the motion as a text, and in traversing the matter of secondary industries I dealt not only with the three institutions I have mentioned, but with the industrial interests of towns all over the State.

There is a great deal more that I could say, but I have no desire to do so now. I do not know what the attitude of the other side may be, but I have not found grounds for being too hopeful. Nevertheless I might, in closing, suggest to members opposite that this is a matter which should not be regarded from a purely party political point of view. I want them to look upon the interests of the State. I cannot help feeling that if they do that there will be at least a proportion of my friends on the other side who will assist me to get the Select Committee of inquiry that I am asking for.

Question put and negatived; the motion defeated.

House adjourned at 9.6 p.m.

Legislative Assembly.

Tuesday, 2nd October, 1945.

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

QUESTIONS.

COUNTRY HOSPITALS.

As to Requests for Financial Assistance.

Mr. LESLIE asked the Minister for Health:

1, Were any applications for financial assistance, in addition to the usual subsidy, if any, received from country hospitals for the purpose of meeting maintenance costs, during the year ended the 30th June, 1945?

2, From what hospitals were such applications received and for what amounts respectively?

3, What applications, if any, were approved and for what amounts respectively?

4, What applications, if any, were refused, wholly or in part, and for what reasons?

The MINISTER replied:

1, Yes.

2, Dalwallinu asked for £195; Dwellingup asked for £118; Jarrahdale asked for £55; Mount Magnet asked for £150; Southern Cross asked for £85.

3, Dalwallinu, £160; Dwellingup, £150; Jarrahdale, £27 10s.; Mount Magnet, £170; Southern Cross, £350.

4, No applications were wholly refused, but amounts were modified as under: Dalwallinu asked for £195; received £160. Jarrahdale asked for £55; received £27 10s. Special grants were recommended in respect to a number of other hospitals without any formal request being made, on an examination of their budgetary position, while in respect to a number of applications made, amounts greater than that applied for were approved, also after an examination of the budgetary position.

ABATTOIRS, KALGOORLIE.

As to Providing Power for Chillers.

Mr. LEAHY asked the Minister for Agriculture:

1, Is it the intention of the Government to have electric current supplied to the Kalgoorlie abattoirs before the hot weather comes in? If not, what is the reason for delay?

2, Is it not possible to overcome any obstacles in the way of progress in order to provide power for chillers, etc.

The MINISTER replied:

1 and 2, The Government is anxious to finalise arrangements for the immediate connection of the Kalgoorlie abattoirs with an electric current supply. As a result of personal representations by the Premier when Minister for Agriculture, the Commonwealth Government has approved of the use of the main line supplying current to the R.A.A.F., which will very considerably reduce the cost and hasten erection of power lines. The

Kalgoorlie Electric Power and Lighting Corporation, Ltd., have the sole right to supply electric current in the Kalgoorlie Road Board district in which the abattoirs is situated. A portion of the defence main line supplying the R.A.A.F. passes through a portion of the Boulder municipal district. The connection of the abattoirs with the electric current is being held up pending the approval by the Boulder municipality for this line to be used for the supply of current by the Kalgoorlie Electric Light Corporation.

SWANBOURNE STATE SCHOOL.

As to Authorisation for Additions, etc.

Mr. NORTH asked the Minister for Education:

1, What amount has been authorised to be spent on additions and renovations to the Swanbourne State School?

2, Is the work likely to be postponed because of the concentration on housing policy, and if so, for how long approximately?

The MINISTER replied:

1, Additions, £2,500; renovations, £148.

The completion of the work may be delayed a little because of the concentration on housing, but it will not be held up.

ELECTRICITY SUPPLIES.

As to Standard Voltage, etc.

Mr. NORTH asked the Minister for Railways:

1, What current (voltage) is standard for Australia?

2, When the change-over by the new Fremantle power house to different cycles takes place is the fact that Western Australia will still be on a different voltage (viz., 250) from eastern Australia of no real importance?

3, Approximately how long will electricity consumers be able to use apparatus on the present cycles?

4, What apparatus will be affected by the change-over?

5, Does the fact that the Eastern States and Western Australian voltages differ add to the costs of imported apparatus and cause any difficulty to local traders?

The MINISTER replied:

1, British Standard, 230-400; Victoria, 230-400 and 240-415; New South Wales, Queensland, South Australia, Tasmania and Australian Commonwealth Territories, 240-415; Western Australia, £250-440.

2, Of no real importance, as the difference is very slight.

3, At least four years.

4, Tramway traction substations; rotary convertors; motor speeds will increase, necessitating change where driving direct, coupled; change of gears where gear reduction is used; refrigerators; clothes washing machines; electric clocks. Full details of these changes are given in pages 9-11 of Mr. V. J. F. Brain's report of the 8th December, 1943 on Frequency Standardisation, copy of which is available at the Premier's Office.

5, Not to any great extent.

STATE SHIPPING SERVICE.

As to Vessels for North-West trade.

Mr. RODOREDA asked the Minister for North-West:

1, Can he give approximate dates—(a) When m.v. "Kybra" will be handed back to State Shipping Service; (b) When this vessel will start on her first trip on North-West coast?

2, In view of the fact that s.s. "Van Spilbergen" is now doing her last trip on North-West coast, has the Government made any endeavour to procure another vessel (additional to "Kybra") to replace her?

3, If not, what steps is the Government taking to make sure that North-Westers will not again have to endure during the coming summer the hardships resulting from an insufficient and inefficient shipping service?

The MINISTER FOR LANDS (for the Minister for the North-West) replied:

1, (a) The vessel is available to be handed back now. The Marine Superintendent of the State Shipping Service is at present in the Eastern States arranging for m.v. "Kybra's" early return. At the same time he will investigate the quickest means of reconverting her to North-West coast requirements; (b) No estimated time for reconversion is available but it is expected that approximately six weeks will be necessary. On present indications she should be ready to take up her running early in December.

2 and 3, The s.s. "Van Spilbergen" was made available under charter for the winter months only. Negotiations have been pro-

ceeding for some considerable time with the Shipping Control Board for a suitable ship to be made available, so that satisfactory coastal service could be maintained, particularly for the period whilst m.v. "Koolinda" is away on her annual overhaul.

BILL—CLOSER SETTLEMENT ACT AMENDMENT.

Report of Committee adopted.

BILL—STATE GOVERNMENT INSURANCE OFFICE ACT AMENDMENT.

Second Reading.

Debate resumed from the 27th September.

MR. WATTS (Katanning) [4.41]: At first sight this Bill seemed to me to go so far beyond the beliefs that I entertain as to the desirable rights of the State Insurance Office that I contemplated not supporting the second reading.

The Minister for Labour: I am glad that you have altered your opinion.

Mr. WATTS: Fortunately there are contained in the measure one or two passages which seem to me desirable for inclusion in the parent Act and, on some considerable reflection, there appears to me some reason why another portion, to which I shall refer in a minute, should also have its place on the statute book. When the State Insurance Office was first legalised, I was one of the members of the Select Committee which sat under the chairmanship of the present Deputy Premier, and all of us at that time came to the conclusion that the legalisation of the State Insurance Office was warranted in order that it might undertake insurances of a character that we were pleased to describe as social. We included in that category insurances such as those associated with workers' compensation, employers' liability, accident and allied insurances, which have come into being in one respect. At present, from that standpoint we have given the office authority to deal with third party insurance in connection with motor vehicles and, hence, comprehensive policies.

The Minister said that road boards had expressed the desire that they should be able to effect their insurance, either individually or in groups, with the State Insurance Office, and that friendly societies had expressed a similar desire. With regard to local governing authorities, I know that there has been some demand for the type of insurance to which the Minister referred. I know that there have been considerable requests from the eastern districts organisation of which the Minister made special mention. The local authorities for some time considered forming their own pool for conducting their own insurances, and I think that if it were brought before us as an amendment to the Road Districts Act to enable them so to do, there is little if any doubt that it would pass this Parliament. We would say, I think, that subject to certain safeguards and upon our being satisfied, as I believe we would be satisfied, as to the practicability of such a scheme, the local authorities should be entitled to undertake their own insurances if they wished to do so. That is the reason why I am not opposed to the local authorities' insurance proposals, as they are set out in the Bill, being included in the parent Act. If they do not desire to undertake that particular type of insurance I can find nothing in the Bill to make them do so. The same would have been the position had we received any proposal that might have been made to enable local authorities themselves to conduct their own domestic insurance pool. This seems to be an alternative which, even by those who are opposed to any unlimited activity in State trading, might be acceptable on that ground.

As I said, there appears to be justification for this particular request regarding the local governing authorities. There appears to have been a demand for it. It certainly would seem to give the right that a number of local authorities have sought and which a greater number have desired in another way and which might even have been more desirable but, so far as I am aware, it has never reached the stage of complete investigation. On the other hand, there is the proposal that friendly societies insurance should also be included. It seems to me that in that regard we are going right away from the intention that I at any rate, as one of the members of the Select Committee, expressed in 1937, namely, that the activities of the State Insurance Office should be substantially confined to insurances of a social or semi-social character, either because they were compulsory or be-

cause of the type of insurance involved. I would bring in local government insurances in all circumstances under that heading, and that would supply, if I wanted it, another reason why I offer no objection to their inclusion. But such inquiries as I have been able to make in the limited time available to me since the introduction of the Bill, have revealed neither a demand from the friendly societies for the type of insurance the Minister referred to nor indeed any need for it.

It immediately flings wide open the door for entry to the State Insurance Office of any type of insurance, because if we admit the desirability of friendly societies insuring premises that are mortgaged to them against fire, for example, and of many other classes of insurance that could be covered by these proposals, being placed with the State Insurance Office, then there is no earthly reason why there should be any limitation to any type of insurance being conducted with that office. I say to the Minister that while he gave us acceptable reasons and considerable justification as to the requests made by local authorities, he had little to say—and the information he gave was very sketchy—regarding the alleged requests made by friendly societies. He did say that he had received requests over a number of years, from about 1928.

The Minister for Labour: I said they had been received through my colleague.

Mr. WATTS: I am referring to the Minister as the man who received them and not to the individual who actually did so. As I mentioned, the information at my disposal is that there has been no concerted application by the friendly societies. There may have been individual suggestions made by interested parties from time to time. I oppose the inclusion of friendly societies on these two grounds. Firstly, it opens wide the door to the activities of the State Insurance Office, which I do not favour and have not favoured in the past, although I made my contribution towards making the work of that office legal and secure when I thought I rightly could do so. In the intermediate time I do not think we should throw open the door wide to all classes of insurance which would come under this particular type, or, in my opinion, do so. The second ground is that no concensus of opinion has been proved to me that the friendly societies desire this and, in consequence, in my view, that provision ought not to be included in the measure.

Turning to the other two paragraphs in the Bill, there is nothing, so far as I can see, that is undesirable in them. The first will merely enable the State Insurance Office to act in conjunction with Government insurance offices in other States and to accept premiums for them; and I take it that will be upon a reciprocal basis, and is therefore warranted. The other amendment is to provide that the manager of the State Insurance Office need not be an actuary. I am prepared to accept correction if I am wrong, but I do not know that the manager of any other insurance office has to be an actuary.

Hon. J. C. Willcock: There are only about two actuaries in the State.

Mr. WATTS: That is my understanding of the position; actuaries are very scarce. If no other office has to have an actuary as manager, it seems quite reasonable that a responsible person who is not an actuary could and should be the manager of the State Insurance Office. So there is no objection to that paragraph, either. I propose to support the second reading of the Bill, reserving to myself the right to take action in Committee along the lines I have indicated.

MR. BERRY (Irwin-Moore) [4.52]: I regret that, owing to illness, I was not present to hear the Minister's remarks in moving the second reading, but I am assuming from what I have read that the objective is to increase the scope of the State Insurance Office. I wish that consideration had been given to a matter which is really of great importance, namely, the extension of the power of that office to insure fishing boats operating on our coast. It is a most difficult matter to effect insurance for the owners of these boats. It is done by one firm, but it is very costly. After the war, I assume that a lot of returned soldiers and sailors will indulge seriously in the fishing industry, and it would be a fine thing if consideration were given to this matter. Only a few weeks ago a vessel, owned by a wealthy man in the city, broke away from its moorings in Safety Bay and ran into a fishing boat owned by private people, damaging the small vessel to such an extent that

the cost of repairing it will be in the vicinity of £220. That amount would not put back into the vessel all the appurtenances of a fishing boat such as lines, clothing, lanterns, etc., that were lost. But for the fact that the owner of the vessel that did the damage was a wealthy man prepared to stand up to his obligation, there would have been no alternative to those fishermen giving up their livelihood. I know that those men were not in a position to pay for the damage; nor were they capable of buying a new vessel.

This is not the first case of its sort. There was a case in Fremantle where a big lugger was lost—I brought the matter up in Parliament two or three years ago—and the owner was so impoverished that he had to lose a vessel worth £2,000, for which he had not paid, and take a job. I am not suggesting anything wild. These losses are not annual occurrences. To insure a fishing boat would not entail any greater risk than insuring against fire in a house, and it would be a sound proposition for the people working small vessels on the coast. I am not suggesting that the Minister should undertake the insurance of private pleasure boats. Let them provide for their own insurance if the business is not attractive to the State Insurance Office, but where a boat is affording a man a definite living, it is the duty of the Government to make some arrangement to protect that man. These fishermen are living a precarious hand-to-mouth life and are providing a very necessary portion of the people's daily food.

Hon. J. C. Willcock: Could not they form a pool?

Mr. BERRY: I do not know. I am speaking of this matter because of the catastrophe that occurred in Safety Bay a few weeks ago. The fishermen concerned were amongst the few who supply fish in any quantity and, but for the action of the man whose boat caused the damage, they would have been prevented from going out after schnapper, which are coming in this month.

I hope the Minister will give the fullest consideration to my suggestion. He need not take my word for it. If he discussed the matter with officials of the Fisheries Department, he would probably find ample backing from them. It is our bounden duty to these people who are making a living from small boats, and they are just as important in the scheme of things as is the miner or the lumper or anyone else; they have to make a living. I trust that full consideration will be given to the matter and that, if possible, provision will be made in the Bill for this type of insurance.

HON. N. KEENAN (Nedlands) [4.57]: This is a Bill seeking to alter the definition of "insurance business" as set down in the principal Act, and in fact to change the class of business with which the State Insurance Office may deal and include two other classes of insurance business—local authorities and friendly societies. It may be that there would be some advantage in allowing friendly societies and local governing bodies to deal with the State Insurance Office, though personally I am not aware of any grievance under which those bodies have suffered as compared with others. If it is wise and proper to extend complete insurance business to those named classes, why stop there? Why not ask leave to do insurance business for everyone? I do not know whether any suggestion has been made for limiting it to the particular classes mentioned in the Bill. On the other hand, if there be a proposal that the State Insurance Office should be organised to carry on business, as other insurance offices do, in all classes of insurance, it is a proposition which undoubtedly would meet with serious opposition.

There are two other matters in the Bill to which reference has been made by the Leader of the Opposition, and both are matters in respect of which the Minister has a very just case. There can be no question that our State Insurance Office should be permitted to act as the agent for Government insurance offices in other States, but a slight amendment of the words used in the Bill might be necessary because, as printed, the amendment would authorise the State Insurance Office here to carry on any business that came from another State. That is no doubt a mere error of printing. Then there is the further suggestion, which also appears to be one of abundant commonsense, and that is that the manager should not be compelled, by force of the statute, to be an actuary.

I do not see any possible reason to criticise or object to either of these suggestions; but I cannot view in the same way the suggestion that two particular classes of business people in the community—friendly

societies and local authorities—should for some reason be selected merely because they asked to be. They did not put up any case, and I do not know that that is sufficient reason for passing this legislation. I would like to say a word or two about the marine risk which has been spoken of by the member for Irwin-Moore. Marine risk is and always has been a most difficult matter to deal with. For instance, when I was the possessor of a sea-going yacht, I never could get a marine risk; all I could get was a limited extent of insurance against fire.

Hon. J. C. Willcock: Because you did not hold a master's certificate.

Mr. Berry: I was referring only to fishermen.

Hon. N. KEENAN: The reason was that I did not hold a master's certificate, as the member for Geraldton has said. The insurance companies would not give me marine risk; but I could get insurance, and did take it for what it was worth, against loss of my yacht by fire. Otherwise I had to remain uninsured, irrespective altogether of the premium. It is against the practice of marine insurers to transact business except on the condition that the ship is navigated by a person who has passed the necessary examinations. That puts an end, I am afraid, to the fishermen; and although we might insert a provision in the Bill authorising the State Government Insurance Office to carry on marine insurance business with fishermen, I venture to say that the first time the Minister discussed the business aspect with the manager he would be met at once with an objection which would be fatal. I propose to vote for the second reading, because I do not see that we can do anything more at the moment, for reasons which no doubt the Minister will be able to satisfy.

Question put and passed.

Bill read a second time.

In Committee.

Mr. Fox in the Chair; the Minister for Labour in charge of the Bill.

Clause 1—agreed to.

Clause 2—Amendment of Section 2:

Mr. WATTS: I move an amendment—

That paragraph (a) be struck out.

I do so for reasons which I gave when addressing myself to the second reading. No further information has as yet been contributed by the Minister on this point, so I content myself with moving the amendment.

The MINISTER FOR LABOUR: I hope the Committee will not agree to the amendment. I have brought with me the file dealing with road boards, but unfortunately not the one dealing with friendly societies. However, I was approached by a large friendly society and had inquiries from two or three others. There is nothing compulsory about the matter. In view of the fact that the particular society—I do not wish to mention its name—is anxious to be included, I see no reason for objection to the paragraph. I do not quite follow the argument of the Leader of the Opposition. After all, friendly societies do not conduct a large insurance business; they simply insure what they own, or partly own. This measure will simply give them the opportunity to insure, if they so desire, with the State Insurance Office such property as they own or over which they may hold a mortgage.

Hon. W. D. JOHNSON: Why should not friendly societies get the protection of the State Insurance Office? That is all the Bill aims at doing. It does not purport to enable the State Insurance Office to absorb anything, but to give further protection against unfair imposts by private insurance companies that we know do not usually carry on their business in competition, but rather by joint understandings as to the premiums to be charged. If the Government were attempting to go beyond what is a semi-public body holding community funds requiring protection, there would be some argument against the measure. But a friendly society is a semi-public body whose business it is to protect the welfare of the community in a direct way. They do advance money for the purpose of building, but we are not asking that a member of a friendly society shall have the advantage of the protection of the State Insurance Office. What we are saying is that a friendly society itself, as a friendly society, shall have that protection. I cannot understand why there should be any objection to that. It is quite laudable of the Government to respond to an invitation of this kind. It would have been quite justifiable for it to introduce the provision without representation from any friendly society. There is no compulsion about it; all we grant is the right of a

friendly society to protect its funds and members, if it so wishes, from unfair imposts by combinations, should they exist.

Mr. WATTS: I am glad the member for Guildford-Midland has addressed himself to this matter in the way he has, because he has won to my side a supporter I otherwise should not have had. I would like to ask the hon. member in what lies this great protection of which he spoke? Can the State Insurance Office insure premises against fire for 2s. per cent.? I know of insurance companies in this State which are carrying on operations quite legitimately and openly and are insuring premises against fire for that figure. I am an insured person at that figure in respect of a little property I own, and I venture to suggest that that type of protection is the one which friendly societies are looking for, if they are looking for any at all; and on that point I have not been assured, as the Minister has not the file before him. I take it that the protection for which the friendly societies would be looking, would be protection of their expenditure, and I suggest that the State Office would not be able to cope with a policy of that kind. For the institution to which I have referred, I will say that I know of other people similarly insured with it who have had no difficulty in recovering the amount due to them on a loss being sustained, in a most expeditious manner and without any semblance of red tape being indulged in, which has frequently been alleged against the State Office; although had it not been for what the member for Guildford-Midland said, I would not have ventured to make that statement.

I said that this provision would open wide the door, for this reason: So far there has been no legality for the acceptance of insurance, for example, against fire. The State Office has been able to take governmental and Government instrumentality insurance because it was of a domestic character. I am prepared to include local authorities in that, because after all they are part and parcel of the scheme of government in this State. But if we are going to allow the State Office to insure against fire in respect of friendly societies and the securities they hold by way of mortgage covering the investments they have made out of the funds to which the Minister referred in his opening speech, we may just as well allow everybody else to do the same. Either we must admit the desirability of all classes of insurance being covered at all times by the State Office, or say that we will draw the line at insurance which is of a social or semi-social or governmental character, which we have contented ourselves with hitherto. I prefer to have it the way we have had it already, because I do not believe, nor is there the slightest evidence of it, that the State Office is going to afford any more protection than any other office.

Hon. J. C. WILLCOCK: I would like to go the whole way the Leader of the Opposition suggests—that is to say, that the State Office should be allowed to take all classes of insurance—but I do not think there is much hope of getting a measure of that kind through the two Houses of Parliament as they are at present constituted. But the Leader of the Opposition is entirely inconsistent in this matter. He said he believed the State Office should undertake insurance of a social character. If there is a single public activity in the life of this State which seeks to give social insurance, it is the activity of the friendly societies. While a good many people join friendly societies for the purpose of securing benefits for themselves, many others join for altruistic reasons. They say, "We are prepared to make a contribution to assist people who may be unfortunate enough to suffer sickness, so that the loss may be spread over the community rather than be suffered by particular individuals." Since the Leader of the Opposition referred to the desirability of State Insurance that confers social benefits, I am surprised he does not consider that the friendly societies come within the purview of his support. I think he might very well withdraw his opposition.

Amendment put and negatived.

Hon. N. KEENAN: I move an amendment—

> That in line 2 of proposed new paragraph (d) of the definition of "insurance business," after the word "any," the word "State" be inserted.

This is the paragraph which is designed to enable the State Office to act as agent for and on behalf of State Insurance Offices in other States, but the language of the paragraph covers any insurance office. If carried as worded, the paragraph would provide that

the State Office could act as agent for any insurance office carrying on business in any other State.

Hon. W. D. Johnson: Suppose the Commonwealth started an insurance office?

Hon. N. KEENAN: The paragraph as drafted would not cover such an office. However, I understand the Minister has no objection to this amendment.

The Minister for Labour: That is so. I believe the word was omitted inadvertently.

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

Clauses 3 and 4, Title—agreed to.

Bill reported with an amendment.

BILL—TOWN PLANNING AND DEVELOPMENT ACT AMENDMENT.

Second Reading.

THE MINISTER FOR WORKS (Hon. A. R. G. Hawke—Northam) [5.22] in moving the second reading said: This Bill aims to establish a clear-cut legal procedure regarding the subdivision of any land within a district controlled by an irrigation or drainage board. The procedure which the Bill proposes to establish will mean that whenever an application is made to the Town Planning Board to subdivide an area of land, the application will be forwarded to the drainage or irrigation board concerned for consideration and report back to the Town Planning Board. If the irrigation or draining authority finds that the carrying out of the subdivision applied for would involve additional drainage or irrigation work being done, an estimate of the cost must be prepared and returned with the authority's report to the Town Planning Board. The applicant for the subdivision of land has then to be called upon to make an arrangement with the drainage or irrigation authority for the carrying out of the work required, and also for meeting the cost of such work; and the arrangement to be made under these conditions has to be satisfactory to the irrigation or drainage authority. After this procedure has been followed the application for subdivision will be considered and decided by the Town Planning Board. That board has, today, a somewhat similar authority or power in connection with applications for subdivisions of land covered by the Metropolitan Water Supply, Sewerage and Drainage Department, and it has a similar power in regard to local governing authorities for the protection of their bridges, culverts and so on.

Members will have no trouble in understanding that the carrying out of drainage and irrigation schemes has the effect of adding substantially to the value of land wherever such works are established and operated. It might truly be said that there are no other works more likely to add so largely to the value of land as irrigation works. The construction and operation of an irrigation scheme adds substantially to the value of the land it serves because it enables intense cultivation to be engaged in and thus the productive capacity of the land is greatly increased. Therefore, it is reasonable to claim that the irrigation authority, or if it be a drainage authority, the drainage authority concerned should be protected whenever any subdivision of land is undertaken which will have the effect of imposing upon whichever authority is involved the necessity of carrying out new works to enable the subdivided lands to be properly catered for either by way of irrigation or by drainage. Many subdivisions of land have occurred over the years which have involved drainage and irrigation authorities in substantial additional cost in the carrying out of new works in order that the land, as subdivided, might be properly served in regard to drainage or irrigation, or both.

Some three years ago there was a case of a person who subdivided more than 800 acres of land in an irrigation district. The 830 acres of land, which previously had been one holding, was subdivided into eight separate holdings, and became eight individual farms with eight individual farmers working them. That was a good move from every point of view, and especially that of the first owner who, by subdividing his large holding into eight smaller ones, was able to sell the land at a very handsome profit to himself; the substantial price that he received being almost entirely due to the fact that the irrigation and drainage services were available to the land. The subdivision involved the department concerned in an outlay of £550 to put in a new channel, 90 chains long, one-third of which had to be cement-lined. Members, therefore, will

have no difficulty in realising that where, under present conditions, the subdivision of land can be effected in drainage or irrigation districts, the seller of the land reaps the whole advantage, including that of the greatly improved value of the property due to expenditure by the State on irrigation and drainage schemes.

When the time comes that any such person decides to subdivide his land, he does so and sells it at a greatly enhanced price and often-times involves the drainage or irrigation authority concerned in greatly increased expenditure to meet the needs of the subdivision after it has taken place. It is considered that the Government is entitled to be protected under conditions of that kind. This method in the amending Bill is the one which the Government thinks it is best to try to establish for the purpose of ensuring that any proposed subdivision of land will, before it becomes effective, be thoroughly investigated by the irrigation or drainage authority involved, following which that authority will submit a report to the Town Planning Board which will enable that board to consider whether in the circumstances some protection should be granted to the State before the subdivision is approved and finalised. In essence, that is the method proposed to be set up and operated under this Bill in regard to the subdivision of land in the future in irrigation and drainage districts in this State. I move—

That the Bill be now read a second time.

On motion by Mr. Doney, debate adjourned.

BILL—ADMINISTRATION ACT AMENDMENT (No. 1).

Second Reading.

Debate resumed from the 27th September.

MR. ABBOTT (North Perth) [5.33]: This Bill is intended to simplify the administration of an intestate estate when the deceased person is possessed of land. At present when a man dies intestate the administration of his estate is granted to the next of kin, or if there is no next of kin it may be granted to a creditor upon the intended administrator obtaining a bond for the due administration of the estate. The real and personal estate of the deceased then vests in the administrator. So far as the personal estate is concerned he may then dispose of it by way of sale for the purpose of administration and distribution, and that irrespective of the value of such personal estate. Personal estate consists, among other things, of all shares in companies, all securities such as mortgages, family pictures, family plate, family jewellery and all the intrinsic valuables that a man or a woman may die possessed of. So far as concerns real estate, which consists of land, even if it be a block of little value, he cannot sell it without the leave of the court, or obtaining the consent of all the beneficiaries, even though it may be necessary to dispose of it for the payment of the debts of the deceased.

The Bill is intended to change the law to the extent that it is necessary to enable an administrator to dispose of the real estate, in order to pay the debts of the deceased. If he wishes to dispose of the real estate to simplify distribution of the estate he will still have to obtain the leave of the court or get the consent of all the beneficiaries. This usually entails some little expense to the estate. The Titles Office insists on strict proof as to who are the beneficiaries entitled to share in the distribution of the estate. By that is meant that a marriage has to be proved where necessary by the production of the marriage certificate. The legitimate birth of a child has to be proved by the production of the birth certificate. If any children have died the deaths must be proved by the production of the certificates of death. If all these events that I have suggested take place in Western Australia, there is no great difficulty. If, on the other hand, such events take place in the Eastern States or outside the Commonwealth of Australia, some considerable expense is entailed. Rather than wait to get the consent of the beneficiaries and prove that they are the only beneficiaries it is more usual for the legal advisers of the administrator to suggest that he applies for leave of the court to sell the land, which is the other alternative.

Whereas the Titles Office requires strict proof, the judges exercise a much wider discretion and usually accept the affidavit of the administrator as to who are the beneficiaries and who are entitled, therefore, to share in the estate. The procedure is, therefore, considerably more simple. It is the opinion of the Chief Justice and the other

judges who have been giving this leave for a great many years under the provisions of the Act, according to the statement of the Minister for Justice, that this procedure is only putting the estate to unnecessary expense. The Chief Justice and the other judges consider that not only is it advisable that this provision in the Act should be done away with in so far as it relates to the sale of land for the payment of debts, but also where the sale is desirable for the due distribution of the estate. The Bill, however, does not go so far as previously stated or as is thought advisable by the judges. I also consider that it does not go far enough, and it should be left to the discretion of the administrator whether he sells the real estate for the purpose of distribution or refrains from so doing.

Hon. J. C. Willcock: He is under a bond, at all events.

Mr. ABBOTT: Yes, the administrator is under a bond and, not only that, but he only gets that right after a judge has given due consideration to the propriety of his appointment. If the judge does not consider he is a fit and proper person, he does not get a grant of administration. It seems unnecessary, where the administrator now has power to sell all the family plate and heirlooms, any shares that may have belonged to the deceased, and other personal property to any value, to prevent him from dealing with the real estate. He can even sell shares in a company which may own a vast amount of land, without the consent of the beneficiaries, if he thinks fit, but as regards a small block of land, because of the real estate factor, the administrator is put to worry and trouble.

The Minister for Justice: Would you give the same authority to an executor who had not the authority under the will?

Mr. ABBOTT: An executor at the present time is in this position if it is necessary to sell for payment of debts. He has the authority already, because the land vests in him. If it is unnecessary to sell the land for payment of debts, he naturally must carry out the terms of the will. In other words, he must dispose of the land in accordance with the directions of the deceased. If, on the other hand, the deceased gave no directions and made no request as to the residue—because if he provides for any residue he has disposed of the whole of his estate, including any real estate—if there is an intestacy as regards a particular block of land, I would then give an executor power, if he thought fit, to dispose of that land for the purposes of distributing the estate.

The reason why the law is as it stands is that at one time land passed directly to the heir-at-law, without payment of debts, and it did that even though the deceased left a will, unless he gave a direction in his will that his just debts were to be paid. One still sees such a provision, though it is unnecessary in most wills today when the old form has been followed. Until quite modern times—I think till the year 1898—land belonging to a person dying intestate still vested in the heir-at-law until the grant of administration; then it reverted to the administrator purely for the payment of debts, and then it went to the heir-at-law. Later on an intestacy in respect of land was dealt with by statute and made subject to the same provisions on intestacy as applied to personal estate. Whereas the personal estate of an intestate always vested in the administrator, his land did not, and that is why there is a distinction today between land and personal estate. Therefore, though I approve of this Bill, I would like it to go a good deal further, and, when in Committee, I propose to suggest an amendment which will give an administrator power to sell for general administrative purposes; not only just to pay debts, but for the due administration of the estate.

The Minister for Justice: For the distribution and winding up of the estate?

Mr. ABBOTT: Yes. The average estate where intestacy occurs is not that of a wealthy man with vast estates, because such a man usually makes a will. It is the smaller man who probably neglects to do so. Possibly he has only a home or a block of land on which he has paid a deposit, and he does not worry about making a will. It is mostly estates of that type that suffer inconvenience at the present day. Such a man probably leaves a wife and three or four children, and perhaps a home and a little insurance money, which then necessitates—if the home has to be sold for the proper distribution—getting these various consents and proving the beneficiaries in the manner I have men-

tioned. Though I am going to support the second reading, I intend in Committee to move an amendment to widen the scope of the Bill.

Question put and passed.

Bill read a second time.

In Committee.

Mr. Fox in the Chair; the Minister for Justice in charge of the Bill.

Clause 1—agreed to.

Clause 2—Amendment of Section 10:

Mr. ABBOTT: Section 10, Subsection (3) of the principal Act reads as follows:—

> An executor to whom probate has been granted or administrator may, for the purposes of administration, subject to the provisions of Section 18 hereof, sell or lease such real estate, or mortgage the same, with or without a power of sale, and assure the same to a purchaser or mortgagee in as full and effectual manner as the deceased could have done in his lifetime.

"For the purposes of administration" implies that an administrator may do these things for the purpose of paying the administrative expenses, probate duty, estate duty, the debts of the estate, and the testamentary expenses. "Distribution of the estate" is not included in the term "administration of the estate." The administration of the estate goes only as far as the winding up is concerned. I move an amendment—

> That in line 1 after the word "by," the words "inserting after the word 'administration' in line 2 of Subsection (3) the words 'and of distribution' and by" be inserted.

If this amendment be accepted, I propose later on to move for the deletion of Clause 3, thereby giving effect to the suggestion I made during my second reading speech.

The MINISTER FOR JUSTICE: The Bill merely sought to give power to the administrator or executor to dispose of real estate for the purposes of administration, and, as I understand it, the meaning of "administration" in that respect is the payment of debts and funeral and testamentary expenses.

Hon. J. C. Willcock: And to carry on the estate.

The MINISTER FOR JUSTICE: No; that is as far as we went. Now the member for North Perth seeks to extend the application of the term so as to provide the administrator or executor with greater powers, and the authority to sell real estate for the purpose of distribution and winding up an estate.

Hon. J. C. Willcock: He wants to make no difference between the administrator and the executor.

The MINISTER FOR JUSTICE: That is not exactly the position because at times the executor may not have any authority or direction under the will. In that event he has to take the matter to court for directions. Judges have no objection to giving the requisite extra authority or power with regard to the disposal of real estate. I think I made it clear that the intention of the Bill is to give authority to both the administrator and the executor for the purposes of administration. The amendment goes further and seeks to provide authority, in the absence of any direction in the will, for the sale of real estate for the purpose of distribution and winding up an estate. If the member for West Perth were here, I think he would point out that it would be very difficult to replace real estate, much more so than personal estate.

There is no restriction with regard to the disposal of personal estate, but only with regard to the sale of real estate. I would like an expression of opinion from other members as to whether it is really wise to provide the additional power suggested by the member for North Perth. I received a note from the Chief Justice indicating that he—and as far as I know, his colleagues—cannot see any harm in extending this additional authority. One of the departmental officers got in touch with the Leader of the Liberal Party who took exception to the proposal, considering that it would be really unwise to dispose of real estate for the purpose suggested, although he had no objection to it for the purposes of administration.

Hon. N. KEENAN: This is a matter of some difficulty and I would prefer to see the amendment suggested by the member for North Perth displayed on the notice paper so as not only to give it proper and due consideration but to have an opportunity of learning how far it has been considered by the judicial opinion of which we have heard. I am not at all aware of any view held by the Judiciary in favour of going as far as this amendment proposes. The effect of the

amendment would be to wipe out the Bill and substitute an amendment of Section 10.

Hon. J. C. Willcock: It would upset the machinery of the parent Act.

Hon. N. KEENAN: Absolutely! I suggest that further consideration be postponed and that the amendment be put on the notice paper.

Point of Order.

The Minister for Lands: I ask your ruling, Mr. Chairman, as to whether the amendment does not go beyond the scope of the Bill?

The Chairman: The Bill deals with administration only and the amendment of the member for North Perth certainly goes beyond the scope of the Bill. Therefore I rule the amendment out of order.

Hon. N. Keenan: That is not a desirable result.

The Chairman: The member for Nedlands may move to disagree with my ruling.

Hon. N. Keenan: This is a Bill to amend the Administration Act.

The Chairman: The hon. member may not argue my ruling. He may move to disagree with it.

Dissent from Ruling.

Hon. N. Keenan: Then I am reluctantly obliged to do so.

[*The Deputy Speaker resumed the Chair.*]

The Chairman having stated the dissent,

Hon. N. Keenan: In considering this Bill, it might well be argued that the whole Act is open to amendment, but it is not necessary to go so far because it specifies Section 10, and the amendment moved by the member for North Perth is an amendment to Section 10. The Bill proposes to strike certain words out of Subsection (3) of Section 10, and the member for North Perth proposes to insert certain words after the word "administration" in the same subsection. I submit, therefore, that it is obviously in order. We have Subsection (3) before us and it is open to the Committee either to add the words which the member for North Perth suggests should be added, or to strike out certain words in the printed copy of the Bill. The whole of the subsection is open to be altered in any respect that the Committee thinks wise and proper. There is no suggestion whatever of limitation to administration. Subsection (3) provides that an executor to whom probate has been granted or administrator may, for the purposes of administration, subject to the provisions of Section 18 hereof, sell or lease land. It is proposed to give the executor or the administrator not only this authority for the purpose of administration, but for the purpose of dealing generally with the distribution of all the estate. Whether that be wise or not is another matter. I submit it is clearly in order and therefore I ask that the Chairman's ruling be not agreed to.

The Minister for Lands: I am relying solely upon the Standing Orders. Standing Order No. 2 states—

> In these Standing Orders the words and phrases shall have the meanings hereby respectively assigned to them, viz.:—
>
> "'Subject matter of a Bill' means the provisions of the Bill as printed, read a second time, and referred to the Committee."

That seems to be definite; it is not a question of what is contained in the parent Act, as the member for Nedlands argued. It is what is contained in the Bill as printed.

Mr. Watts: Do you mean that we cannot amend the Bill at all?

The Minister for Lands: I followed the argument of the member for North Perth and he is proposing to amend the parent Act by doing something else.

Mr. Abbott: I only did it by way of explanation.

The Minister for Lands: If the amendment is passed, I think I am right in saying that it will be an amendment of the parent Act.

Mr. Abbott: It will be a different amendment.

The Minister for Lands: Of course it will, and my argument is that under our Standing Orders "subject matter of a Bill" means the provisions of the Bill as printed. The amendment is beyond the scope of the Bill as printed, and that is all we are concerned with. It is not a question of the parent Act at all. Certainly, the title of the measure is the Administration Act Amendment Bill, and were it not for our Standing Orders I would agree that the parent Act could be amended in the way desired by the member for North Perth. But that is the reason for Standing Order No. 2; if that Standing Order were not there,

it would be open to members to amend the parent Act as they liked. In the first place, we get authority to bring down a Bill for a certain purpose—to amend an Act—but that does not give the Committee the right to amend every section of the parent Act.

Mr. Watts: Nobody meant that right.

The Minister for Lands: Not at the moment, but the right would be there were it not for Standing Order No. 2. Those who drew up the Standing Orders inserted Standing Order No. 2 to prevent that sort of thing. The reason for the Standing Order is to confine members to the Bill as printed. Standing Order No. 281 states—

> Any amendment may be made to a clause, provided the same be relevant to the subject matter of the Bill, or pursuant to any instruction, and be otherwise in conformity with the Rules and Orders of the House; but if any amendment shall not be within the title of the Bill, the Committee shall extend the title accordingly, and report the same specially to the House.

Members will note that this Standing Order refers to any amendment being relevant to the subject-matter of the Bill, that is, the Bill as printed. We received no instruction on the second reading to amend the Bill, so I suggest that under our Standing Orders the amendment is certainly out of order.

Mr. Watts: I would be strongly in accord with the Minister were it not for the fact that the member for North Perth desires to amend Section 10 of the principal Act. An amendment of that section is part and parcel of this Bill.

Hon. J. C. Willcock: But the Bill deals only with the duties of the administrator.

Mr. Watts: The whole Bill deals with the administration of estates, and Section 10 is open for investigation; otherwise it would not have been referred to in the Bill. Section 10 is being amended by deleting the words "subject to the provisions of Section 18 hereof," and we have not yet decided how Section 18 will read by the time we have finished with the Bill, because I notice that the Bill seeks to provide a new Section 18. I hope that you, Mr. Deputy Speaker, will not restrict the discussion or the possibilities of a measure of this kind by eliminating all discussion of Section 10; because, if you do, it will be going a great deal further than anyone has gone in this House since I have been a member, anyway. I desire to be strictly fair in an argument of this character. I admit that the Minister for Lands would be right in his contention if there were no reference in the Bill to Section 10, because it would be importing extraneous matter into the measure. But here we have a reference to Section 10, as well as another amendment of Section 10 having relevance to the question of how the estates of deceased persons, with relation to their lands, shall be dealt with by those administering the estate. The member for North Perth seeks to make a further alteration which I think he could have made by playing about with the proposed new Section 18, but he amended Section 10, which is the governing section of the Administration Act. This was recognised by the Bill.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. Watts: The subject-matter of this Bill is to amend the Administration Act, including Section 10. The member for North Perth seeks further to amend Section 10 dealing with the administration of estates of deceased persons relative to the sale of their real estate. It seems to me that if the amendment cannot be accepted, it is unduly and without justification restricting the right of the hon. member.

Mr. Deputy Speaker: This is rather a delicate matter for a Deputy Speaker to have to adjudicate upon.

Mr. Fox: To say nothing of the Deputy Chairman!

Mr. Deputy Speaker: I find myself with no option but to uphold the member for Nedlands and disagree with the Deputy Chairman's ruling. The Minister referred to Standing Order 281, which says—

> Any amendment may be made to a clause provided the same be relevant to the subject-matter of the Bill . . . . but if any amendment shall not be within the Title of the Bill, the Committee shall extend the Title accordingly and report the same specially to the House.

In my opinion, the amendment moved by the member for North Perth was relevant to the subject-matter of the Bill in this respect: Subsection (3) of Section 10 of the parent Act states—

> An executor to whom probate has been granted or administrator may, for the purposes of administration, subject to the provisions of section eighteen hereof, sell or lease such real estate, etc.

That confines Section 10 to the purpose of administration, but in the Bill under consideration Clause 3 proposes to delete Sec-

tion 18 from the parent Act and substitute a new Section 18, which deals with the same subject-matter as Section 10 and extends the powers of the administrator or executor for the purposes of distribution and in order to wind up an estate. So the whole purport of this Bill is to extend the powers of administrators and executors to do certain things in connection with the winding up as well as distribution of estates; so I have no option, in those circumstances, on the score of relevancy, but to uphold the member for Nedlands.

Committee Resumed.

Progress reported.

BILL—POLICE ACT AMENDMENT ACT, 1902, AMENDMENT.

Second Reading.

THE PREMIER (Hon. F. J. S. Wise—Gascoyne) [7.35] in moving the second reading said: This is a very short Bill to amend Section 9 of the Police Act Amendment Act, 1902. It seeks to provide that Christmas Day and Good Friday shall be observed as Sundays so far as public entertainments are concerned. Members are no doubt aware that public entertainments are prohibited on Sundays; and in the parent Act, among other things, it is set out that it is unlawful to conduct or use any premises for public entertainment on any Sunday or part thereof and charge a fee for such entertainment, unless a permit in writing has been received from the Chief Secretary. That is the purport of Section 9 of the Act. By this Bill it is proposed to extend the prohibition to cover Christmas Day and Good Friday. There is provision of this kind in the statutes of other States. I think that Tasmania is the only State, apart from Western Australia, that has not such a provision.

I believe it can be confidently stated that apart from Sunday, or any other day that has any religious significance, there are two days which, by Christian people, are regarded as holy days in the calendar—Christmas Day and Good Friday. On those days, normal Christian people, home-loving people, desire to attend places of worship or to spend the time with their families in a manner suited to their particular desires. The object of including Christmas Day and Good Friday as Sundays under the Act is to ban on those days entertainments except in any form approved in writing by the Chief Secretary, and the proposal is a reasonable one, which should appeal to all people. There is only one clause in the Bill and that deals with the alteration of Section 9 of the Act to cover the point I have mentioned.

Hon. N. Keenan: It strikes out Sunday altogether.

The PREMIER: No.

Hon. N. Keenan: That is what the Bill says.

The PREMIER: I have not the appropriate section before me, but I understand that this amendment deleting certain words after the words dealing with the position on any Sunday includes Good Friday and Christmas Day in the same category as Sunday. I understand that is the simple act of the deletion of those words. The general Sunday is provided for before these words which appear in the Bill.

Hon. N. Keenan: You are quite correct.

The PREMIER: Members will find, on examining Section 9 of the Act, that the deletion of these words does not interfere with the present requirements for Sundays, but it will cause the Act to conform to the principle I have explained. The principle needs no further explanation; it will be found on examination that it does conform to what I have described. I trust that Parliament will approve of the principle. I move—

That the Bill be now read a second time.

On motion by Mr. Hill, debate adjourned.

BILL—POLICE ACT AMENDMENT.

Second Reading.

THE PREMIER (Hon. F. J. S. Wise—Gascoyne) [7.42] in moving the second reading said: This Bill, which was introduced by the Chief Secretary in the Legislative Council, deals with the principle of providing a penalty for the unauthorised use of the word "detective" and a penalty for giving false information of an alleged offence. The whole necessity for the introduction of the Bill will be found in its title. It is common knowledge that in recent years there have grown up in our midst many types of inquiry agents whose activities are mainly connected with matters of divorce. Members will find in almost any newspaper advertisements from inquiry agents and other

people who style themselves detectives. Very often we have evidence in the records of court proceedings, as we read them in the Press, of judges taking to task people who have acted as detectives, because of the methods they used to obtain evidence, particularly evidence in connection with divorce proceedings. Unfortunately this type of inquiry agent describes himself, as a rule, as a detective or private detective or something of that nature, which is in conflict with the terms used by the Police Department for the officials who do detective work.

I am informed by the Commissioner of Police that many members of the public are of the opinion that these people are authorised officers and, indeed, members of the Police Force. Instances can be quoted of representations that have been made to the Commissioner of Police to have his officers used to obtain evidence in connection with divorces, so that it is quite obvious that the public mind, in many cases, accepts the position that the private detective is a servant of the Commissioner of Police. That of course makes the position very unsavoury and embarrassing to the regular detective force with its detective constables, probationary detectives, and detectives whose titles are specifically provided for in the police regulations. Much could be said in the development of objections to the use of the word "detective" by unauthorised people, but I think all members have seen many of their activities fully publicised, and that will give them an idea of the objections I am raising. In the Bill will be found the method suggested to overcome the difficulty. The Bill provides—

> Any person not being a member of the Police Force of this State or a member of the Police Force of the Commonwealth or of any other State of the Commonwealth temporarily residing in this State, who uses in any manner whatsoever the word "detective" as descriptive of the nature of his business, vocation, calling or means of livelihood with a view to soliciting, procuring, or obtaining the engagement or employment by other persons . . . . shall be guilty of an offence. Penalty—Fifty Pounds.

The measure contains another proposal which is consistent with the latter part of its title, that is, a penalty for the unauthorised use of the word "detective," and a penalty for giving false information of an alleged offence. The provision in connection with the giving of false information has become necessary because of a number of false reports that have been made from time to time to the Police Department. Inquiries have been made because of those reports, and it has been found that the persons making them have deliberately given false information, or concocted stories for their own purposes and taken up the time of members of the Force in unnecessary investigatory work. There have been many cases on record where, to cover up the misdemeanours of the persons themselves, reports have been received of alleged complaints.

I can quote, from information supplied to me by the commissioner, several types of cases that will illustrate some of the difficulties being encountered as a result of these false reports. Quite recently a report was received that a Claremont shop had been broken into and a radio set and goods to the value of £37 stolen. Subsequent inquiries revealed that the owner of the shop knew that two youths had taken the radio set and the other property, and there was every reason to believe that the complaint was made, initially, for the purpose of obtaining insurance for the goods alleged to have been stolen. Another case was that of a utility vehicle reported to have been stolen. That caused considerable activity on the part of the police, and the owner subsequently admitted having made a false report to the police to cover up the fact that his truck was seen at a garage that was concerned in connection with the theft of petrol. A considerable amount of work by the regular police officers was put into that case before it was discovered that the claim was fraudulent.

A further instance was a report received from a young man who said that when walking along a street in Maylands, about 9.30 p.m., he was brutally assaulted and knocked out. Subsequent inquiries proved that it was a fabrication and his story entirely a concoction. Under pressure he admitted that that was so. He made his excuse very deliberately and said it was to prove to those at home that that was the reason he had stayed out late on that occasion. There are many reports made that are of a much more serious character than that. One case that came to the notice of the police recently was that of a young man who said his bicycle had been stolen. Inquiry showed that the

owner of the machine had been concerned in a burglary on the previous night, and his motive was to cover up his tracks, in an endeavour to draw attention away from himself, whereas he was actually one of those associated with the robbery and was at the scene of the burglary at the time when his bicycle was alleged to have been stolen. The bicycle having been seen there he immediately made this false report, to take suspicion away from himself.

Details of many other cases have been supplied to me, but I do not think there is any need to relate them to the House. Considerable expense has been involved in disproving some of the reports that have been made; not only expense, but a lot of trouble, which is undesirable, particularly in view of the present condition of our Police Force and the activities that it may properly be engaged in instead of having to handle such matters as those I have mentioned. Under the existing law it is not possible to deal with this position, and the Bill is introduced to rectify that. The Bill proposes that any person who falsely, and with knowledge of the falsity of his statement, represents that any act that he has reported, in connection with which the circumstances that he reports have not occurred and are misrepresented by him, and cannot be reasonably substantiated, shall be guilty of an offence.

It is further provided in this Bill that, without imposing a fine on any person convicted under this measure, the court may order that such person pay to the complainant a reasonable sum for the expenses incidental to the investigation made by a member of the Police Force, when the statement is proved to be false. Those are the principles contained in this Bill. For some time this has been the subject of consideration by the police and it has been decided, because of the ever increasing number of offences of that kind, that an attempt should be made to control them in the manner set out in this Bill. This Bill has come to this House through the Minister for Police in the Legislative Council, which Chamber the Bill has already passed. I am sure that the purposes are quite clear and it is necessary to overtake the disabilities caused in both cases, which are dealt with and proposed to be dealt with when this Bill becomes an Act. I move—

That the Bill be now read a second time.

On motion by Mr. Hill, debate adjourned.

BILL—SOIL CONSERVATION.

In Committee.

Resumed from the 13th September. Mr. J. Hegney in the Chair; the Premier in charge of the Bill.

The CHAIRMAN: Progress was reported after Clause 3 had been agreed to.

Clause 4—Interpretation:

Mr. WATTS: I move an amendment—

That in line 5 of paragraph (c) of the definition of "owner" the words "in possession" be struck out.

I understand there are times when mortgagees in possession are entitled to receive rents and profits—not strictly in possession, according to the full meaning of that phrase—and I contend that the mortgagee should be liable in those circumstances.

The PREMIER: I have not much objection to the amendment. It may mean that in the serving of notices and in the activities of the commissioner in dealing with mortgagees in possession, the notices will be served on all the mortgagees—

Mr. Watts: A very good idea, too.

The PREMIER: —and it may also be that where a mortgagee in possession has the notice served on him it would assist the commissioner. I can see the point of view of the Leader of the Opposition and I am prepared to let the amendment pass.

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

Clauses 5 and 6—agreed to.

Clause 7—Commissioner of Soil Conservation to be appointed.

Mr. WATTS: You will notice, Mr. Chairman, that there are two amendments to Clause 7 on the notice paper. Would you kindly ignore the first, and turn to the second? I move an amendment—

That in lines 4 and 5 of Subclause (2) the words "Under Secretary for Agriculture" be struck out and the word "Minister" inserted in lieu.

The Bill provides that the commissioner shall have control of the branch of the Department of Agriculture but in all matters appertaining thereto shall be directly responsible to the Under Secretary for Agriculture. In my opinion he should be directly responsible to the Minister. This is quite a

new departure that we are entering upon and one that, I think we are unanimously agreed in this Chamber, we should enter upon. There is no place elsewhere in the measure for the Under Secretary for Agriculture; at least he is not mentioned. The Minister is the man by whom ultimate decisions will finally be made and who will take into consideration the recommendations of the commissioner, when he has been appointed. The position will be one of such importance that I recognised that fact to a great extent by leaving out the first amendment that I had proposed. In regard to the duties of his office, it seems to me that the right person for him to be in direct contact with would be the Minister and not the Under Secretary, as an intermediate stage up the ladder of the Agricultural Department.

I know that the Under Secretaries are the permanent heads of departments, and in a general way it is justifiable that the Under Secretary should be the conduit pipe between the officer concerned and the Minister. Here we are setting up a new branch of the department, one in which the officer appointed to take charge as commissioner will require to possess very special knowledge, such as will be possessed by very few others in the department—in fact, I assert, by none—except, perhaps, by those actively concerned in the work that the commissioner will undertake. The proper person to whom the commissioner should make his representations is the Minister himself, as the Minister will, subject to the commissioner's recommendations, make the decisions as to what shall be done.

The PREMIER: It would be a very great mistake to pass the amendment. I am afraid the Leader of the Opposition is quite wrong in saying that we are making a new departure. What is suggested is the usual practice; it is the only workable practice for the handling of branches of a department through the Under Secretary. In this case the commissioner will be charged with certain responsibilities under this legislation as are other officers under other statutes. In the Lands Department, the Surveyor General is responsible to the Under Secretary, and in the Agricultural Department the Chief Stock Inspector, who is in charge of the Stock Branch, is responsible to the Under Secretary.

Mr. Watts: And in the case of the Transport Co-ordination Board?

The PREMIER: The head of the Fruit Inspection Branch of the Agricultural Department is responsible to the Under Secretary. It is necessary that the Leader of the Opposition should give consideration to this point: The closest collaboration of all branches of the department is vital to the success of this legislation. In all sections of the department the closest co-operation is necessary, through the medium of the Under Secretary, in order to secure the application of the provisions of the Bill in the proper spirit. I want there to be no misunderstanding regarding ideal work not only in administering a measure such as that under discussion, but in all departments. What we desire in this instance is that the service rendered shall be a part of, and not apart from, the Agricultural Department. I am hoping that we are setting up a branch that will have the very closest collaboration of the whole of the department in an administrative sense. To provide for the commissioner making representations direct to the responsible Minister will not make for the collaboration that we seek. I oppose the amendment.

Mr. WATTS: When I remarked that this was setting up a new department, I was not so much referring to the wording of the clause as to the objective of the Bill. Soil conservation and the creation of a branch for that purpose is certainly a new departure in Western Australia. Therefore it is quite reasonable for us to apply new methods—if they are new methods. I do not think that I can be accused of suggesting a precedent. Surely the Transport Board is not subject to an Under Secretary. Am I correct in my belief that the Commissioner of Main Roads is responsible direct to the Minister and that the Commissioner of Town Planning is responsible direct to his Minister? I think I am. In those circumstances, I am not aware that any precedent is being established, and therefore this is no new departure. We are establishing a branch of the Agricultural Department which is to interest itself in something that the Premier said was of fundamental importance to the State and which has never before been dealt with by legislation in Western Australia. I contend I am justified in asking the Committee to agree to the amendment.

The PREMIER: There is no parallel between the officers mentioned by the Leader of the Opposition and the position to be created under the Bill for a specific purpose. The object is that the branch will be set up as a component part of the whole service rendered by the Agricultural Department. In the instances mentioned by the Leader of the Opposition there is some insularity, some particular feature or some particular purpose for which certain men have been appointed to their positions in accordance with legislation. In this instance it is entirely different. The successful application of the principles embodied in the Bill render it very necessary that all the component parts within the Agricultural Department shall be interwoven, administratively and actively, in the work to be undertaken. I regard it as an absolute essential that the principle be retained.

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

Ayes	12
Noes	23
Majority against	11

AYES.

Mr. Abbott	Mr. Mann
Mr. Berry	Mr. Perkins
Mrs. Cardell-Oliver	Mr. Seward
Mr. Hill	Mr. Watts
Mr. Keenan	Mr. Willmott
Mr. Leslie	Mr. Doney

(Teller.)

NOES.

Mr. Cross	Mr. Nulsen
Mr. Fox	Mr. Panton
Mr. Graham	Mr. Read
Mr. Hawke	Mr. Styants
Mr. W. Hegney	Mr. Telfer
Mr. Hoar	Mr. Tonkin
Mr. Johnson	Mr. Triat
Mr. Kelly	Mr. Willcock
Mr. Leahy	Mr. Wise
Mr. Marshall	Mr. Withers
Mr. Millington	Mr. Wilson
Mr. Needham	

(Teller.)

Amendment thus negatived.

Clause put and passed.

Clause 8—agreed to.

Clause 9—Soil conservation advisory committee established:

Mr. WATTS: I move an amendment—

That paragraph (f) of Subclause (2) be struck out.

Provision is made for a committee of eight. Paragraph (f) provides that one member shall be an officer on the staff of the Rural and Industries Bank. If the amendment is agreed to, I shall seek to increase the representation of agricultural pursuits to two members. In some circumstances an officer of the bank might be of some use, but if the operations of the institution proceed as we hope they will, it will be in the position of representing mortgagees. I would more strongly oppose the inclusion of a representative of any other mortgage institution and, though I have a slightly softer feeling towards the Rural and Industries Bank, its representative should not be included. The Department of Agriculture, Department of Lands and Surveys and Forests Department will be represented on the committee and will be able to supply all the information required.

The PREMIER: Perhaps in a majority of cases the financing authority will be the Rural Bank, and it was thought that a representative of the bank might create a more kindly relationship in the interests of clients. I appreciate the question of principle raised by the Leader of the Opposition, and will accept his suggestion so that there may be no doubt of my bona fides to get a suitable and impartial committee.

Amendment put and passed.

Mr. WATTS: I move an amendment—

That in line 3 of paragraph (g) after the word "State" the following words be inserted:—"in those areas where the average annual rainfall as recorded at the time of the proclamation of this Act is no more than twenty inches per annum, and one shall be another such representative from those areas of the State where the average annual rainfall so recorded is more than twenty-five inches."

I suggest this, not because I regard the subdivision of the State into those two sections as being the best possible, but because I do not feel that I should try to increase the membership of the committee. Yet I want to give representation to areas where climatic conditions vary greatly. In a normal year some areas of the South-West have a 60-inch rainfall, and, in other areas of the State, the rainfall is no more than ten inches. The problems associated with soil erosion in those areas are not similar; yet to draw a line of demarcation as I have attempted, is not easy. If the principle of my amendment is accepted, I shall be prepared to accept some other line of demarcation provided there are two representatives with a knowledge of the differing conditions in various parts of the State.

The PREMIER: The Leader of the Oppositon has inadvertently precluded the possibility of appointing a representative from areas having a rainfall of 20 to 25 inches.

Mr. Watts: That is so.

The PREMIER: His amendment would exclude parts of Narrogin, Cranbrook, Kojonup, Arthur River and other centres from which it might be desirable to draw representatives.

Mr. Watts: You could not have one from each of them.

Hon. J. C. Willcock: Even Katanning might be excluded.

The PREMIER: The district of Katanning would be affected, but not the town. I am prepared to agree to one representative from areas where the rainfall is not more than 20 inches and another from areas where the rainfall is more than 20 inches per annum. I think that will meet the desires of the Leader of the Opposition.

Mr. WATTS: I ask leave to withdraw my amendment.

Amendment, by leave, withdrawn.

The PREMIER: I move an amendment—

That in line 3 of paragraph (g) after the word "State" the words "where the average rainfall as recorded at the time of the proclamation of this Act is not more than twenty inches per annum, and one shall be another such representative from those areas of the State where the average annual rainfall so recorded is more than twenty inches" be inserted.

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

Clauses 10 to 19—agreed to.

Clause 20—Carrying out of works by a Minister or Commissioner:

Mr. WATTS: I move an amendment—

That Subclause (2) be struck out.

If the subclause be not struck out, the Minister can be completely deprived of his authority simply by having an agreement made between the commissioner and the occupier, because then he is deemed to have approved of the work. It would be better that the Minister should have knowledge of all that is going on, and not be deemed to have authorised anything unless he has actually authorised it.

The PREMIER: This clause must be read in conjunction with a subsequent clause in order to understand its full import. A later clause provides—I do not know whether you, Mr. Chairman, will permit me to mention it at this stage—that in the one case the instruments referred to are instruments between private persons, and in the other case are instruments between the Crown and private persons. This subclause provides that where such instruments have been executed by the commissioner then they shall have been deemed to have been authorised by the Minister so long as they are made in conformity with the powers conferred by the Act. A subsequent clause embodies the same principle. In this case the interests of private individuals are protected; in the latter case it is necessary to have the appropriate paragraph in order to cover agreements between the Crown and private persons. The matter has been closely examined by the Solicitor General, who advises me that both these clauses are desirable and that both should remain as printed.

Amendment put and negatived.

Clause put and passed.

Clause 21—Power of entry:

Mr. WATTS: I move an amendment—

That at the end of Subclause (1) the following words be added:—"It shall be the duty of the Commissioner or officer or employee to make such survey, place such marks, or carry out such investigations only after reasonable notice has been given to the owner of such land or the actual occupier of the land at the time and with the minimum of interference with the lawful activities upon the land which are being carried on by such owner or occupier."

I frankly admit that the majority of officers one meets dealing with matters of public concern would, without question, go to the occupier, or to the owner of the property if he were himself the occupier, and say to him, "I am here today with the intention of investigating soil erosion on your property, and I propose to go here or there, or as the case may be, and investigate this or that. I take it you have no objection to my doing so and have no livestock that I need worry about. If you have, I will make arrangements to move them," and so forth. In such circumstances, I have no doubt whatever that everything would be perfectly amicable. But I can also imagine that occasionally an officer of another kind would not act in that way. Armed with the letter of the law and with the card of authority, he would simply go upon the property and

proceed to do what he thought he was justified in doing in the exercise of the powers conferred upon him, and take no steps whatever to meet the convenience of the occupier. He might, in fact, even hinder the operations of the occupier. Consequently, provision should be made in the Bill for reasonable notice to be given to the occupier of the land. That would inflict no hardship upon the majority of the people who would be concerned in carrying out this Act; but it would certainly be a protection in the event of any of them being unreasonable in the way I have suggested. That is by no means beyond the bounds of possibility.

The PREMIER: My first examination of this proposal prompted me to be quite hostile to the suggestion of the Leader of the Opposition. Its wording renders it necessary for reasonable notice to be given before a property is entered upon for the carrying out of specific work and provides for the avoidance of any interference with the lawful activities of the owner. I would remind the Committee that there will be many services to be rendered by the officers concerned, many periods of entry, and many visits upon which advice will be given and help afforded to the man whose farm is suffering from the effects of soil erosion. A close examination of the amendment, however, and its being confined to Subclause (1) removes much of my original objection, because it is restricted to what might be regarded as major activities in plans found to be necessary on particular properties. If members will read the subsequent subclauses, they will find that, provided an officer is armed with his card of authority, there shall be no objection to his entering a property to perform any function or duty conferred or imposed upon him in the carrying out of other duties quite separate and distinct from making surveys or putting marks in certain positions on a property. So, although I was at first prompted to oppose the amendment, I can find no serious objection to it and do not mind its insertion.

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

Clause 22—Soil conservation districts.

Mr. WATTS: I move an amendment—

That the following proviso be added to Subclause (4):—"Provided that it shall be deemed to be a lawful excuse to a prosecution for failure to comply with any regulation, direction, requirements, prohibition, limitation or restriction made, given or imposed under paragraph (c), (d) or (e) of subsection (2) of this section to prove any one or more of the following:—

(a) That the defendant was unable to find the money necessary for such compliance and for continuing the efficient use of the land after such compliance; or

(b) That the provision of the money necessary for such compliance and the subsequent efficient use of the land after such compliance would leave the defendant indebted to such an extent that he would be unable to pay his way; or

(c) That the income which the land might be expected to produce after such compliance would be insufficient to pay the reasonable expenses of production and management including payments due in respect of any existing liabilities of the defendant."

This is the clause of the Bill to which I drew attention during the second reading. It empowers the Governor to make regulations of a character which is quite new; because not only do they enable him to prescribe methods by which certain things upon the owner's land shall be done, but they also enable him to direct that certain things shall not be done at all or that certain avenues of production shall be restricted. It is quite clear that the power sought by this clause may be required in certain difficult circumstances for the carrying out of plans for the saving of country from soil erosion. It may be necessary to say, "You shall not carry more than so many livestock on this land," or, "You shall not grow wheat upon this land or carry this particular type of stock on this land." If that is so, there are bound to be cases where the owner of land will find himself with a considerably reduced production and, in consequence, a considerably reduced income.

He is going to be in this position: He has on this land certain liabilities that have accumulated over a period of years. He is obliged, like the Kansas farmer, to whom I made reference during my second reading speech, to keep on producing in order that he may pay the annual liability which accrues from those debts that are upon the property. Hitherto he has found that the maximum production available from the property is only just sufficient to enable him to keep his head above water. These regulations, when made in a specific case, may hamper his ability to produce; but there is nothing in the Bill or anywhere else which is going to save him from being in the unfortunate position of

not having enough to pay his annual commitments and from getting deeper in the mire.

So I suggested to the Premier that if he could put up any alternative whereby the person in such a position could be relieved of the liability he could not in those circumstances meet, I would be prepared to abandon the amendment; but unless and until that is done, it seems to me absolutely vital that if the holder of the land in those circumstances is prosecuted, as the clause goes on to provide, for failure to comply with these restrictive regulations, he should be able to produce as a defence the fact that his failure to comply with the regulations is because he cannot, if he does so, continue to pay his way; and that the court should then be at liberty, if he proves that, to relieve him of the penalty for failure to comply with the regulations and place the onus on those who desire him to comply of suggesting some means whereby he can successfully proceed to carry his financial obligations. Ignoring for the time being all questions of production, all I am concerned with is not to find in any case that the application of these regulations to the individual is going to make his own position worse. I recognise that to a very large extent the work will be done upon his property not only for his benefit but also for the benefit of the community; and it is therefore the community's business, as much as his, to ensure that by his faithful carrying out of the restrictions imposed upon him he is not unduly penalised as an individual.

The only way I could bring this matter forcibly to the Committee—as I am not in a position to make provision for any form of financial relief to be offered to him—was to provide that if he were prosecuted a defence of that character should be lawfully available to him before the prosecuting magistrate. I have only made this provision in regard to paragraphs (c), (d), and (e) of Subclause (2). It will be seen, therefore, that the carrying out of the regulations made under this subclause will, on the one hand, restrict the production that a property would be capable of and, on the other, prevent it altogether. It is impossible at this distance of time from the actual happenings that are going to take place in regard to soil erosion, to realise or know what regulations may have to take effect. It is equally difficult to know what the financial position of the persons concerned will be at some future time. We do know, however, that in some areas where the application of these regulations may be necessary there are people who are not in a position to face any great reduction in their production, or the expenditure necessary to change their present system of production. Therefore we have to provide some safeguard in this clause and I am submitting the amendment for that purpose.

The PREMIER: This is a matter that should be left to a judge or magistrate to decide. All the proposals in this Bill are for the improvement of properties and the better farming of them. If we were to insert the proposal outlined by the Leader of the Opposition, I am afraid that no prosecution or action could be taken successfully, in spite of a person not realising his responsibility and not carrying out his obligations under the Act. The keynote of the Bill is one of co-operation between farmer and authority. Because of the restrictions and prohibitions in the amendment no case could be won and the defendants would have a wonderful opportunity to make excuses and show that the work should not be carried out.

Unfortunately, due to stress of circumstances, I have not been able to follow up a conversation of a week or two ago that I had with the Solicitor General. I was hopeful of being able to modify what the Leader of the Opposition can see as the dire effects of this clause, by inserting something that could be a direction, but certainly not so pointed as this which would be the means of any person, who was sufficiently clever in the presentation of his case, proving—even by documentary evidence—that he should not be held liable for his responsibilities under the Act. The amendment moved, in all good faith, by the Leader of the Opposition leaves a wide loophole and gives almost everyone an outlet for evading his responsibilities. I do not like the amendment. I am quite confident that if any particular case was properly presented and the person concerned could prove that he had given effect to the requirements of paragraphs (c), (d), and (e), he would have every leniency and consideration shown to him by the person hearing the case. As the whole object of the Act depends on the

carrying out of the work that is necessary, I hope the amendment will not be carried.

Mr. WATTS: I am not anxious to insist on the letter of this amendment. I would accept any alternative that gave the magistrate or the judge, whichever it may be, any discretion whatever. But at the moment Subclause (4) provides—

> Every person who without lawful excuse acts in contravention of or fails to comply in any respect with any regulations made under Subsection 2 of this section or any direction, requirement, prohibition, condition, limitation or restriction given or imposed under any such regulations shall be guilty of an offence against this Act. Penalty—Fifty Pounds.

Nowhere in the Bill can I find what is a lawful excuse. In the absence of a definition I cannot imagine what a magistrate would accept as a lawful excuse. He would say, "The regulation provides that you must not do so and so upon this particular land; well, you have done it, and you admit that you have done it. Why did you do it?" If the fellow said, "I could not carry on unless I did it," he would say, "That is no reason. You should comply with the law. You are fined £25." That is the position under the Bill as I see it. If the hon. gentleman will resume his discussions with the Solicitor General and present us with some alternative to this proposition—even if that alternative is inserted by another place—I am quite prepared to accept his assurance on that point and, for the time being, dispense with this discussion. Otherwise I feel that, while not entitled to insist on my amendment, I am entitled to insist that there should be some definition of the words "lawful excuse" for the guidance of magistrates in these particular transactions.

The PREMIER: I wonder whether the objections of the Leader of the Opposition might be met by amending Subclause (4), which includes the words that he has quoted from the Bill. If words were inserted to imply that the person had no reasonable excuse to offer in the light of the circumstances, even including his financial position, it might meet the wishes of the Leader of the Opposition, but I have a strong objection to prescribing the basis upon which the judge or magistrate shall determine what loopholes he shall be provided with. If the Leader of the Opposition is prepared to withdraw his amendment—as he has stated—I will pursue the matter, to see whether a simple amendment can be made to Subclause (4) to meet the requirements of the objection he has raised.

Mr. WATTS: On that basis, I ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause put and passed.

Clauses 23 to 26—agreed to.

Clause 27—Power to acquire land:

Mr. WATTS: I ask the Committee to vote against this clause. As I said on the second reading, it seems to me simply to add something to the powers of the Crown in respect of resumptions, that is already available under the Land Act, for example in regard to Crown leases and Crown grants. There is provision there that up to one-twentieth of the area may be resumed without compensation in respect of public works. Public works are defined as meaning certain things there set out, but do not include the creation of soil conservation reserves or the carrying out of the functions of this Bill when it becomes an Act. I think the Crown should be content to exercise its powers of resumption under Clause 26 of this Bill, which incorporates power to resume under the Public Works Act, on payment of compensation to a reasonable figure, and not to alter every Crown lease to the extent of making soil conservation a work in respect of which resumption can take place without compensation up to one-twentieth of the area, including improvements. The only way to overcome the point I raise is to vote against the clause.

The PREMIER: In all statutes dealing with the granting of land there is a provision giving the Crown the right to resume such land without compensation if the land is to be used for public purposes and in this clause that power is simply taken to resume for a public purpose; that is, the public benefit of the control or mitigation of soil erosion. I think the fine point at issue, and the one to which the Leader of the Opposition takes objection, is the specific part of the various agreements or leases issued under the Land Act which gives the Crown the right to resume one-twentieth of the area without compensation.

Mr. Watts: That is it.

The PREMIER: There may be something in that contention, that when such instruments were issued in the past to the prospective purchaser—the lessee from the

Crown—no provision was made for the likelihood of resumption for the purpose of control of soil erosion, and that being so I have no desire to be harsh in the matter. Although it was not anticipated, I think there is good reason why the person whose land is to be resumed should regard it as a matter of public benefit. The point raised by the Leader of the Opposition, that resumption should if necessary take place under the provisions of the Public Works Act, covers specific uses of land, and the appropriate section of the Land Act gives the reasons for which the land must be resumed. That is to be found in Section 29 of the Land Act—as are also what definitions may be applied to "public purposes" or "in the public interest." Since it is not a grave matter, that applying in existing leases to resumption without compensation up to one-twentieth of the area, I am not hidebound in the matter. I will vote for the retention of the clause unless the Leader of the Opposition can find much objection to what I have stated.

Mr. WATTS: The point, as I see it, can be put in a few words. We have a provision under the Land Act that a certain portion of an area can be taken without compensation, for specific purposes mentioned in the agreement between the Crown and the parties, and specified in the Land Act. I think we are adding a new ground for taking land without compensation—by the wording of this clause—because Clause 27 reads—

> Any provision in any draft, lease, agreement or license by which a power of resuming land comprised in such grant, lease, agreement or license for public purposes is conferred on His Majesty or the Governor or any Minister of the Crown shall be deemed to confer power to resume such land for the creation of soil conservation reserves or for the exercise or performance of any power, authority, duty or function conferred or imposed on any person under this Act.

There we are saying, notwithstanding that for from 30 to 50 years the limit of the power to resume without compensation has been the things prescribed in the existing law, we will take on another one, without compensation, whereas the general principle of land resumption, other than as provided for in that agreement, has been with compensation. I do not want to take on something in this Bill, simply because we are doing it for a public purpose, which will put one man in the position of having his land resumed without compensation for this purpose, while another more fortunate person, where there is no need for soil conservation, receives compensation for a similar area.

Clause put and negatived.

Clauses 28 to 31—agreed to.

Clause 32—Areas of erosion hazard:

Mr. WATTS: Here again there are three amendments standing in my name, but I shall be grateful, Mr. Chairman, if you will turn to the second. In this clause it is provided that an area of erosion has to be notified in the "Government Gazette," and later on there is power of appeal to a local court by a person affected by the proposal. It provides that a copy of, or a reference to, the map or plan shall be served upon every owner and occupier or mortgagee, where there is a mortgage. I propose to make provision also for a copy of the notification to be made available. I think the interested parties should receive a copy of the "Gazette" notice specifying just what is proposed to be done in order that they may determine whether or not they will evoke the assistance of a magistrate as provided for later on. I move an amendment—

> That in line 1 of Subclause (3) after the word "plan" the words "and of the notification" be inserted.

Amendment put and passed.

Mr. WATTS: I move an amendment—

> That at the end of paragraph (b) of Subclause (5) the following words be added:—"and such notification shall be accompanied by a copy of the provisions of Subsections (6) and (7) of this section."

Subsections (6) and (7) provide for an appeal to a local court, and it seems to me that the position should be conveyed to the parties concerned, who may not be aware of the facts.

The Premier: I am convinced.

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

Clause 33—agreed to.

Clause 34—Agreements relative to projects:

Mr. WATTS: I move an amendment—

> That a new subclause be added, as follows:—
>
> (4) Where any owner or occupier has entered into an agreement under this section no act, matter or thing which such owner or occupier under or in conformity with such agreement does or

abstains from doing upon or in relation to the land shall render such owner or occupier liable in respect of the breach of any covenant, condition or agreement expressed or implied in any mortgage, charge or other security or in any lease or agreement.

The clause provides that when agreements are made between the department and owners of land, the making of the agreements, notwithstanding that they may evoke breaches of some conditions in titles of land from the Crown or leases, will not make the land liable to forfeiture. That is reasonable. A lease, however, may provide for certain work to be carried out, whereas under the new agreement that work may not be undertaken and it might render the occupier open to an action for breach of covenant. That doubt should be removed, hence the amendment.

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

Clauses 35 to 37—agreed to.

Clause 38—Execution of certain works by the commissioner:

Mr. WATTS: I move an amendment—

That at the end of paragraph (d) of Subclause (3) the following words be added:—"Such copy shall be accompanied by a copy of Subsections (4) and (5) of this section."

The principle involved has already been dealt with under a previous clause.

The PREMIER: As I agreed to the previous amendment and as the same principle is involved, I agree to the amendment.

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

Clause 39—agreed to.

Clause 40—Contribution by landowners to cost of works:

Mr. WATTS: Exactly the same principle is involved as in the other provisions regarding which the Premier agreed to amendments. I take it that in the circumstances the Premier will adopt a similar attitude in this instance. I move an amendment—

That at the end of Subclause (2) the following words be added:—"and shall be accompanied by a copy of the provisions of this section."

Amendment put and passed.

Mr. WATTS: Subclause (5) makes provision for appeals to the local court and for determinations by the court having regard to the cost of the work and the area affected by the work, the present and prospective amounts by which the value of the land will be enhanced by reason of work that is undertaken, the extent to which the value of the land will be maintained by the work, and the depreciation likely to occur had the work not been carried out. There is to be no inquiry as to the productive capacity of the property, and while I have previously argued, with much effort but little success, the question of productive capacity being the basis upon which values should be more commonly assessed, we should not be without a direction to the magistrate to take into consideration what will happen to the productive capacity of the property. This ought to be one of the questions to which the magistrate shall have regard in arriving at a determination. The ability of a property to produce certain lines might be considerably altered. At first sight one would be inclined to say that it would be reduced, but in some circumstances the position might be improved, and this factor should be taken into consideration also. I am prepared to allow the magistrate to inquire whether the productive capacity of the land will be affected, rather than enhanced, by reason of the work. I move an amendment—

That a new paragraph be inserted as follows:—"(e) whether the productive capacity of the land will be affected by reason of the work."

The PREMIER: I take it the Leader of the Opposition would say that the "productive capacity of the land" means exactly the same as the "value of the land."

Mr. Watts: I have held that view, but it has not been accepted here.

The PREMIER: Since that is his view, the words proposed to be inserted are quite redundant.

Mr. Watts: If you will adopt that opinion, too, we will get on much better. You have not adopted it hitherto.

The PREMIER: Under Subclause (5) the court shall have regard to the amount by which the value of the land will be enhances by reason of the work the extent

to which the value of the land will be maintained by the work, and the depreciation of value likely to occur had the work not been carried out. Whether or not there is substance in the argument that the value of the land and the productive capacity are identical terms, the amendment is unnecessary. Therefore I shall vote against it.

Mr. WATTS: The Premier went too far in alleging that the terms "productive capacity of the land" and "value of the land" are synonymous. I have not got so far as to advance that point of view, but I argue strongly that the ability of the land to produce wealth should be the main desideratum in arriving at the value. In many instances, this has not been done, and this point of view has not been accepted by the Premier. Nor is it likely to be accepted by him at this minute.

The Premier: You do not wholly accept it yourself.

Mr. WATTS: It ought to be taken into consideration, but it has not been considered to any great extent. There is still an inclination to say, "Here are five acres cleared and it costs 6d. per acre and is worth 2s. 6d." whereas in all probability the land would not grow a tomato.

The Premier: My main objection to the productive capacity argument is the varying features upon which usually a substantial argument is based.

Mr. WATTS: Quite so, but if land can carry 500 sheep and something in this legislation reduces its carrying capacity to 250, the productive capacity has been reduced.

The Premier: And therefore its value.

Mr. WATTS: Yes. I do not know that the magistrate would take any notice of that unless expressly directed to do so. That is why I am asking for an express direction to the magistrate to take this matter into consideration. I do not think the Premier is any more opposed to the amendment than I am.

Amendment put and passed.

Mr. WATTS: I move an amendment—

That after the new paragraph (e) the following definition be inserted:—"For the purposes of this subsection the word 'present' is used in respect of the value of the land as at the time of the hearing of the appeal."

We are going to have appeals over a long period of years.

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

Clauses 41 to 44—agreed to.

Clause 45—Penalties:

Mr. WATTS: I move an amendment—

That in line 3 of Subclause (2) the word "justices" be struck out.

The PREMIER: I do not agree to the amendment. Probably many actions under this Act will have to be taken in outer areas, perhaps in pastoral areas, where the population is sparse and people far removed from a stipendiary or resident magistrate. Should circumstances so justify, either party could apply for a change of venue. To avoid expense, however, it is necessary to give the parties the opportunity to have the case heard at the court nearest to where they reside; and in almost all cases such a court would be presided over by justices. I hope the Leader of the Opposition will not press his amendment.

Amendment put and negatived.

Clause put and passed.

Clauses 46 to 49—agreed to.

Schedule, Title—agreed to.

Bill reported with amendments.

House adjourned at 9.26 p.m.

Legislative Council.

Wednesday, 3rd October, 1945.

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

QUESTION.

WHEAT SILO, FREMANTLE.

As to Details of Cost, Etc.

Hon. A. THOMSON asked the Chief Secretary: Will the Government request Mr. Scully, Minister for Commerce, Canberra,