

ask the Minister to constitute a mining board composed of men who have hung on to the field, in some cases, for as long as 30 years, and give the board sufficient money to sink one shaft from the 130ft. level to 150 or 160 feet, and then to put in a crosscut to ascertain whether the lode exists. The Government went to the assistance of Greenbushes to the extent of a battery, but a battery is useless when the only work in progress is drainage. Every Government owes a duty to assist Greenbushes, because it is a crime to let the town go down. The local residents have already put in what money they could afford, and £5,000 should be earmarked for Greenbushes from the special vote. There is a large tract of country leading 14 miles south of Greenbushes and 12 miles west of Bridgetown which gives good indications of tin. Its name is Smithfield. Years ago I spent some hundreds of pounds in prospecting for tin there, but the party found nothing of sufficient value—only two or three ounces every here and there. The Government have money available for mining development, and should spend it. It would be useless for the Minister to offer even £5 subsidy for £1, because Greenbushes has not the money to put in. Therefore an amount of £5,000 should be earmarked from the special grant. My personal preference would be for diamond drilling by an officer of the Mines Department with the assistance of Greenbushes miners.

Vote put and passed.

Progress reported.

*House adjourned at 11.10 p.m.*

## Legislative Council,

Thursday, 3rd November, 1927.

Question : Mental Receiving Home, staff ...	...	1611
Bills : Industries Assistance Act Continuance, 2a., passed ...	...	1611
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The PRESIDENT took the Chair at 4.30 p.m., and read prayers.

### QUESTION—MENTAL RECEIVING HOME, STAFF.

Hon. E. H. GRAY asked the Chief Secretary: When arranging for the staff to be employed at the Point Heathcote Receiving Home, is it the intention of the Minister to provide that men attendants shall be engaged to care for male patients?

The CHIEF SECRETARY replied: The Government have not yet given consideration to the staffing of Heathcote.

### BILL—INDUSTRIES ASSISTANCE ACT CONTINUANCE.

Read a third time and passed.

### BILL—RAILWAYS DISCONTINUANCE

*Second Reading.*

THE CHIEF SECRETARY (Hon. J. M. Drew—Central) [4.35] in moving the second reading said: This is a class of Bill that, I am glad to say, is seldom submitted to this House. As a rule we introduce Bills for the building of railways; this is a Bill for the pulling up of railways. There are three in all—the Bunbury Racecourse line, the Kalgoorlie-Kanowna line, and the Kamballie to Lakeside section. The Bunbury racecourse line was constructed in 1897 before the advent of motor cars. It consists of 1 mile 36 chains of line, and was placed in its present position to serve the racecourse and show grounds. The distance of both the racecourse and the show ground from Bunbury is two miles. In the early history of the

siding a fair amount of traffic was conveyed inwards and outwards, but of late years the motors have practically taken the whole of the traffic. In the last three years the earnings for this siding were very small, and barely covered working expenses. The interest bill on the capital cost of the line is £68 per annum, and it is apparent that the siding is not required by the public. In view of the small amount of traffic and of the fact that the line was built only to deal with the traffic to Kanowna, combined with the small returns and the meagre number of trains that have been run, it has been found necessary, owing to the condition of the line to reduce the speed of trains to eight miles per hour. In the circumstances it will be seen that the line is no longer necessary to serve the convenience of the people. The sleepers have not been renewed for many years and a considerable portion of the rails require renewing. To bring the siding up to standard between £700 and £1,000 would be required. In view of the facts already given, this expenditure is not warranted, and it is an economic proposition to abolish the siding. No undue hardship will be caused as both the race-course and the show grounds are adequately provided for by motor transport. As regards the Kanowna line, the length of which is 12 miles 37 chains, which was constructed in 1896, hon. members will remember that the Royal Commission of inquiry on railways in 1922 recommended that this line be pulled up and the material used elsewhere. The present Commissioner of Railways submitted a recommendation on the 2nd April, 1921, that this course should be adopted, but the then Cabinet did not approve of the proposal. On receipt of the recommendation of the Royal Commissioner, over a year later, Colonel Pope supported the pulling up of this line, and the then Cabinet approved of its abolition so soon as a Bill could be passed by both Houses. On 13th May, 1922, the regular service was discontinued, pending the pulling up of the line. Of course there was opposition to the proposal. Various public bodies in the gold-fields made representation to the Government to stay their hand in respect to removing the line, pointing out that Kanowna would probably flourish again and that several mines would probably be in operation at an early date. Members were circularised and the present Commissioner heard many requests for the retention of the line. The Government of the day, after hearing argument pro and con, decided to let the line

remain, and the Commissioner of Railways agreed to run trains when a load of traffic of not less than 100 tons was offering. This decision was made in view of the developments in and around the Kanowna district at that time. However, the position has gone from bad to worse. Very few trains have been run and maintenance up to 100 per cent. standard—which is the policy of the Railway Department—had to be abandoned.

Hon. C. F. Baxter: Is the line ever used now?

The CHIEF SECRETARY: I will give the House some information later. The sleepers have been in the track for many years and the whole mileage requires re-sleepering, which will cost between £5,000 and £6,000. The rails are in fair order and it would, in the opinion of the department, be a far better proposition to pull them up than incur the expenditure necessary to put the track in safe running order which, if allowed to remain, must be done at once. To give members some idea of the loss which is being incurred on this line annually, I submit the following statement, which covers the working for the past three years:—

	£
Capital cost .. ..	54,510
Working expenses .. ..	630
Interest on capital .. ..	6,900
Total outgo .. ..	7,530
Earnings .. ..	201
Loss .. ..	£7,329

With the advent of motor traffic no hardship will be inflicted on the residents of Kanowna by the abolition of the line.

Hon. G. W. Miles: You will lose the interest on the capital cost.

The CHIEF SECRETARY: The rails are said to be in pretty good order and can be used elsewhere.

Hon. H. Seddon: How much did you say the interest on the capital cost amounted to?

The CHIEF SECRETARY: To £6,900.

Hon. H. Seddon: Is that on £54,510 at 12½ per cent.?

The CHIEF SECRETARY: I have given the figures that have been supplied by the department.

Hon. E. H. Harris: The interest does not seem to be correct.

The CHIEF SECRETARY: They are the figures supplied to me. Hon. members can check them.

Hon. H. Seddon: I merely wish to check your statement.

The CHIEF SECRETARY: I may say that I am not always supplied with figures that are accurate. I shall explain later something on that point in connection with another Bill that has been presented. However, in connection with this line, practically all the requirements of the town are being carried by means of motor transportation. The only commodity carried by rail, and that on rare occasions only, is sandalwood. Unfortunately, the position has to be faced. Sentiment has to give place to economy in these times when money is so hard to obtain, and I trust every member in the House will support the pulling up of this line, which is a most harrassing drag on the Railway Department. Dealing with the Kamballie-Lakeside line, which has a length of 2 miles 3 chains, and the Lakeside-White Hope line, which has a length of 23 miles 14 chains, the former was opened in 1897 and the latter was purchased from the firewood company and opened for traffic on the 17th June, 1924. The White Hope line was purchased to ensure that the mines on the Hampton Plains would be catered for in the way of supplies and to enable low-grade ore to be taken into Kalgoorlie for treatment. It was or seemed to be absolutely necessary at the time of taking over, as the prospects were of a somewhat reassuring nature. Those mines could not be left without means of transport, and especially did that apply to water. Gradually, however, each mine has been closed and there are no bright prospects of any of them ever opening again. The line, which consists of various sections of rails and old sleepers, is in a poor state of repair. If it were allowed to remain, considerable money would have to be spent on it to bring it up to a safe working standard, and that expenditure, in the opinion of the Commissioner of Railways, would be absolutely unwarranted. I have before me figures showing the results since the Government took over the line:—

	£
Portion of capital cost to Railway Department .. .. .	11,000
Working expenses .. .. .	2,898
Interest .. .. .	1,392
	<hr/>
	4,290
Earnings .. .. .	2,699
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Loss .. .. .	£1,591
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Hon. G. W. Miles: Is that what the Government paid for it?

The CHIEF SECRETARY: I think £11,000 was paid in cash; I am not certain. As all the mines have closed down, the earnings will cease. Therefore, from now onwards the loss will be considerably greater than heretofore. The material that will be obtained from the three sections of the system will be used as opportunity offers in the construction of new lines authorised by Parliament. Members will admit, I think it is imperative that every wise economy should be practised. The pulling up of those lines, although distasteful to everybody and especially to the Government, has to be faced sooner or later. It would be disastrous to expend money in bringing them up to safe standard, and unless and until that is done the Railway Department could not run a service. That is the position we have reached. In the interests of economy and the State as a whole, it is far and away the best course to take up those lines now and use the material elsewhere. Any delay in adopting that course will mean that the material will depreciate and our losses will be greater by postponing the inevitable result for another year or two years. I commend the Bill to members and hope there will be unanimity in accepting its provisions. I move—

That the Bill be now read a second time.

On motion by Hon. J. Cornell, debate adjourned.

### BILL—MENTAL TREATMENT.

Returned from the Assembly with amendments.

### BILL—LOAN AND INSCRIBED STOCK (SINKING FUND).

*Second Reading.*

Debate resumed from the previous day.

HON. H. SEDDON (North-East) [4.52] As the Chief Secretary pointed out, the object of this Bill is to relieve the Consolidated Revenue of certain contributions that are no longer required on loans amounting to some £900,000. The annual contributions are in the region of £11,000, and this position has been attained, I take it, as a result of the higher interest rate earned on securities purchased by the Gov-

ernment for the purposes of the sinking fund. I should like to know what the Government intend to do with the £11,000, of which Consolidated Revenue will be relieved by the passing of this Bill. It appears to me that the whole matter of our sinking fund, while more or less in the air on account of the proposed Financial Agreement, is one that needs to be investigated, especially when we consider the statistics contained in the Premier's Budget Speech. If members refer to Return No. 10 they will find there is an amount of £19,000,000 which is not carrying sinking fund. Of that £19,000,000 a considerable amount has been issued by way of Treasury bonds, and reference to the report of the Auditor General for last year shows that no less than £3,331,000, issued to fund the deficit, is not carrying sinking fund. One would think that in accordance with the policy of the State to provide adequate sinking funds for public debts, it would be wise to devote the £11,000 to a sinking fund on those amounts. We have the reputation of possessing the best sinking fund of any State in Australia, and to maintain that reputation it would be well to ensure that as much as possible of our loans carry sinking fund. I support the second reading.

**THE CHIEF SECRETARY** (Hon. J. M. Drew—Central—in reply) [4.54]: I am not prepared to give a reply now, but I shall be ready to do so when the Committee stage is reached. If the second reading be agreed to, I do not propose to take the Bill into Committee to-day. There are two matters connected with this measure to which I wish to refer. I hold in my hand some notes that were given to me late yesterday afternoon and I had no opportunity to verify some of the figures and some of the statements.

Hon. C. F. Baxter: It should not be necessary to do so.

The CHIEF SECRETARY: I stated last night that prior to Responsible Government loans were raised by Crown agents and those loans carried a sinking fund of 10s. per cent. per annum. That statement was also made elsewhere, but it is not correct. This morning I attempted to get it verified, and I found that the sinking fund is 20s. per cent. per annum on those particular loans. I also stated yesterday that it was proposed to discontinue any further payment of sinking fund instalments, and that

similar action was taken in 1923 when instalments of sinking fund on the Coolgardie Water Scheme loan were discontinued with the approval of this House. The impression that would be gathered from those remarks is that a Bill was brought down in 1923 and that it received the approval of Parliament. As a matter of fact no measure was submitted to Parliament, though the sinking fund instalments were discontinued. Members reading my remarks later on may recollect that no measure was submitted in 1923 to discontinue the sinking fund instalments on the Coolgardie Water Supply Loan.

Hon. J. J. Holmes: The matter was discussed.

The CHIEF SECRETARY: Yes. The then Premier, Sir James Mitchell, announced in another place what he proposed to do and Sir Hal Colebatch also stated the intention of the Government to this House. The payment of instalments, however, was not discontinued with the approval of Parliament, though there was no objection to the adoption of that course.

Hon. J. J. Holmes: Were the trustees satisfied?

The CHIEF SECRETARY: Yes; it was after consultation with the trustees that the then Premier decided to discontinue payment of the instalments. In this House the question was raised by Mr. Cornell and Sir Hal Colebatch explained the position fully to members here.

Question put and passed.

Bill read a second time.

## BILL—CLOSER SETTLEMENT.

*In Committee.*

Resumed from the 1st November; Mr. Cornell in the Chair, the Chief Secretary in charge of the Bill.

Clause 3—Inquiries of Board (partly considered):

The CHAIRMAN: An amendment had been moved as follows:—"Strike out the words in Subclause 3 'having regard to its economic value.'"

Hon. A. LOVEKIN: In the interests of those who have land that may be taken up on the recommendation of the board, I hope the words will not be struck out. If the clause appears without these words, there

will be nothing to appeal on except the opinion of the board. Where discretionary power has been given by the legislature the courts will not interfere or upset the opinions or the findings on facts. They will interfere only where boards or justices have given wrong decisions on points of law. If Mr. Nicholson's amendment is agreed to, it will tighten up the position, but it will not go far enough. I would like it to include every area of land capable of being utilised for any purpose. Someone may own a 50,000-acre block on which jarrah timber has been cut. The owner may say that the best economic use to which it could be put would be to let the saplings grow up, as it was necessary, in the future interests of the State, that the forests should be allowed to grow and mature. From that individual's point of view, that would be the best economic use to which to apply the land, and to him it would be more profitable than the growing of wheat. Someone else might come along and say, "We do not care much about timber; we are growers of wheat, and the land can be used for the growing of wheat." That land then might be taken from the owner and cut up, and unless we leave some such words in the clause as those that are contained in it, there will be nothing on which to appeal to the court.

Hon. Sir EDWARD WITTENOOM: I intend to support the amendment. It is very difficult to define "economic value." The whole clause in my opinion is governed by the word "unutilised." The other night no one could tell us what was meant by "economic value," though we all have a hazy idea of the meaning.

Hon. A. LOVEKIN: In 1914 one of the questions put up at the Bankers' Institute examination was the definition of "economic value," and the text writer explained to the students what economics were and the meaning of values, and by putting the two together arrived at the meaning of "economic value." The text writer said that economics dealt with those principles by which the members of the community were guided when they were endeavouring to make the most of their national resources, and he added that economics was the name given to the study of laws underlying production, distribution and exchange of wealth, all of which had their origin in the land. As I said before, if we do not have some such words in the clause, there will be nothing for the court to decide an appeal upon.

Hon. E. H. HARRIS: The amendment under discussion was submitted by Mr. Mann, who is not able to be here to-day, and at his request I am watching the debate. Hon. members have not endeavoured to find out the meaning of economic value, but Mr. Lovekin has put up the phrase that if we do not include the words it is proposed to strike out, there will be nothing for the legal fraternity to argue about should anyone lodge an appeal. Mr. Mann takes the point that the position will be met if we take out the words in question and let the clause read that land shall be deemed to be unutilised if it is not put to reasonable use, etc.

Hon. A. LOVEKIN: That is the discretion of the board.

Hon. E. H. HARRIS: Mr. Lovekin argues that that would be determined by the board, and there would then be nothing on which to lodge an appeal. An appeal would not be lodged unless a decision had been given that did not satisfy the owner of the land. The case will be met equitably if we strike out the words "having regard to its economic value."

The CHIEF SECRETARY: The words were inserted when the Bill was before us previously in 1924. The amendment then was moved by Mr. Lovekin who is to-day justified in the attitude he is taking up. I intend to support the retention of the words.

Hon. J. NICHOLSON: I confess I have difficulty in realising exactly what is meant by the particular words. We know that opinions on economics are divided. The more one reads of economics, the more one realises how divided are the opinions of writers.

Hon. A. Lovekin: Not on the interpretation of the words used.

Hon. J. NICHOLSON: The retention of the words, I believe, would be calculated to lead to greater harm and trouble. They tend to a certain amount of obscurity and to difficulty as well in arriving at the meaning assigned to them.

Hon. J. J. Holmes: I think they clarify the position.

Hon. J. NICHOLSON: I would like to be able to see that. How are we to arrive at the meaning to be assigned to the words "having regard to its economic value, is not put to reasonable use." If we omit the words, the board will still be bound to inquire into the quality of the soil, after which they would determine whether or not

the land was being put to reasonable use. Whatever the economic value of the land might be, they would find out what it was useful for.

Hon. J. J. Holmes: Is it not simply a question whether it will grow wheat or grow wool?

Hon. J. NICHOLSON: No. The board will be looking for the best and heaviest class of land.

Hon. A. Lovekin: Suppose they don't.

Hon. J. NICHOLSON: We can take that for granted. That land, having regard to the quality of its soil, its proximity to a railway, and its rainfall, would have a certain value.

Hon. H. A. Stephenson: What would be its economic value?

Hon. J. NICHOLSON: Its economic value would be determined by its market value. If it meant market value and not economic value—

Hon. E. H. Harris: You said they were the same.

Hon. J. NICHOLSON: No. Then we might find the board in a quandary as to whether they were to assess on the basis of the economic value, or on the basis of the market value. We might get two different values altogether.

Hon. A. Lovekin: You don't suggest they will take the land on its market value?

Hon. J. NICHOLSON: I am not suggesting either the one or the other.

Hon. A. Lovekin: We require to give the man whose land is taken a fair run.

Hon. J. NICHOLSON: He will get a fair run.

Hon. J. J. Holmes: This is not a question of the price of land, but whether it should or should not be taken.

Hon. J. NICHOLSON: The question is whether it is being put to reasonable use, apart altogether from its economic value. This provision will simply create difficulties, instead of removing them. Possibly certain lands might have mineral contents, in which event the economic value of the land would be considered in relation to those contents. Obviously, the board would have to take that into consideration. I do not know where the board would be in such a case. I am afraid that if we retain the words "having regard to its economic value" we shall be creating great difficulties.

Hon. Sir WILLIAM LATHLAIN: I agree that the retention of these words is absolutely necessary, for they set up a stand-

ard for the use of the land, and as to what shall be expected of the man who owns the land. It is essential that those words remain.

Hon. V. HAMERSLEY: I should like the words to be left in. There may be a tendency in the board to say that the owner of the land is not utilising it in the right direction because he is not producing a big railway freightage. The board will do harm if they go about persuading a lot of people to grow something merely to create freights for the railways. The retention of those words will give the owner a standard to work to in the use of his land.

Hon. J. M. MACFARLANE: I am going to support Subclause 3 in its entirety.

Hon. E. H. Harris: We are all going to do that.

Hon. J. M. MACFARLANE: Subclause 2 indicates why Subclause 3 is required. Mr. Nicholson thinks that only the heavy class of land will be sought by the board. But I remember an earlier stage in the history of the lands of the South-West. Down there the economic value of the land has been rapidly changed during the last 10 or 15 years, and the next corresponding period may see even greater changes. A clause such as this is necessary in order that the board may determine what is the economic value of the land, and whether it should be resumed for any class of work other than that to which it is being put.

Hon. H. J. YELLAND: The subclause is all right as it is. The economic value of land is governed by its quality. If the quality varies, the economic value must vary, and it is upon the variations that the board will value the land.

Hon. Sir EDWARD WITTENOOM: The remarks of members have not convinced me. The board will be asked to state whether land has been put to a suitable use or not. The Bill says the board must be actuated by the economic value of the land. Each member of the board may have his own idea as to what that expression means. It would be far wiser to leave it to them to say whether land is or is not utilised.

Hon. A. LOVEKIN: If the words are struck out, nothing will be left upon which the board can found an opinion. Is it to be rendered possible for a man's property to be taken away on the mere opinion of a board that is based on no foundation? Furthermore, no ground of appeal would be left to the owner, who has put his land to what he considers to be the best use.

Amendment put and negatived.

Hon. J. NICHOLSON: I move an amendment—

That in line 4 of Subclause (3), after the word "used," the words "or is not reasonably or profitably utilised for breeding of stud stock, or for grazing purposes, or for cultivation," be inserted.

Some provision should be made to protect stud stock breeders.

Hon. A. LOVEKIN: I am opposed to the amendment, for it will limit the effect of the clause. It may be necessary to establish industries other than these. Certain timber may be required to mature on land, or it may be necessary to grow mulberry trees for the cultivation of the silkworm. The subclause is wide enough as it is now to cover all industries that may be established.

The CHIEF SECRETARY: If the amendment were carried, it would be almost impossible to resume any large estate upon which sheep were grazing. It might be rich agricultural land that would be suitable for grazing, and yet upon it there may be no improvements except the provision of water supplies. On the Mendel estate there were no improvements at all, and if sheep had been running on it, it would have been impossible, under Mr. Nicholson's amendment for the Government to resume it.

Hon. C. F. BAXTER: The amendment would render it easy for any person to stock his property, upon which the board had its eye, with stud sheep or beasts. It would render the Bill absolutely useless.

Amendment put and negatived.

Hon. A. LOVEKIN: I move an amendment—

That the following provision be added to Subclause (3):—Provided that the land shall not be deemed to be unutilised which is held in reserve for the male children of the owner who are under the age of 21 years: Provided, further, that no reservation for a child shall exceed 1,000 acres of first-class land, or the equivalent thereof in second or third-class land.

If a father has three boys who are growing up and has 3,000 acres of land, the board should not be able to prevent him from retaining his property so that he may hand it over to his sons when they are ready to assume control. In a few years' time the boys come of age and want land. Then they must go to some other place, perhaps Timbuctoo, to find it; they have no opportunity of farming to the best advantage and at the least cost next to their father, who

has certain implements. Surely we are not so hard up for a little land that we cannot allow a block of 1,000 acres to be reserved for a few years until a boy comes of age.

The CHIEF SECRETARY: If I thought the board to be created would dispossess a man holding 3,000 acres, or even 5,000, I would not have introduced the Bill. The proposed proviso would lock up lands for 15 years at least. Many farmers in the State would be in a position simply to say, "I have a thousand acres of first-class land in reserve for my son." Later a farmer might have several boys, and he would reserve one thousand acres of first-class land for each of them. The proposal is impracticable. Mr. Lovekin takes a wrong view of the intention of the measure.

Hon. Sir WILLIAM LATHLAIN: I hope the proviso will not be adopted, because there are striking instances of what might happen under it. Like the running brook, under the proviso, reservation might go on for ever. A gentleman whom I know, if a proviso of this sort had operated 40 or 50 years ago, would have been able to hold up land on behalf of his progeny for 70 years. Indeed, the proviso might result in land being held up for a century. The gentleman I have alluded to deserves everything he has, but not the opportunity to hold up country for 70 years.

Hon. H. A. STEPHENSON: I hope the proviso will not be adopted. It is, in my opinion, the most absurd amendment Mr. Lovekin has been known to move. Its adoption would retard settlement seriously. To a farmer in Western Australia, one thousand acres is small inducement; he wants three or four thousand acres. At present there are hundreds of young men from 17 to 21 years of age looking for land and experiencing great difficulty in securing it. Moreover, young fellows are coming here from the other States to look for land. Only a week or so ago a young Tasmanian arrived with two or three thousand pounds cash, and wanted to take up two or three thousand acres of our land. He went to the Lands Department, and there was told that no land was available. He asked, "Can you tell me of a locality where some will be available in the near future, so that I may go and have a look at it?" He received a negative answer. Thereupon the young man arranged to go back to Tasmania last Saturday week. I saw him and told him not to be in hurry, that we would fix him up somewhere with land; and he is coming back to have another try. Thous-

ands of our own young men and thousands of young Easterners are vainly looking for land. Country held out of cultivation is a harbour for dingoes, hawks and rabbits, and represents a great hindrance to development.

Hon. Sir EDWARD WITTENOOM: I support the amendment, which is entirely in accordance with remarks I made on the second reading. I then said that such a proviso was particularly desirable having regard to the circumstances in which we are endeavouring to secure migrants. A migrant with four or five children could not afford to clear much land. Suppose such a migrant takes up a couple of thousand acres and clears a thousand, and thereafter goes on clearing a hundred or so yearly, holding the uncleared land for his sons. I would, however, strike out the words "for a child" and make the proviso read "Provided that no reservation shall exceed 1,000 acres." On the Greenough flats are many farms which the sons have had to leave because there was no room there for them. If the father of several sons is provident enough to take up 2,000 acres, though only able to improve 1,000, his object being to have land available for his sons later, he is to be commended. I hope the proviso will receive full consideration. Meantime, I move an amendment on the amendment—

That in lines 6 and 7 of the amendment, the words "for a child" be struck out.

Amendment on the amendment put and negatived.

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

Ayes	..	..	..	5
Noes	..	..	..	13

Majority against .. 8

#### AYES.

Hon. V. Hamersley	Hon. H. J. Yelland
Hon. A. Lovekin	Hon. J. Nicholson
Hon. Sir E. Wittenoom	(Teller.)

#### NOES.

Hon. J. R. Brown	Hon. J. M. Macfarlane
Hon. J. M. Drew	Hon. G. W. Miles
Hon. E. H. Gray	Hon. G. Potter
Hon. E. H. Harris	Hon. H. Seddon
Hon. J. W. Hickey	Hon. H. A. Stephenson
Hon. J. J. Holmes	Hon. W. H. Kitson
Hon. Sir W. Lathlain	(Teller.)

Amendment thus negatived.

Clause, as previously amended, put and passed.

Clause 4—Board to report to Minister:

Hon. Sir EDWARD WITTENOOM: I move an amendment—

That in line 1 of Subclause (1), after "is," the word "unanimously" be inserted.

Hon. members have concerned themselves about precautions that must be taken when dealing with the taking of property, so that I think the amendment will appeal to them as being necessary. It is possible for Government officials to be as fair-minded as any other men, but at the same time they may have stronger views than those of the third member of the board, who may be regarded as the independent party interested in the consideration of questions that will be dealt with by the board. I wish it to be understood that I do not desire to cast any reflection upon the Government officers who may be appointed to the board, but I think we should safeguard the position, so that the practical farmer who will have a knowledge of what is required in a district will have to agree with the proposals of the board; otherwise they will not be given effect to.

The CHIEF SECRETARY: I have not been able to get a decision from the Government regarding the amendment but I regard it with favour, not only from the standpoint advanced by Sir Edward Wittenoom, but from the standpoint of the State as well. It is likely that huge interests will be involved entailing, in some instances, great expenditure. It seems to me, therefore, that it is advisable that the decision of the board shall be unanimous when dealing with matters of such importance.

Hon. J. R. Brown: But will not the amendment affect every other clause in the Bill?

The CHIEF SECRETARY: This deals with a very important matter, that of recommendations for the resumption of property at great expense to the State. The view I take is that it would be wise to have a unanimous expression of opinion by the board members, and I will not take exception to the amendment.

Hon. H. A. STEPHENSON: I oppose the amendment, which will make the board practically unworkable. If it be agreed to, one man could hang up the business of the board every time. That would mean minority rule. Usually we have majority rule, but in this instance it is the opposite that is proposed. If one man would not agree, the board would not be able to function.



Hon. A. LOVEKIN: I hope the amendment will be agreed to. If a man is charged with a criminal offence, we insist upon the verdict of the jury being unanimous. On the board there will be two Government officials who may be regarded as more or less prejudiced, so that we have one unprejudiced person only on the board. If we insist on the decisions of a jury, supposed to be composed of men without any prejudice against an accused person, being unanimous, the least we can expect from the board, seeing that it will deal with a man's property and may influence the expenditure of huge sums of State money, is that their decision shall be unanimous as well.

Hon. J. M. MACFARLANE: I support the amendment because the practical farmer who will be appointed on the board will not be a permanent member, but will be appointed from time to time when matters concerning a district, of which he has expert knowledge, are being investigated. If such a man were to prove obstinate, as Mr. Stephenson suggested—he would have to be appointed permanently before full effect could be given to the objection raised by that hon. member—he would not be appointed again at all. As various farmers will be appointed from time to time, I do not see that that objection applies. If an obstinate man were encountered in one district, should the board have to deal with further matters there, it is obvious that the obstinate man would not be chosen again.

Amendment put and passed.

Hon. J. NICHOLSON: I move an amendment—

That after "forthwith," in line 1 of Subclause (3), the words "after making each such report serve a copy thereof on the person or persons appearing to be the owner or owners and mortgagee or mortgagees of the land referred to in such report, and also shall" be inserted.

The CHIEF SECRETARY: I cannot see anything to object to in the amendment if it is correctly drafted from the legal point of view. For instance, I presume the mortgagee or mortgagees would have to be registered.

Hon. J. Nicholson: Yes, they are referred to in an earlier part.

Hon. V. HAMERSLEY: I think the amendment I have on the Notice Paper would be preferable to that moved by Mr. Nicholson. I propose to strike out the subclause altogether and to substitute another.

Hon. A. LOVEKIN: Mr. Nicholson's amendment may lead to trouble because of the inclusion of the word "appearing." It might happen that notices would be served on someone who was not the rightful owner of property at all. Subsequently the owner might ask why he had not received the notice, and he would be informed that it had been served upon someone who "appeared" to be the owner.

Hon. J. NICHOLSON: I will agree to the suggestion made by Mr. Hamersley, but it will be necessary to amend his amendment, because some provision should be made to protect registered agreements in respect of land. If there were an unregistered agreement, how would it be possible for the Government to know of its existence? I ask leave to withdraw my amendment.

Amendment, by leave, withdrawn.

Hon. V. HAMERSLEY: I move an amendment—

That Subclause (3) be struck out, and the following inserted in lieu:—"The board shall forthwith supply a copy of the report, as submitted to the Minister, to any person having an estate or interest in the land."

Progress reported.

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

## BILL—RACING RESTRICTION.

*In Committee.*

Resumed from the previous day. Hon. J. Cornell in the Chair; Hon. Sir William Lathlain in charge of the Bill.

Clause 2—Prohibition of betting on racing and coursing where mechanical devices, etc., used (partly considered):

Hon. Sir WILLIAM LATHLAIN: While members are in accord with the principle of the Bill, I have felt it necessary to alter the phrasing in order to meet with views expressed during the debate on the second reading.

Hon. A. LOVEKIN: I have a prior amendment. I move an amendment—

That the words "from and after the passing of this Act" be struck out.

The Interpretation Act provides for those words. An Act commences with the assent and it is not necessary to insert those words. If they are struck out Sir William Lathlain's amendment will come in as a complete declaration.

The CHAIRMAN: If Mr. Lovekin's amendment and the amendment Sir William Lathlain has indicated on the Notice Paper be carried, the whole clause will disappear. The better course would be to negative the clause and move to insert a new clause.

Hon. A. LOVEKIN: I am trying to avoid that. I am entitled to move for the deletion of the words mentioned. When they have been deleted, another member may move that other words be substituted. My proposal will obviate bringing in a new clause.

Amendment put and passed.

Hon. Sir WILLIAM LATHLAIN: I move an amendment—

That the following be inserted in lieu of the words struck out:—"The use of any mechanical device or contrivance for the promotion of or in connection with racing by or between animals, other than horses, at or in any place to which the public is admitted on payment or otherwise, is unlawful. Penalty, £500.

Amendment put and passed.

Hon. A. LOVEKIN: I move an amendment—

That the remaining words of the clause from "it shall be unlawful" down to and including "Penalty: One hundred pounds" be struck out.

Hon. W. H. KITSON: I was under the impression that the Bill aimed at preventing betting. According to the amendment agreed to, we are eliminating all reference to betting and making the Bill a straight-out measure to prevent tin hare racing or any other sport, apart from horse racing, in which mechanical devices are used.

Hon. E. H. HARRIS: If mechanical devices are not used, it will be all right.

Hon. W. H. KITSON: I cannot agree to that. Sufficient has been said to show we can have such sport without betting, even though it may include some mechanical contrivance. Why should we legislate against the introduction of some other sport? We have no right to do that. The question of betting is an entirely different matter.

Hon. E. H. HARRIS: Then why do we differentiate as regards two-up?

Hon. W. H. KITSON: The question we have been discussing is mainly betting, but the whole object of the Bill has been altered.

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

Clause 3—Possession of mechanical devices, etc., to be used in racing and coursing unlawful:

Hon. Sir WILLIAM LATHLAIN: I desire to have the clause struck out with a view to inserting other words.

The CHAIRMAN: Following the procedure just adopted, the hon. member should move to strike out the first three lines of the clause with a view to inserting other words.

Hon. A. Lovekin: Move to strike out all the words after the figure "3."

The CHAIRMAN: If the Committee adopt my suggestion they will retain the penalty.

Hon. Sir WILLIAM LATHLAIN: I move an amendment—

That the words "it shall be unlawful to sell, lease, dispose of, or be in possession of any mechanical device, contrivance or object capable of being used for any such purpose" be struck out, and the words "any person who promotes, engages in, or takes part in any racing declared to be unlawful by Section 2 of this Act shall be guilty of an offence" inserted in lieu.

Amendment put and passed.

Hon. Sir WILLIAM LATHLAIN: There now remains the penalty of £100, which I suggest should be made £50.

Hon. J. Nicholson: Leave the existing penalty.

Hon. Sir WILLIAM LATHLAIN: I am agreeable to that because it means not exceeding £100.

Clause, as previously amended, put and passed.

Title:

On motion by Hon. Sir William Lathlain, Title amended by striking out "suppress illicit" and inserting "prohibit"; also by striking out "and betting and for other purposes" and inserting "by and between animals other than horses."

Title, as amended, put and passed.

Bill reported with amendments, and an amendment to the Title.

## BILL—HOSPITALS.

### *Recommittal.*

THE HONORARY MINISTER (Hon. J. W. Hickey—Central) [7.50]: I move—

That the Bill be recommitted for the purpose of further considering Clause 27.

Hon. H. J. Yelland: Also Clauses 28 and 34.

Hon. A. Lovekin: And Clauses 31, 32, 34, 38 and the Title.

Question put and passed.

*In Committee.*

Hon. J. Cornell in the Chair; the Honorary Minister in charge of the Bill.

Clause 27—Power of local authorities to expend revenues on public hospitals:

Hon. A. LOVEKIN: Two positions arise: one is that certain municipalities, road boards and local authorities do not wish to have anything whatever to do with hospitals, so far as we know at present. On the other hand there are local authorities who do want to have something to do with the hospitals, and the difficulty is to so frame this clause that it will meet the two views; that it will give to those local authorities who desire to come under the Bill the opportunity to do so, and also give the opportunity to those who do not want to come under it, to keep out. I think I have accomplished that in the amendment I have placed on the Notice Paper. In order to bring about what I desire, it is necessary to reinstate the clause as it originally appeared in the Bill. Unless that be done, there will be no opportunity for those local authorities that want to come in under the Bill to come in. With regard to the validation of the actions of the Collie municipality and the Katanning road board, it is one thing to clean the slate for them at the present time and another thing to allow them to continue to carry on the same procedure. We must meet that position by saying: "We will ratify what you have done and we give you a means of doing again what you at first did wrongly." My amendment makes the position clear for the Katanning road board. Now we come to the position of a municipality such as Perth. It is not desired that the municipality should be forbidden to pass a resolution to prevent its ratepayers contributing to the funds of a hospital. It may mean that unless we tighten up the position a little, the Government may bring pressure to bear and make the council contribute to the public hospital which is being used by everybody. Assume that the city council did want to make this contribution to the hospital. The ratepayers should not be prohibited from carrying out their wishes, but they must have the opportunity to express their views. I want to protect the ratepayers against any such proposed action

on the part of the council, and the amendment that I intend to move will do that. My amendment will make it quite clear that if any local authority desires to contribute to a hospital or to borrow money for the purpose of erecting a hospital it may do so. In each case the proposition must be put to the local authority first. Then, carried, it must be published in the "Gazette," and at least three times in a newspaper. After the last publication it will be open for a month for 20 ratepayers to demand a poll, the result of which will be final. That will enable the Collie and Katanning local authorities to do again what we have already forgiven them for doing. I move an amendment—

That Subclauses (1) and (2) be reinserted and that the following be added at the end of Subclause (2):—"Provided that whenever any local authority proposes to act in manner prescribed by this section, notice thereof shall be published in the "Gazette," and three times at least in a newspaper circulating in the district, at intervals of not less than one week. Within one month after the last publication of such notice any twenty resident owners may in writing delivered to the secretary demand that the proposition be submitted to the vote of the resident owners of rateable land situated within the district. Thereupon a poll shall be taken in manner prescribed by the Road Districts Act, 1919, and the decision thereat shall be binding on the local authority for a period of at least twelve months."

"Resident owner," in this section, means any person residing within the boundaries of a local authority, and entitled to a legal or equitable estate or interest in fee simple therein.

Hon. J. NICHOLSON: I do not think Subclause 1 ought to be re-inserted after the full discussion that took place before it was struck out.

Hon. E. H. Harris: We did not have the proposed amendment before us then.

Hon. J. NICHOLSON: Still the matter was fully discussed, and by a relatively full Committee.

Hon. A. Lovekin: There was an amendment on the Notice Paper, but it did not meet the case.

Hon. J. NICHOLSON: It was suggested that a separate Bill be brought down to validate what the local authorities of Katanning and Collie had done. Hon. members realised that the retention of this Subclause 1 imposed a serious burden on the ratepayers. The proposed amendment makes the result of the poll binding on the local authority for at least 12 months. The authority provided in Subclause 1 is that the local auth-

ority shall have power to give a binding undertaking for any number of years.

Hon. Sir WILLIAM LATHLAIN: But the reference in the amendment is to the poll.

Hon. J. NICHOLSON: The referendum provided for in the amendment is to be taken on the roll of resident owners of rateable land in the district. I do not know of any such roll. It would be necessary to compile that roll. The amendment will lead us into a very serious position.

Hon. A. LOVEKIN: This is a provision in the Road Districts Act.

Hon. J. NICHOLSON: But this applies to municipalities also, and there is no resident owners roll under the Municipalities Act.

Hon. A. LOVEKIN: If we put an amendment in the Municipalities Act, it will not cover the road boards.

Hon. J. NICHOLSON: It only strengthens my contention that we did right in striking out Subclause 1. If we wish to enlarge the powers of local authorities there is only one way to do it, by introducing an amendment, first to the Municipalities Act and then to the Road Districts Act. If we attempt to do it by the proposed method before us it will lead to hopeless confusion. I hope the Committee will adhere to their former decision.

Hon. A. LOVEKIN: What is the use of going a long way round? We ought to convenience the outlying local authorities that require hospitals. We are not going to interfere with Perth in any way. We can do the whole thing by accepting the amendment and applying the existing conditions of an Act already on the statute-book. We improve on the Municipalities Act by making it the resident owners of property.

Hon. J. NICHOLSON: But there is no "resident owner" in the Municipalities Act.

Hon. A. LOVEKIN: But he is already on the roll. The Road Districts Act prescribes this very method. We can accomplish the whole thing by this amendment.

Hon. J. NICHOLSON: I suggest to the Honorary Minister that, in view of the conflict of definitions between the Municipalities Act and the Road Districts Act, he should take time to consider this a little further. After deliberation the Committee struck out the clause. It was suggested that the proper method of dealing with the matter was to do so by amending the two Acts referred to. If the Honorary Minister thinks he will accomplish something under this Bill that will be tantamount to an amendment of those two Acts, and there is this contradiction of

terms existing between them, hopeless confusion will be the result. It is better to think over the matter.

Hon. Sir WILLIAM LATHLAIN: Mr. Lovekin's statement is scarcely correct in regard to resident owners. My tenants have the same voting power for municipal elections as I have. I am a resident owner, but the owner of the house in which I live has no vote. I do not want any toll levied upon the ratepayers either of Perth or Fremantle, when the intervening authorities may not join in the scheme.

Hon. A. LOVEKIN: The Honorary Minister will agree to an exemption for Perth and Fremantle.

Hon. G. W. MILES: We should stick to what we did the other evening, when the matter was well considered. The proper place for this amendment is in the Road Districts Act and the Municipalities Act.

Hon. A. LOVEKIN: We do not want to deprive outside local authorities of the opportunity to get nurses or medical men or small hospitals into their districts.

Hon. Sir William Lathlain: The road boards have all the power they need now.

Hon. A. LOVEKIN: This will give them power they do not now possess. If the Honorary Minister will exempt Perth and Fremantle, what more do members want?

The HONORARY MINISTER: I am surprised at the attitude of some members. I thought Mr. Lovekin's amendment would overcome all the objections that were previously raised. We can get all we want here without amending the other two Acts referred to. I will not go so far as to agree that Perth and Fremantle should be exempt, for I do not think that is the desire of the people of those cities. They will still have the right to come under the Bill or stay outside it. I can see no reasonable objection to the amendments, which are more fair than the original clause. It would be unfair to deprive ratepayers of the opportunity to do what they thought right in the matter of hospital accommodation. The road boards are in favour of this legislation.

Hon. H. J. Yelland: Have they expressed themselves in favour of it?

The HONORARY MINISTER: I have heard no opposition to it from that quarter. We are only giving the local authorities the power if they care to exercise it. Any reform that will improve the position in this regard should have our support.

Hon. H. J. YELLAND: We voted upon this clause as to whether the diversion of the incidence of taxation from the shoulders of the Government to the local authorities was a legitimate thing to do.

The Honorary Minister: That is not suggested in the Bill.

Hon. H. J. YELLAND: It is. The onus of raising taxation is transferred to the local authorities. That is the main objection I had to the clause. Mr. Lovekin has side-stepped the position as he fought it out on the last occasion.

Hon. A. Lovekin: They need not do it unless they like.

Hon. H. J. YELLAND: Or are compelled to do it.

Hon. A. Lovekin: They cannot be compelled.

Hon. H. J. YELLAND: If the money cannot be raised except by increased taxation, then it must be raised by the local authorities. If it is necessary to validate the action of the Collie and Katanning local authorities, that can be done by a special Bill. The amendment places taxing by road boards under the thumb of the Minister for Health instead of leaving it under the control of the Minister for Works. Mr. Lovekin has overlooked that objectionable dual control. Mr. Hickey said he had more road boards than I had, but according to the latest figures the Central Province contains 19 road boards and the East Province 28, while the Central Province has one municipality and the East Province two. The Honorary Minister has not mentioned that any road board has informed him of its agreement with this proposal. On the other hand I know that numerous road boards were unaware of the introduction of the Bill. Clause 27 was characterised to me by a road board secretary as a treacherous clause. Regarding the retention of Clauses 27 and 28, the "West Australian" of the 2nd inst has the following:—

A meeting of the Perth City Council almost simultaneously with Parliament for the purpose of discussing this particular clause, resolved that the maintenance of public hospitals was the concern of the Government, and not of the local authorities. That was the opinion expressed by the city councillors at their adjourned meeting yesterday.

The CHAIRMAN: Order! I understand the hon. member is quoting from the "West Australian," and I draw his attention to Standing Order 390, which provides that no member shall read extracts from a news-

paper or other document referring to debate in the Council during the same session.

Hon. H. J. YELLAND: I must apologise Mr. Chairman. I was not aware of the Standing Order.

Hon. J. Nicholson: Does that report refer to the debate here?

Hon. A. Lovekin: It refers to a debate in the City Council.

The CHAIRMAN: Order! I have given no ruling; I have merely quoted the Standing Order to the hon. member. The hon. member may proceed.

Hon. H. J. YELLAND: May I proceed with the reading of this report?

The CHAIRMAN: Provided it does not allude to a debate in the Legislative Council or in Committee of the Legislative Council.

Hon. H. J. YELLAND: It refers to a debate in the City Council and it goes on to say—

The finance committee of the Perth City Council brought forward this resolution, "That members for the city and the province be requested—."

The CHAIRMAN: Order! The hon. member is now on dangerous ground. He is now dealing with a debate of this session.

Hon. A. Lovekin: The hon. member is not referring to the debate in this House, but to a debate in the Perth City Council.

The CHAIRMAN: To a debate in this House.

Hon. A. Lovekin: No, in the City Council; and that does not come within the Standing Order.

The CHAIRMAN: I understood Mr. Yelland to read out that the Perth City Council were discussing the advisability of ordering members for the Metropolitan Province as to how they should vote on this measure.

Hon. H. J. YELLAND: I will let the matter drop, Mr. Chairman. I feel that actually the report refers to a recommendation of the finance committee of the Perth City Council to the Perth City Council assembled. The recommendation was to the effect that the City Council object to Clauses 27 and 28. Members can turn up the report and see what the various recommendations were. Of five members of the City Council who expressed themselves on this subject, four were fully in favour of the resolution that the clause would not operate fairly and justly. The mayor said he thought it was up to the Government to find the money for hospitals by means of a charities tax. My point of view is that while local authorities

in the country are protesting against these clauses, we have a positive instance of a resolution passed by the Perth City Council expressing dissatisfaction with the clauses.

The Honorary Minister: Not with the amendment now before the Committee.

Hon. H. J. YELLAND: The amendment does not remove the obnoxious features of Clause 27. The limitation to 10 per cent., according to the secretary of the Health Department, refers to an undertaking given by the local authorities as to future spending. However, I can hardly read that into the clause.

Hon. A. LOVEKIN: I did not sidestep anything at all. The position is in no way altered by the amendment. All the clause does is to give the local authority, if they want to do a certain thing, power to do it. If they do not want to do it, they need not do it, and the Government will not be able to press the local authority then any more than they could without the clause being in the Bill. What we do want is that outback road boards, who need power to do something to provide for their sick and injured in cases of emergency, should have that power if they wish it. The Perth City Council's resolution does not touch the Bill at all. What the Perth City Council are concerned about is that the Government do not push them into supporting the hospitals and thus increasing the rates. We are tightening up the Bill in order that the Government may not by any possible means be able to apply pressure to any local authority.

Hon. J. Nicholson: Road boards can do all those things under the Road Districts Act.

Hon. A. LOVEKIN: The Bill proposes a much better way of doing them. There is the chance of the Government stepping in and saying, "You have power under the Road Districts Act to raise money. Raise it. We will do nothing." The Bill gives the safeguard of the 10 per cent. limitation.

Hon. H. J. YELLAND: Section 160, Subsection 20, of the Road Districts Act says that a road board may subsidise any district nursing scheme or hospital, private or public, within or without its district, or any duly qualified medical practitioner. That covers everything aimed at by the amendment. The Road Districts Act imposes no limitation. I repeat that the clause provides for dual Ministerial control, which is bound to cause endless trouble. It seems to me that the hon. member, who says he wants to

exempt Perth and Fremantle, is endeavouring to run with the hare and hunt with the hounds. The amendment will not bring us nearer than before to the really vital point that concerns the incidence of taxation.

Hon. A. LOVEKIN: It does not seem to have occurred to Mr. Yelland that it will be to the advantage of the outside local authorities to come within the scope of the Bill. It limits them to 10 per cent., and gives opportunities to local hospitals that are not to be found in the Road Districts Act. There is provision for charges to be levied, and so forth. Once the local authorities have studied the measure they will say, "Save us from our friends."

Hon. G. W. MILES: I move—

That the Committee do now divide.

Bells rung.

The CHAIRMAN: I shall call off the division on the question, "That the Committee do now divide." As one member only has remained on the left of the Chair, there is no necessity to proceed with it. I will now put the amendment.

Amendment (to reinsert Subclause 1 struck out previously by the Committee) put, and a division taken with the following result:—

Ayes	..	..	..	8
Noes	..	..	..	7

Majority for	..	1
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#### AYES.

Hon. J. M. Drew	Hon. A. Lovekin
Hon. E. H. Gray	Hon. J. M. Macfarlane
Hon. J. W. Hickey	Hon. H. A. Stephenson
Hon. J. J. Holmes	Hon. W. H. Kitron
	(Teller.)

#### NOES.

Hon. V. Hamersley	Hon. H. Seddon
Hon. E. H. Harris	Hon. H. J. Yelland
Hon. Sir W. Latblain	Hon. J. Nicholson
Hon. G. W. Miles	(Teller.)

Amendment thus passed.

The CHAIRMAN: The question is that the clause as amended be agreed to, to which an amendment has been moved that Subclause 2, previously struck out by the Committee, be re-inserted.

Amendment put and a division called for.

Hon. A. LOVEKIN: Have we not divided on the question of the re-insertion of the two subclauses with the amendment I moved?

The CHAIRMAN: No, I put the amendment to re-insert Subclause 1 first and allowed a general discussion on the whole question.

Division taken with the following result:—

Ayes	..	..	..	7
Noes	..	..	..	8
				—
Majority against	..			1
				—

#### Ayes.

Hon. J. M. Drew	Hon. J. M. Macfarlane
Hon. J. W. Hickey	Hon. H. A. Stephenson
Hon. W. H. Kitson	Hon. E. H. Gray
Hon. A. Lovekin	(Teller.)

#### Noes.

Hon. V. Hamersley	Hon. J. Nicholson
Hon. E. H. Harris	Hon. H. Seddon
Hon. Sir W. Lathlain	Hon. H. J. Yelland
Hon. G. W. Miles	Hon. J. J. Holmes
	(Teller.)

Amendment thus negatived.

Hon. A. LOVEKIN: I shall be glad, Mr. Chairman, if you will tell us what is left of Clause 27. I understood my amendment was put as a whole and there was no reason for submitting it piecemeal.

The CHAIRMAN: I put the original question that Clause 27 stand as amended, to which an amendment had been moved to re-insert Subclause 1, which had been struck out by the Committee previously. As the whole matter was before the Committee, I allowed a general discussion on the first part of the amendment.

Hon. A. LOVEKIN: I did not move the amendment in that form. I did not want one part put separately.

The CHAIRMAN: That is how I put the question.

Hon. A. LOVEKIN: You struck out something that precedes the amendment I moved.

The CHAIRMAN: I put the question as I have stated, and allowed a general discussion on the whole issue, being of the opinion that it was more simple to put it subclause by subclause and then eventually to add the proviso if the two subclauses were agreed to. My attention was not drawn to any choice on the part of the hon. member to indicate that he desired the two subclauses put in the one amendment. I was fully of the opinion from the tone of the discussion that

all members who took part in the debate were quite conversant with the position before them. I was also of opinion that the vote on Subclause 1 decided the whole issue.

Hon. A. LOVEKIN: I take exception to that method of putting it because the only authority for so doing would be that it was a difficult question. It was not a difficult question. It was a new provision moved in its entirety and I did not understand that you were putting the first part only. Still it does not matter now since one opinion has been given at one time and one at another.

The CHAIRMAN: I express regret if I have done anything contrary to the hon. member's desire. Every member of the Committee will agree that I stated the question at least three times.

Hon. G. W. Miles: That is so.

The CHAIRMAN: If Mr. Lovekin disagreed with the way I was putting it, he could have directed my attention to it. I thought it was simpler to put it subclause by subclause.

The HONORARY MINISTER: I agree that the question was put as you say and I am surprised at the remarks of Mr. Lovekin. The debate centred on the two subclauses and on the proviso and I concluded that the division covered the whole question.

Hon. V. HAMERSLEY: I clearly understood that you were putting only Subclause 1. You stated it definitely and distinctly and I am surprised that any member should have misunderstood what he was voting on. The one subclause has to do with the subsidising of annual expenditure and the other gives power to bind the people for a number of years ahead. I am glad that you put the subclauses separately, because it gave us an opportunity to express our views.

Hon. E. H. Gray: To say yes-no.

Hon. A. Lovekin: You have put the position upside down.

Hon. V. HAMERSLEY: Mr. Lovekin has an amendment on the Notice Paper.

Hon. A. Lovekin: I do not propose to move it as it will have no effect.

Hon. V. HAMERSLEY: I think quite a number of members voted on Subclause 1 on the understanding that Mr. Lovekin would move another amendment. Now he declines to do so.

Hon. A. LOVEKIN: Mr. Hamersley said Subclause 2 was rightly struck out because it would bind the people for a long term of years. Subclause 1 does that and it is the objectionable subclause. We have passed that and my amendment relates to Subclause

2. However, I formally move an amendment—

That the following proviso be added to Sub-clause (1):—"Provided that whenever any local authority proposes to act in manner prescribed by this section, notice thereof shall be published in the 'Gazette,' and three times at least in a newspaper circulating in the district, at intervals of not less than one week. Within one month after the last publication of such notice any twenty resident owners may in writing delivered to the secretary, demand that the proposition be submitted to the vote of the resident owners of rateable land situated within the district. Thereupon a poll shall be taken in manner prescribed by the Road Districts Act, 1919, and the decision thereat shall be binding on the local authority for a period of at least twelve months. 'Resident owner,' in this section, means any person residing within the boundaries of a local authority, and entitled to a legal or equitable estate or interest in fee simple therein."

Hon. J. M. MACFARLANE: I voted for the reinstatement of Subclause 1 on the understanding that the amendment would be moved. I was opposed to the subclause, but the amendment will clarify it. The City Council objects to Clauses 27 and 28, but as there are municipalities desirous of taking advantage of those clauses and as the amendment will safeguard the position, I offer no objection.

Hon. J. NICHOLSON: Mr. Macfarlane is under a misapprehension. The amendment would not meet requirements, but would result in hopeless confusion. Under the Road Districts Act there is a definition of "resident owner" that does not apply under the Municipal Corporations Act. The poll will be taken as prescribed in the Road Districts Act. Why should that apply to a municipality?

Hon. A. Lovekin: Insert the words "and the Municipal Corporations Act."

Hon. J. NICHOLSON: Municipalities have their own method of taking a poll.

Amendment put and passed.

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

Ayes	..	..	7
Noes	..	..	8

Majority against .. 1

#### AYES.

Hon. J. M. Drew	Hon. A. Lovekin
Hon. E. H. Gray	Hon. H. A. Stephenson
Hon. J. W. Hickey	Hon. J. M. Macfarlane
Hon. W. H. Kitson	(Teller.)

#### NOES.

Hon. E. H. Harris	Hon. J. Nicholson
Hon. J. J. Holmes	Hon. H. Seddon
Hon. Sir W. F. Lathlain	Hon. H. J. Yelland
Hon. G. W. Miles	Hon. V. Hamersley
	(Teller.)

Clause thus negatived.

Progress reported.

House adjourned at 9.18 p.m.

## Legislative Assembly,

Thursday, 3rd November, 1927.

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

### QUESTION—DRIED FRUITS BOARD.

Mr. SAMPSON asked the Minister for Agriculture: In view of the provision in the Dried Fruits Act, 1926, whereby an election in order to determine the membership of the second board must be held prior to the 31st December of this year, will he advise proposed method of conducting the election?

The PREMIER (for the Minister for Agriculture) replied: The relations governing the method of conducting the election in connection with the Dried Fruits Board were published in the *Government Gazette* dated 28th October. Copy of the regulations is attached hereto.

### QUESTION (3)—RAILWAYS.

*Lake Brown-Bullfinch.*

Mr. GRIFFITHS: asked the Minister for Works: 1, Is it the intention to build the Lake Brown-Bullfinch railway in its en-