

Legislative Council.

Tuesday, 12th December, 1922.

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

SELECT COMMITTEE—FISHING INDUSTRY.

Extension of Time.

Hon. F. A. BAGLIN (West) [4.35]: I ask the House to grant a further extension of time for bringing up the report of the select committee. Mr. Potter, one of the members of the committee, is away in the country, and I do not know when he will be returning. The report is ready, but it lacks his signature. 1 move—

That the time for bringing up the report be extended for one week.

Question put and passed.

BILL—AGRICULTURAL SEEDS.

Second reading.

Debate resumed from the 6th December.

Hon. J. MACFARLANE (Metropolitan) [4.36]: Any measure which would ensure to agriculturists seed which was 100 per cent. pure would represent a wonderful achievement for any Parliament. Any measure which would improve the conditions attaching to the purchase of seed would also be very desirable. Conversations which I have had with seed merchants disclose that the position is a very difficult one, and I am satisfied that if the Minister for Agriculture, who introduced the Bill in another place, had made investigations in the same direction, he would have realised that the task of framing legislation was a most difficult one. Any Bill which we may pass may, boomerang-like, hit back at the agriculturists and make their position worse than it is at present. While a measure such as this may lead to seed of improved quality being supplied, it will have the effect of increasing the cost to an enormous extent. Another disadvantage is that it will deprive agriculturists of the opportunity of obtaining certain seeds from abroad. Seed merchants are constantly in search of suitable seed which will have the effect of increasing the production from our soil, and thus benefiting the State. The Leader of the House has been good enough to say that our seed merchants are very reputable people.

Doubtless they are doing their best for the agriculturists, but the effect of this measure will be that, instead of their looking all over the world for seeds which will be of use to our producers, they will confine themselves to seeds they know, and will take no risk with seeds of doubtful quality and germination. This Bill seeks to enforce a warranty that seed supplied will germinate, and is free from impurities. I have several catalogues from different countries showing how they have tackled this problem, and how difficult they have found it to be. They have sought to protect themselves by explaining the position in their journals. In the light of investigations I have made, some of the clauses of the Bill will need to be eliminated, or amended to a considerable degree before they can be regarded as reasonable and workable. Clause 2 refers to palm seed, the germination of which has to be guaranteed. I am informed that 90 days is insufficient, as it takes 12 months to three years for palm seed to germinate. If palm seed was supplied and did not germinate in 90 days, the purchaser would feel that he had a right to make a claim against the merchant who supplied it. Subclause 2 of the same clause prescribes that the measure shall not apply to any sale of seeds by the grower to a seed merchant, or by a farmer to another farmer. That is not a reasonable provision. The seed merchant should be able to receive a warranty from the man who grows the seed, so that he might pass on that warranty to the purchaser of the seed. If the merchant is required to give a warranty, it is only fair that a grower supplying a seed merchant should also have to give a warranty. It is provided that the label must state the percentage of germinable seed. This would present some difficulties, but I understand the percentage can be fairly accurately ascertained, and not much exception is taken to that provision. The question of impurities, however, is quite another matter. Other countries have adopted legislation which, while severe, is helpful. This Bill gives no indication of a disposition on the part of the department to be helpful to the seed merchants. When the Minister was moving the second reading of the Bill—from the merriment it created, I conclude it is an old friend—he referred to hard seed. People in the trade tell me they do not know what hard seed is, but they assume it is a seed harder in shell than usual, and requiring a longer period to germinate. If seed did not germinate within 90 days to the percentage stated on the label, the merchant would be liable. Subclause 3 of Clause 6 limits the liability of a vendor, which limitation would be quite satisfactory provided the testing charges are fixed and known. We have had experience recently of charges fixed under regulation by various departments. It would be wise to state the charges in the Bill instead of leaving them to be fixed by regulation. In Clause 7, Subclause 2, we come to the question of

the guarantee. No doubt the Minister would be glad to learn of some solution of the difficulty. I am not in a position to offer a helpful suggestion. Throughout the world the trade has tried a law of this kind, and the result has merely been to put the seed merchants in difficulties, with the further result that they provide in their catalogues non-warranty clauses of the kind I am about to read. C. C. Morse & Co., of San Francisco, have the following:—

There are so many contingencies to be encountered in growing plants from seed and in setting out plants that are dependent on the weather and other conditions over which we have no control, that success in planting is not altogether dependent on the seed or plant. We will send out only seed which we believe will grow and produce the kind of plant and variety represented, but C. C. Morse & Co. give no warranty, expressed or implied, as to description, quality, productiveness, or any other matter of any seeds, bulbs, plants or trees they send out, and they will not be responsible in any way for the crop. If the purchaser does not accept the goods on these terms, they are at once to be returned.

Another American supplier, the W. E. Barrett Company, of Providence, Rhode Island, provide as follows:—

We give no warranty, expressed or implied, as to descriptions, quality, productiveness, or any other matter, of any seeds, bulbs, or plants we send out, and we will not be in any way responsible for the crop. If the purchaser does not accept the goods on these terms, they are at once to be returned. Seeds of the best quality will often fail through improper treatment. More failures result from disregard of the conditions necessary to germination than from the quality of seeds used.

A New South Wales seeds firm, Foster & Sons, of Sussex-street, Sydney, give the following notice in their catalogue:—

Conditions of sale. Foster & Sons do their best to protect customers' interests, and select and test seeds with the greatest possible care, but give no warranty, expressed or implied, as to name or any other matter connected with the seeds, plants, and bulbs they send out, and will not be in any way responsible for the crop. If the purchaser does not accept the goods on these terms, they should be at once returned.

Kelway & Son, of Langport, England, stipulate as follows:—

While Kelway & Son believe that all seeds, bulbs, and roots delivered by them in fulfilment of any sale fully satisfy what is specified, it is impossible, by reason of the practical difficulties involved, for them to be certain, or to assume responsibility, that this is so. Kelway & Son cannot, therefore, and do not hold themselves liable should any such seeds, bulbs, or roots not be of the kind or correspond to the description specified; nor must they be deemed to undertake any condition or give

any warranty, either by expressed words or implication, as to kind, description, quality, purity, growth, freedom from variation or intermixture, productiveness, or other matter whatsoever in connection with any seeds, bulbs, or roots sold by them. They will in no sense be responsible for the resulting crop. Every purchaser must accept these terms and conditions.

Now I come to Denmark, the one country which does give some sort of a guarantee, but only in regard to root crops. Their circular contains the following:—

This guarantee of genuineness in the Home trade we now wish to extend to comprehending also the root seeds we offer to our foreign customers. Consequently we will in future guarantee not only for purity and germination as hitherto, but also for the genuineness of variety and strain. The guarantee, which comprehends all seeds of mangold, swede turnip, and carrot sold by our firm and exported under our lead seal, is undertaken according to the undermentioned rules, which are to be looked upon as fixed conditions of sale.

The Danish law really endeavours to help the supplier, through the Government departments. No such help is afforded by this Bill. The Danish general rules of guarantee of genuineness begin as follows:—

When a consignment is ready for export, a label giving the name of the variety and the strain and the number of the consignment is placed in such bag. Before shipment the seller calls in the Royal Danish Weigher (a sworn official) or any other person authorised to draw samples. This sampler will draw a sample of one kilogram from the consignment according to the official rules for sampling of seed. Having ascertained that the labels in all the bags bear the same description, the sampler will close all the bags and seal each of them and also the bag containing the one kilogram sample with his official lead seal, and this latter bag he will then forward to the Danish Government Root Seed Commissioner, 8, Akasievej, Copenhagen, V., accompanied by a declaration as mentioned below under:—“Rules for Sampling Root Seed for Export.”

Then the rules say:—

Should the two parties fail to agree to have the dispute of compensation decided by arbitration, it may be brought before the “So. og Handelsretten” (Maritime and Commercial Court) in Copenhagen, and the buyer and seller, wherever they may reside, must appear before that court, when agreement may be proposed and when sentence is to be passed, in person or by properly authorised representation.

To get satisfaction, therefore, one has to appear before that court in Copenhagen. The rules also deal with sampling of root seed for export—

Rules for sampling root seed for export. The sampling is to be made as follows:—A small sample is drawn from each bag al-

ternately at the top, middle or bottom of the bags. If the consignment consists of less than 10 bags a sample should be drawn from each bag. In case of consignments of more than 200 bags samples must be drawn from at least 40 bags. The small samples must be carefully mixed, and from the mixed sample, so produced, 1 kilogram of seed is packed in a sample bag and four smaller samples, 100 grammes each, in smaller bags. The sampler shall then seal with his lead seal the sample bag as well as all the bags of the consignment. The sampler will send the 1 kilogram sample to the Danish Government Root Seed Commissioner, 8 Akasiavej, Copenhagen V. Of the four smaller samples the seller will send one to the purchaser abroad, one he will leave with himself, and the remaining two he will send to the State institution for Testing of Seed, Bulogsvvej, Copenhagen V. The institution will at once test one of the samples for purity and germination, and will keep the other for future reference if either the seller or the purchaser should require further tests to be made. The two samples forwarded to the Institution for Testing of Seed are to serve as basis for the analysis, and all other analysis of samples drawn from the consignment of seed in question are not concerning seller and buyer.

The seeds which our suppliers distribute to growers are mainly imported seeds; only a very small proportion is supplied by local growers. Consequently our seedsmen themselves cannot get a warranty, although this Bill calls upon them to supply it. Thus they are placed in a position of great difficulty. Let me give an instance: The trade recently imported a consignment of £600 worth of seeds from the English firm of Kelway & Son. The merchants found that there was very little germination in it, and that it was rather impure. Some of the merchants took exception to the whole consignment, and refused the draft, this being the only protection they had at the time. The bank was instructed to cable to Kelway & Son, and as a result they received from that firm instructions to let the suppliers have possession of the seed without payment of the draft. That seed was eventually disposed of to a firm who put up bird seed. Clause 9, Sub-clause 2, which deals with sampling, does not provide for a representative of the merchant to be present when the sample is taken. That is a weakness which should be remedied. I have also ascertained from a farmer at Pickering Brook that there is difficulty in distinguishing one seed from another. Recently the Government Botanist had a parcel of seed sent to him with a request that he should determine what the parcel consisted of. By some means or other various kinds of seeds had got mixed up. The parcel was sent five weeks ago, and since then several applications have been made to the Government Botanist and also to the Direc-

tor of Agriculture for a reply, which, however, the suppliers have not yet received.

Hon. F. E. S. WILLMOTT: How do they expect the botanist to know? The only way he can tell is by planting the seeds.

Hon. J. M. MACFARLANE: But the Bill says he shall decide. Without some practical assistance from the department, such as apparently obtains in Denmark, hardship will be created by this Bill, and that hardship will react upon the agriculturists. Something must be done to obviate that danger. Further, there is a practice prevailing to a considerable extent—and I may say it has prevailed for some time—of representatives of seed merchants in the Eastern States selling through local suppliers by consignments made direct from the Eastern States. By that process this measure could be entirely evaded. There is nothing in the Bill giving the Government power over consignments sent direct to our agriculturists from the Eastern State. Further, if the Bill passes, some allowance of time must be given to the trade in respect of stocks in hand. Now, the measure says that if a sample is taken by an inspector it shall be deemed to be a sample of the whole bulk. Assume that an inspector takes a sample from a consignment in transit. Would that sample be taken to refer only to the bulk in transit, from which the inspector took the sample, or from the bulk in the store? I should like an assurance from the Minister for Education that the latter is not the case, because otherwise a conviction secured by an inspector on the strength of a sample taken in transit might lead other purchasers to consider that they had a claim against the supplier, and attempts might be made to enforce such claims. From to-day's newspaper I see that a man in the South-West is advertising for sale the seed of subterranean clover. We look upon subterranean clover as one of our coming fodders. Now, under the Bill, the supply of that seed would be exempt. I am told that sales from farmer to farmer represent a fairly large business. There can be no doubt as to the existence of impurities in that seed. A large percentage of it is rubbish. Why should there be exemption for such seed? So much am I in doubt about the merits of the Bill that my vote will depend largely upon the Minister's reply to the debate.

Hon. F. E. S. WILLMOTT (South-West) [5.1]: The Bill first came under my notice some years ago when the war was raging. Certain firms then pointed out what would happen to them if the Bill were carried at that time; they said it would be almost impossible for them to carry on business. However, they assured me that so long as it was deferred until trade again became normal after the war, it could be passed with safety, and would prevent the dishonest man from dispensing seeds untrue to name. Many of us have suffered from the travelling seedsman. He comes along with his silvery tongue,

induces people to buy, and forwards the stuff. The Lord only knows where it came from originally. One plants it with extraordinary results. Flower seeds turn out to be cabbage seeds, cabbage seeds to be something else. Great disappointment has been occasioned to large numbers of people, and those foolish enough to buy in large quantities from travelling seedsmen have had to bear heavy pecuniary loss. The weak spot in the Bill is that it fails to prescribe that the seed shall be tested on the wharf. It is a Federal, not a State matter. I understand that if the seedsman once takes possession of the imported seed he is, in law, liable for payment. Only through the Customs can imported seed be effectually dealt with on arrival. Therefore, as I say, it is a Customs matter. The seed can be examined, reported upon and, if not up to standard, can be refused entry into the State. Then, I understand, importers will not be called upon to bear the liability.

Hon. J. Duffell: Yes, they will. The indentors will have to pay.

Hon. F. E. S. WILLMOTT: If the law is that the seed shall not be allowed to land, how can the indentors be liable?

Hon. J. Duffell: They will not take the risk of importing any more.

Hon. F. E. S. WILLMOTT: Which might be just as well.

Hon. J. Duffell: But it would reflect on the agriculturist.

Hon. F. E. S. WILLMOTT: It would merely mean that careful men would import good seed, and so we would be safeguarded. Who on the land has not put in 40 or 50 acres of, say, rape, without getting a one per cent. germination? So, too, with other seeds. As to locally grown seeds, the Bill will help. Mr. Macfarlane says the farmer must not deal with another farmer without coming under the same provisions as the seed merchant. It is a different thing altogether. One farmer is living one side of a fence and the other farmer on the other side. The one farmer is living one side of a fence and the other farmer on the other side. The one who wants to buy seed has watched the seed from the day it was sown until it ripens. He likes it, and he arranges to get some. The story of the good seed goes round, and the grower secures an enviable sale.

Hon. J. J. Holmes: He might buy some to fill his orders.

Hon. F. E. S. WILLMOTT: He will buy it from the seed merchant.

Hon. J. J. Holmes: No, he might buy it from another farmer.

Hon. F. E. S. WILLMOTT: Then next year he is cut out of the trade. Once bitten, twice shy. When I expostulated with a seed merchant in Perth over some seed I had purchased from him, he explained why the seed had not germinated. No doubt his explanation was perfectly correct, but just the same I never bought another pound of seed from him. The Bill will prevent a good deal of fraud. It may be necessary to amend it in detail, but its main principle is right. However, I contend that the Commonwealth have

a duty to perform at the port of entry. It has been pointed out that a farmer supplying subterranean clover seed sends out a lot of rubbish. Undoubtedly he does, but is he the only one? Certainly not. I have bought a great deal of subterranean clover seed at different times, but in every case I got a better deal from the farmer than from the seedsman. Again, surely if a farmer is buying from another farmer he will satisfy himself that the seller is trustworthy.

Hon. J. M. Macfarlane: But he may shift about from town to town.

Hon. F. E. S. WILLMOTT: I have bought from merchants seed which they had never seen. They instructed, say, Jones at Kellerberrin to send seed to Willmott at Bridgetown, and it was delivered to me without the merchant having seen it. On more than one occasion have I had the pleasure of firing it back at the merchant as undiluted rubbish.

Hon. C. F. Baxter: Surely it was the farmer's fault.

Hon. F. E. S. WILLMOTT: It was the merchant's duty to see that I got what he was charging me for. It would be wrong to impose these conditions as between farmer and farmer. As to the inspection, does the hon. member not know that fertilisers can be inspected anywhere?

Hon. J. M. Macfarlane: You arrange for a man to be there.

Hon. F. E. S. WILLMOTT: No, the inspector can go on to any truck at any time and inspect the stuff.

Hon. J. Duffell: That is why the certificates are issued at the time of the sale.

Hon. F. E. S. WILLMOTT: That is so. Perhaps there is a way of getting out of it. If there be, the seedsmen are just as smart as are the fertiliser people. Since this law applies to fertilisers, I cannot see why it should not apply to seeds. Nothing is more important than that the farmer should get the seed he orders. If he be foolish enough to buy cheap seed below the true market value, then he deserves all that he gets, or does not get.

Hon. J. DUFFELL (Metropolitan-Suburban) [5.14]: Every hon. member will support an endeavour to secure pure seeds for the State. It is imperative that the farmer should be supplied with the seed he orders; but the Merchants and Traders' Association have branches all over the world and, while doing all they can to protect the purchaser of seed, they decline responsibility. Therefore, we have to consider the effect of the Bill on our agriculturists. Very few merchants will be prepared to take the risk of indenting agricultural seeds, because if those seeds are condemned, the indentor alone will have to shoulder the loss. No legislation that we might pass would affect the position abroad. Seed merchants the world over have entered into an arrangement on practically the same lines. Therefore, if one does not supply seed under certain conditions another will not do so, and if one does not guarantee the seeds

another will not do so. No doubt they cover themselves as far as they can, at the same time taking reasonable precautions. If seeds are imported from Holland or Germany by a British firm no doubt that firm will try to get the purest possible seeds, and those that are true to name, but it has to buy the seeds under the conditions set forth in the catalogue. It is not advisable to place on the statute book a Bill which may be of the boomerang type, and cause much damage to our agriculturists, who might be prevented from obtaining the seed they want. We should be cautious before we pass it. Mr. Baxter introduced a Bill of this nature some time ago and it passed through this House, but I was rather surprised to see it come back again in this form. When we bear in mind the conditions of the sale of seeds all over the world we must realise the effect this Bill will have. I am afraid it will be detrimental to our agriculturists rather than beneficial.

Hon. C. F. BAXTER (East) [5.17]: A Bill of this nature was carried in the Council two years ago, but was amongst the slaughtered innocents of the session. It should have passed into law long since.

Hon. A. Lovekin: It was not quite the same as this Bill.

Hon. C. F. BAXTER: There was very little difference between the two. Mr. Duffell seems very much concerned about the effect this Bill will have upon agriculturists. It will put them on a better foundation as to the class of seed they purchase than they have been on before. It certainly will not harass the seedsmen. It will enable the purchaser to assess the value of the seeds he purchases, and give him some guide as to sowing. Mr. Willmott says that he purchased seed and that none of it germinated. That has been the experience of many people. All that people require to do is to carry out their own germination tests. I was astonished to hear that the trade were in opposition to this Bill. When I handled the last Bill, the better class of trade strongly supported the Government, and I cannot think why there has been a change in the point of view. Bad seed involves not only wasted labour and loss of revenue, but the farmer may lose a whole season, and much of the benefit of the fertiliser he has put into the ground. It is very important that seed true to name should be sold to our farmers. Mr. Willmott has mentioned rape. I once planted that seed for sheep feed, and it came up as turnips. It was no good taking action because the damage was done. The Bill should be instrumental in the growth of noxious weeds being checked. We have many curses of this kind in Western Australia. There is the carnation weed in the Geraldton district, and I do not know how that will ever be eradicated. People say it came here from seed, but my investigations have satisfied me that it was brought in with fodder. The star thistle has gained ground, and there is another weed in the Guildford district

which constitutes a serious menace and is gaining ground rapidly. The Bill should also facilitate the testing of seeds, and constitute a check upon foreign seeds. I will quote an extreme case showing what happened in one of the other States in regard to seed purchased, and what may happen here without this Bill. A trial was made in a laboratory in Sydney some time ago of a parcel of seed which was supposed to consist of 11lb. of Yorkshire fog grass. When this parcel was examined it was found to contain 80,000 hawk weed seeds, 48,000 cocksfoot grass seeds, and 26,800 sheep fescue, as well as 16 other classes of weeds. There was only a very small percentage of fog grass in the sample. The measure should prevent the foisting upon the purchaser of seed that is perhaps two or three years old. With regard to seed germination, the following tests were made in this State some time ago: Lettuce seed 7 per cent. germinated, cabbage 1 per cent., mangel wurzel 10 per cent., Swede turnip 9 per cent., Koli rabi 5 per cent., early carrot 5 per cent., and Brussels Sprouts 1 per cent.

Hon. H. Stewart: Were these samples taken from packet seeds?

Hon. C. F. BAXTER: Yes, seeds sent to people to grow.

Hon. J. A. Greig: Probably if they had been sown in different soils they would have given different results.

Hon. C. F. BAXTER: Not at all.

Hon. J. Duffell: They must have been old seeds.

Hon. H. Stewart: But this was a germination test.

Hon. C. F. BAXTER: Yes. It was made in a laboratory, where every seed that would be likely to germinate under any conditions would certainly germinate. Under this Bill every packet of seed will be labelled stating such and such a percentage will grow, and that a certain percentage will germinate. This will give the purchaser something to go upon. A very strict watch and careful inspection will be made, and a good check kept in all directions. It will be difficult for vendors of seeds to evade their responsibilities. It has been suggested that fertiliser manufacturers avoid inspection when they can. My investigations showed a different state of affairs. There was a time when I felt that fertilisers were not up to the standard. I appointed a number of new inspectors to examine the fertiliser. They inspected it on trucks at Midland Junction, after it had left the works and was in transit to its destination. They did not find one sample that was not up to the specified standard. This shows the honesty of the manufacturers. In any case they could not avoid inspection. The objects of the Bill are chiefly to provide a guarantee as to purity of seed, secondly a guarantee as to germinating ability, and thirdly a prevention of the exploitation of the grower. I trust it will receive the same

support as the other Bill which was passed by this House. It will afford protection to agriculturists and assist them greatly.

Hon. A. J. H. SAW (Metropolitan-Suburban) [5.28]: I remember when the other Bill was before this House certain seed merchants in Perth approached me, and said at the time they considered a Bill of this nature could not be enforced.

Hon. F. E. S. Willmott: On account of the conditions then existing.

Hon. A. J. H. SAW: The conditions resulting from the war rendered it impossible for them to comply with the terms of the Bill. I gathered that as soon as trade became normal a Bill of this kind could be put into operation with beneficial results. I have not on this occasion been approached by seed merchants, but apparently they have approached some of my colleagues.

Hon. J. Duffell: They have not approached me.

Hon. A. J. H. SAW: Evidently their opposition is not as great as it was on the previous occasion. I have very little practical knowledge on this question but I feel sure that we are all anxious to protect the farmers and those connected with this business. After all, the loss involved to the seed merchant is less than that which may be faced by the farmers. A point I have not heard mentioned yet by hon. members is as to whether legislation of this description is in force in the other States, and if so, in how many of them and with what results.

Hon. H. Stewart: If you had read the marginal notes, you would have seen that such legislation exists in three of the States.

Hon. A. J. H. SAW: I have read the Bill but not the marginal notes. If what Mr. Stewart says is so, valuable information can be obtained from those States to show what the results have been. I do not say that we should always follow precedent but we should not lag behind the other States. If legislation of this type is found successful in other States, it is apparent that its enforcement in Western Australia will not mean much harm to the seed merchants.

Hon. E. ROSE (South-West) [5.31]: I am pleased that the Bill has been introduced. Those of us who have any experience in this matter know what it means. I have often heard of seed being sold to farmers and their crops ruined because the seed was stale. In the past, we have known of horses and cattle dumped in Western Australia because they could not be sold in the other States. The same thing may apply to seeds that are imported. When the Bill is carried, people outside Australia will know that it is no use exporting to Western Australia seeds that are stale or have noxious weed seeds mixed with them. It is high time we had a Bill of this character on the statute-book for the protection of farmers, who should be protected from those seedsmen who are not particular as to what they sell. There is no

doubt we have a number of seedsmen in Western Australia who would not sell stale seed or seed that was not true to name. On the other hand, however, as with other sections of the community, we have, unfortunately, men who are not so particular. As was stated by the Minister when introducing the Bill, seedsmen are known to have had seeds held over from one year and to have sold them in the following year. Men who have gone through the mill know what it is to plant old seed and what it means to them. A very small percentage of stale seed will germinate. On the other hand, I have sown a crop myself which proved to be practically half noxious weeds. Such things can be prevented under the Bill. It has been suggested that local growers should be included. I do not think that is necessary. We as farmers can deal with one another effectively. If I wished to buy seeds of subterranean clover from someone farming 30 or 40 miles away, I would ascertain what class of country that farmer had and what other grasses or weeds were growing with the clover. I would do that before purchasing the subterranean clover seed. Most people would do likewise before making the purchase. It is essential that one shall find out whether the man from whom the seeds are being purchased is a clean farmer or not. I do not think it necessary for the Bill to deal with local farmers at all. The measure is necessary and I hope it will be passed though Committee without difficulty.

The MINISTER FOR EDUCATION (Hon. H. P. Colebatch—East—in reply) [5.34]: I am not in a position to speak regarding all the States, but in at least three of them—New South Wales, Victoria, and Queensland—similar legislation is in force. As Mr. Rose suggested, it is obviously dangerous for one State to be without such legislation while others have it. As to the success or otherwise of the operations of this type of legislation in the other States, I can only say that at the recent conference of Ministers for Agriculture, which was held in Perth, it was strongly urged by the Ministers from those States where such Acts are in operation that the other States should join up and pass similar legislation. Those Ministers were so satisfied with the good results that had been achieved in their States that they were anxious that the other States should fall into line. If Mr. Macfarlane desires to move some amendments in Committee, I will defer the Committee stage till to-morrow, should the second reading be agreed to.

Question put and passed.

Bill read a second time.

BILL—ESPERANCE NORTHWARDS RAILWAY EXTENSION.

Second Reading.

The MINISTER FOR EDUCATION (Hon. H. P. Colebatch—East) [5.36] in moving the

second reading said: A Bill has been passed for the construction of a line from Esperance 60 miles northward. The present Bill proposes to permit a further extension for a distance of six miles. The reason for that extension is that at the end of the present proposed terminus the water supply is inadequate, but there is an abundant supply six miles further north. From that point of view it is entirely desirable that the extension should be made because the cost of the extra miles of railway would be small compared with the cost of the extra working if an adequate water supply were not available at the terminus of the railway. It may interest hon. members to know the position at the present time. It is expected that the first 30 miles of the railway will be completed not later than the 7th March next and that the total authorisation should be completed by the end of May. The clearing and earthworks are practically completed. The bridges are constructed and the culverts for the first 10 miles out from Esperance have been put in. About 100,000 sleepers and 44 miles of rails have been received at Esperance. Of those rails about 10½ miles were forwarded prior to the recommencement of work in 1921. The balance of 33½ miles were forwarded recently. Some of the rails are secondhand 60-lb. and 45-lb. rails released by the relaying operations on the eastern railway and the Bridgetown-Jarndup section. To transport these rails and the sleepers, the s.s. "Eucla" has been running a special service between Albany and Esperance for some months past. At the present time, there are at Albany another 17 miles of the secondhand rails and the s.s. "Eucla" is taking a quantity each trip she makes to Esperance. The remainder of the rails will be supplied from a shipment of the new 45-lb. rails, which is expected at Albany early next year. The repairs to the jetty and the strengthening of the shore end to carry the locomotive have been completed. Plate laying with horse haulage is now being done for about two miles and it is expected that active operations, with the assistance of the locomotive, will commence after the Christmas holidays. It is proposed to lay three-quarters of a mile of rails per day and to reach Scaddan, 30 miles out, during the first week in March. The s.s. "Kurnalpi" was despatched from Fremantle on Saturday week under a special charter. She carried the locomotive, which had to be dismantled, and two "Q" trucks and six hopper trucks. These have now been landed at Esperance and the erection of them is in hand. The "Kurnalpi" has returned to Albany, where she will pick up the locomotive tender, four "Q" trucks and the brake van. It is hoped that these will be landed at Esperance in the course of a few days. Besides the tender and other equipment I have mentioned, two "G" and three "H" trucks will be forwarded. It is expected that the "Eucla" will take further trucks this week. That is the position as it stands at present.

Hon. J. J. Holmes: What is the total expenditure to date?

The MINISTER FOR EDUCATION: I have not the figures with me but I can obtain them for the hon. member if he desires them. The object is to authorise an extension for a further six miles in order to reach a satisfactory water supply. I move—

That the Bill be now read a second time.

Hon. J. EWING (South-West) [5.42]: I second the motion for the second reading of the Bill. I congratulate the Government on the energy they are displaying in building this line. We have heard of the necessity for the construction of the line for a long time past. We have been told that it is necessary in order to open up the agricultural areas in that part of the State. Hon. members who have been so much concerned about the building of the line may take heart to themselves when they know that everything that can be done, is being done in order to have the line constructed.

Hon. F. A. Baglin: There has been a great deal of energy!

Hon. J. EWING: In any case, every effort is being made to construct the line now.

Hon. G. W. Miles: Better late than never.

Hon. J. EWING: That is so. It is pleasing to note from the facts placed before the House by the Minister in charge of the Bill that so much energy is being displayed. If the line were in my district, I should be delighted to know that such energy was being put into the work.

The Minister for Education: The rails could not have been got reasonably before.

Hon. J. EWING: I know that. Twenty-two years ago, when I stood for the Collierie, opposition to the Esperance line was one of the main planks. I have said often since that I was wrong in my action then. I was afraid at the time of certain things that were likely to happen in connection with the goldfields. We have got over that phase, however, and the completion of the line now seems to be close at hand. I hope the settlement of people in the mallee country will prove highly satisfactory. There are a great many opinions on the question and the late Mr. Paterson was opposed to settlement there. He would not agree to money from the Agricultural Bank being spent there. Since then these difficulties have been overcome and the land appears to be good. Settlers are going there in large numbers and they are entitled to all the consideration we can give them. I hope they will be successful in their efforts.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

BILL—CLOSER SETTLEMENT (No. 2).

In Committee.

Resumed from 6th December.

Hon. J. Ewing in the Chair; the Minister for Education in charge of the Bill.

Clause 2—The board:

Hon. V. HAMERSLEY: I move an amendment—

That in line 3 of Subclause 2 "Bank" be struck out and "Department" inserted in lieu.

We have an Agricultural Department and it is being overlooked. The officers of that department should be au fait with all that is necessary regarding the development of land, and they probably would provide the man who would be quite capable of expressing an opinion about the quality of the land inspected, and the uses to which it should be put. We should take the opportunity of providing that one member of the board should be chosen from the Agricultural Department.

The MINISTER FOR EDUCATION: The hon. member has not given any reason for the suggested amendment. The Agricultural Bank makes advances for clearing and improvements, and its officers are constantly doing that sort of work. The officers of the Agricultural Department are more in the nature of technical experts. The amendment would not improve the Bill; it would have the reverse effect.

Hon. H. STEWART: The officers of the Agricultural Department would be called upon to fulfil the requirements of the board, and would be best able to determine whether the land to be acquired would come within the meaning of Clause 3. If anyone is in a position of determining whether land is capable of being put to reasonable use, it is the officers of the Agricultural Department. An officer of the Agricultural Bank is certainly not the proper officer to declare whether land shall be deemed unutilised and unproductive. I support the amendment because it is of prime importance that the first representative should be an officer of the Agricultural Department.

Hon. J. J. HOLMES: A bank officer, I should say, would be qualified in finance. If it is desired to select an officer to determine whether or not land is suitable for closer settlement, that man should certainly be an officer of the Lands Department, or perhaps the Agricultural Department, who, better still, should be more qualified than an officer of the Lands Department. The bank, though, would know at a later stage how much should be advanced on a property. If there are to be two officers of the Government on this board they should be a Land and Surveys Department and an Agricultural Department man.

Hon. A. BURVILL: The Agricultural Bank should certainly have some say in this matter. If land is compulsorily acquired,

the bank will then take an active part in the matter, and will send an officer out to ascertain whether the land is really worth an advance of money. If it is not, he will advise against it, whereas an agricultural expert, having no financial knowledge, may advise wrongly, and the onus would then lie on the Agricultural Bank, who might be obliged to advance money. The bank should certainly have some say in the matter.

Hon. C. F. BAXTER: A most important point about this matter is that the board are to determine whether the land shall be deemed unutilised and unproductive, or whether it is being put to reasonable use. Where will we find an officer of the Agricultural Bank who is capable of saying whether land has been put to reasonable use? It is the officer of the Agricultural Department who can do that. Therefore, he is the man who should be on the board. Let us get the best men procurable on the board. I support the amendment.

Hon. H. SEDDON: An agricultural expert must necessarily be seized with the returns from a property on which he is giving advice, and from that standpoint he is better equipped to determine the best purpose to which the land shall be applied, much more so than an officer of the bank, who would be inclined to look at things from the financial standpoint.

Hon. J. MILLS: The determination of the value of the land and whether it is being properly worked should be left in the hands of the Agricultural Department, at the head of which department is Mr. Sutton, a very capable officer, who has expert officers under him. At the same time the Agricultural Bank should have representation on the board. The work of the officers of the Lands Department consists practically of surveying. The Department of Agriculture has a prior claim to the Department of Lands and Surveys to have representation on the board.

Hon. H. STEWART: It is the minimum of equity and fairness that one of the two officers appointed by the Government should be an authority on the use to which the land acquired can be put. If an officer of the Department of Agriculture is regarded as more suitable than an officer of the Lands Department, that could be dealt with later. The bank, however, would not come into the business until a much later stage.

Hon. F. E. S. WILLMOTT: I support the amendment. The bank would not come into the business for a long time. Who would be the best official to decide whether an estate was unutilised? A competent official of the Department of Agriculture should be a member of the board. When the estate had been purchased and cut up the bank would become interested and not before.

The Minister for Education: The opinion of the bank would be considered before the estate was acquired.

Hon. F. E. S. WILLMOTT: No, the land would be acquired, because it was not being put to reasonable use.

Hon. G. W. Miles: If, after the board recommended the resumption of land, the bank declined to advance any money on it, what then?

Hon. F. E. S. WILLMOTT: Before such an impasse was reached the Minister would have consulted the officers of the Agricultural Bank. The board would report to the Minister, who would at once want to know what the bank would be prepared to advance on the blocks. The bank officers should be kept out of things which they know nothing about. They should be guided by the Department of Agriculture. If certain land was considered suitable for orchards and was unutilised, would not the fruit inspector be the man to decide whether it should be acquired and not the bank man?

Hon. J. Mills: Or the Lands Department man.

Hon. F. E. S. WILLMOTT: That is so.

Hon. J. Mills: But there must be one of the two on the board.

Hon. F. E. S. WILLMOTT: The Department of Agriculture should supply one member of the board.

The MINISTER FOR EDUCATION: It is a matter of getting the best man for the job. The Agricultural Bank officer contemplated would not be a purely financial man. It is necessary for the bank to have a great many officials who are land men rather than financial men. I see no advantage in tying the Government down so closely. Instead of striking out the word "bank" it would be preferable to insert "department or" so that the most suitable officer in either branch might be appointed.

Hon. H. STEWART: It is essential that one member of the board should be an officer of the Department of Agriculture. I have no objection to the Minister's alternative suggestion.

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

Ayes	..	..	13
Noes	..	..	7
Majority for	..	..	6

AYES.

Hon. F. A. Baglin	Hon. J. Mills
Hon. C. F. Baxter	Hon. J. Nicholson
Hon. J. A. Greig	Hon. H. Seddon
Hon. V. Hamersley	Hon. H. Stewart
Hon. J. J. Holmes	Hon. F. E. S. Willmott
Hon. A. Lovekin	Hon. J. Duffell
Hon. J. M. Macfarlane	(Teller.)

NOES.

Hon. A. Burvill	Hon. E. Rose
Hon. H. P. Colebatch	Hon. A. J. H. Saw
Hon. J. E. Dodd	Hon. H. Boan
Hon. G. W. Miles	(Teller.)

Amendment thus passed.

Sitting suspended from 6.15 to 7.50 p.m.

The MINISTER FOR EDUCATION: Mr. Rose has an amendment on the Notice Paper, but some of the words which he proposes to strike out must certainly be retained. I suggest that instead of moving the amendment he should move to strike out the word "knowledge," at the end of the fifth line of Subclause 2, with a view to inserting "experienced as a practical farmer."

Hon. E. ROSE: I move an amendment—

That in Subclause 2 the words "local knowledge of the matters under inquiry for the time being" be struck out, and "had experience as a practical farmer and knowledge of the value and conditions of the land under inquiry for the time being" inserted in lieu.

Hon. H. Stewart: I would suggest the insertion of the words "an experienced farmer."

The MINISTER FOR EDUCATION: The amendment moved by Mr. Rose is more comprehensive than that suggested by Mr. Stewart.

Hon. E. ROSE: A man may have been a practical farmer in the past and may have sold out, and such a man would probably be one of the best obtainable for the purpose of valuing land.

Hon. J. A. GREIG: The word "farmer" need not come into this at all. If an orchard were in question, a fruit-grower would be required for the purpose of valuing.

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

Clause 3—Inquiries of board:

Hon. E. ROSE: I move an amendment—

That in Subclause 2 the words "held in fee simple but" be struck out.

There has been a good deal of controversy over the exclusion of conditional purchase lands. The carrying of this amendment would include them.

The MINISTER FOR EDUCATION: I cannot possibly see my way to agree to the amendment. When a person takes up land under conditional purchase he is given a written contract, an undertaking that for a certain period of years, if he does certain things, he shall have certain privileges. The improvement conditions, I consider, are too light, and the Land Act should be amended in that respect. But how can we alter a written contract? Hon. members will say that the Bill interferes with the man who has fulfilled the contract. But he has no contract whatever now except to hold his land in accordance with the laws of the country for the time being. This amendment, although moved by Mr. Rose, who supported the Bill, will be supported most strongly by those who desire to destroy the Bill.

Hon. F. E. S. WILLMOTT: I support the amendment, but not for the reason suggested by the Leader of the House. I support it because I wish posterity to know that this Chamber favoured equal justice to all citi-

zens. The measure, as it stands, is most unjust, picking out one section of the community, and that section only. Surely we can trust any Government to do what is right and fair. Let the Government have power under this measure to deal with any land—town or country, agricultural or pastoral. We are told that it is necessary to settle lands adjacent to our railways not only in order to bring the population nearer the centres but also to make the railway system pay. If that argument holds good, why do we allow men at Como to keep 100 acres out of use while waiting for unearned increment? If the argument applies with regard to the railways, it is equally applicable to the tramways. If Mr. Rose's amendment is carried, the Government will be able to deal with any land in any part of the State, no matter by whom held. Under the amendment, the Government will be able to say to a man holding a million acres under pastoral lease, "If you had more wells and more dams and had your land better subdivided, you could carry a far greater number of stock." He says "I have not the means." Then they tell him they intend to take the land. That is exactly what is proposed to do with freehold. The Bill must be made equitable in its incidence. If we can interfere with freehold land, why can we not interfere with conditional purchase land? It is absurd to suggest that we should leave it until it becomes freehold. Some of us—thank God I am not one of them—are prepared to treat one section of the community in one way, and another in a different way. If ever there was a piece of class legislation attempted, it is attempted in the Bill. I will support the amendment.

Hon. J. DUFFELL: Again I draw attention to Mr. McLarty's evidence before the select committee at the close of last session. On the second reading the Minister said he did not think the House was in earnest in respect of last session's Bill, else he might have been induced to give favourable consideration to the request of the select committee. In the circumstances I must support the amendment.

Hon. A. BURVILL: I will oppose the amendment. If it be lost I will move to add another clause, to the following effect: "For the purposes of the Act land shall be deemed to be held in fee simple if held under conditional purchase and the right to the fee simple title has accrued."

The Minister for Education: That is reasonable.

Hon. A. BURVILL: Mr. Willmott said the Bill was unjust. I agree that it is not altogether just; but the amendment represents still another injustice. Conditional purchase land belongs to the Crown until it is fully paid for. The land is held under contract, and no further contract can be entered into until that contract is fulfilled.

Hon. C. F. BAXTER: How does one dispose of part of his conditional purchase land to another person?

Hon. A. BURVILL: It can be transferred to another if a certain legal course be taken, but legally the land does not belong to the holder until he completes his payment. I will oppose the amendment.

Hon. J. J. HOLMES: I will support the amendment. If we are to take any land for closer settlement, we should take all. The Minister says Mr. Burvill's proposed amendment is a reasonable one. What does it mean? It means that the Government are to sit on the doorstep until the conditional purchase holder fulfils his contract; and immediately he fulfils it, the Government will grab his land. It is suggested that the Minister is to go to London. Having regard to his view of Mr. Burvill's amendment, I think Russia would be a better place for him to go to. In this State Mr. McLarty is the recognised authority on land questions. Before the select committee Mr. McLarty said—

Personally I fail to see any difference between compulsorily acquired freehold land and compulsorily acquired conditional purchase land. There is no difference in principle.

That is what we want. If we are going to assail one title, let us assail all. The Minister says we want to kill the Bill. I have no desire to kill the Bill, but I have a desire to see that every section of the community is equitably dealt with. The owner of freehold land is the man who has come to this country, acquired his land and paid for it, the very man we want to encourage to stay here.

The Minister for Education: We do not want him if he is not going to use his land.

Hon. J. J. HOLMES: He may be using it in the only way by which he can make money out of it. The board will tell him he is not using it as he should use it. If land were taken from me by force I would accept the money and get out of the country. That is what a good many will do. There might be some justification for compulsory resumption if land of all classes were taken and paid for; but to take land from one section of the community alone, and that the section which established confidence in the country, is not only unjust, but unwise, and cannot have any support.

Hon. H. STEWART: On the second reading the Minister canvassed support on the plea that the Bill could be amended in Committee. The hon. member who moved the amendment was one of the Minister's strongest supporters for the passing of the second reading. The Minister at that stage told the House, not that conditional purchase land was unassailable, as he tells us now, but that in Victoria conditional purchase land could be resumed for closer settlement. Victoria is the best governed State in the Commonwealth. In the land laws of that State there is a proviso that before land of this type can be compulsorily resumed, a resolution to that effect must be carried by both Houses of Parliament. There is nothing to prevent the Minister from inserting a proviso to that effect in this Bill.

Hon. J. NICHOLSON: The clause without the amendment will be unfair and inequitable. It will create a feeling of distrust on the part of likely settlers. The freehold title is the best title any holder of land can expect to get. Conditional purchase land is only another form of tenure, and it can be made freehold on payment of the liabilities due to the Crown. If it is unjust that conditional purchase land should be brought within the scope of the Bill, it is equally unjust to apply it to land held in fee simple. I cannot see why one new settler who elects to take up conditional purchase land should be exempt from the provisions of this Bill, and another who elects to buy freehold should come within them. If conditional purchase land is required by the Crown, it can be resumed under the Public Works Act in the same way as can be done with freehold. I support the amendment.

The MINISTER FOR EDUCATION: All the arguments in favour of the amendment have been arguments against the Bill, and not in favour of the amendment. Mr. Holmes spoke about the Government sitting on a man's back doorstep to see that he complied with the conditions under which he took up his holding.

Hon. J. J. Holmes: You said that?

The MINISTER FOR EDUCATION: Not at all. Under conditional purchase conditions a man has a certain time in which to do certain things, and he cannot be forced to go outside the conditions under which he took up the land. If hon. members wish to make the Bill impossible, and take this means of killing it I cannot help it, but they should apply themselves to the amendment and not to the Bill as a whole. How can we turn round after a man has held a conditional purchase lease for ten years and say, "Unless you do double the amount of improvements than are required under the conditions of your lease, we are going to compel you to pay three times the amount of land tax?" Much of the conditional purchase land could be brought under the provisions of this Bill unless it was exempt, for the reason that the holders have not had time in which to wholly utilise their properties and make them fully productive. We cannot alter the conditions appertaining to conditional purchase leases.

Hon. J. J. HOLMES: It would appear that unless we include conditional purchase lands the Bill will not be worth bothering about. Mr. McLarty has said there is more conditional purchase land than alienated land along our railways, that this is especially the case along the new lines, and that south of Bridgetown the holdings were practically all leasehold. He also said that many people had the idea that every acre of land they saw along the railway lines ought to be growing crops, but that anyone who knew the business was aware that a great proportion of the land was not suitable for cropping and was only of grazing value. If we include the freeholder in this Bill, we must include the holders of all classes of land.

My idea is to make this an equitable Bill, and not to kill it.

Hon. A. J. H. SAW: I support the amendment. I have no desire to wreck the Bill. The man who bought land in fee simple, bought under the conditions that existed at the time, but those conditions can be varied if the laws dealing with land tenure be altered. The people taking up land under C.P. conditions are subject to the same limitations as those who buy land in fee simple.

Hon. J. J. Holmes interjected.

Hon. A. J. H. SAW: I do not ask for the opinion of Mr. Holmes before I express my opinions in this Chamber.

Hon. J. J. Holmes: It would be better for you if you did.

Hon. F. E. S. Willmott: He is surprised to find how sound your views are.

Hon. A. J. H. SAW: The man with C.P. land can have his contract varied at the will of Parliament. I cannot see that any injustice will be done to the man who is not utilising his holding to the fullest extent, if he is compensated in the same way as it is suggested that the holder of land held in fee simple shall be compensated.

Hon. F. E. S. WILLMOTT: I take exception to the remarks of the Leader of the House when he states that those who vote for the amendment will do so with the intention of wrecking the Bill. If we, who are supposed to represent one section of the community only, agree to such an amendment in this Chamber—

The Minister for Education: What will your party do about it?

Hon. F. E. S. WILLMOTT: Does the Leader of the House say that the members in another place, who are supposed to be so much more democratic than we, will not agree to the amendment?

The Minister for Education: The members of your party voted against it in the Lower House. The amendment was practically the same.

Hon. F. E. S. WILLMOTT: Let us hope they will now see the light.

Hon. A. J. H. Saw: You want to knock daylight into them.

Hon. F. E. S. WILLMOTT: If the members of that Chamber take the trouble to study the arguments brought forward by members here, they can come to only one conclusion, namely, that in the past they have been misguided and that in the future they will be wiser. I would remind the Leader of the House that the wise men change their opinions; fools never. So far as members of another place are concerned, I do not know that they are fools and they will have an opportunity of changing their minds. When the Minister was speaking, he pointed out that the members of the board might come along at the end of 10 years, after the holder of a C.P. lease had fulfilled the very mild conditions laid down in the Land Act, and say that the land was unproductive and unutilised within the meaning of the Bill.

The Minister for Education: But they could not come along, unless he had paid all his money.

Hon. F. E. S. WILLMOTT: If I thought for one moment that the board would act like that, even at this late stage I would await an opportunity to "bust the Bill up." We expect that the board will be comprised of sane men. If they contemplated the action suggested by the Leader of the House, they would be merely a band of pirates and should be terminated, by being hanged at the yard arm! We expect that the provisions of a Bill when passed will be carried out with a reasonable modicum of common sense. Why should not common sense be exercised by the board provided for in the Bill? Is it suggested that they should pass over land held in fee simple and attack only C.P. land? There is one particular reason why we should closely watch the holders of C.P. land. It is intended, if the Notice Paper be correct, to place before us a measure dealing with the expenditure of £300,000 in the South-West. The land to be served by the Jarnadup-Denmark railway represents the very areas mentioned by Mr. McLarty in his evidence. Should we regard as sacrosanct land held under C.P. conditions irrespective of whether the railway is paying or not?

The Minister for Education: There is practically no land taken up there.

Hon. F. E. S. WILLMOTT: The land between Jarnadup and Big Brook is nearly all taken up.

The Minister for Education: But that line is built.

Hon. F. E. S. WILLMOTT: But that line is not part and parcel of the State railway system. It is merely a State sawmill line. If the Leader of the House had had the ill fortune to own land along that line, he would know under what unthinkable conditions the settlers there have existed regarding the forwarding of their produce to markets.

Hon. G. W. Miles: What has this to do with the amendment?

Hon. F. E. S. WILLMOTT: Everything, and if the hon. member cannot see it, I cannot help it. I am not responsible for the lack of brain matter in his head.

The CHAIRMAN: Order! The hon. member must keep closer to the amendment.

Hon. F. E. S. WILLMOTT: The evidence read by Mr. Holmes dealt with only one small section. There is the same state of affairs along other lines. Therefore, the arguments of the Leader of the House have no force.

Hon. H. Stewart: So it is C.P. land, and not freehold, is that holding up the railways?

Hon. F. E. S. WILLMOTT: Certainly.

Hon. E. ROSE: I hope the Minister does not think for a moment that in moving the amendment, I intended to smash the Bill. During the second reading debate, I said I was not particular and that we might get the land held in fee simple dealt with first. Since then I have gone into the report of the select committee and considered the evidence given by Mr. McLarty,

who should be an authority in these matters. Taking everything into consideration, I believe that if the Government desire to enter upon a comprehensive drainage scheme, it will be necessary to include C.P. holdings. I had no idea when I tabled my amendment that it would give rise to all this controversy. I had no intention of including leaseholds in the North because the Bill provides merely for closer settlement. I believe that in the South-West there is a certain amount of C.P. land which it will be necessary to resume, so that an adequate drainage proposition can be carried out. That was my sole reason for moving the amendment. I do not want to see the Bill damned; I want to see it passed. I am a strong supporter of the Government and my only object in moving amendments is to make the measure more workable.

THE MINISTER FOR EDUCATION: I do not question the soundness of Mr. McLarty's conclusions. I am prepared to believe that there are a great number of C.P. leases which are not being used to the extent they should be. I emphasised the fact in moving the second reading and pointed out that the conditions governing improvements were the same now as in 1836 and I thought they should be altered. I am opposing the amendment for one reason only and that is that the Crown has given individuals contracts for a certain period of years. In that agreement the Crown set out what the individual should do year after year for the first ten years and also agreed that in the subsequent 10 years he must spend certain moneys in maintaining improvements and in making certain payments. The Crown set out in detail what the individual must do for 20 years. Therefore it is a fixed and binding agreement on both parties, stipulating what shall be done for a period of 20 years. Dr. Saw said that those having C.P. leases held their property subject to the laws of the land for the time being. I do not know that that is altogether the proper way to put it. When an agreement is made between the Crown and the individual as to what shall be done over a given period, is it to be contended that it is right for Parliament to pass a law that will alter the terms of an agreement that is binding on both parties?

Hon. A. J. H. Saw: When that land is required for special purposes.

THE MINISTER FOR EDUCATION: As a matter of fact, the holder of C.P. land knows that if his property is required for public purposes it may be resumed. That is part of the contract. Now it is proposed to introduce new terms and conditions into the contract. The conditions under which the land was taken up were such that it was considered at the time that it would take a man 20 years to fulfil them. It might be argued that because we gave that man too generous terms at the time, we should step in and say that he must do three times the quantity of improvements or pay three times the land tax. Apart from the justice of the Bill and its application to the holders of land in fee

simple, my sole point—and I labour it because of its importance regarding the fate of the Bill—is that the Crown has made a specific contract for 20 years with individuals. Can we, by an Act of Parliament, impose additional conditions upon those people? If in the opinion of the Committee it is just and proper to impose additional conditions, the Committee is entitled to do so.

Hon. H. STEWART: The Crown enters into a contract with the individual and stipulates what shall be done to the land. I understood the Leader of the House to say that that land, during the period of the lease, was subject to certain improvements, and that at the end of the term, when the contract was completed, it would come under the provisions of the Bill. Regarding existing contracts, the idea is, under the Closer Settlement Bill, not that there shall be improvements on the land, but that the land "shall be utilised." I do not think the Minister will find that there is any stipulation as to what use the land shall be put. It is not a matter of agricultural production at all. I cannot see that whereas one lot of land, in regard to which the conditions have been fulfilled, shall be made subject to agricultural production conditions and yet other land, which may have been held for 15, 10 or 5 years, shall still be free from any consideration under the Bill, and shall be safeguarded because the holders have fulfilled conditions as to the amount to be spent and the nature of the improvements to be made. The Minister would lead us to believe that, under the Act, conditional purchase land contracts, except for resumption required for roads and public works, are such that they cannot be varied. While powers are given in connection with resumptions, the basis of them is decided by a court. Within the last six months there has been an extensive settlement 30 miles east of Lake Grace and in connection with each block taken up, by virtue of existing legislation, those C.P. leases carry with them the stipulation which the Act in existence permits of, that the Government reserve to themselves the right to go on those blocks and carry out such work as they may consider necessary, even to the extent of putting in and taking off crops.

The Minister for Education: That is all right if it is in the agreement.

Hon. H. STEWART: Why should those who took up the land a few years earlier be exempt?

Hon. F. A. BAGLIN: What is going to happen after the 20 years are up?

The Minister for Education: The land will become freehold.

Hon. F. A. BAGLIN: But with only a couple of years to go the holders may sit tight and not attempt to secure the fee simple. If the clause is passed, it appears to me that we shall not be able to compel a man to apply for the fee simple after the 20 years has expired, and he will avail himself of the conditions of the Bill. Unless an explanation is forthcoming, I shall not support the clause.

The MINISTER FOR EDUCATION: Paragraph 6 of Section 55 of the original Act says—

At the expiration of the lease or at any time after five years from the date of the commencement of the lease, provided that that all the conditions of residence, fencing, and improvements have been complied with, and the said fencing and improvements maintained, and also that the full purchase money and fees have been paid, a Crown grant of the land shall issue.

Hon. J. Nicholson: If the holder does not pay his fee?

The MINISTER FOR EDUCATION: Then he forfeits his land altogether. I am prepared to support an amendment that will make it clear that at the end of 20 years the holder shall take up the Crown grant or else forfeit his land. Mr. Stewart quoted the conditions that had been put into recent agreements. A man who takes up land under those conditions knows where he is. My objection is to putting something into agreements made between the Government and the individual in years gone by—agreements which are still current.

Hon. J. J. HOLMES: The Minister has told us that it is a breach of faith to interfere with contracts that have been made, and he told us that the conditional purchase conditions are altogether too liberal and should be amended. The Minister spoke from the point of equity. The conditional purchaser is fulfilling his conditions but he is not utilising the land in the manner desired by the Bill. Shall we say to him, "You are not utilising that land; we are not going to let you waste your energy there for the next five years and as soon as you get your Crown grant, we will take the land from you?" The more just mode of procedure is to say, "You are certainly carrying out the improvement conditions, but you are not utilising the land and making it productive." Would it not be more equitable to bring him under the conditions of the Bill and not let him wait five or six years, to develop the land in a way which may not be regarded as satisfactory? The best thing to do will be to say, "We will take your land and we will give you your money." Then, if the land is taken from him by force, he will go somewhere else where he can acquire a home. Mr. McLarty when appearing before the select committee, said:—

I fail to see why a man with a large area of leasehold land unutilised should not be subject to the same conditions as the freeholder.

Later on he stated—

The first thing to be decided is, what is a reasonable area of arable land to allow a man in the South-West? I certainly do not think any man who has the ambition and the means to be more than just a cocky, to be knocking out a bare living, should be debarred from holding a larger area of land, so long as he is prepared to utilise it. In my opinion it would be very unfair to

restrict a man to 200 acres if he had the means and the ability to utilise more.

These remarks apply to all.

Amendment put and a division taken with the following result—

Ayes	16
Noes	4

Majority for	12
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AYES.

Hon. F. A. Baglin	Hon. J. Mills
Hon. C. F. Baxter	Hon. J. Nicholson
Hon. H. Bosu	Hon. E. Rose
Hon. J. A. Greig	Hon. A. J. H. Saw
Hon. V. Hamersley	Hon. H. Stewart
Hon. J. J. Holmes	Hon. F. E. S. Willmott
Hon. A. Lovekin	Hon. J. Duffell
Hon. J. M. Macfarlane	(Teller.)
Hon. G. W. Miles	

NOES.

Hon. A. Burvill	Hon. H. Seddon
Hon. H. P. Colebatch	(Teller.)
Hon. R. J. Lynn	

Amendment thus passed; the clause, as amended, agreed to.

Clause 4—Board to report to Minister:

Hon. H. SEDDON: I move an amendment—

That after "Minister" in line 5 the words "and shall define in that report what in their opinion is reasonable use to which the land should be put," be inserted.

This will put the responsibility on the board and persons holding land will have an idea what is expected of them.

Amendment put and passed.

Hon. H. SEDDON: I move an amendment—

That in line 14 the words "on application" be struck out.

The owner is entitled to receive a report without having to apply for it.

Amendment put and passed.

Hon. C. F. BAXTER: I move an amendment—

That the following be added to the clause:—"Within one month after the service of the notice as provided in Section 5, the owner or any person having any interest in the land as legal or equitable mortgagee may appeal against the decision of the Minister to the appeal board as hereinafter constituted. The Appeal Board referred to in this section shall consist of three members, one of whom shall be a judge of the Supreme Court or resident magistrate, another shall be appointed by the Governor, and the third shall be appointed by mutual agreement between the owner and the person or persons having an interest in the land proposed to be acquired as legal or equitable mortgagee."

This is a drastic measure but everything is to be left to the board. When the board are to have such extensive powers, it is reasonable that there should be somebody to whom the owner of the land may appeal.

The MINISTER FOR EDUCATION: You ought to move your amendment to Clause 6.

The CHAIRMAN: I think it would be well for the hon. member to accept the Minister's suggestion.

Hon. C. F. BAXTER: I ask leave to withdraw the amendment.

Leave refused.

Hon. H. STEWART: If Mr. Baxter's amendment were added to a subsequent clause, the process of gazetting the land would have taken place and it would then be too late for the owner to appeal. Any argument which will defeat an amendment is quite sufficient for the Minister. If the amendment is carried, I propose to move an amendment to Clause 5 making it read that the Governor "subject to the right of appeal in the last preceding section" may declare land reported on to be subject to the Act.

Hon. A. J. H. SAW: If there is any appeal it must come after the Minister has decided to act; otherwise there will be countless appeals which might be quite unnecessary, because the Minister may decide not to act.

Hon. H. STEWART: If Dr. Saw had read the amendment he would have realised that there was no point in his remarks.

Hon. V. HAMERSLEY: A man whose land is reported on by the board should have the right to appeal immediately; otherwise his appeal might be too late. He might wish to put his land on the market, but the public, knowing that the land had been reported on by the board to the Minister, might be scared off buying. The owner should have the right to prove immediately that the land was more productive under grazing conditions than it would be under cultivation. The mortgagees of a man whose land had been reported on by the board under this Bill would be likely to call up the money advanced for improvements, having regard to the treble land tax. This seems to me the right place for the amendment.

The MINISTER FOR EDUCATION: The hon. member is again indulging in a general argument against the Bill, which apparently he has not read. The clause provides that the board before making their report shall give notice to all concerned, and that all persons interested may appear before the board. The board must take the owner's side of the case on oath, and must submit his side to the Minister. There cannot be an appeal without a decision.

Hon. J. J. HOLMES: The Minister appears to have lost sight of the fact that we have amended the first paragraph of Clause 4. The owner can come along with his appeal before the land is gazetted. When the board have given their decision as to the manner in which the land shall be utilised, there must be an appeal to a higher authority. The Leader of the House has not stated whether

he approves of the principle of appeal to a higher authority. Pastoral leases in the Northern Territory were granted in areas of 320 and 400 square miles. One station there runs into 9,000 square miles. The Commonwealth Government say to the lessees of the Northern Territory, "We do not want to interfere with your leases, but we cannot do anything to develop the Northern Territory unless you give up some of your holdings." The Commonwealth Government do not proceed by force as we propose to do under this Bill; they wish to do what is necessary by negotiation. After the appeal to the Minister, there is an appeal to the Supreme Court. No man is better qualified than the Leader of this House to tell the Committee where the amendment should be inserted. So far the Minister has contented himself with saying that this is the wrong place.

The Minister for Education: Mr. Baxter is already satisfied as to where the amendment should go.

Hon. C. F. BAXTER: My desire is not that an appeal board should consider all the reports sent in, but that an appeal board should consider the matter after it has been decided that a property shall be subject to this measure. I again ask leave to withdraw my amendment.

Amendment by leave withdrawn.

Clause put and passed.

Clause 5—Land may be declared subject to this Act:

Hon. H. STEWART: I have an amendment dependent upon the carrying of Mr. Baxter's amendment. The Minister is an astute tactician, but I am not quite so callow as I was six years ago. I believe the appeal board will be adopted, but I had better not move my amendment until that has been done.

The CHAIRMAN: To what is the hon. member speaking?

The Minister for Education: The hon. member is speaking to some amendment which he may or may not move.

Hon. H. STEWART: I am making an explanation. One has to consider what one will do. My amendment would be to insert after "Governor" the words "subject to the right of appeal as hereinafter provided."

The CHAIRMAN: Those words could be inserted at the end of the clause.

The MINISTER FOR EDUCATION: Any such amendment is quite unnecessary. I am not going to discuss whether there should be an appeal or not, until we come to that point. If the measure does contain an appeal, there is no necessity to say here "subject to appeal." If there is any provision for appeal, it should be after the first paragraph of Clause 6.

Hon. H. STEWART: I appreciate the remarks of the Minister. When I should have finished conveying to the Committee what my amendment was, I would have informed the Committee that I did not think it advisable to move it. The Minister has anticipated me.

Clause put and passed.

Clause 6—Notice to owner:

Hon. C. F. BAXTER: I move an amendment—

That the following be added at the end of Subclause (1):—"Within one month after the service of such notice the owner or any person having any interest in the land as legal or equitable mortgagee may appeal against the decision of the Minister to the appeal board as hereinafter constituted. The appeal board referred to in this section shall consist of three members, one of whom shall be a Judge of the Supreme Court or resident magistrate, another shall be appointed by the Governor, and the third shall be appointed by mutual agreement between the owner and the person or persons having an interest in the land proposed to be acquired as legal or equitable mortgagee."

Surely the owner should have some appeal against the decision of the Minister.

The MINISTER FOR EDUCATION: If there were to be an appeal board, I do not think any fault could be found with the one set up by the hon. member. But it will not serve any useful purpose to have an appeal from an expert board to a legal board when the question is not one of law, but one of fact. I will vote against the amendment.

Hon. A. LOVEKIN: The amendment provides for an appeal against the decision of the Minister. I do not find anywhere in the Bill that the Minister gives a decision at all. It is the Governor-in-Council who declares the land to be subject to the Act.

The Minister for Education: The appeal is against the declaration of the land being subject to the Act.

Hon. A. LOVEKIN: But that is not the decision of the Minister.

The Minister for Education: Certainly not.

Hon. A. LOVEKIN: Therefore, the amendment is of no use.

Hon. F. E. S. WILLMOTT: I am in favour of an appeal. The board will consist of two civil servants and one agriculturist. The two civil servants will come to a decision and lay that decision before the Minister. The Minister will accept it. Surely, then, there should be a right of appeal to some independent tribunal. The Minister says the expert board will be more competent to judge than will the legal board. But the legal board will give the owner a far better chance to put up his case.

Hon. A. Lovekin: But the amendment says it is an appeal against the decision of the Minister.

Hon. F. E. S. WILLMOTT: The hon. member is splitting straws. The question is whether it is desirable to have an appeal from the decision of the Governor-in-Council based on the report of the board.

Hon. A. Lovekin: Well, let us say so.

Hon. F. E. S. WILLMOTT: It is not necessary to say so, but it is necessary that there should be a right of appeal.

Hon. C. F. BAXTER: The Minister says it will be an appeal from an expert board to a legal board. That is not so. The Governor-in-Council will not appoint to the appeal board someone with no knowledge of the land. The owner of the land on his side will see to it that his representative is familiar with land questions. The impartial chairman also will be chosen for his knowledge of the land.

The Minister for Education: Well, strike out from the amendment "the decision of the Minister" and insert "such declaration."

Hon. C. F. BAXTER: I am agreeable to that.

Hon. J. Nicholson: And insert after "mortgagee" the words "or lessee or otherwise."

Hon. C. F. BAXTER: All right. With your permission, Sir, I will modify my amendment by inserting after "mortgagee" in line 3 the words "or lessee or otherwise" and by striking out from line 4 "the decision of the Minister" and inserting in lieu "such declaration."

The CHAIRMAN: I will accept the hon. member's modification of his amendment.

Amendment as modified put and passed.

Hon. H. SEDDON: I move an amendment—

That "or" be inserted at the end of paragraph (b), and the following new paragraph be added:—"(c.) To utilise the land and make the same productive within the meaning of subsection (2) of section 3."

That will give the owner an opportunity to bring his land into immediate use before that land is declared subject to the Act.

The MINISTER FOR EDUCATION: The amendment will nullify the whole measure, because the man on whom the notice is served will say, "I am going to use the land" and that will be the end of it.

Hon. H. Seddon: My intention is that he shall use it.

Hon. H. STEWART: The hon. member will have to amend Subclause 5 so as to make this third alternative equally binding. If the owner elects to utilise his land and does not utilise it, it will be open to the Government to resume it. The amendment is a wise one. Is it not better to keep on the land the man who understands it rather than replace him by one who has not the same knowledge?

Hon. J. J. HOLMES: I support the amendment. If a man fails in his appeal, who has a better right to utilise the land in the way set out by the board than the rightful owner? He ought to be given at least twelve months in which to make his land productive.

Hon. A. J. H. SAW: What is to be the penalty provided the owner sets out to make his land productive and fails to do it?

Hon. J. J. Holmes: Compulsory resumption.

Hon. A. J. H. SAW: By this amendment the owner will be able indefinitely to postpone the carrying out of his obligations.

Hon. J. J. HOLMES: The owner has to utilise his land in the manner directed, and to do this following upon the failure of his appeal.

The Minister for Education: After our experience with the pastoralists I do not want to give anyone else twelve months in which to make up his mind. The time allowed in this case should not be more than three months.

Hon. J. J. HOLMES: I hope the Minister will follow me on this question as he should have done on the other. If the owner does not carry out his obligations the land will be resumed. He should, at any rate, have the first right of utilising the land in the manner directed by the board.

The MINISTER FOR EDUCATION: Mr. Seddon should make his amendment read as a new paragraph (b). I do not mind giving the owner an opportunity of utilising his land.

Hon. H. Seddon: I accept the suggestion and would like to alter my amendment accordingly.

The CHAIRMAN: I have amended Mr. Seddon's amendment in that direction.

Hon. A. LOVEKIN: I draw the Minister's attention to the fact that paragraph (a) imposes a burden and paragraph (b) imposes a tax.

Amendment put and passed.

The MINISTER FOR EDUCATION: It will be necessary to insert a paragraph corresponding to paragraph (3), which sets out the obligations the owner takes upon himself when he elects to subdivide his land. The new paragraph will have to set out the obligations the owner takes upon himself when he elects to utilise the land. I will have this drafted.

Hon. H. STEWART: I move an amendment—

That in Subclause (3), paragraph (3), the words "from time to time as required by the board" be struck out.

Amendment put and passed.

Hon. H. STEWART: I move an amendment—

That the following be added to Subclause (3): "the owner shall have a right of appeal as provided in Subsection 2 of Section 4 in respect of his requirements under paragraphs (2) and (3)."

The clause provides that the owner may notify the board in writing of his election to subdivide and offer his land for sale, and he must submit to the board for its approval his scheme for that subdivision. He has also to carry out surveys in accordance with the desires of the board and he is required to cause the subdivisational lots from time to

time, as required by the board, to be offered for sale by auction or private contract at such reasonable upset prices and upon such reasonable terms and conditions as the board may approve. Mr. Willmott has already dealt with the personnel of the board, and it is only fair that the owner shall have the right of appeal against the method of subdivision and the upset prices and conditions determined by members of the board, on the recommendations of whom the Governor-in-Council will act.

The Minister for Education: The man with a long purse can keep going a long time appealing at every stage.

Hon. H. STEWART: The people with whom the measure will deal have not very long purses.

Hon. A. J. H. Saw: Some of them are so well off that they can afford to sit back.

Hon. H. STEWART: Unfortunately, I spoke against the second reading of the Bill, which has been considerably altered by supporters of the Leader of the House. It seems as though the Minister is prejudiced against my amendments. I move an amendment—

That at the end of Subclause 3 the following be inserted:—"The owner shall have the right of appeal as provided under Section 6 in respect of the Board's requirements under paragraphs (ii) and (iii)."

The MINISTER FOR EDUCATION: I can assure the hon. member that I am not prejudiced against his amendment, because he has moved it. Rather would that commend the amendment to me. It will make the Bill unworkable if we provide for appeals at every stage. Surely it is only necessary to provide for the right of appeal against the major question as to whether the land should be subject to the Act or not. If we make provision for appeals on every point, we shall never get anywhere.

Hon. J. J. HOLMES: Surely the owner should have some say as to the price at which his land should be sold and the conditions under which it should be taken over. The board is to decide what is a reasonable upset price and what will be reasonable terms. Surely we are living in a free country, and if the owner has a good case in support of his contention that the board's prices and terms are not reasonable, he should be allowed to go to court. If he cannot prove his contentions, he has to pay the costs.

Hon. A. J. H. SAW: I oppose the amendment. In the first place the owner of land will probably be impoverished because he has held the land for so long without being capable of putting it to use. He will still further impoverish himself by appealing against his land being brought under the provisions of the Bill. It is now proposed to give him a further opportunity to impoverish himself by granting him the right of appeal against prices of subdivisions. The amendment will tend to drive these people into the bankruptcy court.

Hon. V. HAMERSLEY: Dr. Saw has had nothing to do with land. The experience of

some of us who have been taxed off it already by roads boards and other bodies, suggests we should have some say as to the upset prices at which land is sold. A number of people have already had their properties sold and they have not got 6d. out of them. This is another form under which these Bolsheviks are endeavouring to push things through this Chamber. The owner should have some say in these matters. Moreover, he may have mortgagees associated with him who are also interested in the disposal of the land. These things are frequently worked and it would be possible for men concerned with the business to spread the news around that certain property is to be sold and urge friends to come along and take advantage of the bargain. In such circumstances, the poor owner has no right of appeal. The same thing applies in other countries, and it seems as though this condition of affairs is to be instituted here. We should be fair to the poor beggar who has been "shooed off" his property.

Hon. J. NICHOLSON: The difficulty could be easily overcome by providing an amendment that the upset price shall be such as is mutually agreed upon by the board and the owner, and failing an agreement on the upset prices and terms, and so forth, the matter may be decided by the magistrate of the local court in the district within which the land is situated.

Hon. A. Lovekin: Would a magistrate have any idea of the value of land?

Hon. J. NICHOLSON: He should have a good idea because he is always dealing with land valuations arising out of rating matters. The fact that such a provision was included in the Bill would make the board more careful and thus avoid risks which members seem to fear. I agree with the Leader of the House that we should not provide for appeals at every possible stage. That would not be a fair thing. If the hon. member will agree to such an amendment as that I have outlined, the difficulty might be overcome.

Hon. H. STEWART: Mr. Nicholson can prepare the amendment which he has outlined. In the meantime, I have no wish to provide anything that will prove to be expensive. As to bringing in another class of board in the shape of the local magistrate, I do not know if that will overcome the difficulty. The appeal board may consist of the magistrate together with a Government nominee and a local man in addition. I do not know that Mr. Nicholson's suggested amendment is really necessary. I do not agree that the people affected will take advantage of the amendment merely to put themselves to the expense of an appeal. I do not think Dr. Saw's anticipations will be realised.

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

Ayes	8
Noes	7
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Majority for	1
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AYES.

Hon. J. J. Holmes	Hon. H. Seddon
Hon. A. Lovekin	Hon. H. Stewart
Hon. J. M. Macfarlane	Hon. F. E. S. Willmetts
Hon. J. Mills	Hon. V. Hamersley

(Teller.)

NOES.

Hon. F. A. Baglin	Hon. J. Nicholson
Hon. H. Boan	Hon. A. J. H. Saw
Hon. A. Burvill	Hon. E. Rose
Hon. H. P. Colebatch	

(Teller.)

Amendment thus passed.

Hon. H. STEWART: I move an amendment—

That the following proviso be added to the end of Subclause 3: "Provided that if the owner, within three months of the land being offered for sale, fails to effect a sale the Government shall, if called upon by the owner, acquire the land at the upset prices fixed by the board, or alternatively shall discharge the land from being subject to this Act and recoup the owner any expense incurred by him in connection with the subdivision and sale thereof."

The board declares that the land has to be utilised for certain purposes. A man may offer his land for sale on terms to be approved by the department, but he may not get a single buyer, or he may sell the lot or a portion. If he has fulfilled all the conditions, the Government should compulsorily acquire that land at the price which they said was fair and reasonable. But there is this position, that the Government may still not want to acquire that land at the price which they said was fair and reasonable. Then, is it not simple justice that the land should be discharged from the operations of the measure?

The MINISTER FOR EDUCATION: I do not see any object in the proviso. If the land is not sold, the holder has done his part.

Hon. H. Stewart: It is just as well to state it clearly.

Hon. J. J. HOLMES: If the owner of land has been compelled to subdivide it and offer it for sale, and it is not wanted, is it just that he should be put to that expense? It is a fair thing that he should be recouped. That is not an unreasonable proposal. I intend to support the amendment, not to kill the Bill, but to make it fair and equitable to all parties.

Hon. J. MILLS: We should not use lightly the word "survey" because to-day the cost of surveys is great. A hundred acres will cost about 2s. an acre to survey, and the cost decreases as the area increases. The expense is considerable and the Government should recoup the holder if the land is not sold.

Hon. A. J. H. SAW: The proviso declares that if a sale is not effected, the Government shall be called upon to pay the owner. Suppose the owner divides the land into ten different parts and he sells one, will it be

considered that he has effected a sale if he has failed to sell the lot? If he should sell only one of the ten portions he will be in an infinitely worse position than if he had not sold any at all. Under the proviso an owner would have the privilege of reaping a profit, and if he failed to sell the whole of the land he then could come on the Government and compel them to take those unsold portions at the price fixed.

Hon. F. A. BAGLIN: I can understand Mr. Holmes and Mr. Stewart being interested in the land owner and wanting to protect him. If the logic is to apply, let us apply it all round. What about a mistake that may be made by the Crown Law authorities in regard to an individual? What redress would he have? At Bunbury recently a man was committed to prison. He appealed and his appeal was upheld and yet he had no redress. Why make a special provision for the land owner? We should afford equal protection all round.

Hon. J. NICHOLSON: This clause emphasises the point to which I alluded on the second reading, that the measure will prove to be unworkable.

The Minister for Education: If the proviso is included, it will.

Hon. J. NICHOLSON: It would be unworkable even in the form in which it was presented to us. It would have been much better to introduce a Bill of three clauses providing for power to resume land for the purpose of closer settlement and fix the price by arbitration. This measure contains 16 clauses and probably two or three more will be added.

The Minister for Education: You cannot make another second reading speech now.

Hon. J. NICHOLSON: I doubt if the clause will attain the object desired. If an owner elects to subdivide his land, it is not fair that he should be burdened with the cost of the subdivision which the Government have practically imposed upon him. If an owner is put to expense in exercising one of the alternatives, the Government should recoup him. The amendment refers to the upset price fixed by the board. The board will not fix the upset price, but will merely approve of it. It would be sufficient to provide that if the land owner exercised one or other of the alternatives and incurred expense, the Government should take over his land at a price to be determined.

Hon. J. J. Holmes: The price would have already been determined.

Hon. H. Stewart: What is wrong with the upset price?

Hon. J. NICHOLSON: The upset price generally is the minimum basis from which one is prepared to start.

The Minister for Education: It is where one is prepared to finish if one cannot get anything better.

Hon. J. NICHOLSON: If the Government are earnest in their desire for closer settlement and determine that certain land is required, let them take it over absolutely and

be done with it. Mr. Stewart should frame an amendment requiring the Government actually to purchase.

Hon. J. J. HOLMES: If it were a crime to own land I could agree with Mr. Baglin. If a man has fulfilled his contract and the Government propose to take his land from him, surely it is fair that the Government after having forced him to put his land on the market—

Hon. F. A. Baglin: It is a crime to hold land out of productive use.

Hon. J. J. HOLMES: But the owner would have acquired the land in a proper way. The fact of being unable to sell the land at the price and conditions approved by the board should necessitate the Government meeting any expense.

Hon. F. A. Baglin: Such a man could unload his land on the Government.

Hon. J. J. HOLMES: No, he could not. Surely after having been put to expense, the landowner should be able to say to the Government, "You fixed the price and forced me to do this. You take the land or recoup me." Is not that a fair proposal?

Hon. F. A. Baglin: Apply it all round.

Hon. A. BURVILL: It seems only a reasonable thing, in view of the trouble and expense to which the owner is put, that the board should buy, at the upset price which they have fixed, any remainder of the land.

Hon. H. STEWART: The Government, declaring that they want land for closer settlement, put a landowner to expense. Then I say they should either buy the land from him or else recoup him for the expense to which he has been put. My amendment has been drawn by the Parliamentary Draftsman. The Minister has carried amendments here, and subsequently has come back with the same amendment in another form intended to express its spirit, and has re-committed the Bill for the purpose of embodying the amendment as re-drawn. My idea would be to add this proviso, "Provided that if the owner within three months of the land being so offered for sale fails to effect a sale, the Governor shall forthwith acquire the land at those upset prices if called upon by the owner so to do, or, alternatively, shall discharge that land from being subject to this Act, and shall recoup the expense incurred by the owner in subdivision and offering for sale."

Hon. J. Nicholson: Instead of "alternatively" it might read "at the option of the owner."

Hon. H. STEWART: That amendment might be effected on recommitment. I would further suggest the elimination from the amendment of "as fixed by the board." I ask leave to delete from the amendment the words "as fixed by the board."

The CHAIRMAN: It would be unusual for a member to move to amend his own amendment.

Hon. J. J. HOLMES: I move an amendment on the amendment—

That the words "effect a sale" be struck out.

Amendment on the amendment put and passed.

Hon. J. J. HOLMES: I now move the following amendment on the amendment—

That the words "sell the land" be inserted in lieu of the words struck out.

Hon. F. A. BAGLIN: What are we heading to? What guarantee shall we have that the owner has made any honest endeavour to sell the land? The owner has three alternatives, and he chooses this one of the three. Let him take the consequences.

Hon. J. Nicholson: Read Subclause 3.

Hon. F. A. BAGLIN: I am dealing with the amendment. That amendment leaves it open to the owner to make no genuine attempt to sell.

Hon. J. NICHOLSON: If Mr. Baglin would refer to Subclause 3, he would see that the owner is compelled to submit the land for sale by auction or private contract at such reasonable upset prices, and upon such reasonable terms and conditions, as the board may approve. The owner is bound there.

Hon. H. Stewart: Yes, bound for three months.

Hon. J. NICHOLSON: I suggest that the words to be inserted should be "sell all or any portion of the land." There might be a case in which one or two or three blocks out of several score were sold, and that case must be provided for. Then, after the words "acquire the land" I would suggest the insertion of "or so much thereof as shall remain unsold."

Hon. J. J. HOLMES: My amendment aims at making the position clear. There might be 99 blocks of the land, and if one of those blocks were sold, that would be a sale. There might be arguments before the court for days to decide what "fails to effect a sale" means.

Hon. H. STEWART: This proviso was drafted by the Parliamentary Draftsman. If the owner fails to effect a sale, that refers to the estate. Mr. Nicholson's suggestion would make the position much clearer. Mr. Holmes's amendment on the amendment might be dealt with on recommitment.

Further amendment on the amendment put and passed.

Hon. J. J. HOLMES: I now move a further amendment on the amendment—

That the words "fixed by the board," in line 5, be struck out.

Further amendment on the amendment put and passed.

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

Ayes	..	..	..	..	6
Noes	..	..	..	..	8

Majority against .. 2

AYES.

Hon. A. Burvill
Hon. J. J. Holmes
Hon. J. Mills

Hon. H. Stewart
Hon. F. E. S. Willmott
Hon. V. Hamersley
(Teller.)

NOES.

Hon. H. Boon
Hon. H. P. Colebatch
Hon. J. M. Macfarlane
Hon. J. Nicholson

Hon. E. Rose
Hon. A. J. H. Saw
Hon. H. Seddon
Hon. F. A. Baglin
(Teller.)

Amendment as amended thus negatived.

The clause, as previously amended, put and passed.

Clause 7—Acquisition of land:

Hon. V. HAMERSLEY: I move an amendment—

That after “may,” in line 2, the following be inserted:—“Within the next three months after such default.”

The owner elects to do certain things. If he fails to carry them out, the Governor should have a limited time in which to take action.

The MINISTER FOR EDUCATION: I have no objection to the amendment.

Amendment put and passed.

Hon. H. STEWART: There are several important points in this clause. Mr. Baxter, who has an amendment to move, has been called away on account of illness. I suggest that the Minister report progress.

Progress reported.

House adjourned at 10.53 p.m.

Legislative Assembly,

Tuesday, 12th December, 1922.

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The DEPUTY SPEAKER took the Chair at 2.30 p.m., and read prayers.

QUESTION—STORM-WATER DRAINS, FREMANTLE.

Mr. GIBSON asked the Minister for Water Supply: 1, What is the capital cost of each storm-water drain in the Fremantle municipality? 2, What is the amount of revenue received by the Government by way of storm-water rate for each of the above drains? 3, How long do the Government intend to place that charge on the ratepayers?

The MINISTER FOR WATER SUPPLY replied: 1, Howard Street, £6,599; Essex Street, £11,702; Cliff Street, £1,328; Lefroy Road, £5,332; Philimore and Market Streets, £2,603; James Street, £1,796; total, £29,360. 2, Separate accounts are not kept for each drain. Total revenue from storm-water rates from date rates were first levied to 30/6/22, £20,288. 3, Rates will be levied for at least 50 years, but it is not possible to indicate the position after this period has elapsed.

QUESTION—RAILWAY EXCURSION FARES.

Sundays and Holidays.

Mr. MUNSIE (for Mr. Lutey) asked the Minister for Railways: 1, Why are Sundays and holidays excluded from the issue of cheap excursions in the metropolitan area? 2, Are tickets not to be issued from stations between Subiaco and Fremantle? 3, If so, why?

The MINISTER FOR RAILWAYS: 1, Because the Arbitration Court has prescribed penalty rates of pay for these days. 2, No. 3, Because the ordinary fare for this short distance is so low that reduction is not warranted.

QUESTION—MABLE CASE.

Mr. JOHNSTON asked the Premier: 1, Will he, in accordance with his promise, state what decision was arrived at in the case of Thomas Mable? 2, Is it his intention to lay on the Table of the House the report of Mr. Grogan on his recent investigation into this case?

The PREMIER replied: 1, I made no such promise. I said the matter was receiving consideration and would be finalised in a day or two. 2, No.

QUESTION—COPPER SEPARATION, NEVILLE PROCESS.

Mr. CORBOY asked the Minister for Mines: 1, In view of the successful experiments with the Neville copper separation process, are the Government doing anything to make that process available to ore producers in this State? 2, If not, what do the Government intend to do in the matter? 3, Is it intended to use the process to obtain the produce from ore at present stacked in the Phillips River District?

The MINISTER FOR MINES replied: 1, The Government are keeping in close touch