Hon. W. J. Mann: Clause 10 covers the position.

Amendment, by leave, withdrawn.

Bill reported with amendments, and the report adopted.

Third Reading.

Bill read a third time and returned to the Assembly with amendments.

House adjourned at 11.15 p.m.

Legislative Assembly,

Thursday, 12th December, 1935.

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

QUESTION—LOAN FUNDS FROM COMMONWEALTH.

Mr. DONEY asked the Treasurer: 1, What amount of loan funds has been received by the Government from the Commonwealth Government for the current financial year? 2, How much of this loan money was spent up to the 30th November, 1935? 3, Will there be any further loan money available for the remainder of the current financial year?

The MINISTER FOR JUSTICE (for the Treasurer) replied: 1, Proceeds of loans made available through Commonwealth Bank to 30th November, £1,180,792; less amount not yet drawn, £1,175,000; total, £5,792; local raisings and repayments, etc., £499,859. 2, Loan expenditure, £928,092. 3, Yes.

QUESTION—WHEAT, FEDERAL BOUNTY AND GRANT.

Mr. DONEY asked the Minister for Lands: 1, Has payment of the 3d. per bushel bounty on the 1934-35 wheat crop been delayed in any case because funds were not available? 2, If the answer to question No. 1 is in the affirmative, why are funds not available from the Federal grant for this purpose? 3, What amount of the Federal grant for necessitous wheatgrowers for the 1934-35 season has been paid up to 30th November, 1935—(a) to Agricultural Bank clients; (b) to other wheatgrowers?

The MINISTER FOR LANDS replied: 1, No. Funds were available, but late applications caused the original estimate to be exceeded and necessitated the transfer of additional funds from the Commonwealth to cover the amount required. 2, See No. 1. 3, As payments are made by branch offices, considerable time will be required to obtain the information asked for.

QUESTION—RURAL RELIEF FUND ACT.

Mr. DONEY asked the Minister for Lands: 1, Will the Government state when the Rural Relief Fund Act of 1935 will be proclaimed? 2, Have the trustees authorised by that Act been yet appointed? 3, Is debt adjustment action by the Agricultural Bank being delayed in order that such action may coincide with similar action under the Rural Relief Fund Act?

The MINISTER FOR LANDS replied: 1, The Bill having been assented to, the Act is now in force. It does not need proclamation. 2, No, but the appointments will be finalised at an early date. 3, No. Where Bank clients have outside creditors, however, they are advised for obvious reasons to apply under the Rural Relief Act for debt adjustment. The policy of the Commissioners in this connection was published in the "West Australian" on the 8th ult.

QUESTION—LAW CASE.

Hughes v. Gray.

Mr. DONEY asked the Minister for Justice: 1, Were any of the costs ordered by the magistrate of the Police Court, Fremantle, in the case Hughes v. Gray to be paid by the defendant to Hughes, paid by

the Crown? 2. If so, what part of such costs was so paid? 3, Were any of the costs incurred by Gray in his defence in the same case paid by the Crown? 4, If so, what part of such costs?

The MINISTER FOR JUSTICE replied: 1, No. 2, See No. 1. 3, No. 4, See No. 3.

QUESTION—HOTEL LICENSE, YANCHEP.

Mr. MARSHALL (without notice) asked the Minister for Justice: In view of the possibility of a license being granted at Yanchep, will he take steps to ensure that such license, if granted, is granted to the State, and not to a private person, so that there may be an assurance of strict control and rigid observance of the licensing laws?

The MINISTER FOR JUSTICE replied: An application has been lodged for such a license, but the matter has not yet been dealt with by the Licenses Reduction Board.

Mr. MARSHALL: How about the State getting the license, instead of a private individual?

BILL—ROAD CLOSURE.

First Reading.

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

Second Reading.

THE MINISTER FOR LANDS (Hon. M. F. Troy—Mt. Magnet) [4.35] in moving the second reading said: This is a Bill to which I feel sure no exception will be taken.

Hon. C. G. Latham: We have not seen it yet.

The MINISTER FOR LANDS: The City Council have applied for the closure of portions of Scott-street and Melrose-street adjoining the oval at Leederville, as coloured red on the plan which I shall lay on the Table. The reason for the application is that the two streets serve no useful purpose as streets, all the adjoining land being held or controlled as reserves by the City Council. The portion of Melrose-street referred to is not a constructed street. Vehicles are often driven up and parked alongside the fence while matches are in progress on the oval, and large numbers of people stand on the tops of the vehicles and view the matches without having paid any admission fee. It is proposed to include these two streets in the adjoining park lands reserve, and place them under the control of the City Council. The department have no objection, and no objection has been voiced by anyone else. The second proposal in the Bill relates to Bunbury. The Bunbury Golf Club own the land coloured green on the tracing which I shall lay on the Table, and have subdivided portion of the land into lots for sale. A private road, however, as shown in brown on the tracing, gives access to the golf links. It is marked on the certificate of title, and on the plans of the Titles Office. The road is not made or used, as alternative roads have been provided in the subdivision for access to the golf links. Before the subdivision can be approved and the lots dealt with, it will be necessary to close this right-of-way, the land comprising which already belongs to the golf club. The Bunbury Municipal Council have no objection to the proposed closure, and neither is there any departmental objection. I move—

That the Bill be now read a second time.

On motion by Hon. C. G. Latham, debate adjourned.

BILL—ELECTORAL.

Council's Amendments.

Schedule of 62 amendments made by the Council now considered.

In Committee.

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

No. 1. Clause 5, interpretation of "absent voter," strike out all the words after "fifty-one" and substitute the words "pursuant to Section 81, or who votes under the provisions of Section 81."

The MINISTER FOR JUSTICE: I am very much disappointed at the manner in which the Bill has been returned to this Chamber. It was sought to pass the measure some 12 months ago. At that time, however, it was considered that the session was too

far advanced to allow of such a Bill being dealt with, and that the preferable course would be to refer the Bill to a joint select committee of both Houses with a view to finding a basis of agreement. Thereupon the measure was to be introduced early in this session. Optimistically it was expected that the measure having been dealt with by both branches of the Legislature would become law in sufficient time to allow of its being proclaimed for the ensuing general election. To that end it would have to be enacted comparatively early, so that outback people might have an opportunity of becoming acquainted with the provisions of the new law. However, time dragged on, and we get the Bill back in its present state.

Mr. Patrick: It is a new Bill.

The MINISTER FOR JUSTICE: A new Bill, but practically the old Act. One of the main reasons for alteration of the electoral law was that during last year scandals occurred, gross scandals, disclosures of unscrupulous conduct in regard to postal votes. Those matters having been brought to light and the people responsible punished, it was held that the time was ripe for amending our law so as to bring its provisions into line with those existing throughout Australia. Postal voting is an anachronism, and has been abolished in all other Australian States for some considerable time past. Here its existence has led unscrupulous people to use the authority given them in a manner never contemplated when the postal voting provisions were enacted. As a result, some people have found themselves in the hands of the police and ultimately in gaol. It is high time that our postal voting provisions were replaced by a more up-to-date and effective set of provisions, to operate for the benefit of people whom necessity compels to vote away from a polling booth. The postal voting provisions, accordingly, were amended in the manner which hon. members observed while the Bill was passing through this Chamber. It seems to me that, irrespective of what has happened on many occasions, members of the Legislative Council have taken up the attitude that the postal voting provisions should continue, notwithstanding the gross abuses and scandals that have arisen under those provisions. This is remarkable, in view of the fact that the Government had taken steps to prevent a repetition of those abuses, and seeing that the Bill was the outcome of consideration by a joint select committee which was subsequently converted into a Royal Commission. The Bill, of course, passed this House and was sent to the other Chamber, where those undesirable provisions have been reinstated. One can scarcely recognise in the Bill as it is returned to us the Bill that left this Chamber, and I do not think the Committee would be justified in giving the time and consideration necessary to deliberating over the 62 amendments made by the Council.

Mr. North: Compulsory voting is common ground, is it not?

The MINISTER FOR JUSTICE: Yes, and that is almost the only common ground. It seems to me useless to try to consider intelligently the 62 amendments made by the Council, after which, of course, the whole thing would have to be handed over to the Parliamentary Draftsman, and eventually so many of the Council's amendments that we did not agree to would have to be referred back to the Council. It is not as if the joint select committee which dealt with the Bill comprised a majority of members who could be said to be supporters of the Government. On that committee of ten there were only four who could be designated Government supporters. We did not attempt to introduce any party principles into the Bill.

Mr. Hawke: A leading member of the Royal Commission was responsible for all these amendments.

The MINISTER FOR JUSTICE: That is so. It shows a deliberate attempt to fool the rest of the members of the commission. The Leader of the Opposition escaped attendance on the commission. I am satisfied that with his assistance we might have got those people into a frame of mind in which, rather than give a tentative decision with tongue in cheek—I am afraid that is out of order; with mental reservations—they would have been more definite in their decision.

Mr. McDonald: There was one dissentient, was there not?

The MINISTER FOR JUSTICE: Yes, only one. The Bill was by no means a party measure. Had the Government desired to give effect to their own policy, they would have brought down some provisions vastly different from those in the Bill in order to do that. However, instead of that, the Bill was drawn simply to clarify the

existing law, to prevent abuses and to set the law on a satisfactory basis in conformity with the original intention. We simply desired that both Houses of Parliament should exercise their joint wisdom and discretion and clarify the law, bringing it to such a state that it would be easily understood, and to bring about an improved set of conditions. The Government having had a minority representation on the joint select committee, it cannot be said there was any attempt on the part of the Government to put their own theories into practice. Nobody attempted to give the Royal Commission a party flavour. All that was required to be done was to clarify the law and finally do away with the abuses of the past. So it seems to me it would be a great waste of time, after the Bill has been dealt with by a joint select committee subsequently converted into a Royal Commission, and dealt with by this House and now mutilated by the other Chamber, to start all over again. In what remains of the Bill it is clear that in a large measure the provisions of the existing Act—provisions that we wished to get away from—have been reverted to. Under the Bill before us many people who are now able to exercise the franchise will be debarred from doing so. It may be said that if anybody set out deliberately to stuff the roll, it could be done under this proposed measure. And the ratepayers' qualification, which it was proposed to remove from the Act and the removal of which would have dissipated a lot of misconception people have in regard to this roll, has been reinstated. When the Bill was before the joint select committee every encouragement was given to members of that committee to bring forward any phase of the electoral law which they thought needed revision. The Crown Solicitor gave a great deal of time to the drafting of the Bill, and nothing whatever was overlooked. The Chief Electoral Officer was there to explain how the clauses would work out, and how the joint select committee could amend those clauses, if deemed necessary. This provision about taking the valuation of the local authority which was originally put into the Constitution Act, has been entirely altered by the amendments made in the Local Authorities Act and the Municipalities Act since the original Constitution Act was passed. So to-day a position exists which was not contemplated when the original provision was put in the Constitution Act. Various local authorities have different methods of valuation. A man living on one side of the street is treated by the local authority under which he comes, whereas his neighbour on the opposite side of the street, being under another local authority, is treated quite differently. In many municipalities the rateable value of the local authority is taken in the assessment of the water rate proposed by the Government at 3s. in the pound. The local authority, in order to let their ratepayers escape some of this rate, decrease the valuation, but increase their own rates so that they shall get the same amount of rates, the object being to allow the ratepayers to get their water at a lower rate. That surely is an improper action for any local authority to take, especially when the alteration of the valuation disfranchises hundreds of people who were previously on the Legislative Council roll. However, it has been done and is still being done, and while it might seem justified from the standpoint of the local authority, from the standpoint of Parliament it means that a considerable number of people will be disfranchised from having votes for the Legislative Council. That was never contemplated when the original electoral law and Constitution were enacted. When we try to make an amendment to prevent people from being disfranchised unnecessarily through the action of a local authority and to put everybody on an equal footing, we cannot get it. In all these amendments we are practically asked to revert to the original Act. Hardly anything that we set out to alter has been agreed to. I do not know whether the Council were in earnest in thus dealing with the Bill, but their representatives on the Royal Commission certainly appeared to be in earnest. Whether the amendments have been made to preserve some of the seats in another place or whether members there are prepared to submit to continued abuses, I do not know. I consider it would be a waste of time and energy for members seriously to consider the amendments. There seems to be no chance of the two Houses reaching agreement, and in the circumstances it is not worth while proceeding with the Bill. If we send the Bill back with a message stating that the principles have been so drastically altered that we do not desire to proceed with the measure, we might get

some of the original proposals restored, but I do not think so. I move—

That the Council be acquainted that the Assembly cannot concur in the amendments because of the many drastic alterations in the principles of the Bill as submitted.

The CHAIRMAN: That should take the form of a reason drawn up by a committee.

Hon. C. G. Latham: Yes, you must first move that the amendment be not agreed to.

The MINISTER FOR JUSTICE: I move—

That the amendments be not agreed to.

Question put and passed; the Councils amendments not agreed to.

Resolution reported, and the report adopted.

The MINISTER FOR JUSTICE: I move—

That the Council be acquainted that the Assembly cannot concur in the amendments because of the many drastic alterations in the principles of the Bill as submitted.

Hon. N. Keenan rose to speak.

Hon. C. G. LATHAM: On a point of order, does the motion moved by the Minister conform to the usual practice in dealing with messages from and to the Council? Should not we appoint a committee to draw up reasons for disagreeing?

Hon. N. Keenan: That is what I was about to say.

Hon. C. G. LATHAM: Very well, go ahead.

Hon. N. KEENAN: I presume that the usual course must be adopted before returning a message to another place disagreeing with amendments. Reasons have to be drawn up by a committee appointed for the purpose. I do not know to what extent it would be proper for me to make some observations generally on the amendments, because the House has adopted the report of the committee to disagree with the whole of the amendments.

Mr. SPEAKER: Yes, the report has been adopted.

Hon. N. KEENAN: I should need the indulgence of the House in order to make any statement and as a preliminary to asking the Minister to follow the usual course of appointing a committee to frame reasons. It is correct that at this stage of the session numerous amendments——

Mr. SPEAKER: Order! The member for Nedlands is not in order in discussing the amendments now. He should have discussed them in Committee.

Hon. N. KEENAN: You rule, I understand, that any references to the character of the amendments and to the possibility of those amendments being considered at the present stage of the session are not receivable.

Mr. SPEAKER: That is so. They should have been made while the amendments were being considered in Committee.

Hon. N. KEENAN: I realise that.

Mr. SPEAKER: Standing Order 323 reads—

In any case, when a Bill is returned to the Legislative Council with any of the amendments made by the Council on the Assembly's amendments disagreed to, the message containing such Bill shall also contain written reasons for the Assembly not agreeing to the amendments proposed by the Legislative Council; and such reasons shall be drawn up by a committee of three members, to be appointed for that purpose when the Assembly adopts the report of a Committee of the whole House disagreeing to the amendments in question.

The MINISTER FOR JUSTICE: When the committee bring in their reasons and their adoption is moved, the member for Nedlands might make any observations.

Hon. N. Keenan: I might or might not be opposed to the reasons.

The MINISTER FOR JUSTICE: The hon. member could comment on them. I move—

That a committee consisting of Messrs. Latham, Hawke, and the mover draw up reasons for disagreeing to the Council's amendments.

Question put and passed.

The committee drew up reasons for disagreeing.

The MINISTER FOR JUSTICE: I move—

That the reasons be adopted.

Hon. N. KEENAN: I do not know that I can say anything that would be in order on the motion.

Mr. SPEAKER: See how you get on.

Hon. N. KEENAN: I agree that at this stage of the session it is not desirable to consider or attempt to consider drastic amendments, but there are a great number which are not drastic and some of them are almost only grammatical. Some are amendments dealing with the franchise of another place, and a second class of amendments deal with postal voting. It has to be remembered that

the Bill, as it left this House, did undoubtedly propose to disfranchise a very great number of people, thousands of them, who were enjoying the franchise for another place. I am one of several members who would like to see the franchise for another place broadened, and would be opposed to anything to reduce the number of people entitled to be electors of another place. It is not correct to say that this House was unanimous concerning the Bill, or even nearly unanimous. Clause 18 was amended in this House so that it might be broadened. It is not a correct picture to paint that the design of the Bill was one that was carrying out some concensus of opinion, because it did not even express the concensus of opinion in this House. Perhaps it did express the opinion of the majority of the House.

Mr. Hawke: It did after your amendments were accepted.

Hon. N. KEENAN: All my amendments were not accepted.

Mr. Hawke: Most of them were.

Hon. N. KEENAN: All of them were not. I agree as to the impossibility of proceeding at this stage of the session with an amendment list of this character, and therefore I am in accord with the motion moved by the Minister. At the same time I cannot accede to the opinion that all the amendments made can properly be described as drastic. Nor do I accede to the statement made, not in the moving of the reasons, but as to the comments on the amendments generally by the Minister, that these amendments are calculated to reduce and confine the franchise in a manner that would lead to a large number of people being deprived of the franchise. I do not find myself wholly in accord with the action taken, but not sufficiently in disaccord to offer any opposition to it.

Question put and passed.

Reasons adopted and a message accordingly returned to the Council.

BILL—LIMITATION.

Council's Amendment.

Amendment made by the Council now considered.

In Committee.

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

Clause 36:—Add at the end of the clause: "unless such possession has continued for a period exceeding sixty years."

The MINISTER FOR JUSTICE: Section 36 of the Bill merely provides that the right, title and interest of the Crown in land shall not be affected by adverse possession. Under the law the Crown is debarred, after a lapse of 60 years, from taking action to recover land which is in adverse possession of some private person. This amendment seeks to provide that if anyone has been in possession of Crown land for 60 years the Crown cannot re-possess it. There is a difference in principle between the old law in regard to the Crown being barred from re-possession, and this amendment, which permits people to obtain the title of land which they have occupied for a long time. There is still the law that the Crown is barred from taking any action to prevent people from continuing in possession of land which they have occupied for 60 years. That is quite sufficient without the amendment proposed by the Council. The Crown is in an awkward position in regard to the ownership of lands. It owns all the lands in the State with the exception of those pieces which have been alienated in a statutory manner. The Crown cannot be expected to supervise more than 50 per cent. of the lands of the State. Apart from leaseholds, probably only 3 or 4 per cent. of the land has been alienated. All that the law does is to bar the Crown from taking action to recover possession of land which has been held in adverse possession for 60 years. I am not prepared to agree to the amendment. The existing provisions of the old law are quite sufficient. If the amendment were passed it would give people the right to possess land that is still in the possession of the Crown, and should remain in its possession. I move—

That the amendment be not agreed to.

Hon. C. G. LATHAM: I am glad the Minister has moved this motion. The provision would be a dangerous one to insert in the Bill. The Crown is always reasonable and fair in its dealings with persons who may have a claim under some old title. Under the Transfer of Land Act, however, no misunderstanding as to ownership can arise between the Crown and an individual. We should not give people the right to possess land merely because they have lived upon it for 60 years. It

may be that a child was born on a block of land, and if the rates and taxes have been paid to the local authority for 60 years, that individual may put in a claim for the possession of the land. I support the Minister in his attitude.

Hon. N. KEENAN: I do not know why this amendment was made. I understood that the Bill was meant to be a codification of the existing law. Had we addressed ourselves to framing a proper Limitation Act, undoubtedly we would not have passed this Bill. I understood the Minister to inform the Committee that the view expressed in the Council was that this amendment was inserted because of the existing law. If it is the existing law, it means that if one is in adverse possession of land for 60 years, the Crown cannot then dispossess.

Hon. C. G. Latham: It can.

Hon. N. KEENAN: Then Clause 36 will undoubtedly alter that law, if it is the law. I do not think we should alter the Act unless we do it thoroughly, and to agree to this miserable little amendment is not the proper course to adopt. If we are to amend the Act, there are much more important matters that require alteration. If the law is as suggested in another place, it is news to me, although I have some dim idea about the rights of an individual who has been in adverse possession of land for 60 years. I have an idea that the Crown recognised that a person in possession for 60 years was not to be disturbed, but not because that was the law.

The Minister for Justice: The Crown is debarred from taking action to dispossess.

Hon. N. KEENAN: Yes, even though the individual concerned may not have any actual title to the land. Clause 36 can very well be read to disturb that procedure. I think the Minister would be well advised to refuse to accept the amendment.

The Minister for Justice: That is the action I intend to take.

Mr. J. H. SMITH: I think the Minister could accept the amendment. Sixty years is a long time and that in itself should be a sufficient safeguard.

Question put and passed; the Council's amendment not agreed to.

Resolution reported, and the report adopted. A committee consisting of Messrs. Latham, McDonald and Willcock drew up reasons for disagreeing with the amendment.

Reasons adopted and a message accordingly returned to the Council.

House adjourned at 5.51 p.m.

Legislative Council,

Friday, 13th December, 1935.

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

BILL—BULK HANDLING.

In Committee.

Hon. J. Cornell in the Chair; the Chief Secretary in charge of the Bill.

Clause 1—agreed to.

Clause 2—Definitions:

Hon. C. F. BAXTER: In the name of Mr. Piesse I move an amendment—

That in the definition of "grower" all the words after "means the" be struck out and "actual grower" be inserted in lieu.

As the definition is worded, a lot of confusion is likely to arise in connection with the Bulk Handling Company. The word "grower" is not used anywhere in the Bill in the sense mentioned here, and it is deemed advisable that the definition should be amended in the way proposed.

The CHIEF SECRETARY: I oppose the amendment. The term used in the Bill is a very necessary one. It is inserted in this way as a preliminary to Clauses 22 and 23. The definition has a particular bearing on Clause 23 which deals with the rights and limitations of certain parties and sets