FOR LANDS (in reply): The comments of the various speakers have greatly interested me, but I fear that some of them were neither interested at the time the Bill was introduced, nor have they taken the trouble since to examine explanations already given with reference to some of the points raised. I am afraid the last speaker was easily widest of the mark of all speakers against the Bill. It is a long time ago since this reserve was vested in the Albany Municipal Council for recreation purposes.

Mr. Cross: Yes. It was vested in 1894.

Mr. SPEAKER: Order!

The MINISTER FOR LANDS: The hon. member interjecting had no idea of that until it was disclosed from public records and public files exactly when that land was vested in the Albany Council. It was vested in that council, I repeat, for recreation purposes. After a long lapse of years, because of the nature of the land, which consisted of sand dunes, and because it was intended for recreation purposes, the Minister for Lands in 1919, Mr. Willmott, altered the purposes to recreation and camping. Again because of the unsuitableness of the area for camping, no camping took place upon it; and the Albany Council asked to have the area vested in it under vesting order with the right to lease for periods up to 21 years. Most unfortunately the land was vested in the Albany Council with the right to lease for 21 years without reference to the Governor. That is where the whole trouble started.

I wish to make it clear that among the thousands of land transactions taking place in normal times year by year, there are hundreds weekly that must come within the purview of the Minister for Lands, often placing upon him serious obligations in the matter of interpretation of the Land Act and his decision thereupon. I believe that will be readily acknowledged. Since I have been Minister for Lands, there have been dozens of cases in a few years where members at present seated in this Chamber have made strong and persistent requests to have land, which is some sort of reserve, alienated and the fee simple of it granted to some individual—dozens of cases, I repeat. Members seated in this Chamber have spoken to this Bill who have made such approaches. The reason is perfectly obvious. In the course of time land that at some period might have been reserved as a watering-place or watering reserve or camping reserve or commonage cannot now, even by the widest stretch of imagination, be considered as suitable for such purposes. In spite of that, however, every approach for alienation of a public reserve is strenuously resisted. Can any member within this Chamber tell me that a Minister for Lands—certainly not the present Minister—has agreed to the alienation of any reserve when he has been approached in connection with such a request? Applications of that nature are always strenuously opposed. So that all the talk of safeguarding the public interest and drawing the Minister's attention to what is for the benefit of the public is hardly necessary.

Here we have an example of permissive power being given to a local authority to lease for 21 years without reference to the Governor. That is an unusual sort of vesting order. It has taken place only in four or five cases, which I shall mention to the House. Very few privileges are given to local authorities to lease for any term unless the leasing has the approval of the Governor. In this case, however, the Albany Council was, under its vesting order, given permission to lease for 21 years with-

out reference to the Governor; and a very close examination of all the facts connected with the case causes me to make rigorous inquiries into all the possibilities of adjusting the matter. I share the desire of all members of this Chamber to overcome a difficulty and at the same time do the fair thing by the State. I inquired into what would happen if the vesting order were cancelled on the termination of each of the leases, which vary in duration because of the different times at which they were granted. Some expire next year; some do not expire until 1951, 1956 and 1958. I was endeavouring to ascertain what could happen to the Crown as each lease terminated if the vesting order were cancelled.

A very fine legal point is involved in that, which King's Counsel in this Chamber and other legal members may have an opportunity to think over. My advice was to the effect that if the vesting order were cancelled, even then the right of the municipality to that area would not be cancelled. In other words, I would be giving to the municipality, in a roundabout way, the fee simple to this land. So that would not do. Some of the structures are of wood and therefore of a semi-permanent nature. Has any member of this Chamber lived long enough to be able to say what is the durability of a wooden house if it is properly looked after? I think not!

Mr. Patrick: I know of one that has been standing for 40 odd years.

The MINISTER FOR LANDS: As for the suggestion that it would be better to grant another 21 years' lease at the expiration of the present one, is not that denying the public the occupation of this area for the extra 21 years?

Mr. Marshall: But not future generations.

The MINISTER FOR LANDS: And possibly future generations, too! There are only two or three alternatives, all of which have been examined. The ex-Leader of the Opposition said that seven or eight allotments were involved and that the public were being deprived of something which was their right. He also said the area was eminently suited to camping and was the only area thereabouts suitable for that purpose. All those statements are contrary to fact. This area of three acres was subdivided into 15 allotments by the Albany Council. The council, in accordance with its rights under the vesting order, gave leases for 21 years. Alongside this area there is available approximately 232 acres for camping and recreation purposes. Along the front of the area, where levelling has not been so costly, is an area actually prepared for camping and where camping does, in fact, take place. But in spite of this area having been set aside for camping and recreation purposes, the information I have shows that it has not been used for that purpose. It is not suitable, as it consists of low sand dunes covered with low bush. Three of the allotments are still vacant.

Mr. Doney: What particular feature is it that makes the area acceptable for building on?

The MINISTER FOR LANDS: It is possible to build on either high or low stumps on areas that would require much attention to be made suitable for camping and recreation purposes. It is estimated by the Lands Department that if the land were not built upon, a sum of £2,000 would be required to level it in order to render it suitable for camping and recreation purposes. The site, however, adjoins a considerable area of land that has been prepared by the Albany Council for recreation purposes. It is not at Albany itself but at Middleton Beach.

Mr. Doney: It must have been unwise to set the land apart for that purpose in the first instance.

The MINISTER FOR LANDS: If members will scrutinise the plan they will see that the land is the only remaining corner of a block which was subdivided, and upon which houses of a permanent character have been erected of the same kind as those erected upon this reserve.

Hon. N. Keenan: Do you say the site is unsuitable for camping?

The MINISTER FOR LANDS: It wants levelling.

Hon. N. Keenan: Why do you say it is not suitable for camping?

The MINISTER FOR LANDS: Because it wants levelling.

Hon. N. Keenan: Is the levelling necessary for camping?

The MINISTER FOR LANDS: Yes. One cannot pitch a tent over undulations.

Mr. Cross: The land is covered with thick scrub, too.

The MINISTER FOR LANDS: It is thick, low, coastal scrub.

Mr. McDonald: It would suit me for camping.

Hon. N. Keenan: Does the member for Canning camp there?

Mr. Cross: I have seen many people there.

Mr. SPEAKER: Order!

The MINISTER FOR LANDS: All facts relating to this land have been thoroughly examined and the various alternatives considered. We discussed the prospect of disposing of it, should the House agree, under the provisions of the Land Act, as mentioned by the member for Murchison. We know some people are agitating against the alienation of the area, while others are agitating with a view to acquiring the properties, even though the value of the improvements is protected to the present owners. It was possible that bids would be made for the land with a view to acquiring some of the improvements at the valuation of the Lands Department. This valuation, in conjunction with that of the land resumption officers, is usually a fair one. Had the land been vested in the Albany Council subject to the leases requiring the approval of the Governor, no trouble would have occurred. There are only four other cases—and I have had a strict examination made—where similar powers have been given to municipalities in this State. As a matter of fact, since the difficulty at Albany was disclosed, every care was taken that any vesting order or permissive power given to a body to lease a public reserve must require the approval of the Governor. If the Bill is not proceeded with and the matter not adjusted in the way proposed, the alternative will be to do as some members suggest, that is, as each lease terminates, to grant a lease for a further 21 years.

Mr. Marshall: Not necessarily.

The MINISTER FOR LANDS: The Albany Council has power to do so.

Mr. Marshall: I know, but the Albany Council is not more powerful than is Parliament, I hope.

The MINISTER FOR LANDS: It may be that under the terms of the present vesting order the council can do so.

Mr. Marshall: Yes, but we can alter the vesting order.

Mr. SPEAKER: Order!

The MINISTER FOR LANDS: Some of the people in good faith have erected buildings valued at £300 or £400.

Hon. N. Keenan: They are "specs."

The MINISTER FOR LANDS: No, they are not "specs." The owners live in various parts of the State—Katanning, Northam and other parts of the State. Two live in Albany. They use those buildings as seaside homes; some are in permanent residence. Because of this mistake, made when the vesting order was issued in 1919, this seems to be the best and fairest way of overcoming the difficulty, after a very complete examination of the position. If we allow the Albany Council to re-lease under the terms of the vesting order, the land will be in perpetual use by the same people who are now occupying it.

Hon. N. Keenan: We can provide against that in the Bill.

The MINISTER FOR LANDS: What would we do in regard to compensation for the improvements now existing?

Hon. N. Keenan: On the expiration of the lease?

The MINISTER FOR LANDS: Yes.

Mr. McDonald: There could be a lease for another 21 years.

The MINISTER FOR LANDS: The position has been examined, and another alternative would be to let the leases terminate and compensate the lessees by paying them the value of the improvements. If that were done the Government would be responsible. Instead of the Crown getting £2,000, as we anticipate, it would have to compensate for the improvements and then expend money to make the area fit for recreation and camping.

Mr. McDonald: Is £600 an acre the present value of the land?

The MINISTER FOR LANDS: I can give the hon. member the Surveyor General's valuation of each allotment.

Mr. McDonald: A general figure is all that is necessary.

The MINISTER FOR LANDS: There are 15 areas on three acres and the value placed upon them by the Lands Department varies from £100 to £170, a total of approximately £2,000.

Mr. McDonald: That is very highly-priced land.

The MINISTER FOR LANDS: That is because of its situation and its proximity to other residential areas in that particular locality. The Lands Department has endeavoured to overcome a very difficult situation. If the leases which are shortly to terminate are allowed to terminate, and the Al-

bany Council then extends the leases for 21 years, there will be exactly the same position as now. I have heard mention made of an area at Emu Point. That is an entirely different matter. The Emu Point area has passed out of the purview of the Lands Department.

Hon. N. Keenan: How did that happen?

The MINISTER FOR LANDS: The circumstances of that land have nothing to do with those surrounding this area. If we could see that in all such leases, all such arrangements where vesting orders are involved and where the land belongs to the people, there was reference back to the Governor before the lease was issued the position would be entirely different. Take the case of the Cottesloe foreshore! I refer to the reserve for recreation upon which stand the bathing rooms and other buildings. That is vested in the municipality with power to lease for 21 years. It was under the power so vested in the council that the buildings were erected.

Mr. North: I think you live on a block of land which was partially a reserve.

The MINISTER FOR LANDS: I live on a block which was subdivided by the council. It was a grant to the council for the improvement of the foreshore and the beach, and was sold at public auction. As the hon. member knows there is a very big area there that the council has for some years pressed to have subdivided. All the buildings along the foreshore at Cottesloe are leased for terms of up to 21 years, and that was done under their vesting order without reference to the Governor.

Hon. N. Keenan: Have any of those people asked for the freehold?

The MINISTER FOR LANDS: No, and they are extremely unlikely to do so. In this case we are trying to overcome a difficult position, with leases terminating after a long period of years and held by people who were not permitted by the council to build hutments or shacks, but were compelled to erect substantial buildings. After all, 21 years is a very long period for a lease to be undertaken in advancing years.

Mr. McDonald: Did any of them say they did not know it was a 21 years lease?

The MINISTER FOR LANDS: No, I have not heard that suggestion. I think everyone knew it was within the power of the municipality to lease the land for 21 years, with the assumption that there could be a renewal of the lease.

Hon. N. Keenan: Why that assumption?

The MINISTER FOR LANDS: Because the land was vested in the council. Only three or four people took the land up originally and some leases are as recent as three or four years. Some very substantial homes have been erected on the land.

Hon. N. Keenan: Would not exactly the same circumstances apply to the Cottesloe foreshore tenants?

The MINISTER FOR LANDS: No. As the Premier said by interjection to me just now, there is one large block for which the council is responsible which is subdivided and on which there are 15 tenants. The council is acting within the power the then Minister for Lands conferred upon it. The power to lease at Cottesloe was given by the then Minister for Lands who is now Sir James Mitchell, the Lieut.-Governor of this State.

Mr. McDonald: They are only leases.

The MINISTER FOR LANDS: That is so. The particular land under review has, by permissive right given by the council, departed from its original function and has become a residential area, a part added to the contiguous residential areas. It is a part of a whole block surrounded by a street and homes have been built on it, some as permanent residences and some to which people go periodically. The aim of the Lands Department in this matter is to rectify an anomaly and, after a full examination of every area which might possibly have similar treatment accorded to it or might be the subject of a similar request, the department was able to find none in exactly the same position. This land is unique in that regard, and in every lease issued since the Albany matter came up for discussion a safeguard has been provided that no renewal shall be given without the consent of the Governor. I hope it will be recognised by members that an attempt is being made to rectify a difficult position, and not in any way wilfully to allow any State interest or the people's property to be frittered away. The opposite purpose has been kept in mind in every decision reached by the Lands Department, so far as I am concerned. Members know in how hostile a manner some requests for the alienation of public reserves have been treated.

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

Ayes	26
Noes	7
Majority for	19

AYES.

Mr. Boyle	Mr. Patrick
Mr. Coverley	Mr. Sampson
Mr. Doney	Mr. Shearn
Mr. Fox	Mr. J. H. Smith
Mr. Hawke	Mr. Tonkin
Mr. J. Hegney	Mr. Triat
Mr. W. Hegney	Mr. Warner
Mr. Hill	Mr. Watts
Mr. Leahy	Mr. Willcock
Mr. Mann	Mr. Willmott
Mr. Millington	Mr. Wise
Mr. Needham	Mr. Withers
Mr. Nulsen	Mr. Wilson

(*Teller.*)

NOES.

Mrs. Cardell-Oliver	Mr. North
Mr. Keenan	Mr. Seward
Mr. Marshall	Mr. Cross
Mr. McDonald	

(*Teller.*)

Question thus passed.

Bill read a second time.

In Committee.

Mr. Seward in the Chair; the Minister for Lands in charge of the Bill.

Clauses 1 to 5—agreed to.

Clause 6—Lessee may acquire fee simple of revested land held under lease.

Mr. MARSHALL: This clause is the Bill. I have never seen the Minister in greater difficulty to find reasons in support of his contentions than on this occasion. He said that the land was not fit for camping, but seemingly it is quite suitable for permanent residences. My experience of campers is that they will go almost anywhere—amongst sandhills and other such places—and put up with almost any sort of inconvenience. But now he wishes to give a fee simple to people who require this land for the purpose of erecting permanent residences on it. It is altogether contradictory. He then implies that the municipality is more powerful and has greater sovereignty than Parliament, and that we can do nothing to re-lease for another 21 years. If there are likely to be legal complications in regard to what the State can or cannot do now we would be well advised to defeat this measure until we make some inquiries, rather than pass it in its present form. Non-alienation of Crown lands is not on the Labour Party's platform now. We have progressed. As we alter our programme or platform so we change our views, or they are changed for us.

Hon. N. Keenan: Is that so?

Mr. MARSHALL: My view, however, has not altered. It would have been very good for Australia if the Crown had been the sole owner of all land. Many of those who hold land today realise it. If we pass this Bill and endorse the principle contained in it we set up a precedent and, no matter what the Minister says, if at some future time somebody else who has a tenancy of a reserve or portion of a reserve, with substantial buildings on it, makes similar application we would have to agree to it. We would have no justification for denying others in future if any such Bill should come before us. But I do not know that we are altogether careful about consistency. That can be seen on the vote for the non-alienation of Crown lands as against their alienation. I oppose this clause on principle and remind the Minister that, although he appears to be hostile to another 21 years' lease, the valuable block of land opposite the post office can be taken as a comparison. The Commonwealth Government looked well ahead and said, "No, we will not sell that land. We will lease it for 50 years so that the people of Western Australia in 50 years time will have that block of land; or we can do with it for the people of Western Australia that which they would have us do."

Mr. Patrick: Your Government tried to sell some land.

Mr. MARSHALL: That may be so. The Commonwealth Government took a broad view on that occasion. Some members appear to be under the impression, and they may be right, that this State will make no progress and that our population will decline rather than increase. Until we know what is going to happen we cannot afford to pass a Bill like this. I understand that the whole industrialisation of Russia is built up on the same principle on which the Commonwealth Government acted in connection with Forrest-place. The land in Russia reverts to the Government in 50 years' time. That shows vision and foresight. The heritage of the people is not sacrificed as it will be here. On this occasion it is not the real Minister speaking. He is doing the best he can to get the Bill through because that is his job, but the Committee should not agree to it. It should save the Minister from himself on this occasion. We should see

what is the legal aspect and what can be done to do justice to the tenants, but no injustice will be done them even if they lose the lease. When they erected their buildings, they were well aware that they had the right to the land for a limited period only. True, the municipality had power to renew the leases, but there was no guarantee to the lessees that they would get a renewal.

Mr. Doney: But that was probably taken into consideration.

Mr. MARSHALL: Never have I known of Crown land being parted with in this way. Whenever Crown land is to be alienated, every citizen has a right to bid for it.

Mr. DONEY: The member for Murchison seems annoyed because nobody else shares his rather strange opinions on the matter. He argued that because a block of land is unsuitable for camping, it is necessarily unsuitable for building purposes. This is not so. Sandy land might be quite unsuitable for camping purposes whereas most of the houses of Perth are built on sand.

Mr. Marshall: That is what the Minister said.

Mr. DONEY: Sand, of course, makes a good foundation for any building.

Mr. McDONALD: Having lived under canvas for a year or two, I should say that this area is an excellent camping ground. Every allowance should be made for the lessees, but at something less than granting the fee simple. The leases could be extended for 21 years at a nominal rental or a rental similar to that now being paid. Even at a time when tourist resorts are at a discount, the three acres are valued at £2,000. This land lies near the bus terminus.

Mr. Cross: Not far from the Middleton Beach Hotel.

Mr. McDONALD: It is close to the jetty, shops and facilities that serve the settlement, and is a valuable book. In my opinion, the Minister is acting in excess of the occasion. I would not be a party to any alienation of Crown lands so situated that they ought to be reserved to the people for all time. That is pre-eminently the case here.

Mr. HILL: I am rather surprised at the type of discussion this measure has evoked. Along Middleton Bay now the difficulty is not shortage of camping areas but shortage of residential areas. This land should be made available for the latter purpose. Country people coming to Albany and desiring to go camping wish to do so as close to the beach as they can; and in that respect the Albany beaches are conveniently available. Not many camping sites exist in Albany. I would point out especially that there is a daily bus service from Albany right through to Emu Point. Albany people want the Bill passed.

Clause put and passed.

Clauses 7, 8, Preamble, Title—agreed to.

Bill reported without amendment and the report adopted.

ANNUAL ESTIMATES, 1942-43.

In Committee of Supply.

Debate resumed from the 17th September on the Treasurer's Financial Statement and on the Annual Estimates, Mr. Marshall in the Chair.

Vote—Legislative Council, £1,890:

MR. PATRICK (Greenough) [4.55]: I observed that in the South Australian Parliament the main debate on the Annual Estimates occupied but half-an-hour, the only speaker on the subject being the Leader of the Opposition. Evidently South Australia is a highly contented State at present. I believe it has no unemployed. In fact, it is in such need of labour that the Government is about to turn all women between 18 and 35 years of age out of shops. I suppose that if similar steps are taken with regard to female shop assistants here, South Australia will offer them employment. That is the outlook at present. There is only one class of labour for which South Australia has no demand, and that is women to work in hotels. I recall years ago a private member of the South Australian Parliament, Mr. King O'Malley, bringing in a Bill to abolish barmaids. The measure passed, and has remained in operation ever since. Here in this State the position is very different. In fact, when we receive the full impact of Federal policy, our situation will be still more difficult. We have had our goldmining industry partly destroyed, and restrictions placed on our wheat industry. Lacking all the advantages South Australia possesses, we should receive special consideration on this account from the Commonwealth Grants Commission. A case of that sort was presented to the Commission by the Western Australian Government, but was

not admitted. In fact, it was opposed by the Federal Treasurer, as appears on page 44 of the Commission's Ninth Report (1942)—

Furthermore, we recognise that it is possible that the necessary adjustments imposed upon a State economy by the war may be sufficiently serious to leave a difficult problem of post-war adjustment. The position of the State may conceivably be so weakened that unless special measures are taken it will, for years after the war, be dependent to a greater extent than before upon special grants. We are not in a position to judge whether such a situation is in fact likely.

An earlier paragraph of the same report states—

On the other hand, it is the policy of the Commonwealth Government to employ to the utmost for war purposes the resources available. With this object in view, it has set up in Western Australia and Tasmania special bodies to assist it to harness fully to the war effort the resources of these States.

If such a special body was set up to harness Western Australia's resources to the war effort, it has not produced much effect. However, that appears to be one of the reasons why the Federal Treasurer did not look kindly upon the suggestion made by us. The Commissioners also stated—

We agree that it is not our function to recommend grants specifically designed to compensate a State for the adverse effects of war policy.

If we wanted any compensation for that, according to the Commissioners, our proper course was to go in the usual way to the Federal Treasurer for a special grant. Another trouble arising out of the war which is specially mentioned by the Grants Commission is deficient railway maintenance. On page 35 of their report they say—

Investigations made by the Commission and evidence tendered by the claimant States showed that war conditions have produced many problems for the railway authorities of Australia. Dearth of shipping, petrol restriction, shortage of rolling stock, difficulty in obtaining materials, and expanding war needs have placed a heavy strain on the railways. To cope with increasing traffic, rolling stock and machinery have to be kept in commission as long as possible consistent with safety. It is impracticable, therefore, under existing conditions, to carry out the degree of maintenance, renewal and replacement which should be undertaken to preserve maximum efficiency.

Recently in conversation with me a railway man said that in these things railway authorities were pursuing a foolish policy; that at present they should be carefully nursing the railways in order to be able to cope with emergencies. But instead of doing this they were overstraining their locomotives and knocking the rolling-stock about, and that if they had to cope with a sudden emergency they would find themselves in serious trouble. He added that of course they would find themselves in great difficulty when the war was over in bringing the railways once more up to date. The State's biggest gain last year through the Grants Commission was the amount paid on account of severity of taxation, and I presume that the uniform tax will next year cancel out this gain. We shall then have again to apply to the Commonwealth Government for additional money. There has been no great development in our secondary industries. At page 22 of its report the Grants Commission says—

There was little change in the net value of secondary production in 1940-41, and the figures set out below indicate the static position of manufacturing during the past five years. Efforts have been made in recent years to develop industries in order to reduce the dependence of the State on wheat, wool and gold. The efforts directed towards expanding secondary industry have achieved some success, but no considerable expansion has resulted.

It would be worth while inquiring into the reasons for this. Members on this side of the Chamber have mentioned on various occasions the high costs prevailing in this State. I am sorry the member for Perth is not present, because he was in the habit of saying to the ex-Leader of the Opposition, "You are in favour of a Federal basic wage," referring to an incident that occurred some years ago. Undoubtedly we are operating under higher costs in this State. That was recognised by people who are probably in a much better position to judge than is the member for Perth. I have here a quotation from a person whom perhaps even the Minister for Employment might regard as some authority. It is a statement I have quoted in this Chamber before, but it seems necessary to mention it again, as some members still require education in the matter. The statement was made by the late Mr. McCallum when introducing his Arbitration Bill. It proves that he realised the position in which this State stood as regards competition with the Eastern States in our secondary industries. Mr. McCallum said—

My own view is that the only solution is a supreme Commonwealth jurisdiction, with subsidiary State courts, leaving the State courts

to say if in their judgment it is impossible to mete out justice in a State award, owing to inter-State competition, a Federal award is desirable.

That statement shows that Mr. McCallum had a fuller realisation than have members opposite of the difficulty which industries in this State would meet in competition with the Eastern States. As I said before, what shall it profit a workman in this State if he secures highly advantageous industrial conditions under an award and then has to go to the Eastern States to look for work?

Mr. Cross: Wages are higher in the Eastern States than in Western Australia.

Mr. PATRICK: I am talking of normal times. At present very little opportunity exists for developing our secondary industries. Reference was made recently to the importation of gas-producers from the Eastern States. It seems to me rather extraordinary that gas-producers should be imported into this State when they ought to be fitted to vehicles in the Eastern States. In this State we have an efficient Liquid Fuel Control Board. I think the Leader of the Opposition is a member of it. Some particulars were supplied by Mr. Johnson, the Federal member for Kalgoorlie, to the Geraldton Municipality relating to gas-producers fitted to motor vehicles. In Western Australia we have one in 10; Tasmania has one in 16: Federal Capital Territory one in 19; South Australia one in 23—I think that is where the gas-producers mentioned are coming from; Queensland, one in 36; New South Wales one in 26; and Victoria one in 14. Queensland has 114,000 motor vehicles, but only 3,200 are fitted with gas-producers. Western Australia has 53,700 motor vehicles but 5,320 are fitted with gas-producers. It seems ridiculous, therefore, that gas-producers should be exported to this State when the other States are not fitting them to motor vehicles to the same degree as we in this State are.

The Commonwealth Grants Commission strongly emphasises the dependence of this State on our primary industries, gold and agriculture. I refer members to pages 22, 23 and 24 of the Commission's report, where they will find the following—

> Page 22: This decrease (in gold production), the first for several years, is significant in view of the importance of gold in the economy of the State.
>
> Page 23: War expenditure may support the position temporarily, and a post-war demand for primary products would continue this support; but, if primary industries suffered a setback, the financial position of Western Australia would be serious.

Even at the present time the Commission emphasises that the stability of our State depends almost entirely upon its primary industries. The only way I can see of easing the financial strain—and it will be difficult to do it—is to spread our debt over a much larger population.

I shall make some observations on the Federal Wheat Scheme. Members may recall that the original scheme was to pay 4s. per bushel for the first 3,000 bushels. That scheme was really introduced by the then Premier of New South Wales, Mr. Mair, but it was turned down at a Premier's Conference. As the Minister for Lands has pointed out, that would have hit this State very hard, as 84 per cent. of the farmers of this State produce over 3,000 bushels. Still, that was the scheme proposed by Mr. Scully, and which it was stated at Canberra would save the Commonwealth some £7,500,000 a year. A commentator, who speaks regularly over the air and says he deals only with facts, says that the opposition to the scheme came from the wheatgrowers in the Eastern States. In passing, I may mention that the same commentator—this may interest members opposite—said that the present Government has done absolutely nothing to assist the war effort. All it did was to try to hinder the effort by taking an appeal to the High Court against the uniform taxation measure. This commentator, who maintains he always deals only with facts, says that farmers in the wheatgrowing States of Australia farming under 300 acres in 1941-42 were as follows:—

South Australia	13,151
New South Wales	12,855
Victoria	10,708
Western Australia	5,231

In farms from 800 to 10,000 acres and over, that is to say, not farms, but areas under wheat, Western Australia is equal with the other three wheatgrowing States combined. Therefore, this is the State that has most of the large wheatgrowing areas. I will admit that the position in this State has been greatly improved by the payment of 2s. a bushel for additional wheat, but that is only provided there is no reduction in area. With a one-third reduction in area and no change in the basis, the small growers whom this scheme is supposed to benefit are going to

be penalised. It was probably for this reason that the recent R.S.L. Congress carried a motion that the minimum should be 200 acres, and that the wheat section of the Primary Producers' Association carried this resolution—

That wheat licenses be issued on a sliding percentage scale so as to ensure the small grower being granted a sufficient area to enable him to make a living, the larger grower to have the greatest cut in area.

These bodies realised that in Western Australia the so-called benefit to the small growers was a fallacy. Let us glance for a moment at the real position. I have worked out, from figures supplied to me by the courtesy of the Minister for Lands, a table showing what the position would be this year with a similar yield to that of last year. The yield last year was the highest average this State has experienced. Reports from different districts indicate that while we have had an extraordinarily good feed year, it will not prove to be an extraordinarily good wheat year. The figures I am about to give may amaze members. In 1941-42 there were 1,665 wheatgrowers whose average return was only 522 bushels. With a one-third reduction on a similar basis this year, if they grew a similar crop, their average would be only 348 bushels. Other comparative figures are as follows:—

Number of Growers.	Return in 1941-42.	Probable return, 1942-43, with one-third reduction.
750 ...	1,236	824
652 ...	1,767	1,178
588 ...	2,244	1,496
566 ...	2,780	1,853
998 ...	3,449	2,299

That is, there are 5,219 farmers who this year will average considerably under 3,000 bushels of wheat. There may be a few of the 998 who will get into the 3,000 bushel class, but these figures are substantially correct and one might safely say that 5,000 out of 8,388 growers will not realise anything like the £600 that we are told small growers are going to obtain under this scheme. Last year the wheat yield was very much above the average. The present outlook is due to Federal discrimination, which is entirely opposed to the Federal Constitution, which, in its turn, is against discrimination between the citizen of one State and the citizen of another. The South Australian, Victorian, or New South Wales citizen who grows wheat and who grew 3,000 bushels last year for a similar yield this year will receive £600. The Western Australian farmer who grew 3,000 bushels last year can this year grow only 2,000 bushels and he will receive £400 plus about £45 compensation. It will be seen that in this State the small growers—5,000 out of 8,000—are not going to receive a very wonderful deal.

Let us see how this will affect the State as a whole. Suppose the 1941-42 crop had been on the Scully scheme basis. We had approximately 34,000,000 bushels. For 18,000,000 bushels 4s. a bushel would have been received and for 16,000,000 bushels 2s. a bushel would have been received, a total of approximately £5,200,000. That is a fairly satisfactory amount from a State point of view, though not from the viewpoint of the large growers. Assuming that the coming crop is equal to that of last year, with a one-third reduction in acreage, it will work out at 13,500,000 bushels at 4s. a bushel and 9,000,000 bushels at 2s. a bushel or a total of £3,600,000, a loss of approximately £1,600,000 less compensation of 12s. an acre, approximately £500,000, making a loss to the State in income of £1,100,000. That is the amount the State will lose through the policy of discrimination, which will affect the revenue in many other directions.

Earlier, the Minister for Lands stated that he had submitted to the Federal authorities a number of questions in regard to the wheat position, which had not yet been answered. I notice that Senator Fraser, who seems to be dealing with this matter, made a statement which appeared in this morning's paper. Even after having read it, I am not quite clear as to the exact position. One of the things that is of great concern in this State is the amalgamation of wheat licenses. Let me take one instance. Two partners each had a license for a separate area, and they bought another farm carrying a 200-acre license. For economy of working they asked that the whole licensed area should be included in one license on the farm nearest the siding. That was to save carting over long distances. The three licenses were amalgamated into one. I do not know whether members have noticed the figures, but there was a reduction of 1,000 wheat licenses over the previous year and that can largely be accounted for, not by an actual reduction in the area under wheat or in the number of farmers, but

as having been brought about by an amalgamation of licenses for purposes of economy.

Then there is the question of share-farming. Is payment to be made per farm or per license? My opinion is that there has been much unnecessary fuss made over stocks of wheat in Australia. Our carry-over stocks are very small in comparison with those of other wheatgrowing countries. In 1942 the United States of America had a carry-over of 631,000,000 bushels. The new crop is 982,000,000 bushels and the carry-over in 1943 will be 938,000,000 bushels. Last year Canada carried over 424,000,000 bushels. Its new wheat crop is over 600,000,000 bushels. The Argentine carry-over from 1942 was 198,000,000 bushels and Australia's carry-over was only 122,000,000 bushels. It will be seen, therefore, that our holdings of wheat are very small in comparison with those of other wheat-growing countries. Conflicting accounts have been issued in regard to reconstruction in other countries and to me they appear rather puzzling. It is stated that wheatgrowing countries restricted their areas this year. The Agricultural Department in the United States declared that the high wheat crop there was due to the food plan for victory involving larger acreages, and to Nature's lavishness. As I have previously stated, there is an obligation on Australia to store food for countries that are victims of war and enemy occupation. For instance, I consider that a country like China could easily lap up the whole of our surplus after this war, when China will be a great trade possibility to Australia.

There is a need this year for us to pay attention to precautions against fire. Nature has been lavish and there is abundant feed all over the country, but labour is very scarce. We have an additional source of worry in gas-producers. While they may be a saving in petrol, they are a source of danger as regards fire. Steps should be taken to see that extra fire precautions are adopted this year.

I was not, like some members, surprised at the decision of the High Court on uniform taxation. I happened to mention to some legal men in the city that, in my opinion, the High Court would always lean towards Federal legislation. They thought that was not a fair statement. Glancing through a well-known publication—a standard publication on the American Constitution by an Englishman, James Bryce, I came across these remarks—

> It is a well-established rule that the judges will always lean in favour of the validity of a legislative act; that if there be a reasonable doubt as to the constitutionality of a statute, they will solve that doubt in favour of the statute.

So members can see that there was not much wrong in my saying that our High Court has a leaning towards Federal legislation, because that is what has occurred under a similar Constitution in the United States. But I agree with the Minister for Lands that there has been a considerable lack of sincerity in regard to this legislation. It was introduced on Federal terms and as only a temporary measure. Mr. Calwell, the member for Melbourne, hoped the other day, when the Government was introducing amending legislation, that the Government would restrict the amount of money given away to the States. That money is the taxation taken from us. He seems to think the Commonwealth Government is making a gift of it to the States. Mr. Spooner, the U.A.P. member, urges that the Government should introduce uniform land taxation. There are two or three members in the Commonwealth Parliament I should like to see brought under National Security Regulations. Mr. Spooner is one, Mr. Calwell another, and I think our friend, Mr. Ward, would be a third. These people are going around stirring up discord in the country during a time of war.

The Minister for Labour: What about Mr. Cameron?

Mr. PATRICK: He may be another. The Minister for Lands mentioned the other day that there was nothing new under the sun, and went back to the times of ancient Greece in making a quotation from Demosthenes. Further back in Greek history than Demosthenes, there was a great comedy writer—considered by some people to be the greatest writer of comedies the world has ever seen—named Aristophanes. He wrote a play called the "Knights," and in that play he created a character called the sausage-seller. It is a political play and, if members read it, they would see that the sausage-seller has come to life again in the person of Mr. Ward. This is his latest gem, reported in "The West Australian" of the 5th October—

> Mr. Ward said he had endeavoured to get into his department as many Labour men as

he could, but unfortunately the Commonwealth Government had allowed the States to decide who were to be appointed to the Manpower Department to carry out the policy of the Commonwealth Government.

Apparently Mr. Ward takes strong exception to the capable administration of Mr. Stitfold. If he had his way we would have a Sydney larrikin in charge of the Manpower Department in this State.

Hon. W. D. Johnson: That is not a fair statement.

Mr. PATRICK: It is fair!

Hon. W. D. Johnson. He is quite as much a gentleman as you are. Mr. Ward is not a larrikin.

Mr. PATRICK: I will repeat the statement—

Mr. Ward said he had endeavoured to get into his department as many Labour men as he could but unfortunately the Commonwealth Government had allowed the States to decide who were to be appointed to the Manpower Department to carry out the policy of the Commonwealth Government.

Is he not dissatisfied with the men appointed by the States?

Hon. W. D. Johnson: There is room for that.

The CHAIRMAN: Order! The hon. member will kindly address the Chair, and pay no attention to interjections.

Mr. PATRICK: That is what I am trying to do. I am surprised at any member here attempting to defend a statement of that nature. I have always suspected that this war would be used as a means to advance the cause of unification. With Mr. Forgan Smith, late Premier of Queensland—and I am sorry he did not continue in that position so that we could get his views on this matter—I believe it is dishonest to use the war for these purposes. I also believe with him that if an amendment of the Constitution is desirable or necessary, it should be done only when men can meet and reason together, and not during a period of emotional thinking.

In the United States, where they have a Constitution similar to ours—the Australian Constitution was founded on that of the United States of America—the only amendment made during a war period was the 18th Amendment dealing with prohibition. Members know the great trouble that arose under that amendment before it was finally repealed. The so-called amendments proposed by Dr. Evatt are not amendments to the Constitution at all, but simply a destruction of the present Federal Constitution. I have a newspaper cutting which refers to the matter as follows:—

It is proposed to alter the Constitution by inserting a new part—Part Six. Section 60A, sub-section 1 would give the Parliament full power to make laws for the peace, order and good government of the Commonwealth and all places under its control to give effect to Australia's war aims and objects as one of the United Nations, including attainment of post-war economic and social justice and post-war reconstruction.

The Bill declares that the power of the Parliament shall extend to all measures which, in Parliament's opinion, would achieve the foregoing, and shall include power to make laws.

The report concludes with these words—

It is expressly stated in the Bill that all the powers conferred on the Parliament by this section may be exercised notwithstanding anything contained elsewhere in this Constitution or in the Constitution of any State.

That is simply tacking on to the Constitution a new clause which will be the Constitution. The remainder would merely be dead wood and in the course of years would decay and fall to the ground. I am rather surprised at Dr. Evatt introducing a Bill of this nature. It is merely a petty piece of political scheming. I would not have much difficulty in establishing that. He argues that, to give effect to the war arrangements, it is necessary for that to be done in the interests of the United Nations, and quotes the American Ambassador, Mr. Winant, on war matters. But neither Winant nor the President, Mr. Roosevelt, has suggested that it is necessary to abolish or amend the United States Constitution in war-time. On the contrary, Mr. Roosevelt only recently made this statement:—

When this war is over, any powers I have taken will be returned to the people.

From this we can see that President Roosevelt has an idea very different from that of Dr. Evatt. He has taken immense powers for war purposes, but he says that when the war is over any powers he has taken will be returned to the people.

Mr. Cross: Perhaps he will be like President Wilson.

Mr. PATRICK: Dr. Evatt considers that the Commonwealth should hang on to the immense powers it has taken in Australia. All I can say is that the people of this nation should not in war-time be embroiled in a bitter political controversy. The Commonwealth has ample powers today and

those powers could be extended, even if it were necessary to make agreements with the State Governments covering a period of two years after the war and, if necessary, amending the Commonwealth Constitution. A proper convention could be called in peacetime when, free from war emotionalism, delegates could consider these amendments.

Mr. North: That is what we have wanted and have never had.

Mr. PATRICK: Provision of this kind is made in many Federal Constitutions. The States have the power to ask for a convention. If two-thirds of the United States of America ask for a convention in order to make any amendments to the Constitution, Congress has to grant it. There is one thing I regret, namely, that our statesmen, when drawing up the Commonwealth Constitution, did not insert a provision which is found in the United States Constitution requiring a two-thirds majority of the Senate and the House of Representatives to make any alteration to the Constitution.

The Premier: They will probably get that now.

Mr. PATRICK: I do not think they will; to get it would be very difficult. To get an alteration of the Constitution here a majority of three-fourths of the States is necessary—I suppose four States would be regarded as three-quarters—whereas in America 36 out of the 48 States must support an amendment.

The Premier: Our provision is a majority of the people in the majority of the States.

Mr. PATRICK: Ours is a simple majority; their provision is three-fourths of the States. The United States of America adopted its Constitution, as Australia did, because it was a large continent. Let me make another quotation from Bryce on "The American Commonwealth"—

> There self-government is not the consequences of differences, which can be made harmless to the whole body politic only by being allowed free course. It has been due primarily to the historical fact that they existed as commonwealths before the Union came into being; secondarily, to the belief that localised government is the best guarantee for civic freedom, and to a sense of the difficulty of administering a vast territory and population from one centre by one government.

That is the very reason why we adopted the Federal system; it was impossible to govern this large country from one centre. Regarding the United States the "Encyclopaedia Britannica" says—

> The State is the oldest political institution in America, and is still the basis and the indestructible unit of the American system.

What we want, I think, is not unification, not a contracting of the Federal system, but an extension of it, just as they have in the United States. Members of the Commonwealth Parliament are talking about increasing the number of members in the House of Representatives. That is provided for in the Constitution in a simple way, the provision being that members of the House of Representatives shall be, as far as practicable, double the number of the Senate. If we increased the number of States, as we could and as is considered necessary in the Constitution, then as the States increased and the strength of the Senate was increased, so automatically the number of members in the House of Representatives would be increased.

Some very small States were brought into the American Union. States vary in size from Texas, with an area of 265,780 square miles, to Rhode Island, with an area of 1,250 square miles, and in population from New York with over 8,000,000 inhabitants to Nevada with 81,000. Those are the figures for 1911. Nevada had only 50,000 people when it was created a new State. It would have been a good thing for Australia if new States had been created. I suggest that New South Wales could be divided into three States, Queensland into two States, and the Northern Territory and the North of Western Australia could form another State. This would provide better local representation for the people and would increase the membership of the House of Representatives. In the United States, the number of States has grown from 13 to 48, and the people there seem well satisfied with their Constitution. Bryce in "The American Commonwealth" says—

> The people are profoundly attached to the form which their national life has taken. The Federal Constitution is to their eyes an almost sacred thing, an Arc of the Covenant whereon no man may lay rash hands.
>
> The best proof of the well-braced solidity of the system is that it survived the Civil War, changed only in a few points which have not greatly affected the balance of national and State powers.

Their Constitution has survived for 150 years, while in Australia there is a desire

to tear ours to pieces after a mere 40 years. There is another quotation I would like to make showing some of the powers of the American States. The quotation is somewhat lengthy but may be of interest to members—

Each State has its own Constitution, Executive consisting of a governor and various other officials, legislature mostly of two Houses, system of local government in counties, cities and townships, system of State and local taxation, debts, body of private law including the whole law of real and personal property, of contracts, of torts, of crimes and family relations, system of procedure, civil and criminal court from which no appeal lies (excepting in cases touching Federal legislation or the Federal Constitution) to any Federal Court. The power of a State over all communities within its limits is absolute. It may grant or refuse local government as it pleases. These are illustrations of the doctrine which Europeans often fail to grasp, that the American States were originally, in a certain sense and still for certain purposes remain, sovereign States.

Each of the original States, by entering into the Confederation of 1781-88, parted with one or two of the attributes of sovereignty by accepting the Federal Constitution in 1788-91. It subjected itself for certain specified purposes to a central government, but claimed to retain its sovereignty for all other purposes. That is to say, the sovereignty of a State is an inherent, not a delegated, authority.

Every American lives in a duality of which Europeans, always excepting the Swiss, have no experience. He lives under two governments and two sets of laws. He is animated by two patriotisms and owes two allegiances. That these should be both strong and rarely in conflict is most fortunate. It is the result of skilful adjustment and long habit, of the fact that those whose votes control the two sets of governments are the same persons, but above all of that harmony of each set of institutions with the other set, a harmony due to the identity of the principles whereon both are founded, which makes each appear necessary to the stability of the other, the States to the nation as its basis, the national Government to the States as their protectors.

The framers of the Australian Commonwealth Constitution examined all the Constitutions of the world, and finally settled on that of the United States as being the most suitable for our requirements. From the extracts I have quoted it is apparent that the similarity is great, and that there is no one in the United States desiring to tear up the country's Constitution, as is proposed here. Members who have heard American soldiers speaking at, say, camp concerts, know that that is so. American soldiers, if asked where they come from, do not reply "The United States," but name some town or state—Texas, Nevada, or Chicago. According to American authorities, the American citizen scarcely considers the Federal Constitution except at election time. His thoughts are all towards the local institutions with which he comes in contact daily. That is only reasonable. It would be impossible to govern a huge continent like Australia if all authority were centred in Canberra. Australians are almost dominated by two cities; and that is one reason, in my opinion, for creating new States. Dr. Evatt camouflaged his proposals as a war effort; but in my opinion it contains the seeds of dissension and revolution, and will lead to a home rule agitation in the years to come.

I was interested by a comparison made by the member for West Perth between city and country. The hon. member rather deplored the fact that our people were all drifting to the cities, and I think he likened country existence to a state of half-slave, half-free. There is a great deal in what he says. Recently I listened to a Western Australian broadcast during which five Modern School girls were asked to give their opinions as to life in the country and life in the city. Only one of the five favoured living in the country. The others all thought they would prefer to live in the city. When pressed for reasons, they gave what seemed to be their main reason as the opportunity to go to a picture show or dance every night if they wished, whereas those things were not obtainable in country districts. They seemed to be highly intelligent girls, and I was surprised to hear them express their view. But there it is! Meantime a Federal Committee of returned soldiers dealing with the question of repatriation had as their main suggestion further settlement on the land as a means of post-war reconstruction. In my opinion, the position in the country districts is such as to demand a partial moratorium. In the rural districts we have higher costs and under-manned farms operated in many cases by elderly men, each called upon to do the work of three or four average men. So it is impossible to carry out financial obligations in the way of interest. Those obligations of course remain, no matter what the production of the farm may be. I do not know whether the Minister for Lands saw a statement made by the British Minister for Agriculture which appeared in the Press yesterday evening and this morning. The

British Minister referred to the position of farming in Canada as follows:—

In 1938 Canadian Prairie farmers had debts amounting to £85,000,000 and assets totalling £25,000,000.

He referred also to Australian farmers—

In Australia the average price of wheat over nine years to 1938 was 25 per cent. less than the cost of production.

Obviously it is impossible to expect farmers to carry out, under those conditions, obligations which they contracted in past years under totally different conditions. Again, we have the statement of Senator Cameron, Minister for Aircraft Production, criticising an arbitration court judge by stating that evidently the judge was not aware what the purchasing power of the Australian pound was a few years ago as compared with its purchasing power of only 8s. today. If that is correct—I shall not dispute the statement though I do not think the Australian pound has gone back so far—then the purchasing power of wheat today, at 4s. per bushel, amounts to only 1s. 7d. People can hardly be expected to meet today, when wheat is 1s. 7d. per bushel, obligations contracted at a time when wheat brought 5s. per bushel. There is a very strong case for a partial form of moratorium in the farming industry. Personally I regret that Western Australia has not been allowed to take a larger part in the war effort. We lead in war enlistments and in war savings, and apparently we lead in economical administration as well. If allowed to do so we could, I believe, play a much larger part in the war effort.

Apparently some people do not realise what we have at stake today, because they are using what might be termed the war agony to gain advantages which they could not secure under ordinary conditions. I regret also that we have people defying the law. The parties in the Perth baking industry are today defying the law and resorting to force. That is the Hitler method —you give, or I take. We hope after the war to establish a rule of law in international affairs. Before we can establish that law, we have to effect a change in the hearts of men. How can we hope to establish the rule of law in international affairs when we cannot establish it in our own petty lives? What appears to be forgotten is that today we are fighting not for better conditions after the war but for the mere right to live, absolutely fighting for survival. We have still a long way to go before we shall achieve that unity of purpose which is so desirable today.

Progress reported.

The House adjourned at 5.50 p.m.

Legislative Council.

Wednesday, 14th October, 1942.

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The PRESIDENT took the Chair at 2.15 p.m., and read prayers.

MOTION—INDUSTRIES ASSISTANCE ACT.

To Disallow Drought Relief Regulation.

Debate resumed from the previous day on the following motion by Hon. A. Thomson:—

That Regulation 9, as shown in the schedule of regulations made under the Industries Assistance Act, 1915-1940, as published in the "Government Gazette" on the 5th June, 1942, and laid on the Table of the House on the 4th August, 1942, be and is hereby disallowed.

THE CHIEF SECRETARY [2.20]: Notwithstanding the very strong and, in my opinion, unwarranted terms used by Mr. Thomson when he moved the motion, I feel sure I can show the House that there is no ground whatever for the arguments employed by him and that consequently the regulation should not be disallowed. In the first place, the hon. member told the House that his motion could be termed the third attempt made by this Chamber to induce the State Government to carry out the terms under which the drought relief money was provided by the Commonwealth Government. He referred to the money as a grant. On previous occasions I have emphasised the fact that it is not a grant; it is a loan for which the State is responsible and which the State will have to repay under the terms