able or inequitable to impose the whole of the cost on the person on whose property the works are carried out. The amendment, instead of making it incumbent upon the department to charge all the costs to the owner, would enable it to apply a fair and equitable part of the costs. I have no objection to the amendment.

Amendment put and passed.

Mr. McDONALD: I move an amendment—

> That a new paragraph be inserted as follows—"(e) If any question shall arise between the applicant and the Irrigation Board or the Drainage Board as to the necessity or nature of such additional works aforesaid or any part thereof or the amount of the costs thereof, such question shall be referred to the magistrate of the local court of the district in which the land is situated and the decision of such magistrate shall be final and conclusive."

If any difference arises between the applicant who desires to subdivide land and the board as to the necessity or nature of the additional work or the amount of the cost, it should be referred to the magistrate of the local court and the decision of the magistrate should be final. There may be a difference of opinion as to whether the additional works are really necessary, and it is desirable to have some machinery to settle that difference equitably.

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

Clause 3, Title—agreed to.

Bill reported with amendments.

House adjourned at 10.3 p.m.

Legislative Council.

Wednesday, 24th October, 1945.

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

QUESTION.

LANDS DEPARTMENT.

As to Supply of Lithos.

Hon. H. SEDDON asked the Chief Secretary:

1, Is the Minister aware that certain of the lithos in the Lands Department applying to land in the coastal area are out of print?

2, Will the Government take steps to have these printed and made available for sale to the public?

The CHIEF SECRETARY replied:

1, Yes.

2, Yes, as quickly as circumstances will permit.

BILL—SOIL CONSERVATION.

Report of Committee adopted.

BILL—STATE GOVERNMENT INSURANCE OFFICE ACT AMENDMENT.

Second Reading.

Debate resumed from the 17th October.

HON. W. R. HALL (North-East) [4.36]: I rise to support this Bill, which is a very good one. I also take this opportunity to commend the Great Eastern ward of the Road Board Association of Western Australia for inducing the Minister to bring it down. I do not see any reason why road boards should not do business with the State Insurance Office. After all, they are more or less semi-governmental institutions, and should there be any saving by way of an insurance pool, the ratepayers and the taxpayers in those road board areas should be entitled to it. The money saved by pool insurance could be spent in making more roads and providing better conditions for the ratepayers. The Bill does not seek to make it compulsory for road boards to deal with the State Insurance Office. That means they can do business with private or non-tariff companies; and therefore I cannot see anything wrong with the measure.

Hon. A. Thomson: Can they not do that now?

Hon. W. R. HALL: I do not think it is possible for the road boards to deal with the State Insurance Office at present. I consider that that office should be able to deal with all classes of insurance. I do not see any reason why its activities should be confined to one or two classes of insurance. Why not let the office have an open go and enter

into competition with all insurance companies? That would mean that in time the people in the country would obtain a reduction in premiums. In the Great Eastern ward of the Road Board Association, there are 21 road boards, and there are many boards with small revenues to which the saving would be considerable.

My board deals with a private company and is receiving satisfaction. While we continue to obtain that satisfaction I do not see why we should make a change. The Bill, however, will give an opportunity to all boards to deal privately or by the pool system with the State Insurance Office. About two years ago I was on a deputation to the then Minister for Works. This matter was under consideration, but nothing came of it; so the Great Eastern ward is to be commended for requesting the Minister to introduce this Bill. I have little further to say regarding the matter. Some people think it is the thin end of the wedge, but I do not think so. I think it will do something in the interests of the ratepayers and of the road boards generally in various parts of Western Australia. For those reasons I support the Bill.

HON. L. B. BOLTON (Metropolitan) [4.51]: Unlike Hon. W. R. Hall, I intend to vote against the second reading of this Bill. When the State Government Insurance Office Bill was made law I think it passed this House, after several previous attempts, in 1938, and I opposed it because in my opinion it was, as it proved to be, an extension of State trading and socialistic legislation, of which the present Government is naturally fond and which it introduces and extends on every possible occasion. I believe the suggested amendments are a further encroachment of State trading, and for that reason I intend to oppose the measure. I wish briefly to refer to some remarks made by the Honorary Minister in introducing the Bill, and also the remarks of Mr. Tuckey, who spoke in support of the measure. In introducing the Bill, the Honorary Minister stated that the most important proposal was to give the State Insurance Office authority to undertake insurance business for local government authorities and friendly societies. He further stated that the most interested of the local authorities had been an organisation known as the Great Eastern Road Board Association, which is comprised of 21 road boards, whose bodies are desirous of pooling the whole of their insurance business and conducting it through the State Insurance Office. They feel that by forming a pool and having it administered by the State Insurance Office, they will effect a substantial saving in expenditure.

The financial advantage that the road boards would obtain by dealing with the State Insurance Office could be applied to the benefit of the road boards and of the respective districts. Mr. Hall has suggested that the money saved could be utilised in repairing roads and other necessary municipal works, but it is yet to be proved that this saving would be brought into effect. Essentially, and as admitted by the Minister for Labour, who introduced the Bill in another place, it would be necessary to secure an amendment of the Road Districts Act to form a pool. How then, without such legislation, can this Bill be logical?

Hon. G. B. Wood: I take it this is the first step.

Hon. L. B. BOLTON: We are told what this Bill will do and we have to rely on that. In view of the introductory remarks of the Honorary Minister, I fail to see how that could be brought about. The first of his references that I quoted expresses the position from the Parliamentary point of view, but from the practical business standpoint, how can the pool be formed and the insurance of each local authority satisfactorily adjusted to the requirements of the Auditor General? That is a question that I would like the Honorary Minister to answer when he replies to the debate on the Bill. It is easy for him to say that a substantial lessening of expenditure would eventuate, but we have no undertaking, and proof has not been given to Parliament, that the State Insurance Office can quote lower rates of premium to local authorities than can the present insurance companies which, through periodical investigations of premiums and losses, are today underwriting the insurance of local authorities on a most preferential rate which, in my opinion, it would be very difficult for the State Insurance Office to underquote. It is highly commendable for each local authority to reduce its insurance and other costs. In this instance, however, that is to be sought by means of a pool. But the results of insurance pools are not always too happy for the participants. If, for instance, the proposed pool had been formed some months previously, how would

it have withstood the adverse experience of the recent large guarantee claim in respect of a certain local authority? Would the pool have been in any way advantageous to the better conducted local authorities. The necessary debit to these would have been hurtful to both the road board members and the ratepayers. That is the other side of the question.

Regarding taxation, under its Act the State Insurance Office is bound to set aside each year an amount equivalent to the State income tax that would be paid by a private company and, as far as it is possible to gather from the terms of the Act, this amount is subsequently credited to general revenue. Apparently the State Insurance Office has continued to set aside this amount, even though there is now no State income tax. In view of the fact, however, that there is no State income tax, and has not been any since 1942, it appears to me clear that the State Insurance Office is not liable to pay any taxation to the State. As far as Commonwealth income tax is concerned, the State Insurance Office is exempt from taxation under Section 23 (d) of the Commonwealth Income Tax Act, which exempts all public authorities of a State and which has always been treated by the Taxation Department as including within its ambit a trading concern such as the State Insurance Office.

Reference to the Year Book indicates that the cost to the State Insurance Office in complying with its bond to set aside an amount equivalent to the State income tax is a total disregard of the present income tax toll of private enterprise, and the figures I am about to quote are necessarily inimical to the welfare of those insurance companies supported —and many of them are supported—by our primary producers. In 1941, the sum set aside was £18,661. In 1942, it was £15,174. In 1943, it fell to £8,913, and in 1944 to £1,498. There is an alarming decrease each year, compared with the more than alarming increase enjoyed by every individual, body or company throughout the Commonwealth. For the year 1944, the insurance companies paid in taxation no less than £111,167, together with a fire brigade contribution of £38,878. The House is now asked to support the extension of a socialistic office on such a wonderfully preferential basis sufficient to stifle private enterprise for ever, for the comparison between the amounts paid in taxation are illuminating. As is well known, the State Insurance Office does not contribute to the annnual cost of the Fire Brigades Board, which amounts to £79,361, although the Government contributes two-ninths of this amount for the protection of all Government buildings and their contents.

Apropos of the proposed extension of this socialistic utility, it is most important that the views of the primary producers should be noted. In my opinion, this measure would have a very serious effect on them, notwithstanding that we have been told that 21 road boards out of something like 148 have supported the proposal.

Hon. W. R. Hall: The others also want it.

Hon. L. B. BOLTON: All the evidence we have is that 21 out of 148 road boards have asked for it. The others have not done so.

Hon. W. R. Hall: They did two years ago.

Hon. L. B. BOLTON: The chairman of the Road Board Association admitted that there were only 21 road boards that definitely wanted it and that the road board with which he is connected does not want it.

Hon. G. B. Wood: A resolution in favour of it was carried at the road boards conference.

Hon. L. B. BOLTON: That might be so, but the only evidence we have is that the request has come from 21 road boards. Presently I shall quote from Mr. Tuckey's speech to prove that what I am saying is correct. I would suggest to my country friends who seem to be in favour of the measure that they should reconsider their attitude to it.

Hon. G. B. Wood: There is only one.

Hon. L. B. BOLTON: Well, he should reconsider his attitude and take into account the figures I have quoted. Now let me refer to the remarks of Mr. Tuckey, who is chairman of the Road Board Association. He said that as such he felt bound to support the Bill, notwithstanding the fact that his own road board was opposed to it. Mr. Tuckey expressed the opinion that all boards should come into the scheme with the State Insurance Office and that, by so doing, a great deal of money could be saved that could be used for road construction or other purposes. Circulars to the number of 118

were sent out, but very few replies were received and some of them were in the negative. I think the hon. member was of the opinion that the pool, to be satisfactory, would have to be compulsory.

Hon. W. R. Hall: Two years ago.

Hon. L. B. BOLTON: But we have no later evidence. The Honorary Minster has not told us that additional road boards have since requested this legislation. If they have done so, he will be able to tell us when he replies to the debate. Mr. Tuckey, as chairman of the Road Board Association, thought that the scheme involved compulsion on all local authorities to join, but he also said that to his surprise the authorities, namely, the State Insurance Office, were not pleased to get the business as there were difficulties. Naturally there would be difficulties. The hon. member also said that the insurance companies had given such favourable rates to the local authorities that the State office could not be expected to give a reduced rate. It is probable that instead of Mr. Tuckey's idea about savings being effected and available for road construction, the State office would have to admit that the very favourable premiums available from the insurance companies could not be improved upon. Mr. Tuckey told the House that he did not know how, under the Bill, any saving could be effected.

Hon. W. R. Hall: Try it out and see!

Hon. L. B. BOLTON: I do not know that it is wise to try out a measure of this sort. I want the Honorary Minister to tell us of what advantage the Bill can possibly be, excepting to the Government in furtherance of its policy of extending State trading concerns. Mr. Wood, in the course of his remarks, said he could assure the House that other road boards did not object to the Bill, and that the proposal was to form a pool but without compulsion. I would like to know whether the hon. member has received any definite advice that many other road boards object to it or the contrary. He has not stated the actual number; all we have before us are the figures given by the Honorary Minister when moving the second reading.

Hon. G. B. Wood: The Road Board Association passed a motion unanimously in favour of it.

Hon. L. B. BOLTON: The association may have done so but, when it came to the point, only 21 road boards were prepared to go on with the scheme. There might not have been a full representation at the conference. I should like the Honorary Minister, when he replies, to supply information on the points I have raised. I regard this Bill as just a further extension of State trading. When the original legislation was before us in 1938, I foresaw the danger and I see more danger now. It will be only a question of time, and not very long at that, before the whole of the insurance business will be forced into the State office, and to anything along those lines, I am totally opposed. I shall vote against the second reading.

HON. H. S. W. PARKER (Metropolitan-Suburban) [4.56]: After listening to the debate and reading the Bill, it appears to me that members are at cross purposes. From the trend of the debate I gather that the road boards desire to form a pool and have asked the Government to introduce legislation to that end. This Bill, however, has nothing whatever to do with a pool, taking the ordinary acceptation of the word. If we bring down legislation to provide for a pool, every party interested in that class of business must undertake to do its business through that particular channel. For a pool to be effective, every local governing body must put the whole of its insurance business through the pool and share any benefit arising from it. If road boards desire that, I personally would strongly advise them against it.

The general idea that many people have about insurance is that one goes along to insure something, takes out a policy for a particular purpose, pays the premium, and that is the end of it. Then, if there is a fire, for instance, the company pays. As a matter of fact, however, that is only partly true. Insurance is a very complicated business and is mixed up with re-insurance. No insurance company is content to carry a big risk on its own account. It divides the risk amongst other companies so that, when there is a disaster, the loss is spread over a number of companies. In this instance a pool is suggested. If a disaster occurred, the pool would have to bear the whole of the loss.

Hon. G. B. Wood: How could there be a disaster in that class of business?

Hon. H. S. W. PARKER: If the hon. member considers it not worth while to insure, there will be no pool.

Hon. G. B. Wood: I did not say that.

Hon. H. S. W. PARKER: One insures against loss through disaster and for no other purpose. When I speak of disaster, I mean any serious happening. One might insure against a public risk. A grandstand on the reserve of a local governing body might collapse and injure a lot of people. I would call that a disaster, and it might entail great or slight loss. A man may lose money because of his employees' negligence and through no fault of his own. The fire risk is the least of all in insurance. Most people look upon fire as the only risk. If I were a member of a road board I would not care for a pool. The road boards, however, say they want one. Let them have it! This measure will not give it to them. It only provides that one or more local governing bodies may enter into an arrangement with the State Insurance Office for a pool of two or more, or make some other arrangement mutually agreed upon. I do not like the idea of the State taking this enormous risk of footing a bill for disaster. The Government of the country is there to govern it, not to take sporting risks or to bet against disaster. Let those who want to, cover themselves against disaster in the ordinary way.

If the Bill is carried to its logical conclusion we shall be starting on a scheme of socialisation. That is admitted by all those in favour of it. It is intended to socialise this class of business. The figures given by Mr. Bolton clearly set out the loss to the Government in taxation. All that money is taken from the people. It is indirect taxation of the individual which is not felt. If a pool were formed I do not suppose my rates would alter more than 2d. or 3d. I doubt whether it would make a difference of £1 in the total of my rates. Over a great number of persons, that represents a large amount in income tax paid by the insurance companies. It is an excellent way of collecting money for the good government of the country. If we deprive a Government of this means by which it gets its income we shall revert rapidly to complete socialisation. We already have it in Australia. This continent had it until white people came here. In certain parts of Australia we still have complete socialisation in the aboriginal laws where all those concerned share and share alike. Under socialisation there is no incentive in any way for people to work to better their lot.

What inducement can there be, if we extend the principle of State insurance any further than we have done, for any competition amongst the various insuring companies with a view to a reduction in premiums? As already stated by one member who is supporting the Bill—he is the chairman of a road board—he doubts very much whether his own road board will join in the proposal. If the business is left to competition amongst all the insuring underwriters the public will get a fair deal. I object on principle to socialisation. I oppose the Bill because I do not think it is what the road boards require. What they want is an amendment of the Road Districts Act to enable them to create a pool.

HON. J. CORNELL (South) [5.5]: I did not hear the debate on this measure but I have read through the Bill. It is a simple one. As I understand it, the position is that under the State Government Insurance Office Act friendly societies, road boards or municipalities cannot place their insurance with the Government office.

The Chief Secretary: That is correct.

Hon. J. CORNELL: All that this Bill purports to do is to say that they may, if they so desire, place their insurance with the State office. There is no compulsion about it. The question of a pool has been raised. It appears to me that it is optional for a friendly society or a local governing body to insure separately without joining in the pool. If they all like to come together to effect their insurance on a pool basis, which may result in a reduction in premiums, they may do so. That is all I see in the Bill. As so much insurance has gone to the State Office I cannot see any solid objection to this privilege being extended to local governing bodies and friendly societies, other than the point raised by Mr. Bolton, that if they take their insurance away from private companies which pay income tax and place it with the State Insurance Office, that income tax will be lost to the public. On analysis this really means that the loss of income tax must be reflected in the insurer.

Hon. J. A. Dimmitt: It should be.

Hon. J. CORNELL: It is logical to argue that he will get a lesser rate because of the fact that the insuring party has not been called upon to meet a certain liability.

Hon. J. A. Dimmitt: You do not buy timber more cheaply at the State timber mills or bricks at a State brickyard than you do from a private undertaking.

Hon. J. CORNELL: I do not think there is much cutting going on as between the State Insurance Office and private companies. I remember in this House arguing on a previous amending Bill connected with mining companies. The private insurance companies would not carry the risk entailed in connection with the mining industry. The result was that the State had to step in.

Hon. G. B. Wood: That occurred in the sleeper industry.

Hon. J. CORNELL: The State had to provide means whereby the Workers' Compensation Act could be carried out and miners could receive the benefit of that legislation. Mining companies for years past have placed all their industrial accident risk with the State Insurance Office. My argument in this House in connection with various amending Bills dealing with the subject was this: If mining companies wished to do so, why should they not have the choice of placing all their insurance with one undertaking? If local governing bodies and friendly societies want to take this step, why should the Legislature stand in their way? I am cured of the bogey about socialisation. I was cured long ago. It is here and will stay until it works out its own destiny. I support the second reading.

On motion by the Honorary Minister, debate adjourned.

BILL—CLOSER SETTLEMENT ACT AMENDMENT.

In Committee.

Resumed from the previous day. Hon. J. Cornell in the Chair; the Chief Secretary in charge of the Bill.

Clause 2—New sections (partly considered):

Hon. G. B. WOOD: I move an amendment—

> That paragraph (b) of proposed new Section 6A be struck out and the following paragraph inserted in lieu:—
>
> "(b) Direct such committee to enter and inspect and report on any land which in the opinion of the Minister is not reasonably utilised and is suitable for the purposes of closer settlement. Provided that such land shall only be resumed for the purpose of establishing returned service personnel from the present war."

I do not think the present paragraph is in the best interests of all concerned. It gives the committee power to go on to any land at all. It may not want to enter upon certain properties, but because of the agitation by local people it may be forced to do so. My amendment will provide the necessary safeguards. After the 1914-18 war there was a property in the Williams district which was thought to be a very good one for returned soldiers. An agitation arose for the land to be taken up for that purpose. The Land Purchase Board, however, did not take it up, but the man who did so made a great success of it, a greater success than did soldier settlers who had taken up adjoining land. An agitation is likely to occur in connection with properties even though the committee may not be enthusiastic about going on to them. The Chief Secretary said that the committee would not go on to any place if it was being reasonably utilised. My amendment will improve the Bill. There is a great deal of land available for soldier settlers without the necessity for resuming properties. In today's "West Australian" appears a statement by the Minister for Lands to the effect that the Land Purchase Board has received hundreds of offers of properties and has dealt with about 100, and that field inspections by valuers and inspectors are being made of such of them as appear to be suitable. We are not dependent on this resumed land.

Hon. L. Craig: We do not know what they are offered.

Hon. G. B. WOOD: No, but we and the Minister know of many properties that are not fully utilised. I desire by my amendment, to confine the second part of the proviso to returned soldiers. All the arguments in favour of this Bill have been based on the needs of returned soldiers and no-one else, so why not provide for that in the Bill, and we shall know exactly where we stand. I am prepared to give the Government powers in regard to returned soldiers, but not to take up properties for anybody.

Hon. L. CRAIG: The objection I see to the amendment is that, if the Bill is confined to soldiers only and an estate is resumed and subdivided for closer settlement, some of the blocks may not be acceptable to the returned men. That happened after the previous war. The Government would then be in the position that it would be able to do nothing with them. It is necessary for the Minister to be able to dispose of them other than to returned soldiers of this war. After the 1914-18 war only a small portion of one estate was taken up by returned men. The balance, after being left vacant for some months, was thrown open for ordinary selection.

The CHIEF SECRETARY: I thank Mr. Craig for the point he made. I oppose the amendment on a broader principle, namely, that the object of the Bill is to widen the scope of the Act. I explained clearly why the Act has not been availed of. This amendment, if carried, would mean that closer settlement schemes could only be brought about in the interests of soldier settlers, and it would restrict the purposes of the principal Act which was originally brought down with the idea of providing for closer settlement irrespective of whether or not those who took up land were returned soldiers. It is true that in the post-war period the biggest demand for land will be from returned soldiers. I suppose that many properties will be referred to the Government by interested parties as being suitable for closer settlement. All that this proposal does is to empower the Minister to instruct the committee to investigate such a property. What is wrong with that? If the property is utilised to its fullest extent and its production is as good as one could reasonably expect, and if the number of people employed there or getting a living from it is just as great as it would be under closer settlement, then the owner of the property has nothing to fear.

Hon. L. Craig: One could hardly expect the return to be as great from one man as from a number of persons under a closer settlement scheme.

The CHIEF SECRETARY: It might be. The Bill provides that, where the committee inspects and makes a report, it shall submit a copy of the report to the owner and the occupier of the land, and give reasons, if there are any, why the land should be used for closer settlement. The owner then has the right of appeal. Surely there is no harm in giving the committee the right to inspect the property. Mr. Wood, in his amendment, makes this qualification, "which in the opinion of the Minister is not reasonably utilised and is suitable for the purposes of closer settlement." How is the Minister to know that, unless some investigation is made? Mr. Wood wants to limit the whole of the Act to returned soldiers. I cannot agree to that. Not only must we consider the point raised by Mr. Craig but we must remember that this is a permanent Act. It was never intended to apply only to returned soldiers. This Bill has been brought down to widen the scope of the Act so that there may be a better opportunity for securing land for closer settlement, not only for returned soldiers, but in connection with any scheme that the Government may desire to introduce.

Hon. W. J. Mann: Farmers' sons, for instance.

The CHIEF SECRETARY: It does not require much imagination to think of circumstances under which land might be required for closer settlement. I oppose the amendment.

Hon. H. L. ROCHE: I support the amendment. When the Bill was introduced emphasis was laid on the need to facilitate the operations of the department concerned with soldier settlement. I do not remember any references to other forms of closer settlement, but they may have been made. Although the proposed new section does not necessarily provide for the actual process of resumption, the Bill leaves it wide open for the Act to be applied to—I said on the second reading—75 per cent. of our farming properties. I should have made that 95 per cent. There are few properties of any size where it could not be urged that greater production would be achieved, together with a reasonable increase in the number of persons usually resident thereon, by taking over those properties and splitting them up. Because the measure goes on for ever, unless it is amended or repealed, better safeguards than are provided in the Bill should be available to the people who may have their land resumed for so-called closer settle-

ment, apart from soldier settlement. The only safeguard they have is the right of appeal with all its attendant expense and trouble. In addition there is the doubt as to whether they could prove that there would not be greater production and an increase in the number of people normally resident on the property. Mr. Craig made the point that estates might be resumed and that soldier settlers would not apply for some of the land. Admittedly that occurred after the 1914-18 war but I hope that properties of that kind will not be resumed for soldier settlers on this occasion.

Hon. L. Craig: Some of those properties were the best of the lot.

Hon. H. L. ROCHE: If some parts of those properties are not wanted by the soldiers then we must remember the price factor. The difficulty last time was that we asked too much of the soldier in the way of interest payments. We overloaded him with excessive capital costs for old buildings and homesteads that were being maintained by a limited area of land. Mr. Wood is happy in the phrase he uses, "reasonably utilised." It is the one used by the Minister last night when giving an assurance in regard to stud properties. In order to provide proper safeguards for the people who are making reasonable use of the country they have, I hope that this amendment will be approved.

Hon. H. SEDDON: I support the amendment if only for the reason that the Bill was obviously introduced to facilitate closer settlement for soldiers. In my opinion the real use of the soldier is as an excuse to extend the provisions of the Closer Settlement Act. It will be some time before all the soldiers will be able to get all the land they require. Any land resumed under a Bill of this sort should be kept in reserve for the use of soldiers until every step has been taken to give them the opportunity to utilise it. Any action taken under the Closer Settlement Act should be entirely in the interests of the returned men who are looking for land.

Hon. T. MOORE: I oppose the amendment along the lines indicated by Mr. Craig. When properties are resumed, a board will be set up to determine who shall occupy them and returned soldiers will have absolute preference. That procedure worked very well last time.

Hon. A. L. Loton: Worked well for whom?

Hon. T. MOORE: For the applicants. On practically every estate of any size there are areas of a type on which I do not want returned men to be settled.

Hon. G. B. Wood: They would be all right at a price.

Hon. T. MOORE: I do not want returned men on them at any price.

Hon. H. L. Roche: Who should have that land?

Hon. T. MOORE: In many instances, they could be made use of by owners of adjoining blocks, for they could deal with the rough country in conjunction with the rest of their land.

Hon. G. B. Wood: Who do you say should have that country?

Hon. T. MOORE: In many instances, the adjoining settlers would be able to handle the rough country in the areas with which I am familiar. I would not like to see such country foisted on to returned soldiers. As Mr. Wood knows, after the last war estates were cut up into holdings each of which comprised a fair proportion of first-class land. The idea was to get rid of the whole of the estate, giving the returned soldier settlers a certain proportion of first-class land and sections of second and third-class land as well. Unfortunately, the first-class country was altogether too small in area. That may have been quite good from the State point of view, but it was very wrong from the standpoint of the soldier settlers. As a result, revaluations of properties became necessary.

Hon. H. L. Roche: Was that not the major trouble—the valuations?

Hon. T. MOORE: I think the trouble was that we provided the settlers with an insufficient area of first-class land. I do not want the returned men to have preference for everything. I want the fellow who can carry the burden to deal with the rough country and leave the returned men with good holdings. The soldier settler will have absolute preference, and that is all I desire. With regard to the estates that were taken over after the 1914-18 war, I may inform members of a conversation I had with an old friend who was very well known in the South-West. He was a man who was inclined to get away with some smart practices.

Hon. H. L. Roche: Surely he was not a friend of yours!

Hon. T. MOORE: Yes, and he had many good points.

Hon. Sir Hal Colebatch: You have learnt from him.

Hon. T. MOORE: Yes. At the time I speak of, this man was writing letters to the Press, particularly "The Sunday Times." He wrote about a lot of properties that were then under offer from people in the South-West, and he was commenting on the position of some who were ostensibly willing to make sacrifices on behalf of the soldiers but were terribly anxious to secure some of the Government money that was available by unloading their properties on to soldiers. I said to him, "I see you have been taking on some of your friends in the South-West by writing about them in the Press. I cannot understand your imputing motives to these other chaps because you will admit that you have put over some smart practices in the past, and smiled about the transactions." In reply, he said to me, "Between ourselves, Tom, I have some properties and they would not put mine in with the others."

Hon. A. L. Loton: I am surprised at your friends.

Hon. T. MOORE: As I mentioned before, he did that sort of thing, but he had many good points. He made money, but would always give it away to help any deserving case. I am sure members representing the South-West Province know to whom I refer. He appreciated the true position because he was himself rather a smart fellow. I know that many properties were under offer and they were submitted because the owners thought that then was the time to get rid of them.

Hon. L. Craig: That was because the owners were not successful.

Hon. T. MOORE: I am pretty sure that, as in the past, we shall have a lot of properties offered to the Government at a supposed sacrifice on the part of the vendors, but many of those properties will be offered because no-one wants them.

Hon. L. Craig: The department is asking for properties to be submitted.

Hon. T. MOORE: I know, and I remember what Mr. Wood said about the properties already offered. He mentioned hundreds of them.

Hon. G. B. Wood: The Premier said so.

Hon. T. MOORE: I am not doubting the statement at all. I merely assert that I am pretty sure that many of the properties will be such that no-one would wish to buy. I know of some instances myself and I certainly would not like to see any returned soldiers settled on those properties. The Bill is quite all right and I hope it will be passed this time without loading it up as happened on a previous occasion. I trust that we shall not see in future any references to "snaps for returned soldiers" on the part of people who are specialising in unloading on to soldiers what they cannot sell to civilians.

Hon. Sir HAL COLEBATCH: The proviso to the amendment is to be inserted in the wrong place. If it is necessary and desirable to provide in the Closer Settlement Act special preference for returned soldiers, it should be accomplished in the Bill by means of a clause specially drafted for that purpose. If that were done, the objections raised by Mr. Craig could be dealt with. To include such a provision in a clause dealing with the Minister's ordering of inspections of properties so that it shall be done for returned soldiers only, is quite wrong.

The CHAIRMAN: The only difference between the proposal in the Bill and the amendment is that the inspection is to be qualified.

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

Ayes	12
Noes	14
Majority against	2

AYES.

Hon. C. F. Baxter.	Hon. H. S. W. Parker
Hon. L. B. Bolton	Hon. H. L. Roche
Hon. J. A. Dimmitt	Hon. A. Thomson
Hon. E. H. H. Hall	Hon. F. R. Welsh
Hon. V. Hamersley	Hon. G. B. Wood.
Hon. A. L. Loton	Hon. H. Seddon (*Teller.*)

NOES.

Hon. Sir Hal Colebatch	Hon. E. M. Heenan
Hon. L. Craig.	Hon. J. G. Hislop.
Hon. J. M. Drew	Hon. W. H. Kitson
Hon. G. Fraser	Hon. W. J. Mann
Hon. F. E. Gibson	Hon. G. W. Miles
Hon. E. H. Gray	Hon. T. Moore
Hon. W. R. Hall	Hon. C. R. Cornish (*Teller.*)

Amendment thus negatived.

Clause put and passed.

Clauses 3 to 5, Title—agreed to.

Bill reported without amendment and the report adopted.

BILL—BUILDERS' REGISTRATION ACT AMENDMENT.

Second Reading.

Debate resumed from the 17th October.

HON. A. THOMSON (South-East) [5.44]: Although I support the second reading of the Bill, I have placed an amendment on the notice paper and I hope that when we deal with it in Committee my proposal will be accepted. Since legislation for the registration of builders was first introduced in 1939 the nation has been at war and building operations have been practically at a standstill. Many men were manpowered and, from patriotic motives, entered munition works. Others had actually enlisted but were withdrawn from the Armed Forces in order to undertake work of an essential character. The amendment I propose to submit for the serious consideration of members will provide for a period of nine months after peace is declared to enable servicemen to apply to be registered as builders without having to pass the examination provided for in the parent Act. After Mr. Watts had introduced the Bill in another place—it then provided only for servicemen—Mr. Doney moved an amendment, which was agreed to, that men who had not been oversea, but had been absent from the State on war service, should be included. If ever there was a time in the history of Australia when we should have as many small builders as we can get, because of the serious housing shortage, that time is the present. Another thing is that small builders can provide more and better facilities for servicemen to learn the various branches of the building trade.

The small builder ought to be able to do his work more economically at present than it can be done by the Government letting contracts for large blocks of workers' homes, because those large builders would be able to exhaust the labour market. I would draw the attention of members to an anomalous position which exists today. When the parent Act was passed in 1939, a small builder was deemed to be a person who was constructing houses of a value of not less than £400. I ask members to note the contrast which exists today. Take the case of an unfortunate person who is forced to sell a house which has been erected. The majority of houses being erected today are notorious for their small rooms and therefore I am taking as an example a four-roomed house, containing three rooms 12ft. by 10ft., a combined dining room and lounge—which in the past has been looked upon as most suitable for the average worker—16ft. 6in. by 12ft., with an 8ft. verandah and a 6ft. verandah.

I propose to give members information showing the basis on which the price for such a dwelling is fixed under the National Security Regulations. I have received a letter from an agent who is interested in this matter and he states that the price is based on the square. For the information of members, a square is 10ft. by 10ft., or 100 sq. ft. The dwellings are constructed with wooden frames, walls of weatherboards or asbestos sheets and galvanised iron roofs. The price is fixed at £45 per square. Similar houses today would no doubt cost £750 to £800; that is the basis upon which many workers' homes are today being erected in various parts of the State by the Workers' Homes Board.

Hon. H. Seddon: Does the board get them erected at £45 a square?

Hon. A. THOMSON: No. I propose to show that the houses cannot be built on that basis. At £45 per square, the example which I have quoted would work out at £325, without the verandahs. The areas of the verandahs would be calculated separately at one-third of the wall space. Taking it at 45ft., that would be £15, so the price for the verandahs would be £55 5s., or a total for the whole dwelling of £380. That is the basis on which people are forced to sell their houses today. I maintain that a grave injustice has been done to people who unfortunately were forced to sell their homes. When it comes to building, however, that is a totally different proposition. In my opinion, the price of £750 to £800 for houses today places an unduly heavy burden upon workers needing homes. We are indeed facing a deplorable position at present. A reasonable price for the dwelling which I have quoted as an example would have been, in 1938, a maximum of £380, and a small builder would have been able to erect it. I am afraid many practical men will not be able to pass the examination.

The man who interviewed me pointed out that it would probably take him two years to complete the course of study, and he pertinently inquired, "What am I going to do in the meantime?" When we reach the Committee stage, I will quote this man's credentials. These show that he has done satisfactory work for quite a number of years; yet he would be liable to prosecution if he undertook building work, because he is not qualified under the Act. I commend to the notice of members the amendment which I have placed on the notice paper. I ask them to give the small man a fair go and thus enable him to erect houses at a reasonable price. I add that the small builder will be able to train men who have been absent from Australia serving their country for five or six years. I support the second reading.

HON. G. FRASER (West) [5.56]: I shall support the second reading of the Bill. If we are to get the number of homes that will be required within the next year or two, there are some points on which the registration board might give way a little. I have not been able to examine sufficiently the proposal put forward by Mr. Thomson, and therefore cannot say at present whether I am in favour of it. While we undoubtedly need homes, we must make sure that competent builders erect them. I think that objective can be achieved quite easily by the board making some small departures from the standard which it has set. Of course, I do not mean alterations in the standard of workmanship; I am referring to the examination which a prospective builder is now called upon to pass. I understand that to prepare for that examination it is necessary for a man to follow a five months' course of study. I also understand that the examination is held in November of each year; there is only one examination each year. Immediately a person passes that examination, he is classed as a master builder and is certificated to erect any type of building at all.

The suggestion which has been made to me is that the board, instead of holding one examination, might divide that examination into various sections; for instance, an examination for a timber structure, an examination for a brick structure of small dimensions, and another examination for the person who wishes to take up building in a big way. If the board is prepared to adopt that suggestion, I believe a large number of competent builders would be prepared to undergo the necessary course.

Hon. A. Thomson: What you suggest cannot be done now without evading the Act.

Hon. G. FRASER: That is so. I am merely putting forward the suggestion for consideration. At present, a person, in order to pass the examination, would have to be competent enough to erect a building like the post office in Perth; but many men are prepared to set up as builders in a small way, erecting cottages. In order to pass the examination which is set by the board, a man must take a course which embraces all the ramifications of the building trade; but, as I have said, many persons are prepared to take on building in a small way; they do not desire to undertake the erection of large buildings. Naturally, the examination must be fairly stiff. It is so. I do not know whether the figures I am about to quote are correct, but I believe that at the last examination only three out of 30 candidates passed.

If those figures are correct, it appears that the examination is a stiff one. Naturally it would be, because once a man obtains that certificate he is fitted for any type of building. I suggest that the board should alter the type of examination and divide it into three sections covering timber-framed houses, brick houses, and those going beyond one storey, because for the last-mentioned a different knowledge is required in the matter of strains and stresses than is necessary with regard to the ordinary home. I hope the board will take into consideration the fact that homes are badly needed; and if an alteration were made along the lines I have suggested, it might be possible for us to obtain a large number of buildings in a shorter space of time.

Question put and passed.

Bill read a second time.

In Committee.

Hon. G. Fraser in the Chair; Hon. G. B. Wood in charge of the Bill.

Clause 1—agreed to.

Clause 2—Amendment of Section 10:

Hon. A. THOMSON: I move an amendment—

> That in line 1 after the word "by" the following words be struck out:—"adding at the end of the proviso to Subsection (1)

thereof the words, "or, in the case of a person who is or has been a member of the Defence Forces of the Commonwealth during the war in which His Majesty is or was recently engaged and which commenced on the third day of September, one thousand nine hundred and thirty-nine, after the expiration of nine months from the day on which the Governor-General of the Commonwealth declares, in accordance with the laws of the Commonwealth, that the said war has ended or, if any such person continues as a member of such Defence Forces after such declaration, after the expiration of nine months from the date that such person ceases to be a member of such Defence Forces. Provided further that where a person other than a member of the Defence Forces of the Commonwealth has been absent from this State during the said war for reasons attributable to the war and has returned to this State, the alternative condition contained in this sub-paragraph (b) shall be a qualification for registration under this Act until the 31st day of March, 1946,"; and the following words:—

"deleting the proviso to Subsection (1) thereof and inserting in lieu thereof the following: 'Provided that the alternative condition contained in this subparagraph (b) shall be a qualification for registration under this Act, in the case of a person other than a person who is or was a member of the Defence Forces of the Commonwealth during the war in which His Majesty is or was recently engaged and which commenced on the third day of September one thousand nine hundred and thirty-nine, until the thirtieth day of June, one thousand nine hundred and forty-six, and in the case of a person who is or was a member of such Defence Forces, until the thirtieth day of June, one thousand nine hundred and forty-six or the expiration of nine months from such person ceasing to be a member of such Defence Forces, whichever is the later.'" inserted in lieu.

Subparagraph (b) to which reference is made reads as follows:—

(b) had at the time of the passing of the Act been trading as a builder or supervisor of building for not less than two years, and that he is competent to carry out and supervise building work.

That would enable the man to be classed as a builder. The Bill makes provision for those who have been in the Defence Forces and for those other than members of the Defence Forces who have been absent from the State during the war, for reasons attributable to the war, to become qualified under subparagraph (b) the conditions contained in that sub-paragraph to be a qualification until the 31st March, 1946. The amendment provides that those who have been on active service out of or inside the State and who have been working as small builders shall be eligible for registration until the 30th June, 1946. That means they will be given a period of nine months to become registered as builders.

Hon. G. B. Wood: Whether they have been on service or not.

Hon. A. THOMSON: Yes. I propose now to read a letter from a man named Bowra. I do not know him, but during the few words I had with him I was impressed by his demeanour and satisfied that he is competent to be a builder, a fact which is proved by the references he has sent me. The letter reads—

Re our interview of the 9th inst. I hereby enclose particulars of same as arranged.

I, John William Bowra, of 146 Cleaver-terrace, Belmont, have been carrying on business as a builder, in this and other districts, for the past eight years. In 1941, when the Builders' Registration Act came into power, I was intending to enlist in the services. When I had completed the contracts of work on hand, I was enlisted in the 22nd Field Engineers, but was manpowered out of the Army to do essential building work, being directed to work on the Wheat Fumigation Hospital, at Fremantle, for Messrs. Haunstrup & Co., Melbourne, Contractors and Builders.

From Fremantle, I was sent to Collie, on behalf of the same firm, who had the contract for the building of the grain silos, for the Colonial Sugar Refineries. This position I kept until the job's completion when I was given a clearance and reference (enclosed), and was also granted a permit to work on my own account. I have made three applications to the Builders' Registration Board's secretary (Mr. J. Gratwick) who informed me, I couldn't become a registered builder, irrespective of my credentials, references, etc., without having first passed the necessary examination. I pointed out to him, this usually took two years, and when asked what I could do with my plant and gear whilst sitting for same, was told to seek work, as this was no concern of his, or the board's.

This attitude seemed to me as very unfair and I told Mr. Gratwick, I didn't think it was very encouraging, for a young man who has spent his time and savings trying to do something which is a life's ambition to be stopped when he should be encouraged.

I further asked, if it would be possible to be allowed an interview with the board in session, at one of its meetings, only to be told that was not allowed.

Shown my references as enclosed to you, Mr. Gratwick said they proved only that I was a capable and efficient tradesman, and further stated, a builder doesn't necessarily need to be a tradesman, to be registered. I might be ever such a good tradesman, but not a good builder, he said.

My contention was, my ability as a successful builder in the past spoke for itself, re my financial status.

I spoke of an amendment to the Act, now before Parliament, and was told even this does not cover the likes of myself, as it reads, persons who have been out of the State, and have now returned to the State, may seek registration without passing the examination, providing they apply before the 31st March, 1946, and have the necessary qualifications.

I have accumulated during the past years in the building trade a thorough knowledge of general building, especially cottage work, and have numerous clients awaiting a decision, as to whether I will be able to build for them, the homes they so urgently require.

Furthermore, I have built myself a large workshop, in which I hoped to set up enough machinery to do all my own joinery, etc.; also bought a large Ford truck, scaffolding and general gear, at considerable expense, especially if I'm not given registration to compensate me for years of hard work and uphill battle.

Please find enclosed references of my work and ability from various reputable persons.

I propose now to read some of the references regarding this man which indicate that he is a first-class tradesman. The amazing thing is that a man who is able to pass an examination but may not be an experienced tradesman can become qualified as a builder and probably would have to employ a man of this type.

Hon. G. B. Wood: Does he say why he did not register before?

Hon. A. THOMSON: He said it was owing to war conditions. He enlisted in the engineers and was manpowered out.

Hon. G. B. Wood: My amendment covers him.

Hon. A. THOMSON: No, it does not. This reference is from the building surveyor of the Belmont Park Road Board District—

This is to certify that Mr. J. Bowra has been a builder in the Belmont District for the past eight years and he has always carried his work out satisfactorily and in accordance with the local by-laws.

He is very efficient in bricklaying, concrete and timber work and all branches of the industry. He is quite competent to work out quantities and estimates and I have no hesitation in recommending Mr. Bowra as a first-class builder and tradesman. Yours faithfully, (Signed) C. J. Riebe.

Regarding his financial position, there is a reference from a bank stating that he has conducted his banking business with the institution for six years and that his transactions have been quite satisfactory. Here is another reference from S. Haunstrup and Co. Pty. Ltd.—

This is to certify that bearer, Mr. J. Bowra, has been employed on the construction of a concrete grain elevator at Collie, W.A., from the 18th January, 1943, to date.

Mr. Bowra was engaged as a carpenter in the first place and owing to labour difficulty has since filled the position of charge hand and plasterer.

We found Mr. Bowra able to give 100 per cent. efficiency in any position he happened to be placed in, and feel sure he will give similar service to any prospective employer.

There is another from a land agent saying that he is a proficient and conscientious builder. So it is possible for a practical man like this not to be permitted to carry on his calling and be registered as a builder. I know a number of men who have become very successful builders but who started in a small way like this man. When I came here 50 years ago, the first man I worked for was a carpenter in Fremantle who could neither read nor write but who was a successful contractor. I hope the Committee will agree to the amendment, of which Mr. Watts has approved. I agree with the suggestion made by Mr. Fraser, but that would mean an additional amendment of the Act.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. G. B. WOOD: I have not much objection to Mr. Thomson's amendment, but he has not satisfied me as to why the person concerned did not apply for registration within six months after the passing of the Act in 1939. If he was a soldier or had been engaged on war work, he would be covered. I would like the point cleared up.

Hon. A. THOMSON: It does not matter whether he was a soldier or not. If he was engaged constantly, week in and week out, how much opportunity would he have to sit for examination? This amendment asks only for a period of nine months, and while I quoted the case of a particular man, I know of others who worked on munitions, for instance, and who would not be covered under the Bill. In view of the dire necessity for small homes to be built, I think we need all the men of the calibre of the man to whom I have referred to provide homes at the present time.

Hon. G. B. WOOD: Regarding the opportunity such a man would have to take his examination, he would not have to sit for it if he were in Western Australia and applied within six months of the passing of the Act.

Hon. L. Craig: Mr. Thomson is only extending the period to nine months.

Hon. G. B. WOOD: Mr. Thomson's amendment widens the scope of the amending Bill, but he should explain why the person he has mentioned did not fulfil the requirements and apply for registration without examination within six months of the passing of the Bill. However, I do not object, if the Committee likes to pass the amendment.

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

Clauses 2 and 3, Title—agreed to.

Bill reported with an amendment.

BILL—ADMINISTRATION ACT AMENDMENT (No. 1).

Second Reading.

Debate resumed from the 11th October.

HON. H. S. W. PARKER (Metropolitan-Suburban) [7.35]: This Bill is essential, and I commend it to members. I also desire to amend it in Committee. The amendment deals purely with a technical matter, and with the permission of the House I do not intend now to go into details that I will have to mention during the Committee stage.

Question put and passed.

Bill read a second time.

In Committee.

Hon. H. Seddon in the Chair; the Chief Secretary in charge of the Bill.

Clauses 1 and 2—agreed to.

Clause 3—Amendment of Section 18: Application to court for leave to sell:

Hon. H. S. W. PARKER: I move an amendment—

> That after the word "repealed" in line 2 the words "and a section is inserted in lieu thereof as follows:—18. With the written consent of all persons beneficially interested, if they are all of full age, or by leave of the Court, an executor or an administrator with the will annexed, where there is no power of sale expressed or implied in the will, and an administrator on intestacy, may for the purpose of distribution or in order to wind up the estate sell real estate held by him as such executor or administrator" be struck out.

This is a matter that was brought forward at the request of the judges. Two of the judges asked me to discuss the subject with them, and suggested this amendment. I have also discussed it with Mr. Walker. I do not know whether the Chief Secretary agrees to the amendment or not.

The Chief Secretary: I wish to oppose it.

Hon. H. S. W. PARKER: It is a difficult matter to explain to the Committee, as it is purely technical. If a man dies without leaving a will, the administrator cannot dispose of any real estate without either receiving the consent of every person of adult age interested in the estate, or applying to the court for leave to sell the land, no matter whether it is worth £5 or £50,000. If there are any children interested in the estate, however small or however remote that interest may be, he has to apply to the court. The first amendment, which has already been carried, disposes of his being compelled to apply to the court, and that also applies where a will is not properly drawn, as in the case of so many wills that fail to give the executor power to sell or to postpone the sale. Then he is on the same footing as an administrator.

The law at present is that even for administrative purposes, subject to the provisions of Section 18, an executor or administrator may sell or lease or mortgage in as full and effectual a manner as the deceased could have done in his lifetime, but Section 18 provides that he must do certain things. We have crossed out the words "subject to the provisions of Section 18," so it now reads "may, for the purposes of administration." There is an argument, which has not been settled, as to whether the words "for the purposes of administration" relate to the distribution of the estate, and the decision rests with the Titles Office. At present, if the deceased dies without leaving a will, and he has many thousands of pounds worth of shares, the administrator can dispose of them without difficulty, but if the deceased leaves £5 worth of real estate the administrator has to go to the court for leave to sell it. We have now altered it so that he need only go to the court for leave to sell if it is outside the meaning of the words "for the purposes of administration."

The position now is that the Commissioner of Titles is the person who decides what is the meaning of those words. Should he decide that distribution comes within administration there is no difficulty, but if he decides otherwise then, with a small estate, one cannot appeal to the court to compel the Commissioner of Titles to register

the documents, so one has to go to the court and ask for leave to sell. I confess I have had some difficulty in seeing the difference between the words struck out and the words proposed to be inserted. Section 18 says that no real estate of which the administration has been granted shall be leased for a longer term than three years or sold or mortgaged without the written consent of all persons beneficially interested, or the order of the court. The proposed new Section 18, which will certainly give the desired power for the purpose of distribution or, on order, to wind up or sell real estate held by him, is not required if the consent of the beneficiaries is available, but if the administrator obtained the consent of the benficiaries, he would still have to apply under the Trustees Act because, when a man dies intestate, the persons entitled to the estate are deemed to be legatees under the will and the Trustees Act then comes into operation and requires the consent of all persons of age who are interested or an application to the court.

Hon. T. Moore: What if the beneficiaries were under age?

Hon. H. S. W. PARKER: Then the administrator would have to get an order of the court. The proposed new section is not necessary.

Hon. E. M. Heenan: You do not think it would be an impediment?

Hon. H. S. W. PARKER: It is conflicting, because under the Trustees Act one cannot mortgage or lease land. The proposed amendment, however, deals only with selling. In the majority of cases where the difficulty arises, a man may have left an estate of a net value of £750. The widow would be entitled to £500 and the small children to £250 and it might be advisable to retain the property. The widow, however, might want to sell her share. Mr. Justice Wolff has approved of my using his name in expressing the opinion that there is no need to do anything but repeal Section 18.

Hon. L. CRAIG: There is one point about the amendment to which I object. A man might die intestate and included in his assets might be a number of small blocks of land. It is desirable that the administrator should, without permission from anyone, have power to sell those small blocks. On the other hand, it would be quite undesirable that, for the purpose of distribution, an administrator should have power to sell all land, because the estate might be valuable. A man might leave a widow and young children and the main asset might be a valuable property. Perhaps the widow has ideas of marrying again and wants the cash, but it might be desirable in the interests of the young children that the property should be held for them. In such a case, the administrator should not have power to sell. If a limit of, say £250 or £500 were specified, I think that would meet the desire of the judge and would be of benefit to administrators of small estates involving small blocks of land.

Hon. E. M. HEENAN: When a person makes a will, he usually appoints an executor, and unless he specifically empowers him to sell real estate, the executor may not do so without the authority of the court. When a person dies intestate, one of his next-of-kin, or a creditor, or the Public Trustee may be appointed administrator. In dealing with land, the administrator's hands are tied until he gets an order of the court. To get such an order is sometimes troublesome and expensive. The Bill proposes to simplify the obligations of administrators and executors and save expense. The amendment to Section 10, to which we have agreed, will enable an executor or administrator to sell or lease land for the purposes of administration, but not for distribution. The proposed new Section 18 will enable an executor or administrator to obtain the written consent of beneficiaries, provided they are of age, to sell land and wind up the estate. If their written consent is not obtained, it will still be necessary to apply for an order of the court. We cannot do any harm by approving of the clause as printed in the Bill. I question whether it was right of Mr. Parker to say that the proposed new section is unnecessary.

Hon. L. Craig: Would you put a limit on the amount?

Hon. E. M. HEENAN: No; if beneficiaries are of age and agree in writing that property should be sold, they are the ones concerned. If they are under 21, a judge would have to be satisfied by affidavits and valuations that the suggested selling price was fair and equitable. Judges are very conservative in making these orders. The case has to be absolutely watertight.

Hon. L. Craig: And we have all these precautions where only a few small blocks of land are involved.

Hon. E. M. HEENAN: In that event, if the beneficiaries were under age, the degree of proof would be small and the expense infinitesimal.

The CHIEF SECRETARY: After listening to Mr. Parker one can appreciate that this can be a technical matter. I am wondering if I can make the position a little clearer. I am afraid that to do so I shall have to repeat some of what Mr. Heenan has said. The main functions of an executor or an administrator are to deal with the assets of an estate. The first point to be observed is that the estate must be administered and in doing so certain expenses are involved. Those expenses might mean that real estate must be disposed of. When that happens the executor or the administrator has the right to dispose of it. The expenses of administration usually cover any testamentary and funeral expenses, and the ordinary debts of the individual. Then there is the question of the winding up of an estate, which involves the distribution of assets. As I understand the position an executor has the right to sell real estate for this purpose.

Hon. H. S. W. Parker: That is the question.

The CHIEF SECRETARY: But an administrator has not. This Bill, which provides that an administrator shall have the same right as an executor, was instigated in the first instance by the Chief Justice and when the measure was drafted it was submitted to him as well as to others, and it was considered to meet the position. Since then Mr. Parker has discussed it with one or two of the other judges and has brought down his amendment.

Hon. T. Moore: Judges are like lawyers; they disagree.

The CHIEF SECRETARY: Mr. Parker's amendment would force an administrator, who wished to sell real estate so as to distribute the assets of an estate, to utilise the Trustees Act. If that is done, my advice, which is borne out by the Master of the Supreme Court and the Commissioner of Titles, is that the cost would be at least three times what it would be under this Bill.

Hon. H. S. W. Parker: It would be exactly the same. You can ask Mr. Heenan.

The CHIEF SECRETARY: That advice was tendered to me by gentlemen who deal day after day with these matters. Anything in connection with the administration of an estate should come under the Administration Act. It should not be necessary to go to the Trustees Act. For that reason alone I would prefer the Bill as it stands. By using the Trustees Act it would be necessary, I believe, to move by way of a petition and the procedure generally would cause delay and the cost would be three times what it would be under this Bill. I do not say that the method proposed by Mr. Parker would not do all that he claims for it, but if it is going to be so much more expensive and cause extra delay, then we should agree to the Bill as it is printed.

Hon. H. S. W. PARKER: I cannot agree with the advice given to the Chief Secretary. This concerns the Administration Act, and in the course of the discussion one of the judges expressed the opinion that administration includes distribution. If this is only administration and not distribution, the Act then deals with administration and when we come to distribution we should use the ordinary provisions of the Trustees Act. There is no trouble where all the persons interested in an estate are of age, but difficulty arises where children are concerned. There is trouble in disposing of an estate even with the consent of those interested until the necessary authority, the Commissioner of Titles, is satisfied that all persons who consent are the only ones interested. It may sometimes be cheaper to go to the court than to prove that.

I can recall an instance. Some 20 odd years ago a person died. His estate was worth £220. A homestead farm was in question. A son was the administrator and he paid £71 to his sister and £71 to his sister-in-law for her three children. He had no right to do so. Some 25 years later he came to get his title in order. To satisfy the Commissioner of Titles he had to get numerous marriage and death certificates. He also had to prove deaths of people who died in infancy. At least a dozen different certificates had to be obtained from Victoria. I regret to say that all the trouble arose through the advice of a Supreme Court official, whom I do not blame because he was not in practice. The desire of the judges is to place an administrator in the same position as an executor.

In a properly drawn will there is no difficulty about the executor because one of the first clauses in such a will provides that the executor shall have power to call in and convert into money all assets that do not consist of money and, for that purpose, make a sale, in his absolute discretion, of any asset. Unfortunately about 50 per cent. of wills proved at the court do not contain that provision. In that case the executor is in exactly the same position as an administrator. When it comes to selling for distribution we have to act under the Trustees Act and not under this one. I cannot agree that the profession makes more out of the Trustees Act than out of the Administration Act. We need not worry two straws about the expense.

Amendment put and negatived.

Clause put and passed.

Clause 4, Title—agreed to.

Bill reported without amendment and the report adopted.

BILL—ADMINISTRATION ACT AMENDMENT (No. 2).

Second Reading.

HON. H. S. W. PARKER (Metropolitan-Suburban) [8.13] in moving the second reading said: This is a small Bill, but it has a serious effect. At present beneficiaries are entitled to receive interest on legacies as and from one year after the date of death if the legacies are not paid within that time. The rate of interest fixed by the rules of court is eight per cent. There are all sorts of exceptions to that rule, which I need not go into. Residuary legatees are the people who get the balance of an estate after all legacies are paid. It is sometimes an advantage to leave the investments as they are and not pay the legacies because the legacies might be producing more than eight per cent. In those circumstances we could apply to the court for an increased amount of interest. Again the executor may in certain circumstances apply to have less. Generally speaking, interest on legacies is at eight per cent. Quite properly it has been thought, in view of the present day conditions and those likely to apply in the future, that that rate is rather high. Therefore the Bill proposes that the rate shall be 5 per cent., nevertheless still leaving it to the executor or beneficiary to apply to the court for more than that rate. The law desires that all legacies shall be paid within 12 months, and the Bill does not affect that aim of the law. I commend the measure to the House and move—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

In Committee.

Hon. V. Hamersley in the Chair; Hon. H. S. W. Parker in charge of the Bill.

Clause 1—agreed to.

Clause 2—Rate of interest payable on legacies:

The CHIEF SECRETARY: As a matter of information, can Mr. Parker explain the use of the word "after" in the proposed new Section 143?

Hon. H. S. W. PARKER: That is a legal expression that has always been used. There is no reason why it should not be "at the rate of" instead of "after the rate." In this instance "after" has the same meaning as "at."

Hon. L. Craig: Quite a clear explanation.

The Chief Secretary: Yes.

Clause put and passed.

Clause 3, Title—agreed to.

Bill reported without amendment and the report adopted.

BILL—NATIONAL FITNESS.

Second Reading.

Debate resumed from the 19th October.

HON. SIR HAL COLEBATCH (Metropolitan [8.20]: We all hope that the national fitness movement may prove one of the beneficent consequences of the war. It is a very widespread movement. It enjoys great public support and is recognised by both the Commonwealth and State Governments. I think it may be regarded as the awakening of the public conscience to past neglect, the awakening of which no doubt results from the fact that we are now having forced upon the community, because of that neglect, the necessity to pay for it in all directions. I should say that at least 50 per cent. of the necessity there is for social services could have been avoided had the proper needs of the youth of the community been recognised years ago. Is this going to be a permanent movement? Will it be lasting and enduring, or is it just a flash in the pan, something inspired by wartime enthusiasm and likely to die away as the war becomes more distant?

There is one thing about which we all ought to be very certain, and that is our objective. Why are we doing this? What are we aiming at? I had many opportunities of seeing the development of the national fitness movements in Germany and Italy. They were well organised. From their point of view they were very sound. I should think that Hitler's movement reached its apex as something of good to the community with the holding of the Olympic Games in the summer of 1936. I do not know exactly what form the national fitness movement took in Japan, but from what I have read and from what I have been told, I rather gather it was conducted along similar lines. Why is it that this national fitness movement did such incalculable harm to the world, including the people it was intended should benefit from it? There is one clear answer. For that reason I do not altogether like the use of the word "national." I would prefer it to be described as "individual fitness" rather than as "national fitness."

The aim in Germany, Italy and Japan was for national fitness in the interests of the nation, as determined by the rulers of the nation. It aimed at the physical development of the boy and girl. It had for its object the training of them in many directions, but it did mean the stifling of their individual freedom, and the subjecting of them to the arbitrary dictates of their rulers. We ought to make it abundantly clear that we want our fitness movement, which I say should be an individual fitness movement, to be entirely for the benefit of the boys and girls themselves. Leave the State out of it altogether! Let us leave the nation out of it! Let us be confident that if we develop our boys and girls—mentally, physically and morally—we must raise young people who will give the best possible service to the State, and enjoy at the same time their individual freedom.

Let us try to visualise what sort of world it would be if every nation devoted a large measure of its resources to the development of complete national fitness. It would be a condition pregnant with enormous possibilities for almost incomprehensible evil if the movement were merely for national fitness in order to advance the arrogance of the State and to increase its material power. On the other hand, it would be a condition fraught with benefit and blessing such as the world never before experienced, if the movement were to make in every country really good men and women, who would not only work to advance their own interests but would do a great deal for their fellow citizens and fellow men. There are a few aspects I think we ought to consider carefully in connection with the Bill. The first is that we must secure the greatest possible measure of local control. That I regard as essential. I have no doubt it is contemplated that there shall be community centres wherever there is a large population. Those community centres must be under local control.

It should be the function of the central body to advise, assist and encourage—but not to control. It should not dictate. Local authorities must have power and influence. Therefore I think that although it will be necessary to have a central body, that body should not be unwieldy or too large. Local bodies should have some voice in the nomination of members appointed to the central body. The next point is that we must encourage voluntary work to the greatest possible extent. Always throughout history the best work of the world has been done by volunteers, by people who have not looked for monetary reward but have done what they accomplished because of their love of the work. They enjoyed the satisfaction they obtained from doing something for their fellow men. We must certainly encourage the voluntary system. There ought not to be too many paid officials in connection with this movement.

There is the financial side to be considered. I have already said that a great deal of the expenditure on social services that are now essential is the result of past neglect for which the Commonwealth and the State, Governments and Parliaments and all parties have been equally responsible. These social services will impose an enormous burden. I shall not say that the burden is imposed upon the taxpayers, because I am not particularly concerned with taxpayers simply as such. That enormous burden will be imposed on the economy and industries of the country. I know very well the extent to which the need for social services partially contributed to the unfortunate position in which British industries found themselves between the last two world wars. Social services will impose a very heavy burden on our national economy, and it is certain that some things will have to be sacrificed. The greater the extent to which we can make this a voluntary

movement, the more can we preserve it from being sacrificed. It need not cost the country a great deal. As I remarked previously, there should not be a lot of paid persons associated with it.

The third consideration, and the last to which I shall refer, is the most important of all. It is that this movement for national fitness, which is generally stressed from the physical point of view, should be accompanied by educational development. Unless we have the development of the mind and character, with high moral standards along with this physical development, physical development alone may very well prove a source of danger and dissatisfaction. So I say that educational development must be provided as well. I think it was during the last session of Parliament that we passed an Act that contemplated the raising of the school leaving age to 15. I know it is the wish of the Government, of Parliament and of the people generally, not only that that legislation shall be put into force as soon as possible but that at an early date there shall be a further increase of the school leaving age to 16. There again financial circumstances come into the picture, and it will be important that first things shall be placed first.

I received a little time ago a small pamphlet entitled, "The Education of the Young as Social Units." It is by Mr. S. R. Dickinson, M.A., a former headmaster of the Haileybury College of Brighton, Victoria. I think every member has received a copy and I hope that they will carefully consider it. I intend to quote briefly from the pamphlet. It sets out at the bottom of page 14 the essential steps towards an enlightened system of education. There are eight steps and I quote them as indicating what he believes—and I am sure he is right—is the proper priority in which to place these things. We cannot do everything at once; that is obvious. The proper priority! What is the first step? It is as follows:—

(1) The immediate lifting of the profession of educator in both qualifications and standing in the community, at least, to the level of the medical profession, and the attraction into it by proper conditions and emoluments of persons of the highest character and abilities. This is fundamental. The society that is indifferent in the matter of the choice of those to whom it commits the charge of the precious souls of its children deserves all the ills that come upon it. Because, if you do not have good and capable educators, you cannot raise up good and capable citizens, and without good and capable citizens you cannot have a good and great society.

This authority—and he is an authority—sets out this as the first step; and since we can only take step by step—our resources will not permit us to do everything we want to do in the way of education improvement at once—I am sure he is right in saying that that should be the first step, improvement in the standard of the teacher. Then follow the other steps—

(2) The abolition of huge schools and large classes.

(3) The abandonment of schools that are ugly and unhygienic in structure and site.

(4) The erection of roomy and beautiful school buildings. It is far more important to have handsome schools to house living children than palatial banks to house dead money. The former are the real assets of the nation.

(5) The inclusion of an attractive assembly hall (with piano), a reference and a staff room with educational library and current educational magazines for teachers, a lending library, and a science room and workshops in the accommodation of each school.

(6) The elevation of the school into an influential community centre. Parents readily foregather where they know that the best interests of their children are being promoted.

(7) The raising of the school-leaving age to sixteen years and the establishment of facilities for the continuation of systematic education of young people to the age of eighteen or nineteen, as in the projected Young People's Colleges of Great Britain.

(8) Provision for adult education, including especially the establishment of municipal reference and lending libraries, covering besides fiction the leading branches of the physical and social sciences, history, biography and general literature. An effective antidote is badly needed to counteract the influence of the threepenny novel-lending library.

As one who has taken a great interest in education for a period long before I was privileged to be Minister for Education in this State, and that is 30 years ago, I would say that I have never before seen the different steps in the building-up of an improved education policy set out so clearly and so exactly, nor have I ever seen a statement in which the priority was so sound as it is in this case—No. 1, the teacher. I shall support the second reading of the Bill, and I desire to do no more than repeat what I have said at the outset, that we must make it clear—clear, if necessary, by some statement in our Acts of Parliament—that our objective is merely the improvement of the

children for their own sakes, relying confidently that if we do that they will give the best possible service to the State.

On motion by Hon. E. M. Heenan, debate adjourned.

ADJOURNMENT—SPECIAL.

THE CHIEF SECRETARY (Hon. W. H. Kitson—West): I move—

That the House at its rising adjourn till 4.30 p.m. on Tuesday, the 30th October.

Question put and passed.

House adjourned at 8.35 p.m.

Legislative Assembly.

Wednesday, 24th October, 1945.

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

QUESTION.

TROLLEY-BUS SERVICES.

As to Equipment for Extensions, etc.

Mr. CROSS asked the Minister for Railways:

1, Has he received a full report from Mr. W. H. Taylor, manager of the Government Tramways, in regard to whether new trolley-bus chassis and overhead line equipment, necessary immediately for the extension of trolley-bus services, are obtainable at a reasonably early date?

2, Have new trolley-buses and overhead equipment for the conversion of the South Perth tram service been ordered?

3, If so, when will the buses and equipment arrive in the State?

The MINISTER replied:

1, No. Approval has been given to the calling of tenders for 50 trolley-bus chassis for use in developing the trolley-bus system and conversion of tram routes to trolley-buses.

2, No.

3, Answered by No. (2).

BILLS (2)—FIRST READING.

1, Municipal Corporations Act Amendment.

Introduced by the Premier.

2, Criminal Code Amendment.

Introduced by Mr. McDonald.

BILLS (2)—REPORTS.

1, Medical Act Amendment.

2, Town Planning and Development Act Amendment.

Adopted.

SUPERANNUATION AND FAMILY BENEFITS ACT.

As to Notice of Motion.

MR. DONEY (Williams-Narrogin) [4.35]: On the notice paper appears the following motion standing in my name:—

That in the opinion of this House steps should be taken to amend the Superannuation and Family Benefits Act, 1938-1939, to provide that increases in the basic wage be proportionately reflected in the amounts payable from time to time to beneficiaries under the Act.

I desire to move that this Order of the Day be postponed.

Mr. SPEAKER: The hon. member is not eligible to move that it be postponed.

Mr. DONEY: Is that a ruling against me?

Mr. SPEAKER: It is according to Standing Orders. Unless the hon. member is prepared to rise and move—

Mr. DONEY: Sir, I beg leave to disagree with your ruling.

Mr. SPEAKER: Will the hon. member put it in writing?

Hon. J. C. Willcock: Put it on the notice paper tomorrow.

The Minister for Mines: The ruling has been given dozens of times.

Mr. DONEY: I do not think it has.