

six months. If that were done, I feel sure there would be little need to shift the sanitary depot to the proposed new site in South Perth. The trouble with the present pan system has been that there has been a shortage of manpower. The blackout came upon us, and we had to revert to the day system on account of no lighting being available for lanes in the vicinity of the houses served. Then, when we were again able to use lights, the unions that had already changed to the day system absolutely refused to return to the night system, and so we were unable to relieve the situation in that respect. The position now is that the Perth City Council has been ordered out. It endeavoured to induce the former Minister for Health to allow the site to remain in the present position.

A deputation led by the member for Perth has also placed the matter before the present Minister for Health; but in each case there was a refusal. The Perth City Council has always worked in harmony with this Parliament and the State Government, and it undertook to shift that site at the request, or demand, of the Government. It wishes to honour its obligation, even though it will cost from £10,000 to £12,000 in roads and footpaths, which would be used for only a few years. That money could be spent much better on other facilities for the people, but the council feels that it has undertaken to obey the demands of Parliament and should do so. On the other hand, as the member for the district—leaving the council out of it—I would welcome an inquiry to see whether something could not be done, on the lines I have suggested; that is, to allow the present position to prevail until such time as the Government has manpower and materials available to sewer the whole place.

On motion by the Minister for Health, debate adjourned.

House adjourned at 9.19 p.m.

Legislative Council.

Thursday, 11th October, 1945.

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

BILL—GOVERNMENT EMPLOYEES (PROMOTIONS APPEAL BOARD).

Reports of Committee adopted.

MOTION—NORTH-WEST.

As to Action to Restore Economy.

Debate resumed from the previous day on the following motion by Hon. F. R. Welsh:—

That, in view of the serious position existing in the northern part of the State, this House considers that the Government should take immediate action to restore the economy of the North Province.

HON. A. THOMSON (South-East) [4.35]: This motion, which asks the Government to take immediate action to restore the economy of the North, seeks to impose a rather difficult task. It is most discouraging to the people who have risked their all in the development of the northern parts of this State, to find that the population today is less than it was 20 years ago. True, it has been badly hit by drought, pestilence, wild dogs, foxes, blowflies, grasshoppers, lack of efficient shipping and high costs generally, which have all contributed to its present economic position. The people of the North deserve a much greater reward for their efforts than they have received.

It seems to me that despite modern scientific appliances, such as radios, aeroplanes, etc., the olden days of isolation meant, apparently, greater prosperity. In those times the bullock and donkey waggons were the only methods of transport. The State Shipping Service, established to assist the North, has incurred great financial losses and has not given the service that the Adelaide Steamship Co. gave over 40 years ago, when the North was served by the "Bullarra" and the "Koombana," plus the Holt Blue

Funnel line. The nationalisation of shipping, which was intended to render a good service, has actually resulted in a disservice when compared with the help given by the private ship-owners. Federation was, in my opinion, disastrous to Western Australia, particularly the North. We, as a State, were in our developmental stages and Federation imposed high tariffs and excluded goods which we used to receive at cheaper rates.

Tariffs have added a burden to this State in particular, when we compare our developmental position with the stage that New South Wales and Victoria have reached. The industries in those States, particularly their primary industries, are well established. Therefore we find that our people have been loaded with increased costs in connection with our development. I was particularly struck by the remarks made by Mr. Cornish last night when he pointed out that the embargo on the Holt Blue Funnel line had denied to the people of the North the many tropical fruits that they had previously received. I have for years been inclined to hand over the North to the Commonwealth Government which has many advantages over the State Government. It could waive the tariffs on all machinery and plant needed for the development of that part of the State, and the duties that are imposed. If we in Western Australia cannot help the people of the North, then we cannot fill the vacant spaces there, and I am afraid that we shall not be able to hold it very long, because we must remember that there are teeming millions of coloured people within a comparatively few miles of our coast. Those people are living in overcrowded areas.

When the Jewish settlement in the Kimberleys was mooted some years ago, I was a keen supporter of it. I have learnt of nothing that has made me change my views in its favour. Some people argue that the Jews would not remain in that part of the State. Here we have a people prepared to settle and develop the area and finance all the operations entailed, opening up a portion of the State that today, partly owing to the vicissitudes of war and partly to economic conditions generally, is used merely as a cattle run. I understand the Jewish people were prepared to pay all the cost of, and accept all the respon-

sibility for, the establishment of industries on lines similar to those adopted in Palestine. Unless we can devise ways and means of encouraging people to go to the North and remain there, present-day conditions will not be altered. I admit that the Government has taken the initial steps to see what can be done with the country by the proposed erection of a dam on the Ord River. I can remember some 30 years ago listening to Mr. Miles advocate that proposition for the purposes of irrigation works.

I do not blame the State Government for the lack of economic progress in the North. It seems to me that life has become a little more attractive than ever in the southern areas, and certainly more inducement will have to be held out to people if they are to be encouraged to live in the North. I paid a brief visit to that part of the State on one occasion with the idea of obtaining some first-hand knowledge of the requirements there. When one travels by steamer there is little opportunity of seeing much of the country. In fact, I understand that people who reside in the northern areas refer to those who travel North by boat as "porthole tourists," particularly when such individuals on their return are prepared to say just what is necessary to secure the development of those far-flung parts of Western Australia. For my part I have not had the temerity to do that.

I commend Mr. Welsh and congratulate him on his motion. I hope that the results of the activities of those who attended the meeting at Whim Creek in order to voice their protest against the continuance of present-day conditions and to discuss methods to remedy some of the disabilities from which they have suffered for so long, combined with the work of the committee that has been appointed by the Government will prove successful in ameliorating conditions in the North. I trust that the North-West will become as prosperous as it was 20 or 30 years ago. When I first came to Western Australia it was customary to look upon the people in the North as wealthy. Probably they were the wealthier section of the community then and it is a matter for regret that many, owing to adverse conditions they have suffered, have seen the whole of their life's work swept away. I support the motion and sincerely

hope that the desired action will be taken with the result that the territory under discussion will be opened up once more, and that the action now being launched by the Government will achieve satisfactory results.

HON. E. H. H. HALL (Central) [4.47]: I would not have spoken to the motion but for my desire to support the remarks of Mr. Thomson in advocating the taking over of the northern parts of Western Australia by the Commonwealth Government. I know there are all sorts of objections to that course being adopted. I fail to see where the State Government could secure the necessary finance to do what is required in so large and important an area of Western Australia. The opinion has been expressed from time to time that if the Commonwealth should take over the northern parts of this State we would witness a repetition of the waste that has occurred in connection with the Federal administration of the Northern Territory of South Australia. I think that is an attitude of despair. Surely we must expect those associated with the Commonwealth Parliament, irrespective of what their political colour may be, to gain experience as they go along.

The attitude I have indicated on the part of the State Government is that of a dog in the manger. I do not care what State Government may be concerned in the matter, but I think steps should be taken to forward a proposal to the Commonwealth Government to take over the North. Especially should that be done now when we have Labour Governments in both Commonwealth and State spheres. In the circumstances it is the duty of the State Government to approach the Commonwealth with a proposition to that effect. I am reminded of the fact that Hon. J. C. Willcock, when he was Premier of the State, frankly stated that Western Australia had not the necessary financial opportunities to do justice to the North and the North-West. There we have an admission by a man possessing the necessary experience and knowledge. We do not require more than that. If the North were developed and opened up properly, the southern portions of the State would receive the major benefit.

Hon. A. Thomson: That is so.

Hon. E. H. H. HALL: I can see no valid objection to the State adopting the course of action I suggest. I certainly think Mr. Welsh was well advised to bring this matter before the notice of the House. On the other hand, I despair of the present State Government taking the necessary action to induce the Commonwealth to take over the North. It is a pity. The loss of population is apparent not only in the North and the North-West, for some of the agricultural areas are also becoming depopulated. Unless Governments, State and Federal, shoulder their responsibilities in the interests of those who are producing the real wealth of the country, then the drift to the cities, of which we have heard so much for so long a period, is bound to continue. A great point was made by Mr. Thomson in advocating the transfer of the North to the Commonwealth when he referred to the Commonwealth Government being in a position to afford the great relief needed from the standpoint of tariff reduction. It is the high tariff that has borne so heavily upon primary industries, and I am very much afraid that until the Commonwealth Government affords some relief from a burden that has throttled and hindered the development of this State, both in the north and in the south, and until a more elastic attitude is adopted by the Federal authorities in their policy respecting this State, we shall have little immediate prospect of advancement in this part of the Commonwealth. I say that despite the fact that we are continually being reminded that we possess here such great possibilities.

On motion by Hon. W. J. Mann, debate adjourned.

BILL—CLOSER SETTLEMENT ACT AMENDMENT.

Second Reading.

THE CHIEF SECRETARY (Hon. W. H. Kitson—West) [4.49] in moving the second reading said: This small but important measure seeks to amend the Closer Settlement Act, 1927, to provide authority for the acquisition and disposal of land for closer settlement. Under the parent Act provision has been made for the constitution of a board, its authority and duties being clearly defined. It sets out the modes of procedure which must be followed by the

board in order that unutilised lands may be acquired for closer settlement; and, in fact, it provides the whole of the necessary legislative machinery for these purposes.

In considering proposals which the Government has in mind for the settlement of soldiers and others on the land, attention had to be given to the possibility of acquiring large tracts of privately-held land, or portions thereof, for subdivision and subsequent settlement. On inquiry regarding the authority which would be necessary for such acquisition, it was found that the existing legislation, with suitable amendments, would meet the requirements. These amendments are embodied in the Bill I am now submitting to the House.

Members are no doubt aware that war service land settlement proposals for ex-servicemen provide for their settlement not only on Crown lands after certain improvements have been made, but also—and this applies to this State mainly—to the establishment of these men on improved farms within the established and more settled farming areas. In this connection the Land Purchase Board is actively engaged in dealing with offers of privately-owned land either for use as single farm units or for subdivisinal purposes for the settlement of soldiers. Several hundreds of these properties have been listed; and they include many large holdings which have not been fully developed or effectively used, but are suitable for subdivision. In addition, field parties are employed in the reconditioning of reverted Rural Bank properties, many hundreds of which have been reserved for the settlement of ex-servicemen. Under these proposals, therefore, it is obvious that these men will not be asked to settle and develop unimproved land in the more inaccessible and remote parts of the State, as some of their predecessors were; but rather, that they shall be placed in localities on improved properties where the facilities are such that they will have a reasonable chance of making good.

In dealing with this important matter, consideration had to be given to the fact that there were many thousands of acres of privately-held undeveloped or unutilised land in localities where railways, roads, amenities generally, etc., are already in existence, which, if used for closer settlement, would be developed in the best interests of the State. It is undesirable and uneconomic that

such a situation should continue, and it is only right that the State should have the necessary authority in certain circumstances to acquire such land for subdivision and closer settlement purposes, particularly in view of the fact that there is a keen demand for land. With this end in view, and with a desire to explore all avenues to obtain suitable properties, not only in the present but in the future, it has been decided to introduce this Bill, the provisions of which, if passed, should enable the Government to deal with the position.

The Bill sets out that for the purposes of acquisition the Minister may from time to time appoint a committee to inspect and report on the land concerned, the committee to consist of three members, one of whom shall be an officer of the Department of Lands and Surveys or of the Department of Agriculture who has a sound knowledge of land values in Western Australia; another of whom shall be the Director of Land Settlement, and the third a person selected by the Minister for his local knowledge and experience of agricultural and pastoral matters or any particular branch thereof in that part of the State in which the land the subject of inquiry at the time is situated. It further sets out that the Minister may direct such committee to enter and inspect and report on any land—whether unutilised or not—which in the opinion of the Minister may be suitable for the purposes of closer settlement, and recommend to the Governor-in-Council that any such land should be acquired for such purposes. The Bill then provides for the necessary authority for the Committee to enter upon and inspect land. Subject to the direction of the Minister, the committee may enter upon and inspect any land and obtain any information necessary. The owner or occupier is expected to render to the committee all reasonable assistance in the carrying out of its inspection and the making of its investigations.

The measure then goes on to provide that if any such owner or occupier without reasonable cause fails or neglects to comply with his obligations or in any manner obstructs, hinders, prevents or interferes with the committee in the exercise of its powers, he shall be guilty of an offence. Provision has been made for an appeal, and in this connection the Bill provides that before making a report to the Minister, the committee shall serve a copy thereof on the

owner and the occupier of the land in respect of which the report is made, and such owner or occupier may, within thirty days after service, appeal in the prescribed manner to a judge of the Supreme Court against the report. The judge who hears the appeal may take evidence, and if thereafter he is of the opinion that the land is not utilised within the meaning of the Act and that the taking of the land for closer settlement would not result in any substantial increase in production together with a reasonable increase in the number of persons normally resident on the land, he shall make an order annulling the report appealed against, and such order shall be final and not subject to any further appeal. It is therefore obvious that the landowner is given sufficient protection in the event of any action being taken in an attempt to deal with the land for closer settlement purposes.

That is the brief explanation of the provisions of the Bill, and I trust that members will give it full consideration and approval. In doing so, it should be remembered that all the measure seeks to do is to amend an Act that already provides for a board and certain necessary legislative machinery for the purposes of resuming unutilised land for closer settlement purposes. The intention is to increase these powers by the establishment of a committee consisting of three qualified and experienced men to deal with any lands which may be considered suitable for subdivision and closer settlement purposes, and in so doing to provide the added legislative machinery which is considered to be necessary to give effect to the Government's proposals in connection with the settlement of soldiers on the land. The powers of resumption will not be used except in the case where the negotiations between the parties concerned—that is, the landowner and the Government—for the purchase of the property at a reasonable price are unsuccessful. We do not anticipate there will be many cases where it will be necessary to go to appeal, but in the event of such cases going to appeal, the provisions of the Bill will, I think, meet the situation. I move—

That the Bill be now read a second time.

HON. H. L. ROCHE (South-East) [5.1]:

As this Bill is necessary to facilitate the Government's proposals for soldier settlement, I have no doubt it will receive very

favourable consideration at the hands of members. At the same time it goes somewhat further than that. It is not confined to soldier settlement, and if it is not amended or repealed, it may go on for ever. There are one or two aspects of the proposals which appear to me to require some clarification concerning the effect they may have on some people who are already on the land. In our anxiety to establish the soldiers, those soldiers who can qualify and wish to go on the land after service in this last war, we must not overlook the fact that we have to be fair to people who are already on the land.

The first point I would like to raise and on which I should like to hear from the Chief Secretary in his reply as to the attitude of the State Government, is in respect to those large properties that are reasonably well improved and are engaged in the breeding of stud sheep. It is doubtful in my mind whether many of those properties can justifiably be held to be exempt from the provision of the Act. It would be difficult in some cases, having regard to local conditions and the composition of the land included in the properties, for the owners to establish that they were not capable of further production or that they were not capable, in any subdivision, of maintaining a reasonable increase in the number of people normally resident upon them; and yet if they are to be brought within the scope of this legislation—that is the genuine stud properties—and resumed for the purpose of soldier settlement or any other form of settlement, I believe it would be a tragedy for the sheep-raising industry in this State.

The danger I see in respect of those properties—and there should be a very definite statement of Government policy now—is that owing to the delay in preparing for settlement after the war—this is the first legislation remotely concerned with soldier settlement after six years of war that we have had to deal with—possibly within the comparatively near future we shall have some thousands of men clamouring for land. They will be supported, I think with justification, by a considerable volume of public opinion insisting that they be settled at the earliest possible moment. Much of the land that may be available will, I think, be found to require a year or two to prepare in the matter of

clearing, fencing and even water supplies. The temptation will be considerable and may be fostered by ill-advised agitation to force the Government to step in—I do not think it will wish to do so—and acquire these stud places because they are mostly cleared and well improved.

Let me instance a 15,000 acre property—this is not a hypothetical case, but one I know of—devoted to the raising of stud sheep. With the provision of a dozen pre-fabricated houses that could be converted into a dozen farms within a month or two. It would only need the re-alignment of some of the fencing. On the other hand, men may have to wait a year or two in the case of other properties. I am somewhat concerned, unless we have a clear statement from the Government before these proposals are given the force of law, lest we shall find growing up an agitation for the acquisition of such places as I have instanced. To my mind these progressive stud properties are the lifeblood of the sheep industry in Western Australia. Further to that, I should like the Chief Secretary to clarify the intentions of the Government in regard to resumptions and the basis of values.

For some time past, and at the moment, the Commonwealth Sub-Treasury in this State is controlling land prices under National Security Regulations at the 1942 level. I think it is no exaggeration to say that in 1942 there was very little of value in Australia beyond courage. At that time such was the threat to the independence of this country that there was very little demand at all which could be held to establish a reasonable level of values. The National Security Regulations may continue for some years, in which case if they are to govern operations under this Bill, much as I am prejudiced in favour of the soldier and of soldier settlement, I think it would be grossly unfair to the people who are already on the land and who have worked and striven for the last 20 or 30 years, and I shall have to oppose the second reading. It may be that these regulations will not be binding, but I trust the Minister will give us an assurance on that point. There is already, as he has said, a considerable demand for individual or single farms. I wonder what the position of the present owners of these properties will be, and also the position of men

who have properties that may be capable of subdivision for perhaps two or three soldier settlers. That would also apply not only to civilians, but to some of the ex-servicemen who were settled on the land after the 1914-18 war.

I wonder whether the Government has given any consideration to the position that will arise when, if the smaller properties are re-possessed, the owners will be displaced, including soldier settlers from the 1914-18 war, in order to make room for those the Government wishes to settle after the war that has just been concluded. As I see it, the Bill would possibly apply to 75 per cent. of the farms in Western Australia. It would be inflicting a very considerable hardship on many of these people if the resumptions are to take place—I refer more particularly to the smaller properties, not to the large ones—on the basis of the values ruling in 1942. Many of the people at present on their properties, after years of work and effort, when the mortgage has been paid off and other debts settled, would be walking out with perhaps £2,000. I could quote several instances where this would apply to people I know who have been on their properties for 20 or 30 years. This would be a poor reward for them. The interest return on such a figure would be about equivalent to the old-age pension. They are mostly getting to the stage in life when they are too old to start again. I hope the Minister can reassure me as to the attitude of the Government in respect of such people.

I reiterate that in our anxiety to do everything we can for the lads who are going on the land this time we must not forget to be fair to those who are already there. Although the equity in the properties to which I have referred may not be very great, under present prices people are able to carry on with reasonable living conditions as regards finance and livelihood, better than they will be able to carry on if they are dispossessed, should their reward be somewhere about the figure I mentioned. Furthermore, with some stability promising in certain of the major primary industries at somewhere about present prices, it will be the first opportunity many of these settlers have to push ahead vigorously with their development. They were settled on the land some 20 or 30 years ago.

For the first few years when they were establishing themselves there was a reasonable run of prices. During 1929 and 1930, however, there was a depression. The farming industry has never completely recovered from it, but in the last three years, with stability in prices and with prices, whilst not over-generous, considerably better than they have been over a period of years, the settlers concerned have now reached the stage where they can establish themselves properly.

But we have this Bill to consider, and I am somewhat concerned whether many of these people, now that they are looking ahead to a brighter future, might not find that they have to get out and make room for others. If they have to go, I think their recompense should be on a reasonable basis. The prices at which the Commonwealth Sub-Treasury will permit sales are at a depressed level. We now have this legislation to acquire land compulsorily on a depressed market, even if the National Security Regulations do not apply. If we are to be fair, this is not as simple a measure for the consideration of the House as it would appear to be on the surface. I do not wish to see—I am sure the Government does not wish to see—the soldier overloaded with a heavy mortgage debt at the commencement of his operations, as happened last time. Apparently it is not the intention of the Government that that should occur again, and it seems that provision is being made for a writing down of the capital cost of the properties at the inception of the scheme.

Hon. H. Tuckey: It was not the cost of the land that caused the losses last time.

Hon. H. L. ROCHE: In many cases it was not, though people generally seem to think it was. The Government provides that these properties shall be written down to their productive value, and it is possible that that is already taking place regarding properties likely to be taken over or which have been taken over for soldier settlement from the Rural and Industries Bank. If, in the purchase of private properties, it is found that a reasonable price for the land will leave the soldier heavily involved, I submit that, in fairness to the soldier and to the man whose land is being compulsorily acquired, the same principle should apply. Those are points that have struck me in giving consideration to this measure.

I hope the Minister will be able to deal with them in such a way that I shall be able to feel more favourably disposed towards the Bill than I do at present. I am prejudiced in favour of the soldier but at the same time I think the Government has a duty to the people already on the land. Whilst land that is too dear can cripple soldier settlement, I think there is sufficient provision suggested—we may know something more of it when we get more legislation dealing with soldier settlement—for the Government still to pay a reasonable price to people who have been carrying on under difficult and almost intolerable conditions for 20 or 30 years, while at the same time giving the soldier a start with a reasonable capitalisation.

HON. T. MOORE (Central) [5.20]: I think that on the estates that are taken over, the settler should be provided with a fair proportion of first-class land. One of the troubles in the past was that, in the cutting-up of many of the estates taken over, the blocks comprised a certain area of first-class land but more second and third-class land. In many cases the settler had not sufficient first-class land to enable him to be successful. I hope that mistake will not be made this time. We know that men who took over these re-purchased properties were confronted with an interest bill from the day they commenced operations. While the settler was getting his clearing done—that took him years—the interest bill had to be met annually, and the settler got behind in the first few years. That should never be allowed to happen again, because if a man is badly handicapped at the commencement he has no chance of making good. I think it will be difficult to find the many properties that it is assumed are to be had now in this State.

Settlement was pushed out too far on the last occasion, when we went right out to the marginal areas. Most of the failures were in those areas and there are a lot of abandoned properties there now. I understand that the present proposal is to link one property with another, but in doing so it will be necessary to have the land rents on those properties, from the Lands Department point of view, written down considerably. The land—particularly on the Wangan Hills line, which I represent—was too highly priced. For a long time I have been

agitating—in some cases successfully—for the writing-down of land rents in that area. We must consider the value of the land when it is cleared, and on that basis the rents in many cases were altogether too high. For any resettlement in those areas I hope there will be a writing-down of land rents. That is one of the things that will go with this Bill in settling our soldiers on the land. Mr. Roche spoke of the improved position of our farmers today and said it was owing to the prices which, broadly speaking, are better than they were in the past.

One factor that was instrumental in placing many farmers in a better position in the last few years was that in this State we were not allowed to crop the whole of our acreage. One-third of the land that was cropped in the past had to be left idle. That was a great thing for this State. I have heard people say it was not fair to this State that our farmers were not allowed to crop the whole of their land, but I believe we were fortunate in receiving 12s. per acre for allowing our land to have a spell which it needed. Members must know that much of our land has been over-cropped in the past and was badly in need of a rest. I think it a pity that we were not forced to spell at least half of our land. We had those outside advisers, the financial institutions, advising us to crop more land, and land was cropped, until the stage was reached where, had we continued cropping as we were, the land would have been left depleted for future generations. I believe our present Premier played an important part—for which he should be given full credit—in reaching the agreement about one-third of our land not being cropped. He said that the economy of this State depended largely on our wheat production, as we have no secondary industries. I know the arguments he put up and I am glad he was instrumental in an agreement being made with Mr. Scully to give the farmers of this State 12s. per acre to spell their land, because it is that which has made the farmers today more solvent than they were in the past.

Hon. L. B. Bolton: Many farmers made more profit out of that 12s. than they would have made had they cropped the land.

Hon. T. MOORE: That is so, but it is not generally known, and many people think

that agreement was unfair to this State. We could not have cropped all of our land, even had we been allowed to do so, because we had not the labour or the superphosphate, and that shows how fortunate we were to get this agreement under which our farmers received hundreds of thousands of pounds from the Commonwealth Government.

Hon. L. B. Bolton: What did they do with that money?

Hon. T. MOORE: In many cases they were able to pay their interest.

Hon. L. B. Bolton: The Government got it back to some degree.

Hon. T. MOORE: Yes, and the private banks got paid too. They have collected more interest in the last few years than in the ten years before this plan was put into operation.

Hon. L. B. Bolton: That applies to the Agricultural Bank also.

Hon. T. MOORE: Yes, it applies to the whole of the trading banks. They did wonderfully well out of the Scully scheme.

Hon. G. W. Miles: I understand it ran into about £500,000 per year.

Hon. T. MOORE: Yes. Our present Premier was instrumental in getting that for the farmers of the State. Had it not been for the price of about 4s. per bushel for wheat during the last few years, the farmers would still be struggling. It was that £80 or £100, that the small farmers got, that made it possible for them to carry on successfully. From now on we will be getting back to a different basis, and will miss that money. When we start the soldier settlers out it will have to be on a basis on which they will not have to try to get too much out of the land in the first few years; otherwise I do not know how future generations will get on. I will have something to say on that when we are dealing with soil erosion, which is brought about in the same way. I hope the Government will be particularly careful to see that men are settled on good farms, even at the expense of making fewer farms out of the estates that are bought.

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

BILL—ADMINISTRATION ACT AMENDMENT (No. 1).

Second Reading.

THE CHIEF SECRETARY (Hon. W. H. Kitson—West) [5.30] in moving the second reading said: By this Bill it is proposed to amend Sections 10 and 18 of the Administration Act, 1903-1941, which sections deal with the disposal by executors and administrators of certain assets of deceased persons' estates. In practice it has been found that the interpretation of the sections which are interdependent has caused an anomaly and created difficulties for executors and administrators in the performance of their duties, so much so that His Honour the Chief Justice has drawn attention to the need for legislative action to be taken in the matter. For that reason, therefore, the Bill is being submitted.

The measure contains two amendments, the first dealing with Subsection (3) of Section 10, which gives an executor or administrator power to sell, lease or mortgage real estate for the purposes of administration. The term "purposes of administration" means the payment of testamentary expenses, funeral expenses, and debts of the deceased. It is laid down in the subsection, however, that this power is subject to the provisions of Section 18, which states that an administrator may not sell or mortgage real estate or lease it for a longer period than three years unless he obtains the written consent of all the beneficiaries or an order of the court.

This restriction applies only to an administrator and not to an executor. An executor, therefore, may sell, lease or mortgage real estate for the purposes of administration without obtaining the consent of the beneficiaries or an order of the court. This distinction is considered to be inequitable, and it is proposed that the privileges in this connection now enjoyed by an executor shall also be enjoyed by an administrator. The amendment, therefore, will result in an executor or administrator, for the purposes of administration only, having the right to sell, lease or mortgage real estate in exactly the same way as he may sell, lease or mortgage personal estate.

The other proposal in the Bill deals with Section 18 of the Act, the provisions of which are restricted in that they apply to real estate only and do not affect an execu-

tor. They apply only to real estate of which administration has been granted. It is proposed to repeal Section 18 and insert a new section to provide that, with the written consent of the beneficiaries or an order of the court, an executor or administrator may sell real estate for the purposes of distribution. Section 18 will thus become entirely separate from Section 10 and there will no longer be any relation between them. An executor or administrator will consult Section 10 for his powers of sale for the purposes of administration, and will be guided by Section 18 in respect to the sale of real estate for purposes of distribution.

That briefly is a summary of the Bill. It is designed to facilitate and to expedite the administration of deceased persons' estates and, as I have already mentioned, it arises out of representations made by the Chief Justice to the effect that amendments were necessary. I trust that the House will approve of the measure and move—

That the Bill be now read a second time.

On motion by Hon. H. S. W. Parker, debate adjourned.

House adjourned at 5.35 p.m.

Legislative Assembly.

Thursday, 11th October, 1945.

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

QUESTIONS.

HOSPITALS.

As to Types of New Buildings, etc.

Mr. McLARTY asked the Minister for Health:

1, Has any decision been arrived at in regard to the selection of towns for the establishment of— (a) Regional hospitals;