

a purpose other than a charitable consideration, he can provide for that without going so far as he does. What he proposes is the right to rescind the law altogether.

Amendment put and negatived.

Clause put and passed.

Title—agreed to.

Bill reported without amendment and the report adopted.

ADJOURNMENT.

THE MINISTER FOR JUSTICE (Hon. J. C. Willcock—Geraldton) [10.36]: I wish to notify members that it is not proposed to sit during next week except on Tuesday. I move—

That the House do now adjourn.

Question put and passed.

House adjourned at 10.37 p.m.

Legislative Council,

Tuesday, 3rd September, 1929.

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

PERSONAL EXPLANATION.

Hon. H. Stewart and Forest Royalties.

HON. H. STEWART: I desire to make a personal explanation. I regret I was not able to be present when the Leader of the House delivered his reply to the speeches

that had been made during the course of the Address-in-reply debate. In the report of his speech which I perused and which I have every reason to believe was authentic, he attributed to me certain statements that appeared in the form of a quotation. From that quotation some material words were left out. The reference was in connection with the Forests Act, and I will content myself with making a brief explanation now because I can deal with the matter more fully at a later stage. The elimination of the words I refer to, whether inadvertently or otherwise, served to enable the Chief Secretary to build up a case that falls to the ground because of that material omission. The quotation from my speech, which appeared in part in the report, was as follows:—

The statement that the Conservator could not use the money for which it was set apart was false, because there is in the Forests Act nothing which says that sandalwood royalties shall be used for the re-establishment of sandalwood.

The words "in the Forests Act" were omitted. Subsequently I was dealing with the Forests Act and the Chairman of Committees interjected to that effect, and I was represented as dealing with the amendment.

The Chief Secretary: The Forests Act includes the amendment.

BILL—WORKERS' HOMES.

Read a third time and passed.

BILL—STAMP ACT AMENDMENT.

Second Reading.

Debate resumed from the 22nd August.

HON. SIR EDWARD WITTENOOM (North) [4.40]: Since the House met last, I have had an opportunity of going thoroughly into the Bill and I have no opposition to offer to it.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

BILL—WATER BOARDS ACT AMENDMENT.

Second Reading.

Debate resumed from the 22nd August.

HON. A. LOVEKIN (Metropolitan) [4.42]: Although the Bill apparently accomplishes the purpose for which it has been introduced, it contains a principle that I think the House ought not to assent to. As the Chief Secretary told us the other night, practically the same provision is in the Road Districts Act. Although that is so, it does not seem any good reason why we should perpetuate in our statutes a principle that I regard as wrong. After having levied a rate at the beginning of the board's financial year, it can, at any time during the currency of that year, levy a supplemental rate. It seems to me that that is a very bad principle to embody in our statutes, particularly when we consider the large farming population of this State. A farmer settles his accounts once a year, when he gets his crop in. He then knows what his road board rates are and also what his water board rates amount to. He has some idea of what he has to pay and acts accordingly. Should the water board come along nine or ten months later with an intimation that a supplemental rate had been struck, it would place many people in an awkward position. I do not know that we ought to legislate in such a way as to produce that result. The reason for this, the Chief Secretary told us, is that the Wagin Water Board, having a scheme in operation, levied a rate sufficient to pay for the scheme, but subsequently the board borrowed some £30,000 from the Government and the 6d. rate, which they thought at the time would be sufficient to finance the scheme, proved short of what was required to pay interest on the Government loan. They therefore proposed to levy a supplemental rate. On the 8th November, the end of the financial year, the farmers will have paid their 6d. rate and will have no money with which to pay a supplemental rate. I think we must help Wagin out of the difficulty, and I intend to suggest two courses to members, because I do not think we ought to perpetuate a principle such as this. If we do perpetuate it, it will be regarded as a confirmed precedent and we may be asked

to extend it to vermin taxes and everything else. We should set our faces against anything of that kind. Local bodies should make up their minds once a year what rates they require, and they should not be allowed to come along later with supplemental rates. One course open to members here is to throw out the Bill and suggest to the Government that they bring in a special Bill to permit the Wagin Water Board this year to levy a supplemental rate and thus rectify the error made in levying an insufficient rate at the outset. If that is done, we shall not involve ourselves in the principle to which I take exception. If members consider that that course is not a wise one to adopt, we may perhaps agree in Committee to an amendment to make this Bill apply, not as a general principle, but specifically to Wagin. If we do that, we shall give the promoters of the Bill—the Wagin board, I take it, at the instance of the Government—the supplemental rate for this one year only, and leave the principle alone, so that it cannot be quoted as a precedent for vermin boards, municipal councils and other bodies to make similar requests. I should like to hear an expression of opinion from members on the two courses I have suggested. If members consider the latter course sufficient, I shall be prepared to submit an amendment at the proper time.

HON. H. STEWART (South-East) [4.49]: During my speech on the Address-in-reply I mentioned this matter *inter alia*, not as one of great importance, but as showing the trend of modern government to do illegal acts and allow local governing bodies to do things not in accordance with the law. As a representative of the people, I consider that tendency to be quite wrong. The people of Wagin are very appreciative of what the Government have done in recent years in the way of providing assistance for water supplies, hospitals, fire brigades and so on. This matter does not affect the farmers; it affects only the rate-payers of Wagin, so I can relieve Mr. Lovekin's mind on that point.

Hon. A. Lovekin: But what of the principle?

Hon. H. STEWART: I am coming to that. It was only because of an interjec-

tion that the local governing body was mentioned. The fact of the ground I was taking having been challenged compelled me to mention the specific instance. The Chief Secretary, on reflection, will quite realise that. I mentioned that the people of Wagin were appreciative of what the Government had done for them and had no desire in any way to evade their obligations. A local government officer of many years standing was asked in July in the first instance to issue rate notices of half-a-crown for the nine months beginning the 1st February, and he pointed out that it was illegal. Then came the proposal to strike a supplemental rate of 1s. 10½d. for the 12 months instead of 2s. 6d. for the nine months, thus showing that the contention of the local government officer had something in it. When a local government officer has fulfilled his duties for 18 years and he approaches the Government for legislative action, one is justified in directing attention to the tendency of recent Governments to do things that might inflict considerable harm. I have listened with interest to the remarks of Mr. Lovekin, and I agree with him that it is not desirable that the principle of imposing supplemental taxation should be established as a precedent. How would we like to have the supplemental principle established in connection with income taxation? In all matters, particularly legislative matters, I endeavour to act on certain principles. Though I may be misguided in some instances, I do not believe in adopting principles for the mere sake of expediency. We would be well advised to adopt the suggestion of Mr. Lovekin and make the Bill apply purely to the Wagin Municipal Council so that they might be enabled to meet their obligations as they desire and as I desire them to do. Thus they would be put in a position to meet the requirements of the Government within the specified time. It may be hard on ratepayers if another rate is imposed within a short period, but they are deriving advantage from the scheme. It may have been better to wait until next year, but as the council have entered into the obligation, I would not do anything to hinder them in fulfilling it.

On motion by Hon. C. F. Baxter, debate adjourned.

BILLS (4)—FIRST READING.

- 1, Land Agents.
 - 2, Mines Regulation Act Amendment
 - 3, Inspection of Scaffolding Act Amendment.
 - 4, Vermin Act Amendment
- Received from the Assembly.

MESSAGES FROM ASSEMBLY.

Hon. A. LOVEKIN: I should like to ask, Mr. President, whether we have had any official notice as to the position of the gentleman who has signed the messages transmitting Bills from the Legislative Assembly. The messages are signed "A. H. Panton, Deputy Speaker." Have we been acquainted with the fact that that gentleman is authorised to sign messages for transmission to this House?

The PRESIDENT: The fact that we have received the messages from the official messenger of another place, I think, should be sufficient.

Hon. Sir Edward Wittenoom: Is he Deputy Speaker or Deputy Chairman of Committees?

BILL—INDUSTRIES ASSISTANCE ACT CONTINUANCE.

Second Reading.

THE CHIEF SECRETARY (Hon. J. M. Drew—Central) [5.0] in moving the second reading said: A Bill for the continuance of the Industries Assistance Act has been before the House on so many prior occasions that hon. members will be fully conversant with the reasons for its renewal. Successive Governments have desired to see the active operations of the board discontinued, but until other avenues of credit are available, that could only be done with hardship to many of its customers, and economic and financial loss to the State itself. The measure was introduced as emergency legislation to relieve the distress caused by the failure of the 1914-15 harvest. The Board appointed under it has rendered valuable service in enabling upwards of 3,000 settlers to remain on their holdings, and continue production—settlers who would otherwise have been forced, through stoppage of commercial credit, to at least temporarily abandon their properties. Again, in 1918, as an

auxiliary of the Agricultural Bank and Discharged Soldiers Settlement Board, it played an influential part in establishing discharged soldier settlers on the land. In this direction it is pleasing to note that it achieved a considerable measure of success. Its timely and generous assistance helped to make up for years devoted to the war, with the result that many of these settlers are now well on the road to independence. Since 1917, cliency under the Industries Assistance Board had been restricted to those discharged soldiers who were in receipt of assistance under the Discharged Soldiers Settlement Act. But the Government have now decided to extend the provisions of the Act to all qualified discharged soldiers on approved holdings, irrespective of whether they had acquired the land since the termination of the Commonwealth agreement in June, 1925, or not. Of the 434 fully and partly assisted settlers on the board's books, 299 are discharged soldiers. So that approximately 69 per cent. of the board's active operations are now concerned with soldier settlement. The number of settlers indebted to the board is 1,606. Of these 817 are receiving no assistance; 660, with an aggregate indebtedness of £689,951, have been placed on fixed mortgage, and other inoperative accounts are being similarly dealt with. The advance made by the board during its last financial year amounted to £532,497, and repayments from crops, etc., £376,950. The total advances outstanding on the 31st March was £1,711,277 15s. 5d., and the losses written off to the same date, £654,550. These included: Bad debts, £363,197; cancelled debts, £78,226; administration and trading debts, £213,127. The total indebtedness to the Treasury amounted to £2,371,907, on which the average rate of interest paid by the board was 5.57 per cent. From 1924 to 1928 the board were able to finance their operations from receipts without having to draw on General Loan Fund. These conditions, however, did not obtain during last year, as it was found necessary to draw on General Loan Fund to the extent of £130,967 to finance settlers. This was due to the indifferent season and the low prices obtained for wheat. The number of clearances granted by the board during the year was 41, making a total since

its inception of 1,936. The board's losses, as stated, amount to £654,550, but against this the indirect gain to the State has been considerable. The value of crops and other produce grown by assisted settlers exceeds £12,000,000 sterling. No new clients, other than soldier settlers, are being granted assistance. The prospects for the ensuing harvest are all that could be desired, and with a fair run of good seasons and satisfactory prices, and increasing land values, the board should be able to work out its salvation without any further serious loss of capital.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

BILL—AGRICULTURAL LANDS PURCHASE ACT AMENDMENT.

Second Reading.

THE CHIEF SECRETARY (Hon. J. M. Drew—Central) [5.10] in moving the second reading said: This Bill has been introduced for the purpose of enabling the Government to make free grants to group settlers of land in repurchased estates. Under existing legislation it is not possible to do so. The agreement signed by group settlers, provides that where the land is in a repurchased estate, the settlers shall obtain a lease and pay for the land in the usual way over a period of 30 years. It has long been recognised that all group settlers should be placed on the same footing whether on Crown Lands or on a repurchased estate, and this is emphasised by the report of the Group Settlement Valuation Board who fixed their valuation on a purchase paid basis having regard to the prospective income derivable from the land. In some cases, of course, this valuation may be more than group settlement expenditure. For instance the valuation may include some of the improvements purchased with the land, but it is the intention that insofar as the value of the land

only is concerned, group settlers will not be charged. The estates concerned are:—

	Area.			Cost.
	a.	r.	p.	£
Pries	751	0	0	750
Doolette	787	0	0	4,722
Moon's (Group 123) ..	363	1	0	900
Anniebrook	2,219	0	0	4,992
Karoolup	3,002	0	0	4,294
Upper Capel	3,483	2	27	16,468
Richardson's (Group 125) (Peel Estate) ..	1,990	0	0	7,710
	12,595	3	27	£39,837

The total amount that must be written off, excluding Peel Estate, is, therefore, £39,837 11s. These estates have, of course, been subdivided, and the settlers will be charged the survey expenses, etc., in the same way as those settlers on Crown lands. The Peel Estate, it will be noticed, is not included, as there are many difficulties in the way of apportionment of the amount that will be written off. These difficulties are due to the fact that so much of the Estate is held by ordinary settlers and soldiers. As the House knows, there has been considerable expenditure on roads and drainage, which is irrecoverable and must be looked upon as a national expenditure. The cost of purchase of the Peel Estate was £54,987 9s. 8d., the area being 56,326 acres. Drainage has cost £557,459 and there has been spent on roads £263,946, or a total of £821,405 9s., the annual interest on which amounts to £56,0089. Group expenditure on the estate has been £1,270,326, carrying interest amounting to £81,300 per annum. The number of existing buildings is, group settlers 177, others 123. It is essential that this amending Bill should be passed early. The Re-valuation Board has already dealt with 327 holdings, particulars of which have been laid on the Table of the House. Included in those 327 are 109 in repurchased properties, the bulk of which are in the Peel Estate. As the valuation proceeds, more blocks in repurchased estates will be affected. I move—

That the Bill be now read a second time.

On motion by Hon. H. Stewart, debate adjourned.

BILL—DIVORCE ACT AMENDMENT.

Second Reading.

THE HONORARY MINISTER (Hon. W. H. Kitson—West) [5.17] in moving the second reading said: This is a measure to amend the existing divorce law in two particulars, both of which will make the law more equitable from the woman's point of view. The first amendment deals with alimony. The existing position is that where alimony is awarded by the court to the wife, the husband has the right subsequently to apply to the court for a revision of the amount awarded in accordance with his then circumstances. In other words, he has the right to apply for a reduction in the amount awarded. But at present in the event of the husband's circumstances improving after the divorce has been granted, the wife has no right to apply to the court for an increase in the amount awarded. This amendment will bring our law into line with the Imperial law, which has created and maintained a similar position since 1907. The second point dealt with in the Bill has to do with the domicile of the husband. The Divorce Act was amended in 1911 to provide that desertion for a period of five years should be a ground for divorce. But if in the interim the husband has left the State, it is doubtful whether in view of the wording of the present Act the husband can be properly sued in this State for divorce. Section 6 of the Act does imply that he can be so sued, but Supreme Court judges have commented on the position, and it is desirable to make it clear by adding the words set out in the amendment. Members will agree that it is not fair that a woman who has been deserted for five years and whose husband in the meantime has left the State, should be compelled to follow him to another state or country in order to sue for divorce, when it was in Western Australia that the cause for divorce arose. Consequently the Government have taken this opportunity to submit an amendment of the Act. I move—

That the Bill be now read a second time.

HON. SIR EDWARD WITTENOOM (North) [5.20]: Clause 3 is not quite clear in the following passage:—

For the purposes of this Act a deserted wife's husband who was domiciled in Western Australia at the time of the desertion shall be deemed to have retained his Western

Australian domicile, notwithstanding that such husband may have acquired a foreign domicile since the desertion.

What would happen if in the meantime he had become a naturalised American? Of what use would that provision be then?

Question put and passed.

Bill read a second time.

In Committee.

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

Clause 1—agreed to.

Clause 2—Amendment of Section 1 of 31 Victoria No. 7.

Hon. H. SEDDON: I should like to ask the Minister whether there is any reason why the period of five years should be retained in cases of desertion. Could not the Government have taken into consideration an amendment of this when framing the Bill?

The HONORARY MINISTER: I suppose the Government could have done so had it been desired. Apparently there was no such desire.

Clause put and passed.

Clause 3—agreed to.

Title—agreed to.

Bill reported without amendment and the report adopted.

**BILL—TRANSFER OF LAND ACT
AMENDMENT.**

Second Reading.

Debate resumed from the 22nd August.

HON. H. SEDDON (North-East) [5.23]: The remarks I wish to make will be very brief. They arise out of what appears to me some danger in connection with the existence of what would seem to be a large number of valuable titles in the hands of former owners. I understand that the present position is that while the transfer is registered on the original document, the duplicate title which is issued to the owner of the land remains in his possession, and I should like to know whether any steps have been taken to prevent the possibility of fraud by unscrupulous persons who may be tempted to trade in these titles.

Of course I know it is open to the purchaser to make a search at the Titles Office, but on the other hand it is quite possible that a person in the country would not have facilities for doing that and so might easily land himself in trouble. It appears to me that in a Bill of this sort there might well be introduced a provision that would inflict a penalty directly upon any person who retained such a title if he held the title without surrendering it. I commend this to the Chief Secretary for his consideration with a view to including in the Bill a penalty along these lines. With that qualification I will support the Bill.

On motion by the Honorary Minister, debate adjourned.

ADJOURNMENT—SPECIAL.

THE CHIEF SECRETARY (Hon. J. M. Drew—Central) [5.26]: I move—

That the House at its rising adjourn until Tuesday, the 10th September.

This was not my intention until rather late this afternoon. Indeed, I had previously informed several members that we would have sufficient work to enable us to carry on right through the week. But I have since discovered that it is not possible for me to get the information I require concerning two important Bills that have come up for consideration. Consequently it seems to me it would be unfair to ask members to attend to-morrow, perhaps to discuss one or two small Bills. I make this explanation in order that members may realise that it was through no fault of mine I advised them that we would be sitting throughout the week.

Question put and passed.

House adjourned at 5.27 p.m.