Ayes.

Hon. C. W. D. Barker	Hon. Sir Chas. Latham
Hon. N. E. Baxter	Hon. J. Murray
Hon. L. Craig	Hon. H. L. Roche
Hon. E. M. Davies	Hon. C. H. Simpson
Hon. L. C. Diver	Hon. H. C. Strickland
Hon. G. Fraser	Hon. J. D. Teahan
Hon. Sir Frank Gibson	Hon. J. McI. Thomson
Hon. E. M. Heenan	Hon. H. K. Watson
Hon. C. H. Henning	Hon. W. F. Willesee
Hon. J. G. Hislop	Hon. A. F. Griffith
Hon. R. F. Hutchison	*(Teller.)*

Noes.

Hon. G. Bennetts	Hon. F. R. H. Lavery
Hon. J. J. Garrigan	Hon. L. A Logan
Hon. A. R. Jones	Hon. R. J. Boylen
	(Teller.)

Motion thus passed.

Amendment (to strike out word) put and a division taken with the following result:—

Ayes	14
Noes	13
Majority for	1

Ayes.

Hon. N. E. Baxter	Hon. Sir Chas. Latham
Hon. L. Craig	Hon. J. Murray
Hon. E. M. Davies	Hon. H. L. Roche
Hon. L. C. Diver	Hon. C. H. Simpson
Hon. Sir Frank Gibson	Hon. J. McI. Thomson
Hon. C. H. Henning	Hon. H. K. Watson
Hon. J. G. Hislop	Hon. A. F. Griffith
	(Teller.)

Noes.

Hon. C. W. D. Barker	Hon. F. R. H. Lavery
Hon. G. Bennetts	Hon. L. A. Logan
Hon. R. J. Boylen	Hon. H. C. Strickland
Hon. G. Fraser	Hon. J. D. Teahan
Hon. J. J. Garrigan	Hon. W. F. Willesee
Hon. R. F. Hutchison	Hon. E. M. Heenan
Hon. A. R. Jones	*(Teller.)*

Amendment thus passed.

Hon. C. H. SIMPSON: To put the matter in order, I move an amendment—

That the word "thirty" be inserted in lieu of the word struck out.

Amendment (to insert word) put and passed.

Progress reported.

House adjourned at 10.29 p.m.

Legislative Assembly

Tuesday, 24th August, 1954.

CONTENTS.

	Page
Questions : Optometry, as to invention of new type lens	1205
Railways, as to liability for fires caused by locomotives	1206
Tram and trolley-bus cables, as to removal of danger points	1206
Water supplies, as to utilisation of streams	1206
Steel prices, as to reported increases by B.H.P.	1206
Petrol, as to legislation regarding service stations	1206
Pig iron, as to agreement between B.H.P. and State Government	1207
Midland Junction abattoir, as to effect of strike on stock sale	1207
Bills : Droving Act Amendment, 3r.	1207
Lotteries (Control), 2r.	1207
Factories and Shops Act Amendment, 2r.	1209
War Service Land Settlement Scheme, 2r.	1210
Shipping and Pilotage Ordinance Amendment, 2r.	1214
Criminal Code Amendment, Com., report	1214
Police Act Amendment (No. 2), Com.	1215
Bush Fires, 2r.	1221
Land Act Amendment, Com.	1227

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

QUESTIONS.

OPTOMETRY.

As to Invention of New Type Lens.

Hon. A. F. WATTS asked the Minister for Health:

(1) As recent reports in the Sydney Press disclose that one Joseph Lederer, of the New South Wales University of Technology has invented a new type of lens enabling near-blind persons to read small print, has his department any information on the subject?

(2) If not, will he take steps to obtain such information as soon as possible, in view of the great possibility of assistance being given to many afflicted people?

(3) As the same Press reports indicate that Mr. Lederer has spent much time lecturing on, and demonstrating his invention to optometrists in Queensland, and proposes to act similarly in Victoria, Tasmania and New Zealand, will he take steps—

(a) to ensure that Mr. Lederer visits Western Australia also; and

(b) to enlist the co-operation of Western Australian optometrists?

The MINISTER replied:

(1) Yes.

(2) Answered by No. (1).

(3) (a) and (b). Not considered necessary as Western Australian optometrists are aware of the new type of lens and are endeavouring to obtain supplies.

RAILWAYS.

As to Liability for Fires Caused by Locomotives.

Mr. PERKINS asked the Minister for Railways:

In view of the decision to pay compensation for damage to household equipment, resulting from a trolley-bus pole coming off the line and for which the department admits no negligence, will he apply the same principle to fires originating from railway locomotives, although no negligence is admitted for the causing of such fires?

The MINISTER replied:

No. The position is no different today from that outlined by the then Premier (Hon. Sir Ross McLarty) in a letter to the Farmers' Union of W.A., under date the 18th July, 1950.

A copy of this letter will be made available to the hon. member if he so desires.

TRAM AND TROLLEY-BUS CABLES.

As to Removal of Danger Points.

Hon. C. F. J. NORTH asked the Minister for Railways:

(1) Referring to his remarks about preventing further accidents in future involving tramway or trolley current feeding into the house lighting electric circuits, is it not a fact that there are very few points on the trolley-bus or tram routes where this could occur?

(2) If this is so, does he anticipate any difficulty in having the danger removed at these points?

The MINISTER replied:

(1) There are many points on the system where such an accident could occur, but the likelihood of dewirements is much greater at the comparatively few points where special overhead works have been erected.

(2) Considerable difficulty is envisaged in readily providing positive protection against a recurrence of such accidents.

WATER SUPPLIES.

As to Utilisation of Streams.

Hon. V. DONEY asked the Minister for Water Supplies:

(1) What Western Australian rivers or streams—other than those now in use—does his department most rely upon for potable water supplies when, under pressure from heavy increases of population, it becomes essential to seek new sources of water supply?

(2) Does the annual check to determine the increase or decrease of salinity in the Murray River encourage him to hope that such water may ultimately be suited to domestic or irrigable purposes within a reasonable period—say, ten years?

The MINISTER replied:

(1) The rivers or streams under review are the Gingin Brook, Wungong Brook, Serpentine River, the North and South Dandalups and the Collie Rivers, plus those rivers flowing into the Southern Ocean including such large rivers as the Donnelly, Warren, Kent and Denmark. It is foreseen that ultimately full utilisation must be made of all available potable supplies.

(2) It is not expected that the average salinity of the Murray River will alter appreciably over ten years. This average salinity determines the use to which the main river can be put. Experiments are in course to find suitable pastures tolerant to water containing up to 200 grains of salt per gallon. Impounded water would not be suitable for domestic use unless processed.

STEEL PRICES.

As to Reported Increases by B.H.P.

Mr. BRADY (without notice) asked the Premier:

(1) Has he read in "The West Australian" of the 23rd August that an early announcement of increased steel prices is likely to be made by the Broken Hill Pty. Ltd.?

(2) If he has read the statement, having regard to the increased costs to Government and the public generally—also the fact that this company made a profit of £2,546,000 for the year ended May, 1954—will he consider asking the Prices Control Branches in all States, or, alternatively, the Premiers in each State, to consider some action to avoid the increase forecast?

The PREMIER replied:

(1) and (2) I did read this report in the newspaper. I do not know whether steel is still under price control in the Eastern States. Unfortunately, there is no price control in Western Australia. I shall take the matter up with at least one of the Premiers of the Eastern States as a first step, and if it is thought desirable to take the matter up with the remaining Premiers in the Eastern States. I shall do so.

PETROL.

As to Legislation Regarding Service Stations.

Mr. OLDFIELD (without notice) asked the Premier:

Will the Premier inform the House as to whether or not the Government intends introducing legislation to control petrol reselling outlets?

The PREMIER replied:

This matter is receiving the consideration of the Minister for Labour as a result of a deputation from one of the interested parties which waited on him recently. The matter will be placed before Cabinet either on Monday next or on Monday week.

PIG IRON.

As to Agreement between B.H.P. and State Government.

Hon. A. V. R. ABBOTT (without notice) asked the Minister for Industrial Development:

Is it not a fact that Western Australia could get cheaper pig iron from Broken Hill Pty. Ltd. were it not for the understanding between the Government and the company whereby, in order to protect the interests of Wundowie, the latter will not supply this State with that commodity?

The MINISTER replied:

I do not know if that is a fact. I do not think it is, but I shall have further inquiries made.

MIDLAND JUNCTION ABATTOIR.

As to Effect of Strike on Stock Sale.

Mr. HEARMAN (without notice) asked the Minister for Agriculture:

Can he indicate whether the strike at the Midland Junction abattoir is likely to have a deleterious effect on the Midland Junction sale this week?

The MINISTER replied:

It is only natural to assume that, should the strike extend beyond its present boundaries, it will have such an effect and also through the metropolitan area generally. Negotiations have been proceeding since 9 o'clock this morning and, without knowing the final details, I feel confident that there will be an early resumption of work followed by a conference probably tomorrow afternoon which may overcome most of the difficulties.

BILL—DROVING ACT AMENDMENT.

Read a third time and transmitted to the Council.

BILL—LOTTERIES (CONTROL).

Second Reading.

THE MINISTER FOR HOUSING (Hon. H. E. Graham—East Perth) [4.42] in moving the second reading said: This Bill has already run the gauntlet of the Legislative Council and a perusal of the debate will indicate that there was no opposition to the principle contained in it. Broadly speaking, the Bill provides for the repeal of existing legislation controlling lotteries and the re-enactment of the provisions in a clearer form, together with several amendments, only one or two of which are of any importance. The redrafting of the Act was necessary because there was no clear division between the provisions applying to lotteries controlled by the commission and lotteries run by organisations. The Bill gives a clear picture of the position as a consequence of the redrafting.

The most important of the amendments is that which seeks to make the Lotteries Commission a permanent institution. The original legislation was passed in 1932 and was designed to establish a commission which would conduct lotteries, the proceeds of which were to be devoted to certain charitable purposes. In addition, the legislation sought to control privately-conducted lotteries, which were ever increasing in number and which in numerous instances caused real doubts as to their bona fides. From that date the legislation was extended for yearly intervals and subsequently three years was the period of life granted by Parliament.

In 1949, a Bill was introduced to extend the duration of the Act for a further period of three years, but after a protracted debate in this Chamber, in which you, Mr. Speaker, the member for Mt. Marshall and several other members were prominent, moves were made to extend the duration for a considerable period, the greatest being until 1999. There were differences in the numbers who took opposite sides in the several divisions, and eventually the measure was passed granting an extension of five years, which expires on the 31st December of next year.

All reasonable members will concede that the Lotteries Commission has become a permanent institution. The contribution it makes to various charitable organisations has now reached proportions where it would be calamitous if there were not such a source of funds. Since the inception of the commission, approximately £4,000,000 has been allocated to various charitable purposes. It is expected that this year alone a profit of £400,000 will accrue to the commission.

The commission has done a wonderful work in making it possible for public services of one sort or another to continue to function. I daresay that all members could recite examples of the commission's having helped infant health clinics, kindergartens, hospitals etc., with the provision of equipment and so on. The Royal Perth Hospital is a public service that is being substantially assisted by the commission. I cannot state the exact amount with certainty, but it is expected that that hospital by the time it is completed, will have cost an amount in excess of £2,000,000. The Lotteries Commission, though it started assisting on a different basis, has undertaken to repay the entire capital cost of the hospital and at present it is paying annually a sum of £33,000 towards that commitment. Already a total of between £300,000 and £400,000 has been repaid.

For the Mt. Henry Home for Women, no less than £450,000 has been paid by the commission for the purpose of erecting and

establishing that institution, and a further £250,000 has yet to be paid towards the extensions now proceeding.

Hon. D. Brand: Will such activity be extended to country towns?

The MINISTER FOR HOUSING: That is a matter for the Lotteries Commission to determine. I know that it has made a start in a slightly modified form in three townships which, speaking from memory, are Bunbury, Manjimup and Albany, by providing the finance necessary to permit of humble cottages being erected for aged people. Work has commenced in at least one of the centres I have mentioned.

Hon. D. Brand: Do you not think that aged people would be healthier in the warmer climate of Geraldton?

The MINISTER FOR HOUSING: When sufficient time has elapsed to enable the Lotteries Commmission to examine the feasibility of the scheme, I do not think there is any doubt that it will extend its operations to country towns in other districts. In this matter, of course, there is no such thing as ministerial direction, but I can say that the Lotteries Commission is not insensible to the requirements of country districts. It should be pointed out, however, that institutions such as the Royal Perth Hospital and the Mt. Henry Women's Home, cater for people from all over the State and not only those of the metropolitan area. It is appreciated, however, that lots of older people, for sentimental and other reasons, desire to continue their remaining years on this earth in the townships where their friends and associations are.

The takings of the Lotteries Commission last year were over £1,000,000 and, generally speaking, it can be said that approximately one-third of the money subscribed to the commission is available in the form of profits for distribution to various charitable institutions, as outlined in the Act.

Hon. Sir Ross McLarty: Is there a limit to the number of lotteries that can be conducted in a year?

The MINISTER FOR HOUSING: As I understand it, there is no limit set down in the Act.

Hon. Sir Ross McLarty: I thought there was a limit. I may be wrong.

The MINISTER FOR HOUSING: At all events we can examine that aspect when the Bill is in Committee. The overhead expenses of the Lotteries Commission—that is, apart from the actual commissions paid —amount to approximately 3½ per cent., and, of course, as the activities of the commission expand, that percentage figure will necessarily tend to fall.

On occasions there have been comments, some of them adverse, about the amount of money held by the commission at any given time. It is necessary for the commission to hold large sums, however, because commitments of considerable proportions are entered into from time to time and very often money is made available only on the completion of a project and, for various reasons, that may entail a lapse of several years. In addition to that a lot of commitments were entered into during the war and the immediate postwar period, when it was impossible for organisations to proceed with their building or developmental plans. I do not think any member will seriously suggest that the Lotteries Commission is not likely to be with us for at least—adopting a conservative attitude—very many years to come.

Of course, if at any time there is a feeling that the commission and its operations are no longer necessary or desirable, it will be a simple matter to introduce a Bill for the purpose of repealing the Act, but I do not think any of us can envisage that that day is likely to arrive in the foreseeable future. Accordingly, in conformity with the other States of the Commonwealth, where there is comparable legislation and no time limit is imposed, I feel that after 21 years of practical experience of the Lotteries Commission, Western Australia can readily agree to give it permanency.

I think that would have a beneficial effect upon the staff of the commission. It would also enable the commission itself, with a greater degree of certainty, to embark upon long-term projects. Again, referring to the staff, there could be more permanent appointments made, thus giving the employees the advantage of superannuation and other such schemes. Under the existing Act the allowances paid to members of the commission are the subject of special legislation. That is to say that if some adjustment is required a Bill must be brought down in order to alter the existing figure.

The measure now before us provides that the Governor can make adjustments, so as to bring the payments to reasonable figures which, in my personal opinion, is not the case at the present moment. Such a regulation, which would have to be made in the terms of the Bill, would be laid upon the Table of the House and if any member felt it necessary to do so he could move for its disallowance.

The chairman of the Lotteries Commission who, apart from the fact that he has been associated with the Commonwealth Grants Commission for a period of years, is virtually a full-time officer of the commission, receives only £900 per annum and the other three members share £800 between them, which returns them approximately £5 per week each. It would be a matter for the Minister controlling this Act—the Chief Secretary—to determine what would be fair remuneration for the four individuals that I have referred to.

Hon. Sir Ross McLarty: Do not you think Parliament should have some idea of what would be a fair proposition regarding what should be paid to the members of the Lotteries Commission?

The MINISTER FOR HOUSING: In what way?

Hon. Sir Ross McLarty: In the way of salaries.

The MINISTER FOR HOUSING: Yes, but I do not see the hon. member's point.

Hon. Sir Ross McLarty: I may have misunderstood you.

The MINISTER FOR HOUSING: Under the provisions of this Bill, the amount to be paid will be determined by the Chief Secretary and a regulation will be framed and laid upon the Table of the House and can, of course, be disallowed if the majority of members in either House thinks fit. Frankly, I do not think Parliament is the proper authority to determine the salary of any employee of the Crown or of any semi-public official. There are others whose duty it is to do that, and the fixation of such remuneration should not be dependent upon the whim and fancy of members for the time being, who may have no appreciation whatever of the duties and responsibilities involved in a particular position.

The Bill seeks to remove the bar of £250 which at present exists and which prevents the commission from making a sum greater than that available to a charitable organisation from the proceeds of any one lottery. It is felt that the Lotteries Commission, which has a reputation that has inspired confidence, should determine the merits of each application and make a distribution of funds accordingly. In this respect I think we can all feel gratified that the commission, which has been in existence for a period of 21 years, and which has handled so much money and paid out so much in different directions, has been able to operate without there having been any serious challenge made against its integrity or the efficiency of the system which is employed.

I feel that that is a tribute to past and present members of the Lotteries Commission. There is also in the Bill a provision setting out that the approval of lotteries to be conducted by organisations shall be left to the commission, whereas at present that body makes recommendations to the controlling Minister, whose function is to approve of the recommendations or reject them. He has no power to grant an organisation authority to conduct a lottery when it has been refused a permit by the commission. Therefore, apart from the ministerial power of veto, the commission, at present, determines the whole issue. There are so many lotteries conducted by organisations that are spread from one end of Western Australia to the other that it has become a Herculean task for a Minister to deal with them in accordance with the provisions of the Act.

So the procedure has been evolved—which is practically meaningless—of the Lotteries Commission approving, or disapproving, as the case may be, and then forwarding a list of the lotteries at the end of the week to the Minister for him to initial. In order to give legislative effect to what has virtually become a practice, this amendment has been introduced. Apart from those provisions, the Bill incorporates the old Act, as we knew it; the only exceptions being that several minor provisions, which have been found to be redundant, have been deleted. I am certain the legislation will be welcomed by all because of its clarity and straightforwardness as compared with the existing statute. I move—

That the Bill be now read a second time.

On motion by Hon. D. Brand, debate adjourned.

BILL—FACTORIES AND SHOPS ACT AMENDMENT.

Second Reading.

THE MINISTER FOR LABOUR (Hon. W. Hegney—Mt. Hawthorn) [5.3] in moving the second reading said: As will be noted, this is a brief Bill to amend the Factories and Shops Act. Its sole purpose is to make certain increases in the existing registration fees. Under the Interpretation Act, No. 8 of 1948, which dealt with increase of fees, it appeared that the fees charged for factory registration could be fixed by regulation.

However, under the Factories and Shops Act; it would be necessary, in so far as registration fees for shops and factories are concerned, to amend the Second Schedule of that Act. When the matter was considered, I took the view that it would be inequitable to take advantage of an Act to increase factory registration fees by regulation, and yet not increase the registration fees for shops and warehouses. It was considered that the fairest way to deal with the position was to introduce a Bill that would include shops, factories and warehouses.

For the benefit of members, I would mention that the expenditure of the Factories and Shops Department, in round figures, is approximately £26,000 a year, and the revenue from all registration fees—that is, on shops, factories and warehouses—is in the vicinity of £5,000 a year. That leaves, of course, a deficit of approximately £20,000 to £21,000 a year. I have studied the fees that are payable in the various States of the Commonwealth and if members care to make a similar investigation, they will find that the fees that are now submitted for the consideration of the House are very moderate indeed.

As a matter of interest, I will give a brief summary of the number of registrations in existence at the end of 1953. The registrations for factories number 4,127 and, for shops, 9,058; approximately

a total of 13,185. The present registration fees, and those now proposed, for factories, shops and warehouses, are as follows:—

No. of Employees	Present Reg. Fee	Proposed Reg. Fee
Maximum, not exceeding 3	3 0	10 0
Over 3 but not exceeding 7	6 0	1 0 0
Over 7 but not exceeding 15	12 0	2 0 0
Over 15 but not exceeding 30	1 5 0	3 10 0
Over 30	3 0 0	2s. for each additional employee with a maximum of £15. 6d.

That is all there is to the Bill.

Hon. Sir Ross McLarty: That is enough, too. It is another taxing measure.

The Premier: It is payment for services rendered.

Hon. A. V. R. Abbott: What services are rendered?

The Premier: Plenty!

The MINISTER FOR LABOUR: Any Minister hesitates to introduce a Bill that seeks to impose a further financial obligation on the people.

Hon. Sir Ross McLarty: Your Government has not hesitated to do that.

The MINISTER FOR LABOUR: I know of others that set an example, if the hon. member is going to quote precedents. I would like to point out that, despite the interjection by the member for Mr. Lawley, the Factories and Shops Department is rendering excellent service to the community. I do not think it is the function of the Government to make a profit from the working of this department, but, on the other hand, I think it is entitled to ask Parliament, where the circumstances warrant it, to endorse some reasonable increase in the registration fees. The Factories and Shops Department is performing a very distinct and useful service to the community.

Hon. Sir Ross McLarty: No greater than previously, is it?

The MINISTER FOR LABOUR: No, but with the exception of some slight increase that was made a few years ago, the nominal fees have not been altered for over 20 years, when the basic wage was only 33⅓ per cent. of what it is today. That, briefly, is the picture.

Hon. A. V. R. Abbott: Are not the duties of the department more or less police duties? Instituting prosecutions?

The MINISTER FOR LABOUR: No, I do not think the officers of the department could be regarded as performing police duties. They have to deal with certain aspects regarding factory laws. They have to deal with the standards of health, hygiene, sanitation, industrial conditions and other factors that come within the provisions of the Factories and Shops Act. The member for Mt. Lawley has a fair grip of the provisions in the Act, and he knows the Factories and Shops Department and that its inspectors are doing a very good job. As I have said, the annual deficit of the department is in the vicinity of £21,000.

The Bill is now placed before members for their endorsement and it is open for any criticism that may be offered by them. I have perused the figures of the registration fees charged by other States and, in Victoria, for example, the fees could be very high. Let me point out that those who own factories and warehouses in Victoria and who pay high registration fees to the Factories and Shops Department, are entitled to claim them as an allowable deduction for taxation purposes. The rebate they could obtain under the income tax law could be as high as 7s. in the £. Therefore, instead of the equivalent of these fees becoming a liability for income tax, it could be indebted to the State for the amount charged. I move—

That the Bill be now read a second time.

On motion by Mr. Owen, debate adjourned.

BILL—WAR SERVICE LAND SETTLEMENT SCHEME.

Second Reading.

THE MINISTER FOR LANDS (Hon. E. K. Hoar—Warren) [5.13] in moving the second reading said: Members will recall that during the session of Parliament held last year, an attempt was made to pass a war service land settlement Bill through both Houses of Parliament, but it failed. The Bill now before the Chamber is identical in every detail with that previously submitted, with the exception of one provision. The legislation was necessary to remove some legal doubt and was very carefully thought out last year, the object being to enable the State to receive money from the Commonwealth and to place the legal position beyond any shadow of doubt.

The point of difference between the Bill introduced last year and the one now before the House is that which affects the mineral rights of the Midland Railway Co., to which I think the attention of the House should be drawn. The Bill itself needs very little explanation. Its real purpose is to repeal the 1951 Act, which is the only statute at present dealing with war service land settlement and which sets out the position between the Commonwealth and the State. That Act, in turn, repealed other legislation dating back to 1945. Due to a doubt that existed in the Commonwealth sphere as to the legality of the 1951 Act, particularly as the Commonwealth has altered its method of assistance to the States by moving away from Section 103 of

the Re-establishment and Employment Act and accepting in its place, as a basis for making advances to the States, Section 96 of the Constitution, it has become necessary, at this stage, to introduce another Bill to supplant the 1951 Act.

The measure before the House has that object in mind and I hope its reception will be different from that which was accorded the legislation introduced last year. To me, as the Minister controlling war service land settlement, it seems that there has been ample proof that, while we may still receive moneys under Commonwealth grants which are now governed by a set of definite conditions made available last year and can still receive some money for war service land settlement purposes, we are in no position to issue leases to settlers under the scheme unless there is some validating Act with respect to the agreement which now exists between the State and the Commonwealth, and which is the basis for war service land settlement in this State. That is the real purpose of the Bill. It has very little imputation other than to repeal all previous Acts and to validate certain work done under those Acts. The measure contains a provision that after ten years' occupation by a settler under the scheme, he can obtain the freehold of his property provided he pays what is considered to be, under the Act, a reasonable amount based on the economic value of the farm, with some consideration being given also to its market value. At any time during the ten years, he has the right, if he so desires, to pay up to 90 per cent. of the market price. So there is full provision for anyone who disagrees with the method under which war service land settlement started in this and other States, namely, the method of leasehold as against freehold, to avail himself of the opportunity to own his own property after he has established his bona fides over a period of ten years and has done all that is expected of him, and has sufficient money to pay for the farm.

Hon. Sir Ross McLarty: Would you favour a lesser period than ten years?

The MINISTER FOR LANDS: No, I think it will take fully that time. It is a reasonable period within which both the settler and the Government will know whether the farm is an acceptable proposition to the settler himself. By that time the Government will also know whether the settler has established himself as one who likes farming, proposes to continue farming and to make it his occupation for life. If we favour a shorter period, we could quite easily run into such undesirable difficulties as speculation and other features that generally go with land transactions. Taking everything into account, therefore, I think ten years is in no way too long or unreasonable.

After I have indicated the position in regard to the number of leases that have been issued, I would like to quote to members a letter I received from the Commonwealth Minister controlling war service land settlement, Hon. W. S. Kent Hughes. This will indicate once and for all that, whatever our opinions may be in regard to the conditions and the relationship that exist between the States and the Commonwealth on this issue, there should be no doubt that we must have a Bill passed in order to enable us to continue receiving the money required to finance the scheme.

The present position is that the number of leases approved under the 1947 regulations are 687; the leases actually issued number 243; those that will be issued and which are being prepared as quickly as possible number 444, and allottees in occupation of farms to whom leases cannot be issued until the amending Bill has been approved by Parliament, total 80 at the present time. It is expected that during the coming spring another 40 will be placed on farms in various parts of the State. These will be followed by others at regular intervals, and within two or three years approximately 350 men who are still interested in land settlement will have been placed on farms under the scheme. Under the 1947 regulations which were issued under the 1945 Act, it is still possible to issue leases to settlers now on the land, but those leases will remain leases; the settlers can never be made freehold owners unless they agree to the averaging principle that has been imposed on the State by the Commonwealth Government in connection with the disposal of the farms.

That is to say, if settlers who received leases under the 1947 regulations are still satisfied to remain as lessees and never to be actual owners, they can be issued with leases under those regulations. But the moment they indicate a desire to purchase the farm outright within the prescribed period of ten years, the regulations of 1947 no longer apply but the new conditions which were tabled in this House last year will be applicable. In consequence, those conditions—they involve the averaging principle, which was one of the contentious aspects that led to arguments last year and the year before—will apply as far as those properties are concerned.

Under this scheme, two-thirds of the settlers will be issued with leases under the 1947 regulations and one-third, which will approximate some 400 to 450 settlers, can obtain their lease documents only if Parliament agrees to pass this legislation. If we fail again, then I am afraid the position will be much more serious now than I thought it was last year. I felt then that the scheme could go on whether we had a Bill or not because we would still operate under the 1951 Act so far as the acceptance of Commonwealth money was concerned, and that Act would not, of course, be repealed unless a Bill was brought down to set it aside.

But I find now that there is a great deal of disquiet in the mind of the Commonwealth Minister concerned about this argument between the States as to whether any more money should be issued to Western Australia as a result of our having no legal document here that would give proper countenance, in effect, to the argument between the State and the Commonwealth. For the benefit of members, I propose to read a letter I received recently from the Minister for the Interior, Hon. W. S. Kent Hughes, and this should leave no doubt in anyone's mind concerning the urgency for this State to pass the legislation I have mentioned. The letter reads—

> Dear Mr. Minister,
>
> As you are aware, the Commonwealth States Grants (War Service Land Settlement) Act, 1952, provides for the Commonwealth to make grants of financial assistance to the State of Western Australia in connection with war service land settlement subject to such conditions as the Commonwealth Minister determines. On 30th July, 1953, I forwarded you a copy of the conditions under which I am prepared to authorise such grants to Western Australia.
>
> My concern is that existing State legislation does not permit the entire implementation of the conditions I have determined. Unless this situation is remedied quickly I shall have no alternative to referring to the Commonwealth's legal authorities the question of the validity of the Commonwealth making grants of financial assistance to Western Australia for War Service Land Settlement.
>
> Any curtailment of activities on this score even temporarily would be deplorable and would jeopardise the endeavours we are making to achieve acceleration of settlement with a view to finalising development within a period of five years.
>
> I would like you to discuss this matter with your Premier and advise me at an early date of your Government's intentions.

There should be no doubt now as to the importance of passing such legislation as that which is now before the House. Members can well imagine the reaction of both the Premier and Cabinet; we have no hesitation at all in introducing again a Bill similar to that which we presented last year as it relates to war service land settlement conditions.

As I said earlier, a new feature is embodied in this legislation because of the doubt that now rests in the minds of a number of legal authorities concerning the question as to who should actually own the oil deposits in Western Australia. This phase of the argument, has of course, developed since last year when the discovery of oil opened up such wonderful prospects to the State. To get the full strength of this and to appreciate its real implication, it would be necessary, I think, to go right back to the early days when the Waddington agreement was, in 1886, assented to by the State Government of the day.

I do not wish to bore members with an unnecessarily long discourse on historical events that took place in those years. Suffice it to say that after that agreement was concluded and it was eventually passed over to the Midland Railway Co., some doubt arose in the minds of that company about who actually owned not only the base metals but also the precious metals and mineral oils. As a result, a good deal of legal argument took place, even in the earlier days of settlement, to determine the issue.

Regardless of what legal authorities in those days contended, in 1936 there was passed in this State a Petroleum Act which, from the point of view of the State Government at that time, definitely overcame any objections so far as Parliament was concerned relative to ownership of the oil, because it definitely laid down that in no circumstances could the discovery of oil or mineral wealth be transferred to a purchaser. Naturally, the company of that day took serious exception to this; it went back into history to quote the old Act passed in the reign of Queen Victoria to prove its claim. There is still a dispute between the Government and the company, because of that doubt.

Since the discovery of oil last year, there appears to be no doubt in the company's mind that it should be granted full rights over the base metals, precious metals and mineral oils, whereas the State Government has said that it has no intention of relinquishing control over the precious metals and mineral oils. Accordingly, a legal argument has developed and reached the point where litigation is impending. I have no doubt that the company feels justified in making its appeal, but the State Government wants to make certain, because of the oil, that the company has legal backing and will win the case before it grants the company's request.

In so far as it affects this legislation, there are 90,000 to 100,000 acres now belonging to the State Government, out of the millions of acres owned by the Midland Railway Co., which we have applied to war service land settlement purposes. We wish to tie that up properly so that there will be no doubt in our minds concerning the ownership of precious metals, base metals and mineral oils. Thus there will be seen in this Bill a slight alteration compared with what was in the measure presented last year, inasmuch as we are endeavouring to make this Bill subject to the Petroleum Act of 1936. That will not prejudice the company in any way; because if its claims under the 1936 legislation are correct, then they are correct so far as this measure is concerned.

But we do not want to have a situation develop where we shall voluntarily give away mineral oil rights as was done under the 1951 War Service Land Settlement Act in respect of 90,000 to 100,000 acres, while the claims of the company concerning other land held by it were denied by a court of law. The alteration proposed, therefore, is to bring this legislation into line with the 1936 Petroleum Act. It does not jeopardise the rights of the company in this regard, but provides some uniform procedure and places the State Government in the position of knowing where it stands in law.

I felt I should explain that point because there is sure to be some debate on the matter; and I considered there should not be any hiding under a bushel, but that everybody should know exactly what the position is. There is nothing wrong, but we are merely seeking to regularise something which should not have occurred in 1951. That is something for the House to understand and appreciate; and when that is done, I think members will readily agree to the Bill.

Mr. Ackland: Before you sit down, will you explain the working of the averaging of costs to the grower? That was one of the most contentious matters in regard to the previous Bill.

The MINISTER FOR LANDS: To explain all the details would take a very long time. Actually that has never been applied so far as I know—and certainly not to any great extent—because it is since the date when legislation was passed here that gave the Commonwealth Government the right to issue conditions—I think I am right in saying that it is mainly since that date—that the larger project areas that are now so well known under the scheme came into being. It is true that the project areas were bought before that, and some schemes were to be carried out on them; but not sufficient was done to enable the Commonwealth Government or anybody else to make any sort of valuation.

Perhaps the member for Toodyay can correct me if I am wrong; but I think I am right in saying that if any project areas, which are now the subject of subdivision and possible averaging, do not come up to the economic requirements of the Act so far as the farms are concerned, there could be a writing off and the costs would be divided between the farms in the project area. For instance, if there were a subdivision of an area into 12 farms, the cost of development and land clearing—and also taking into account the more highly developed farms as against those that still have to produce—would be divided almost equally, though maybe not entirely, between the farms in that project area.

But this is what has happened over the last 12 months—and it has rather surprised me. I have taken care to see that the particulars concerning every farm on which a valuation has been given have passed through my hands, so that I know exactly what has occurred on each property. So far as the wheat and sheep areas are concerned, the valuations in almost every case are £2,000 to £3,000 lower than present-day market values. So there would be a very great deal of difficulty in the mind of anyone who wanted to claim protection under the old 1945 Act which definitely did continue averaging as a system. It would be very difficult for anybody to claim protection under that Act when the actual value of his farm was £3,000 less than the market value.

Mr. Perkins: They could still have been loaded with some outside costs.

Mr. Ackland: That is what they are interested in—the outside costs beyond the cost incurred on some project.

Mr. Perkins: Outside the one being valued.

The MINISTER FOR LANDS: I would like to get from the hon. member details of that, because I have never heard of such a case occurring. The averaging takes place on a group of farms.

Mr. Hearman: They could be grouped over a considerable area.

The MINISTER FOR LANDS: Yes. I am informed that what the department has endeavoured to do in the case of individual farms that have been grouped into a so-called project is to choose farms of a simliar acreage, and which have had almost a similar amount of work and similar amount of money expended on them—farms comparable in every way—so that there would not be any great discrepancies between them. Thus, it does not matter so much whether farms are grouped together on one project area or scattered miles apart, so far as that principle is concerned.

As I said earlier, the very fact that two-thirds of the applicants under this scheme—that is, the satisfied applicants—can now obtain their leases under the 1947 regulations simply means that they can, if they like, have their farms valued on a single-unit basis. But when it comes to the freeholding of their farms, they have to pay a price which is arrived at under the Commonwealth's present conditions, which include averaging. If they are satisfied with the 1947 regulations, and all that they imply, they can have the farms for the rest of their lives, but only on a leasehold basis; they can never actually own them. That is the real position.

In the dairying industry, there has been some considerable writing off. Or if not an actual writing off, there has been a different basis of reckoning. Instead of taking into account all the money that has been expended on a farm under the scheme, a flat figure has been established and a farm has been valued at £70 per

cow. The farms were based originally to provide pasture for 40 cows, and on that basis the value is £70 per cow and therefore no greater sum than £2,800 could be paid for a dairy farm in respect of the land and its development. With regard to stock, plant, machinery, and so on, they come under different headings. The actual cost of the farm could not be more than £2,800.

I know—and I think other members know as well—that considerably larger sums of money than that must have been spent in some of those areas, and there has been that writing off from the beginning instead of waiting several years for a man to battle along perhaps under adverse conditions. I move—

That the Bill be now read a second time.

On motion by Hon. L. Thorn, debate adjourned.

BILL—SHIPPING AND PILOTAGE ORDINANCE AMENDMENT.

Second Reading.

THE MINISTER FOR MINES (Hon. L. F. Kelly—Merredin-Yilgarn) [5.40] in moving the second reading said: This Bill provides for a minor amendment to the Shipping and Pilotage Ordinance. It is designed to change the name of one of the charges which in the past has caused much confusion throughout Australia, and particularly in Western Australia.

There is a charge for berthing vessels at Fremantle, Albany, and Bunbury; and it is termed a tonnage rate. The Harbour and Light Department has a charge for maintaining its buoys, navigation lights, spit posts, and other services; and its charge is referred to as a tonnage due. Some time ago there was a conference of all Australian port authorities—I think it was held in Melbourne—at which it was decided to ask the State Governments to achieve some uniformity in legislation, particularly in relation to such charges.

In accordance with that decision, it is sought in this Bill to endeavour to alter the references to "tonnage rates" and "tonnage dues" to "conservancy dues," which is the term that apparently applies to other parts of Australia. The amendment is a minor one, the whole object being to achieve the uniformity which was sought by the various authorities in conference. If we can effect this change, it will be for the better. Uniformity is desirable not only in these cases, but in all instances within the Australian States. The amendment will not affect any of the charges, and the Bill is merely a machinery measure. I move—

That the Bill be now read a second time.

On motion by Mr. Hill, debate adjourned.

BILL—CRIMINAL CODE AMENDMENT.

In Committee.

Resumed from the 19th August. Mr. Brady in the Chair; the Minister for Justice in charge of the Bill.

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

Clause 4—Section 486 amended:

Hon. J. B. SLEEMAN: What we sought the other evening when the Bill was before us was that the Minister should explain what this clause actually means. The Act provides that anyone interfering with any registration shall be fined £200 or imprisoned for six months. The Bill provides that if a case has been made out against an accused person, but is of a trivial nature, the offender is liable on conviction to a fine of £100. I do not consider that there would be many cases that would be trivial. The Minister may be able to tell us what sort of case he considers would come under that heading. If the offence were trivial, I consider that £100 would be far too heavy a fine.

The MINISTER FOR JUSTICE: I have not had time to look at this clause. I was away when the Bill was previously dealt with. A thorough consideration has been given to this matter and, in consequence, this clause has been included.

Hon. A. V. R. Abbott: After all, other words in addition to "trivial" have been used.

The MINISTER FOR JUSTICE: Yes.

Hon. A. V. R. Abbott: The word "trivial" is not really necessary, but it does not do any harm.

The MINISTER FOR JUSTICE: That is so.

Hon. A. V. R. Abbott: If a person is taken to the Supreme Court he can be fined £200 or imprisoned for two years.

The MINISTER FOR JUSTICE: That is so, whereas here he can be fined only £100. I do not think there is anything to fear in the clause. A person can be dealt with summarily, and then if he is convicted he can be fined a maximum of only £100, whereas if he goes before a jury, the penalty can be much more severe.

Hon. J. B. SLEEMAN: I refer the Minister to Section 486 of the Criminal Code. Any offence under this section is a serious one. I know of an instance where a person was registered as the father of two children, although he was not their father, with the idea that the children would ultimately get his money. These offences are usually committed with criminal intent and malice, because a person is wrongly registered as the father so that the child shall get any cash that may be coming. An offence of this sort could mean a peerage in a country like Great Britain. The present provision should not

be altered unless the Minister can show that there is likely to be a trivial case; and if there is a trivial case, then a penalty of £100 is far too severe. A fine of £20 would be any amount.

Hon. A. V. R. Abbott: The clause does not deal only with trivial cases, but with other cases.

Hon. J. B. SLEEMAN: We shall hear what the member for Mt. Lawley has to say about it.

Hon. A. V. R. ABBOTT: I am inclined to agree to this extent with the member for Fremantle, that the words, "is of a trivial nature" could be left out, because the next words, "or in the circumstances of the case" cover every case. But there is no harm in the present wording.

Hon. J. B. Sleeman: What would you call a trivial case? If Mrs. Jones swears that Brown is the father of her child, would that be a trivial case?

Hon. A. V. R. ABBOTT: No, a serious case; but there might be some small portion of the information that might not be of terrible importance.

Hon. J. B. Sleeman: Such as what?

Hon. A. V. R. ABBOTT: It might be said that the baby was born on Tuesday the 10th, whereas it was born on Wednesday the 11th.

Hon. J. B. Sleeman: There would be no charge because of that.

Hon. A. V. R. ABBOTT: I do not know; but that would be a trivial matter. The draftsman has put in these additional words.

The Premier: Out of a spirit of abundant caution.

Hon. A. V. R. ABBOTT: Sir, you are entirely correct! Need I say more?

The MINISTER FOR JUSTICE: The member for Fremantle agrees that sometimes our laws are too severe, and here an attempt is made whereby we can show some compassion. I think the reason for this provision is that there are cases that are not of great importance. A serious charge would go before a judge and jury, but if it is merely a question of someone accidentally not having registered a birth, or that what was done wrongly was unintentional, then the matter can be dealt with summarily.

Hon. A. V. R. Abbott: I think the Premier's explanation that the words have been included through over-abundant caution, is the correct one.

The MINISTER FOR JUSTICE: Without this amendment, cases that are not of a serious nature would have to go before the Criminal Court. I do not know whether it would suit the member for Fremantle to cut out the words mentioned by the member for Mt. Lawley. It has been suggested by the judiciary that we should have a lesser charge than the one that obtains at present in the Code. I suggest we leave the clause as it is because if we strike out these words, the provision might be rendered ineffective.

Hon. A. V. R. Abbott: I do not think the striking out of those words would have any effect on the clause. On the other hand, I do not think there would be any advantage in striking them out.

The MINISTER FOR JUSTICE: This was suggested by the Chief Justice, I think, in order to protect those who would at present have to be tried before a judge and jury.

Hon. J. B. SLEEMAN: The Minister has knocked me when he says that the Chief Justice has recommended this. I do not wish to argue the point with a man of his standing in law. As this reads, it does not make sense to me. I would be the last one to want any person fined £200 or imprisoned for two years for something trivial. If the Chief Justice has recommended this, I am prepared to let it go.

Clause put and passed.

Clauses 5 to 12, Title—agreed to.

Bill reported without amendment and the report adopted.

BILL—POLICE ACT AMENDMENT (No. 2).

In Committee.

Resumed from the 19th August. Mr. Brady in the Chair; the Minister for Police in charge of the Bill.

Clause 5—Section 24 amended (partly considered):

Hon. A. V. R. ABBOTT: This clause deals with Section 24 of the principal Act. Section 23 relates to punishments that may be imposed on non-commissioned officers and Section 24 deals with punishments that may be imposed on police constables. As members may recall the maximum fine that can now be imposed on non-commissioned officers is £5 and the Bill provides that that sum shall be increased to £15. At present the maximum fine that can be imposed upon a police constable is £3 and I propose to move to insert a new paragraph which will make the penalty that can be imposed on police constables comparable with that which can, if the measure is passed, be imposed on non-commissioned officers. I move an amendment—

> That after paragraph (a), page 2, a new paragraph be inserted as follows:—
>
> (b) substituting for the word "three" in line 6 the word "ten."

The MINISTER FOR POLICE: I agree largely with the views expressed by the hon. member. I am given to understand that 60 years ago the penalty was £3 and in those days it was more than week's wages. In view of the deflated value of

money it would not be unreasonable to increase the figure to £10. In addition, if a ridiculous penalty of £3 remains in the Act it may be an inducement to the commissioner to inflict some other form of punishment, realising that the monetary penalty of £3 would not fully meet the case. I propose to agree to the amendment.

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

Clause 6—agreed to.

Clause 7—Part IIA added:

Hon. A. V. R. ABBOTT: I move an amendment—

> That after the word "members" in line 19, page 3, the words "appointed by the Governor" be inserted.

I do not know the Minister's views on this amendment. The proposal in the Bill is that there shall be a board of three members, a stipendiary magistrate to be appointed by the Governor, a person to be appointed by the commissioner and one to be elected by the union. This is a most important tribunal and the Minister should have some right of veto in regard to the appointee of the commissioner. I would also prefer the executive of the union to elect its representative on the board, and that representative should be a member of the executive.

When speaking on the second reading I outlined my reasons for that alteration. It is most important that those who sit on a board such as this should act in a judicial capacity and not as advocates. Their main duty is to ensure that justice is done, and also to satisfy the parties that justice is being done. They should not be there as advocates in an endeavour to persuade the magistrate to give his decision one way or the other. I am a little afraid that if the whole union elects a member the man chosen will feel that he has been elected as an advocate instead of being free to act in a judicial capacity.

The MINISTER FOR POLICE: I am sorry that I cannot agree to this amendment because it will interfere, not with the constitution of the board, but with the method of selecting the commissioner's and the union's representatives. As I said when moving the second reading, I want to keep this to an orthodox pattern and the board is patterned largely on the Railways Punishment Appeal Board which has stood the test of time. I think there may be some merit in both proposals, but as the Police Union has, for many years, been at a disadvantage in not having a punishment appeal board, I think it might be bad policy to decide now upon something which would be different from that which operates in punishment appeal boards for all other Government employees.

Hon. A. V. R. Abbott: But the police are different from all other Government employees, are they not?

The MINISTER FOR POLICE: I admit that there may be some difference because of the special nature of police work. Nevertheless I do not think the principle in this case makes any difference at all. The democratic way to approach the problem is to say to the members of the union, "An appeal board has been created on orthodox lines and you have the right to elect your representative and each man in the force, from one end of the State to the other, will be able to record a vote for the purpose of choosing your representative." I admit that the council of the Police Union is elected by popular vote; but if the council elected a representative, it would mean that nine men would have the say as to who should represent the union on the board. A number of other amendments on the notice paper are consequential upon this one and in my view the members of the Police Union should have the right to record votes as to who shall be their representative on the punishment appeal board, in the same way as all other Government employees do.

Hon. A. V. R. Abbott: What about the Arbitration Court? That is not elected by popular ballot.

The MINISTER FOR POLICE: No, but I think its functions are different from those of a punishment appeal board. I do not think there should be any difference between the method that applies for the Police Union representative on a punishment appeal board and that which exists for appeal boards for the Civil Service and other Government employees. I cannot agree to the amendment.

Mr. YATES: As the Minister said, there is merit in both the proposals that have been put forward.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. YATES: There is merit in the suggestions put forward by the Minister and by the member for Mt. Lawley. The representatives of the 950 members of the Police Force who are members of the executive of the Police Union, number 10. If the appointment of the member to sit on the appeal board is left to these 10 men, and if the appeal fails, as often occurs, suspicion may be directed at their nominee. Imputations will be levelled against the integrity of the representative appointed by the Police Union. The best method would be to appoint such a member by a ballot among the members of the Police Force. If an appeal should then fail, no officer could accuse that nominee of not acting fairly. It is intended that a member of the force be appointed to this board and not the union secretary.

The Minister for Police: Under the Act, he is not eligible, because he is not a member of the Police Force.

Mr. YATES: It is safe to assume that members of the Police Force would be more satisfied if they could appoint one of their

own number. If there were many nominations for this appointment, a ballot would be taken, and the successful appointee would in no way be connected with the executive of the union. I am bringing this point forward because in the past there has been a lot of trouble in the union, as I mentioned several years ago in this House. I was not satisfied at that time with the conduct of the Police Union and I would not like the same set of circumstances to arise today, in which a member of the Police Force could point a finger at his representative and say that pressure had been brought to bear on that board and he had been told what to do.

The member for Mt. Lawley suggested that the appointee should be selected from the union executive. That might work satisfactorily now, but in the future it might not prove so satisfactory. As it is the intention to appoint a member of the Police Force, we should let every member of that body take part in the selection ballot. Further on in the clause there is provision for a member of the union to take the place of the person appointed, if he should be unable to sit on the appeal board. I take it that would be only a temporary measure until such time as a proper appointment was made. I support the clause as it stands.

Hon. A. V. R. ABBOTT: One must appreciate the most essential requirement in this clause. The Minister is not suggesting that the representative of the union should be an advocate for the officer being tried. The nominee of the Police Force is supposed to exercise a judicial function; he is not supposed to be a popular appointee, nor should he always vote in favour of the police officer concerned in the appeal. As a commanding officer in the army, how would the member for South Perth care to see a court martial comprised of members elected by a ballot of those in the ranks?

Hon. J. B. Sleeman: Military law is not desired in this instance.

Hon. A. V. R. ABBOTT: The Police Force is a semi-military organisation.

Mr. Yates: There are no unions in the army.

Hon. A. V. R. ABBOTT: No. Everyone must admit that the force is a disciplined body. What I want to stress is that the nominee of the Police Union is supposed to hear the evidence and give an impartial verdict.

Mr. Yates: Therefore we want the best selection from the force.

Hon. L. Thorn: We will not get that by ballot.

The Minister for Education: Who elected you?

Hon. A. V. R. ABBOTT: I was elected, but I am not a trial judge. Would members not say that I was biassed on occasions?

Hon. J. B. Sleeman: Always.

Hon. A. V. R. ABBOTT: The member of the board who will represent the Police Force should not only be respected and liked by his fellow-members, but also by the public. The tribunal in question is a very important one, because the members of the Police Force come in close contact with the general public. Constables possess great powers; they can arrest; they can, if necessary, apply violence to a citizen. It is of the utmost importance that any tribunal trying police officers should not only seem to be impartial as viewed by the officers concerned, but also by the general public. How can a man elected on popular vote be impartial when dealing with his supporters? It is not humanly possible.

Mr. Yates: Members of the executive of the Police Union are elected on a popular vote.

Hon. A. V. R. ABBOTT: I agree; but once elected, those representatives have a sense of responsibility.

Mr. Yates: No greater than the responsibility of the average police officer.

Hon. A. V. R. ABBOTT: Those elected to the executive are men of character with a sense of responsibility. The principle of electing a member to a tribunal by popular ballot is not a good one. It may be done in other instances, but I do not agree with elective tribunals. Members should be appointed, not on their popularity, but on their judgment and character.

Mr. Oldfield: Members of Parliament are elected on a popular vote.

Hon. A. V. R. ABBOTT: I know, and they are not always unbiassed. Every member has on occasions been conditioned by the point of view of his electors. He should be, because he is elected to represent their views. But the nominee in this instance is not appointed to represent the view of the officer being tried; he is appointed in a judicial capacity. We must see that a member possessing strength of character is appointed. A man utterly unsuitable for the position might be elected by the popular ballot, and under the provisions of the Bill the Minister can do nothing about it. Under my amendment, the Minister is given the right of veto.

Hon. J. B. SLEEMAN: I support the clause as it stands. It provides for the most democratic way of electing the representative of the Police Force. If the member for Mt. Lawley was concerned in the selection, would he vote for the man who was most popular or for the one who was the most capable?

Hon. L. Thorn: I would vote for the one who would let me off.

Hon. J. B. SLEEMAN: He would vote for the officer who was the most capable. Mention was made of the unions' representative on the Arbitration Court. He

is not appointed by the Governor, nor by the executive of the Labour Party, nor by Trades Hall. Every union in this State is given a vote, and the member appointed to the Arbitration Court is elected by a ballot of unions in this State. In the Police Force, the officer being tried should have a vote in common with every other officer, to decide upon the union representative on the appeal board.

The MINISTER FOR POLICE: I agree with the member for Mt. Lawley that the representatives of the parties should not be advocates. They are appointed because they possess knowledge of the particular calling in which they work. The duty of the representative would be to ensure that the chairman obtained a proper appreciation of what was involved in the alleged offence. Not always does the popular man win a ballot.

During my 25 years as a member and official of a union, men were elected to positions because of their outstanding ability, even though some of those men were of the autocratic type. I do not know of any occasion when this system has failed to produce responsible men who were prepared to see that the case was fairly represented to the chairman, and I have known of cases where the employees' representative concurred in the finding of the board when it meant a confirmation of the punishment that had been inflicted.

I do not say that a suitable man would not be available from the executive, but the democratic course would be to retain the provision to have the representative elected by the members. The member for Toodyay said that he would vote for a man who was most likely to let him off. If it were the unfortunate experience that the rank and file elected such a man, his vote would be only one in three and he could not alter the decision. The facts would be represented to the chairman who, being a magistrate, would be a man trained in the weighing of evidence.

Amendment put and negatived.

Hon. A. V. R. ABBOTT: I wish to make it clear that, under the proposed new Subsection (3), members of the board would receive expenses only, and not remuneration. It provides that each member of the board shall be entitled to such allowances as the Minister may determine, but I think we should stipulate that each member shall be reimbursed any expenses incurred by him as such member. That would remove any impression that the member might receive a benefit, which is implied by the use of the word "allowances."

The MINISTER FOR POLICE: I agree with what the hon. member has said, but not with the wording of his suggested amendment, which would involve the submitting of an account in order to obtain reimbursement. Organisations have a scale of allowances for members who incur away-from-home or out-of-pocket expenses, and the intention is that only such allowances shall be paid. I am prepared to agree to the inclusion after the word "allowances" of the words "for out-of-pocket expenses." Is the hon. member prepared to move in that direction?

Hon. A. V. R. ABBOTT: The Minister's suggestion would meet the case. I move an amendment —

> That after the word "allowances," in line 29, page 3, the words "for out-of-pocket expenses" be inserted.

Amendment put and passed.

Hon. A. V. R. ABBOTT: I move an amendment—

> That after line 8, page 4, the following paragraph be inserted:—
>
> (e) is required to carry out duties the location or nature of which in the opinion of the Minister make it inconvenient or undesirable that he continue as a member.

The commissioner might find it necessary to post a man away to the country, and it would be impossible for him to carry out these duties. Consequently, the Minister should have discretion to relieve him of his appointment. It would be wrong for a man to be retained in the metropolitan area simply because he had been appointed to the board.

The MINISTER FOR POLICE: Though there is an element of danger in the amendment, I feel inclined to accept it. The matter was discussed with the Police Union and it was thought that the paragraph reading "becomes incapable of continuing as a member" would meet the position. A man's transfer might be necessary for his promotion, and the fact of his having been transferred to Carnarvon or Esperance would make him incapable of continuing as a member of the board.

Hon. A. V. R. Abbott: I do not think that fully covers the position.

The MINISTER FOR POLICE: It does not, and so I propose to accept the amendment.

Mr. OLDFIELD: I am surprised at the Minister's accepting the amendment because it appears to be dangerous. If the commissioner did not approve of the union representative, he could transfer him and cause him to vacate his position on the board.

The MINISTER FOR POLICE: That is a danger I foresaw, but the commissioner is under the direction of the Minister.

Hon. A. V. R. Abbott: This could be done only by the Minister.

The MINISTER FOR POLICE: That is so. I do not think that the commissioner would victimise a man who was a member

of the board by transferring him to the country. The Minister could veto his decision and order the man to be retained in the city. I believe that on the Railway Appeal Board, the member is immune in the matter of transfer so long as he holds the office.

Mr. OLDFIELD: There is nothing in the Bill that would permit of a man, in the circumstances mentioned, being retained in the city. As the Minister said, an officer is sometimes transferred to the country for promotion and the commissioner might advise the Minister that that was why he was doing it. Neither the present Minister nor the present commissioner will always hold their respective offices, and great injustice might be done in the future.

Hon. J. B. SLEEMAN: I, also, do not like the amendment. I agree that, if passed, it will remain on the statute book until it is altered.

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

Ayes	31
Noes	6
Majority for	25

Ayes.

Mr. Abbott	Mr. Lawrence
Mr. Ackland	Mr. Manning
Mr. Andrew	Mr. May
Mr. Brand	Sir Ross McLarty
Mr. Court	Mr. Moir
Mr. Doney	Mr. North
Mr. Hawke	Mr. Norton
Mr. Heal	Mr. Nulsen
Mr. Hearman	Mr. Owen
Mr. W. Hegney	Mr. Perkins
Mr. Hill	Mr. Rhatigan
Mr. Hoar	Mr. Sewell
Mr. Hutchinson	Mr. Styants
Mr. Jamieson	Mr. Wild
Mr. Johnson	Mr. Nimmo
Mr. Kelly	*(Teller.)*

Noes.

Mr. McCulloch	Mr. Thorn
Mr. Oldfield	Mr. Yates
Mr. Sleeman	Mr. Cornell
	(Teller.)

Amendment thus passed.

Hon. A. V. R. ABBOTT: I move an amendment—

> That after the word "insubordination" in lines 13 and 14, on page 5, the words "neglect of duty" be inserted.

We inserted an additional offence which could be punished—neglect of duty—and we must provide an appeal against that punishment.

Amendment put and passed.

Hon. A. V. R. ABBOTT: In an earlier clause we provided for certain offences punishable by the commissioner and they are the only offences in respect of which he can inflict punishment, so there is no necessity for the words "transferred by way of punishment," as to do that would be ultra vires. If the commissioner exceeds his authority, the proper step to be taken is through the Minister, who can reprimand or dismiss him according to the seriousness of the offence. Neither the Act nor the Bill authorises the commissioner to transfer an officer by way of punishment.

Mr. Lawrence: Do you mean that if he were transferred, there would be no appeal and he would not be told he had been transferred for punishment—

Hon. A. V. R. ABBOTT: There is no authority for him to be transferred by way of punishment.

Hon. J. B. Sleeman: But under this wording he could be.

Hon. A. V. R. ABBOTT: No, the commissioner cannot punish a man by means of transfer.

Mr. Yates: It could be done for the good of the service.

Hon. A. V. R. ABBOTT: There is power for the commissioner to sentence an officer to three days' imprisonment but if the Bill is agreed to he will not have that power. If a policeman is given three days' imprisonment is he to go to the court of appeal—

Mr. Lawrence: Give him the same rights as anyone else.

Hon. A. V. R. ABBOTT: At present there is no right of appeal against the sentence of three days' imprisonment, but if he exceeded his duty the commissioner would be dealt with by the Minister.

Hon. J. B. Sleeman: Then why is this provision contained in the Bill?

Hon. A. V. R. ABBOTT: I have no idea. If a man was transferred by way of punishment the commissioner should be sacked, as he cannot be allowed to exceed his authority. If the court held that the commissioner had punished a man by way of transfer, the Minister would have to sack him for deliberately exceeding his duty.

The CHAIRMAN: Order! There is too much conversation in the Chamber.

Hon. A. V. R. ABBOTT: The commissioner has power to inflict certain penalties and certain penalties only, and he cannot afford to make deliberate mistakes.

Mr. Lawrence: Was not Sergeant Gamble transferred to Kalgoorlie?

Hon. A. V. R. ABBOTT: I do not know, but if the commissioner did that by way of punishment, he should be sacked as he had no authority to do it. However, he would not do a thing like that. I move an amendment—

> That after the word "rank" in line 19, page 5, the word "or" be inserted.

Hon. J. B. SLEEMAN: The member for Mt. Lawley said that if the commissioner punished a policeman by transferring him to another station, he should be sacked.

Hon. A. V. R. Abbott: Yes.

Hon. J. B. SLEEMAN: If what he said is correct, we should ascertain who is right. The Minister would naturally confer with the Commissioner of Police and he would agree that he was able to to punish a man by transferring him.

Hon. A. V. R. Abbott: He cannot do that.

Hon. J. B. SLEEMAN: If that is so, we had better report progress and find out who is right. The commissioner must have agreed with the Minister to insert this provision in the Bill. If a man can be punished by a transfer, then he should have the right of appeal, no matter how slight the punishment may be. What we want to find out is whether the member for Mt. Lawley is correct in saying the commissioner cannot punish a man by transferring him or whether the Minister and the commissioner are right by inserting this provision in the Bill.

Mr. OLDFIELD: I am in the same corner as the member for Fremantle in this instance. I do not think the member for Mt. Lawley is so innocent as to think that no policeman has ever been punished by being transferred by the commissioner. He must agree that the existing Act gives the commissioner power to transfer a man as he thinks fit for the good of the service. I am quite sure that several members of this Chamber have been approached by policemen because they have been subjected to such treatment. If this provision remains in the Bill, a member of the Police Force could find himself transferred to some remote centre by way of punishment and he would have no right of appeal.

The MINISTER FOR POLICE: I do not propose to agree to this amendment. This is one of the provisions which the Police Union was very keen to have inserted in the Bill. It is not without precedent because a similar provision is in the Railways Act. It is true that, in some cases, a transfer may not constitute an actual punishment.

Hon. A. V. R. Abbott: But is the commissioner entitled to do that?

The MINISTER FOR POLICE: Yes, he is, and he has admitted doing it.

Hon. A. V. R. Abbott: By way of punishment?

The MINISTER FOR POLICE: Yes.

Hon. A. V. R. Abbott: Where does it say in the Act that he can do that?

The MINISTER FOR POLICE: We have not had an appeal board dealing with police affairs, so the Act would be silent on the matter.

Hon. A. V. R. Abbott: The commissioner cannot transfer a man by way of punishment.

The MINISTER FOR POLICE: I do not know whether the hon. member would call it by way of punishment or by way of discipline. Without mentioning any names, I will relate what has occurred since I have been Minister for Police. In a country town some 300 miles from Perth a constable, in the course of his duty, arrested a New Australian and beat him up unmercifully. He did this in public and there were a number of witnesses.

A photograph of the arrested man was sent to me which showed that his eyes were blackened and his face cut. I ordered an inquiry and it was proved that the constable had used unnecessary violence when arresting this man and, as a result, he became particularly unpopular in the district in which he was stationed. The member for Mt. Lawley can call it either an act of discipline or punishment, but that policeman was certainly transferred from that district, as part of his punishment, for having exceeded his duty by using unnecessary violence. The commissioner did not deny doing this. There was another case in the North-West where a policeman was transferred for improper conduct.

Hon. A. V. R. Abbott: He would still have power to do that, but there would be no appeal.

The MINISTER FOR POLICE: Yes, but only when the transfer was justified and I should say that in all these cases it would be justified. It could occur, of course, that if a superior officer was vindictive towards a junior officer, he could recommend, without the knowledge of the commissioner, that the man should be transferred and that might constitute an extremely severe punishment.

Take the case of a constable who is stationed in Perth and who has his own home and a wife and three or four children. It could be that, because of some disagreement with his superior officer, he is transferred to a country town where there is no hope of his obtaining a house for his wife and family. That would be a severe punishment indeed. In those cases where a policeman was being punished, by way of transfer, for a breach of the regulations, he would have the right of appeal to the board and if he could prove to its satisfaction that he was being transferred by way of punishment, it would have the right to say that he should not be transferred.

The Railway Department has had no particular trouble with a similar provision. I have been told that it is rare indeed for it to have an appeal against a transfer that has been made by way of punishment. I believe in those cases where it is said it is more an act of discipline than punishment, it might be an advantage for a man to be transferred because of some misdemeanour. For example, a man in the North-West or some outlying part of the State would not regard a transfer from such an outlandish district as a punishment, especially if he were transferred to the metropolitan area to be kept under

closer supervision. The Police Union is particularly keen to retain this provision in the Bill, and I do not propose to agree to the amendment.

Amendment put and negatived.

Hon. A. V. R. ABBOTT: I propose to move an amendment as follows:—

> That after the word "Board" in line 37, page 7, the words, "but the deliberations of the Board and the individual views of a member shall not be disclosed or published" be added.

Again, I desire to give the greatest possible protection to the board and to ensure that no pressure shall be applied to it. I do not think that any individual member should publish his views. It will be a decision made by the board itself, and there will be no dissentient judgment.

Hon. J. B. Sleeman: Very often judges in the courts dissent from one another, do they not?

Hon. A. V. R. ABBOTT: They do, but in the Privy Council they do not; and I think that is the right course to adopt. A man may be standing for election and if he gives a decision against a man, however right he may be, he would leave himself open to some comment and criticism. Let the board give its decision and let that be the end of it.

The MINISTER FOR POLICE: I would not be averse to accepting this amendment if it were further amended. In my experience, very often it is the desire of a representative on the board to express his dissentient views against a ruling of the board. If the hon. member's amendment is agreed to, it will mean he will be unable to do that.

Hon. A. V. R. Abbott: That is so.

The MINISTER FOR POLICE: I do not think that would be advisable, but if the member for Mt. Lawley would like to add the words "except of his own volition" after the word "member," I will agree to it. A representative on the board who dissents from the appeal made by the board will, in all probability, wish to state his reasons, and I do not think he should be prevented from doing so, which he will be if the amendment is carried. If the member of the board, of his own volition, desires that his dissentient views should remain unpublished, it would be quite all right.

Hon. A. V. R. ABBOTT: I prefer the amendment as it stands, but I know that it cannot be carried and so I accept the Minister's suggestion. I move an amendment—

> That after the word "Board" in line 37, page 7, the words, "but the deliberations of the Board and the individual views of a member, except of his own volition, shall not be disclosed or published" be added.

I do not think the deliberations of the board should be made public and, naturally, the discussions that are held in the board room should always remain confidential.

The Minister for Police: I think it would be better if it said, "except of his own volition."

The CHAIRMAN: The amendment moved by the member for Mt. Lawley would then read, "But the deliberations of the board and the individual views of a member except of his own volition shall not be disclosed or published."

Hon. A. V. R. ABBOTT: That is so.

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

Title—agreed to.

Bill reported with amendments.

BILL—BUSH FIRES.

Second Reading.

Debate resumed from the 19th August.

MR. MANNING (Harvey) [8.33]: As indicated by the Minister, this Bill is to consolidate the Act, and that is a good thing because it will make the Act easy to follow and understand. The whole emphasis of the measure is on the restriction of burning, and the penalties are such that they would tend to influence a person not to burn. I will indicate to the House some of the requirements it is necessary to carry out before one can burn.

If one wishes to light a fire, one has to give four days' notice to all neighbours, to the secretary of the road board and to the bush fire control officer, and to the forest officer if one is within two miles of the forest. The notice has to be delivered and one must burn outside of the four days and inside of 28 days of giving notice. A permit to burn must be obtained in writing and there must be a 10ft. break outside the area it is desired to burn; one must have three men in constant attendance until such time as the bush fire control officer can be persuaded that the fire is safe.

One must not light a fire if the fire hazard broadcast is "dangerous". If the burning date is varied, all the foregoing people must be advised. The permit one obtains may include additional requirements which must be observed. The local authority may declare what part of the district can be burnt and who can burn it. The local authority may allocate a day on which burning can be done, and the burning must be done on the day selected by the local authority. If a person commits a breach he is liable to a fine of not less than £10 and not more than £200 or six months' imprisonment, and if he makes the same mistake twice he will be fined not less than £20 and not more than £500 or be given 12 months' imprisonment.

That bears out what I have said about the emphasis of the Bill being placed on the restriction of burning. That part of it is not good because one of the best fire control methods is controlled burning or frequent burning in order to prevent bush from becoming thickly or heavily undergrown.

Mr. Heal: You can only burn at certain times.

Mr. MANNING: Yes. In this State there have been some severe fires at times, though perhaps they have not been as bad as those that have occurred in the Eastern States. They have been very severe, however, and the severity of those fires, I am endeavouring to indicate, could be reduced by more frequent burning. That would apply particularly to land under the control of the Forests Department. We know that the department does not like to burn more than it has to, and it then practises what it calls spring burning. Some of the severest fires we have had have been through forest country. Because of the many experiences we have had with fires, we must have learnt many lessons; we must have learnt what precautions are necessary to minimise serious fires.

The Minister for Lands: You would not say that all fires occur in forest country.

Mr. MANNING: The Minister for Railways would not agree with his ministerial colleague in that.

The Minister for Railways: Neither did your own leader agree.

Mr. MANNING: Another very wise precaution as far as controlled burning goes is burning along the roadside. I notice there are severe penalties for a person who throws his cigarette on the roadside, and one of the best precautionary methods is to ensure that all roadsides and railway lines are burnt and all bush in the forest country kept to a minimum.

Another point I wish to mention is the flexibility of the dates for the prohibited burning period. I notice that 14 days is the time suggested and that it is the flexible time allowed; that is, the authority may declare a date 14 days earlier or later. My experience is that 14 days is hardly sufficient. In some seasons pastures dry off early and it is necessary to declare a prohibited time earlier. We may have late rains and it would be impossible satisfactorily to burn the railway lines and roadsides to provide a sufficient fire precaution.

Accordingly the Minister would be well advised to have another look at the provision of 14 days because, as I am endeavouring to indicate, I do not think it is sufficient. It could be four weeks, if we had late rains, before we could get a suitable burning. As far as the actual fire fighting goes, my experience is that one of the best methods is the prompt reporting of a fire. The best way to do this is by means of the forestry look-out towers. By that means, a close watch can be kept over a wide area and the foresters can readily pin-point a fire and locate where it is burning. If there is an understanding between forestry officers controlling these towers whereby they will report the fire to the bush fire control officer of the area, he could take prompt steps to have the fire investigated, and the fire-fighting teams could be got quickly to the area.

Mr. Lawrence: Surely it is mandatory.

Mr. MANNING: It is not. It could be done by means of an understanding between the forestry officers and the bush fire control officers.

Mr. Lawrence: It is most important.

Mr. MANNING: It is most important that the fire-fighting teams should be got to the fire quickly. Prompt reporting and investigation of a fire will help in getting the team there quickly.

I will quote an instance that occurred in the Harvey district some years ago. A man working a power saw had an accident and a fire started fairly quickly. Two or three of the neighbours came to the fire and did what they could, but as time went on the fire grew and got out of hand and eventually jumped out of the paddock and across the road. By the time any great number of people could reach the fire, it had got completely out of hand and was burning over a wide area. The officers of the Forests Department came on the scene, had a look at the fire and decided that because it was two miles outside the forest it was not in their province. It did not take the fire long to cover that two miles and had the forestry team been brought in earlier, the fire could have been put out. Because it was delayed, they could do nothing about it.

The Minister for Lands: I have never known a case like that.

Mr. MANNING: I am quoting one that happened in the Harvey district.

The Minister for Lands: I am very surprised.

Mr. MANNING: That is the sort of thing I want to see overcome. By a complete understanding between the Forests Department officials and the local bush fire brigade, help could be despatched quickly to the fire, and it could be put out in the early stages. Once a fire gets under way, it is difficult to stop it. Equipment is, of course, another important factor, and one which as time has gone on has been improved, and will continue to be improved. Bush fire brigade teams are getting better equipment all the time. They have good fire sprays and the Forests Department is now well equipped with water tanks and fire fighting units.

In the past, fires have often started on Crown land in the back country and have not been investigated. Changes of wind have taken place and breezes have

come from unexpected directions. On hot days, when the forecast has been "dangerous", such fires have quickly grown and swept through big areas of pasture. Such fires, which no one seems to be very interested in, or to take much notice of, should be investigated and extinguished.

I notice that the Bill provides for the appointment of wardens to go into the areas of local authorities and inspect fire precautions in order to see what needs to be done. That is a very good provision. But some of the penalties provided are very severe indeed, and should be examined with a view to their being reduced. The requirements placed on an owner before he burns off, are such as could lead to his making a slip accidentally; and in such cases, it seems to me that a minimum penalty of £10 is very severe. The Bill is one that cannot be opposed, but it should be closely looked into during the Committee stage. I support the second reading.

MR. HEARMAN (Blackwood) [8.47]: It is my intention to support the second reading. I think it is a very good thing that the Bill has been completely redrafted, as this measure is one that has to be read by a great many laymen—far more than is the case with most Acts—because all bush fire control officers and fire brigade captains and lieutenants should be thoroughly acquainted with a good deal of it. Since it is a measure which has to be widely read by laymen, the idea of consolidating it and reprinting it as a whole, with amendments, is excellent.

Most of the alterations incorporated in the measure are desirable. I notice that provision is made for the appointment of wardens. That is quite a good feature. But one of the weaknesses in the old Act, which appears to be likely to be present in this legislation, is that, for the efficient working of the Act, particularly in relation to preventive measures, the responsibility rests almost entirely with local authorities.

Where a local authority does its job properly, little trouble is experienced; but unfortunately local authorities vary greatly in this respect. Some are very good and accept their responsibilities fully; others are inclined to be negligent; and one or two are extremely negligent. It seems to me that a local authority alone cannot be punished for negligence. The only direct punishment provided in the Bill for a local authority is a fine of £50 for the perhaps not so very serious offence—amongst many others that could be committed—of failing to furnish a return to the bush fires board.

I am not suggesting that local authorities should be encouraged to fail to furnish these returns; but in comparison with some of the other matters they neglect, this is something in the nature of an anomaly. I observe that provision is made whereby fines which would normally be paid to the local authorities in certain cases of negligence are not to be paid to them, but are to go to the board; but that seems to me to be a slight punishment indeed—in fact, it can hardly be called one at all.

The action of local authorities, particularly on the preventive side, is most important. It is becoming more and more recognised in country areas that a very large part of fire control consists of preventive measures taken long before the burning season actually commences. For that reason, the Minister should give some consideration to seeing whether he cannot do something towards penalising local authorities that do not play the game. Provision is made to cover the point to some extent, inasmuch as wardens may take over the responsibilities of a local authority that is not up to the mark. That may be all very well; but it seems to me that it might also be an invitation to a local authority that is fairly neglectful to say, "What does it matter? The warden will come along and do the job for us."

In the event of a warden having to take over the responsibilities of a local authority, I consider it is reasonable that such local authority should be charged with the cost of the work. I do not see why such authority should not contribute something towards the cost of maintaining a warden while he is working in its area. The successful policing of the Act is dependent largely on the willingness of the local authorities to take preventive measures. Where people are thoroughly interested in the preventive aspect of fire control, they become very much more fire-conscious, and there is much less trouble.

There is a contentious point in connection with the responsibility for damage caused by a fire getting out of control. I know that this is not a new aspect. I am aware that under the existing Act, and under the proposal in the Bill, it does not matter how many precautions a man takes, or how strictly he complies with the requirements of the legislation. If a fire gets away, he has to shoulder the whole responsibility for the resultant damage.

That is in marked contrast to the stand taken by the Railway Department, and is a matter of discontent among many farmers. I have discussed the point with several of them, and have suggested that perhaps something in the nature of a compromise might be reached if an attempt were made to put farmers on the same basis as the railways. That is to say, a man who takes all reasonable precautions, should, to a very large extent, be absolved from all responsibility for what might almost be termed an act of God, or an extremely unfortunate circumstance.

However, the consensus of opinion among farmers is that the penal clause in this respect should not be in any way lightened. But they would like the railways to be put on the same basis as the farmers, so that if a fire gets away, the Railway Department should accept the responsibility in exactly the same way as a farmer has to if one of his fires gets out of control. My experience amongst farmers is that they are quite consistent in their view on this point, and they do not ask the department to do anything they are not willing to do themselves. I am aware that this measure cannot affect the Railway Department's responsibility; but I mention the matter because I think it is a point that we should not overlook, namely, that farmers are quite willing to accept that responsibility themselves.

There is the objection that if the penalties are made too heavy, the tendency for the individual is to light a fire without telling anybody; and, if it gets away, to say that he knows nothing about it and accepts no responsibility. In such a case, it is extremely hard to sheet home the responsibility. All that is known is that the fire started on the man's property. He says he does not know how it originated; it just started. It is not possible to get far in the face of such contentions.

I speak with a certain feeling in this matter because on my own property we have what is known as an annual event. Three years running a fire has started mysteriously in a neighbour's paddock and spread into mine and into another neighbour's property. The explanation of how the fires have started has always been extremely unsatisfactory, and it is very hard to pin anything on the man concerned. However, I think the occurrence is too frequent for any doubt to remain in any reasonable mind.

In my opinion, there is not very much else in the measure that is particularly contentious, although there are one or two aspects into which the Minister might look during the Committee stage. Clause 57 indicates who shall be responsible for apprehending wrongdoers. The marginal note mentions police officers and bush fire control officers, but in the clause there is no mention of police at all. In the past it has been the practice for the police to take action when an offence has been committed. Perhaps the word "police" has been inadvertently omitted from the clause.

Clause 30 deals with the right of a property owner to inspect firearms, and also provides for a penalty of £50 for anybody who uses a firearm during a prohibited period or who, in connection with a firearm, carries or uses any wadding made of paper, cotton, linen, or other ignitable substance. That is a very wise provision; but if it is strictly enforced there will be no duck-shooting season, because that always occurs during the prohibited period. It would be advisable for the Minister to go into that matter with the Crown Law Department.

The only other point I want to raise concerns the giving of notice of intention to burn. The member for Harvey covered this matter fairly fully. The Minister proposes to insert a paragraph that will enable the service of notice by post. I consider the intention is good, but I question very much whether four days' notice by post would be effective. An absentee owner might be 100 miles from his property; and if a notice were posted to him four days before burning off, it is probable he would not receive it in time to get back to his property and take effective action.

In the case of a postal notice, it might be as well to try to provide that it be posted at such a time as would enable the recipient to be reasonably expected to have received it. Probably eight days would be sufficient. I have had the experience myself of a next-door neighbour having posted a notice; but the first I knew of his intention to burn was when the fire went up. When I questioned him, he said that he had posted a notice. However, I get mail once a week, so the notice was of no use.

I have in mind in this connection not only the absentee owner, but owners of small seaside cottages adjoining agricultural land, such as that at Mandurah and Busselton. The owner of a property might be a long way off and would require longer notice to enable him to take effective action to protect his property. After all, while it may be the responsibility of the person who lights the fire to ensure that no damage occurs, he should give his neighbours every opportunity to co-operate with him.

With the exception of these points, I have no great quarrel with the proposals outlined in the Bill. As far as the punishments are concerned, the view I take is that even if there is a fairly substantial maximum penalty, it is not always obligatory to have it imposed. My main quarrel here is that there are never sufficient penalties imposed. It is very difficult to get anyone to take action in these matters. This difficulty is inherent, and I do not know how we can overcome it. It largely lies in the fact that so many people who are responsible for the initiation of punitive measures are, for the most part, people who are acting in good faith. Very often they live in the same district and are reluctant to take action. Pressure is often brought to bear on someone else to do something, but the individual himself is rather reluctant; and perhaps I might be included amongst those who are reluctant because, apart from informing the local authority of an incident, I have never taken action. I support the second reading of the Bill.

MR. HILL (Albany) [9.2]: I support the Bill. Taking it on the whole, I think it has been prepared as a result of much experience and careful thought. When dealing with fire legislation we have to consider three things. Fire is a very good servant, and we must see that we make the maximum use of it as a servant. It is a very bad master. We must have legislation to prevent the servant from becoming the master. No matter what we do, sooner or later it will become the master, and then we want legislation for an organisation to deal with it.

Under the provisions of the Bill, the board can advise the Minister to give permission for a fire to burn. I can give one instance of that myself. Some three or four years ago, at Mt. Many Peaks, there were hundreds of acres of country that had been bulldozed and the supervisor wished to burn it. I talked to the local road board members and they were satisfied that the fire could be lit without danger. I sent a wire to the Minister, who advised the supervisor at Mt. Many Peaks that the bulldozing could be burnt. That must have meant a saving of many thousands of pounds to the war service land settlement authorities.

Some of our worst fires are due to abnormal conditions. Our bad season in 1950 was due to the long dry autumn. The farmers did their burning off under legal conditions, but because of the weather, nearly every fire got out of control. There are other people we need to watch—I have many in my area—and they are the firebugs who go around the country deliberately setting fire to it. In 1950, a namesake of mine on the Hay River, which is a dry watercourse, saw where people had gone there and deliberately lit fires, and those fires burned for weeks. They worked towards Denmark, and when the wind went into the north, it was absolute hell around Mt. Lindsay.

I do not want the experience of going through country which has been burnt out after bad conditions. Even in the Albany Road Board's district it is common for men to go out camping and deliberately light fires. I would like the Minister, when the Bill is in Committee, to introduce a clause that will enable the police to go out after these criminals and have them punished in the same way as are any other criminals. I was a little amused about the proposal for a 10-chain fire break. It might be that I am lucky in this regard, as I have a two-mile frontage to the Kalgan River, which is 100 yards wide, but the fires will jump it. I once saw a shed go up in smoke, but there was not a fire within eight hundred yards of it. In the 1950 fires, a hay-shed went up at Denmark, although there was no fire within a mile of it.

In our country, where we have heavy timber and large areas of vacant land, the only way to deal with the problem is to have controlled fires; otherwise we will have uncontrolled fires. Taken on the whole, I approve of the Bill. I congratulate those responsible for preparing it and, although I will not say it is perfect, I say it is the best we have had up to date. I sincerely hope that it is passed and becomes law, and that then a precis of it will be prepared in pamphlet form and circulated amongst farmers so that they will all become fire-conscious. It is only by getting everyone interested in the subject and knowing what they have to expect that we can deal with this very serious danger.

I point out the ready response there is when bush fires get out of control. During the course of the 1950 fire, I rang up the secretary of our road board one morning and said, "Look out. We are in for a bad time out here today." There was not one part of my electorate that day that did not have a bad time. We were close to Albany, and large numbers of people came out and gave assistance. Although we had no bush fire brigade, the situation was automatically controlled and at the Kalgan we had a 95 per cent. save.

Another thing we want to encourage is the use of telephones, because they can be used by farmers to notify people when they are going to burn. In my district, everyone has a telephone, and when we want to burn, we notify our neighbours per medium of it. Before we burn, we ring up and get permission. It is of no use saying that we shall burn in three or four days' time, because the bush fire control officer wants to be in a position, when the actual day comes along to say, if conditions are bad, "You must not burn today." It is only by these methods, and by having plenty of flexibility that we can satisfactorily deal with this matter.

MR. PERKINS (Roe) [9.6]: The Bill deals with a subject that is particularly important as far as country areas are concerned, whether they be in the South-West, the middle districts or the outer agricultural areas. This legislation has been built up very largely by trial and error. The original Bill was introduced in 1937, and since then various amendments have been made to it to make it fit the circumstances in this State as well as possible. I think we have built up reasonable legislative machinery.

The Minister has stressed that all he is aiming to do in this Bill is to consolidate the existing legislation and introduce one or two amendments which he enumerated. I have noticed that there has been a good deal of alteration in regard to some of the provisions that appear in the Bill. I assume this has come about as a result of Crown Law advice, and that it has been done by the Parliamentary Draftsman, not

with the intention of altering the effect of a clause but merely to bring the wording more into conformity with what the wording of a statute should be. I can give the Minister one or two instances.

The Minister for Lands: In most of these cases, it is an alteration in phraseology for the purpose of making it clearer.

Mr. PERKINS: In one instance, the Act specifies a person, firm or corporation, but in the Bill the words "firm or corporation" have been left out. I take it that the opinion of the Crown Law Department is that the word "person" covers the situation satisfactorily from the drafting point of view, but I would like to be sure on the point because otherwise the section in the Act would be entirely nullified.

The Minister for Lands: I can assure you that the Act has not been weakened as a result.

Mr. PERKINS: The Crown Law Department should have advised the Minister why the alterations were made. I can give the Minister particular instances.

The Minister for Lands: I know what they are myself. This is quite all right.

Mr. PERKINS: I would like the Minister to confirm that point after referring to his notes. Speaking to the Bill generally, I have noticed from my experience of bush fire control that it is desirable to have the legislation as flexible as possible; and it may be that we are making it too inflexible. We are seeking to set up certain standards which, of course, must apply to the whole area with which the Act is concerned, namely, the South-West Land Division of the State.

It is possible that we are getting an Act that is too rigid to meet the situation. For instance, in the operation of the Act, the really essential feature is the work of the bush fire control officers. The Act is to be administered by the various local authorities, but the responsibility is placed on the bush fire control officers to issue permits before any fires can be lit to burn off bush. The appointment of a warden, as set out in the Bill, is a new provision in the legislation, and it could be quite an important factor in improving the efficiency of the work of the organisation generally, because I imagine that such warden would consult with the various local authorities from time to time, as well as with the bush fire control officers, on what was the best method of operating the provisions of the Act.

By this means, without laying down the actual provisions in the statute, it may be possible to bring about a greater uniformity in conditions that are somewhat similar, and yet retain some flexibility under the Act. The point that strikes me is that in the Act we refer to bush fires and define as "bush" various things, including natural scrub and trees and these, in my experience are far and away the greatest hazard when a fire gets started in them on a hot and windy day. Also defined as "bush" is stubble, which is the dry stalks of grain crops after they have been harvested.

I know, from my experience, that the same precautions are not required in burning off stubble as are necessary in burning off bush which has been rolled or bulldozed, or even standing bush which has not been touched and which some farmers want to burn to help in subsequent clearing operations. To me it seems to be a mistake to try to lay down the same conditions for burning off stubble as are laid down for ordinary bush. I know that those provisions of the Act are being largely ignored at present.

Quite a number of bush fire control officers look the other way when a fire is put through stubble or grass when the hazard is slight and where many local authorities insist that a permit must be obtained on the day on which the burn is to be done. Only a comparatively small area may be affected—probably only 40 acres of grass or stubble—and if it is protected with ploughed ground all round there is no danger. Yet the farmer may have to travel 7 or 8 miles in order to obtain a permit before he sets fire to that grass or stubble on a certain day.

The Minister for Lands: You would not suggest that a man could light a fire without getting a permit, never mind where it was.

Mr. PERKINS: Unfortunately, many fires are being lit without permits being obtained, and nothing happens as a result. I do not want to condone that practice—

The Minister for Lands: It is wrong.

Mr. PERKINS: —but I suggest that if there is some flexibility about the Act it may be possible, if grass or even scrub is to be burnt off and very little hazard exists, to issue a permit some time in advance. But if there is considerable hazard about burning off scrub or grass, then I think it absolutely essential for the bush fire control officer to issue permits only immediately prior to the fire being lit. That is the greatest safeguard in the Act at present. Personally, I do not think the provision in the Bill which will debar a person from lighting a fire on days when the Weather Bureau forecasts a dangerous fire hazard is worth much at all. We all know that fire hazard forecasts are not always accurate. I am not criticising the meteorological bureau, but we all know that at times its officers make mistakes.

Mr. Nalder: They do in their forecasts of rain.

Mr. PERKINS: But where there is practically no hazard at all, and there is a piece of scrub or grass surrounded by cleared country, and where it would be absolutely impossible for a fire to get away in any

circumstances, what is the sense in debarring a person from setting fire to it, no matter what the conditions may be? I feel there should be a little more flexibility about that particular provision.

As a matter of fact, I have had a letter from one of the local authorities protesting against this new provision in the Bill, and when we reach the Committee stage I shall try to have an amendment passed to meet the position. I do not think it necessary and experienced fire control officers—those who have had a good deal of experience in fighting difficult fires—consider that safeguard not nearly so important as the safeguard of fire control officers doing the job and using their own judgment about issuing permits for burning off.

My point is that we should try to retain as much flexibility in the legislation as possible. If we keep that objective in view, it should not be hard to resolve any differences of opinion as to the method to be adopted. Not only in regard to this measure but also in regard to many Acts of Parliament, particularly those which must be administered by local authorities, we should not do much more than set out the framework and allow the bodies themselves the necessary authority to carry out the job on the spot.

I think the Minister has made a forward move in the appointment of wardens and it might be the link which is necessary to tighten up any laxity of control in areas where some local authorities are not quite so enthusiastic as others. That might be the best way of overcoming the problem. I do not want to see any lessening of penalties; I think it necessary to have fairly severe penalties for people who contravene the Act because we know of cases, even in recent times, where people have been prepared to set fire to scrub without obtaining permits and then to let the local authority take action against them. If such people are to be fined only £30 or £40—and in some cases a good deal less than that—they are prepared to pay the fine if they have a good burn because it is worth more to them than the amount they are fined.

From a landholder's point of view I think the more serious aspect is the possibility of civil liability. People may lay themselves open to penalties under the Bush Fires Act if they light fires without permits or contravene any of the provisions in the Act. But if they observe all the rules and regulations and take all the necessary care and precaution it is still possible—as most of us in this House realise—for fires to spread and damage other people's property. As a result the people who light the fires are liable for damages. It could be that such liability would be infinitely greater than any penalty that might be incurred under this measure.

I do not wish to deal with the Bill in detail because it will be discussed more fully in Committee. I think the Minister is to be commended for introducing this consolidating measure because I know that many local authorities are finding it difficult to keep pace with the various amendments that have been made. It will be much better when the Act is printed in a consolidated form.

On motion by Mr. Ackland, debate adjourned.

BILL—LAND ACT AMENDMENT.

In Committee.

Resumed from the 19th August. Mr. Brady in the Chair; the Minister for Lands in charge of the Bill.

The CHAIRMAN: Progress was reported on Clause 3, to which the member for Toodyay had moved an amendment to delete the words "either by public auction or by public tender but in either case" from lines 11 and 12 on page 2.

Hon. L. THORN: My whole idea in moving the amendment was to take some responsibility from the shoulders of the Minister and place it on the shoulders of the members of the Land Board. Of course, the decision must have ministerial approval finally. When I was Minister, there was often great dissatisfaction over the allotment of land thrown open for selection, but the Minister always had a good argument and backing because under the Act a board of three was appointed and those members were responsible for the allotment of the land thrown open for selection.

I believe that the Minister also has an amendment which may meet the position, but there are several features about the land in the North Stirling area. Successful tenderers must have finance; it is of no use anyone paying a deposit and then endeavouring to arrange finance because it will only get him into trouble. By calling public tenders the board would examine the financial position of the tenderers and if they did not have sufficient backing to carry on and finish the development of their holdings, the board could reject their applications. If a person has no finance in country like that, the property would finally revert to the Crown. I have drafted a small alternative amendment which may be acceptable to the Mnister. It reads—

> That the words "either by public auction or" in line 12, page 2, be struck out, and after the word "or" in line 15 the words "when there are two or more tenders in respect of the same land, the tender to be granted shall be determined by a board appointed under and subject to Section 135 of the principal Act" be inserted.

That section provides for the setting up of the board, and the board is a safeguard. It relieves the Minister of a great deal of responsibility. I would like to hear the views of the Minister before I persist in this amendment.

The MINISTER FOR LANDS: The Lands Department also considers that it is wise and proper for someone with sufficient money to take over these areas. The amendment provides for the calling of tenders only. It makes no provision for auctions should the tender price be insufficient to recoup the amount spent on improvements. The department seeks power to auction the holdings if the tenders are too low. It is unthinkable that the land should be disposed of at any price.

Hon. D. Brand: Could you not fix the price to cover the amount spent, if the Act is amended?

The MINISTER FOR LANDS: Yes. We know exactly how much has been spent on each project. In this area which has been partly developed for war service land settlement, the tendency has been to spend far more money than would have been the case in private settlements. The war service land settlement authorities paid for much of the development which ordinarily a settler would undertake himself. As a result, £60,000 to £70,000 was spent on the development of nine farms, which are only partially developed.

If the reserve price were set at the actual amount spent on development, there would hardly be any likelihood of a tender being received, and legislation should not be passed which would have that effect. Officers of the Lands Department have considered this point; they have come to the conclusion that provision should be made in the Act to dispose of the land by tender, and failing that, by auction. The member for Toodyay mentioned that if more than one tender was received, they should go before some authority. He has suggested moving to strike out the words "by public auction" but during the second reading debate, he opposed the sale by auction or tender; at that time he had no intention of encouraging the sale of land by either of these methods. His aim was not to place the matter in the hands of the board but to give the Minister power to fix the price.

I have already explained the weakness of that. If it is stipulated in the Bill that tenders only will be called and no auction will be conducted until such time as the tenders received were too low or no tender had been received, his objections would be overcome. By the hon. member's amendment, the Government would be invited to dispose of the land to people with sufficient means to work the area, and the property market would be exploited, whereby the land could fall into the hands of the idle rich rather than of the farming community. If the member for Toodyay will withdraw his amendment I shall move to add at the end of Clause 3 the following words:—

> But the Minister shall not dispose of the land by public auction until he has first endeavoured to dispose of it by public tender, and no tender at all or no tender satisfactory to the Minister has been received.

Hon. L. THORN: I can appreciate that in the event of no satisfactory tender being received, other means should be available for the disposal of these properties. As the Minister has given an assurance that public auction will be the last resort, I have no objection to withdrawing my amendment. All I attempted was to get the same system operating as that under the Land Act for the disposal of all other land. As this applies to soldier land settlement and other settlements, I am prepared to withdraw my proposal, so that the Minister can move his suggested amendment because he has gone some way to meet the wishes of the Opposition.

Mr. MAY: The Minister has not replied to some of the queries raised by the member for Toodyay. One was in regard to the financial position of tenderers. Some authority should be established to examine their financial position. I am very much opposed to a method whereby people can obtain these areas for speculative purposes. I do not know if there is any safeguard against that. It is quite easy to tender for the land and pay the deposit, and then for the successful tenderer to hold it for speculative purposes. I am very much concerned about that. As regards the suggested amendment by the Minister, I think it is badly worded.

The Minister for Lands: The Parliamentary Draftsman drew it up.

Mr. MAY: I still think it is badly worded. Unfortunately we have not been able to see it in print. The last portion which says "and no tender at all or no tender satisfactory to the Minister has been received," is not clear. I cannot see any sense in it.

Mr. PERKINS: I cannot understand why the value of the improvements which have been carried out on these properties by the War Service Land Settlement Board has depreciated today. The Minister has indicated that if the upset price were fixed at the amount spent on the development, no tender would be received. Apparently he considers that it is open to question whether the amount spent is justified. I presume he is referring to the money spent in dam sinking, clearing and other improvements.

Mr. May: He will probably make a profit out of it.

Mr. PERKINS: He does not think so because he has said that we would be inviting a position where there would be no tender if the upset price was fixed at the amount already spent.

The Minister for Lands: We could invite such a position if the price was too severe.

Mr. PERKINS: Where legislation is placed before us, we are entitled to know the true position. For a considerable time

I have suspected that the War Service Land Settlement Board had not been getting its money's worth for improvements which have been carried out. On this occasion the Minister has agreed.

The Minister for Lands: I could have told you that a long time ago.

Mr. PERKINS: I wish to know from the Minister why he considers that the value of the work done by the land settlement board is not worth as much today.

The Minister for Lands: I have explained it.

Mr. PERKINS: Is the Minister going to admit that the land settlement board is an inefficient organisation? If so, he is opening up wide possibilities because we might be criticised by the Commonwealth Government seeing that we are doing work in conjunction with that Government. It is not a happy outlook for the servicemen taking up farms if the board doing the work is not getting good value for the money. The Minister should be prepared to give a full explanation.

The Minister for Lands: I explained that in detail when moving the second reading.

Mr. PERKINS: The upset value is fixed by the department. If that is good value then it should be that plus the full value of the improvements, but the question of the efficiency of the board is at stake when the Minister says that it is unreasonable to expect to receive a tender equal to the ordinary upset value of land in that area plus the expenditure on the work done.

The MINISTER FOR LANDS: I shall try once more to make the point clear. When we spend money to develop land for war service settlement, we do so with the knowledge that, if the blocks are over-capitalised according to the economic value laid down in the Act, there may be a writing off. Take the dairy farms in the South-West where probably £2,000 or £3,000 has been spent in excess of what could be recovered under the war service land settlement scheme. We knew full well that those farms would have to be written down.

Suppose the Government brought down an amendment under which to dispose of the land, how could a price be fixed that anyone would be prepared to tender? It would be impossible to recover the full amount because today's market for butterfat is not high enough to meet it. I do not say that this would apply to the North Stirling area, but it could apply to any special settlement area where Government money had been spent. In order to give the Lands Department an opportunity to recover a greater amount than could be obtained under conditional purchase conditions, which would mean a maximum of 15s. per acre, we are asking for this amendment so that we may, by tender or public auction, recover a fair proportion of the outlay.

Regarding the point raised by the member for Collie, I agree that the amendment I have indicated does not seem to be very clear, but if it is read carefully, one can see what is meant. It means that the Minister shall not dispose of land by public auction until he has attempted to do so by tender, and if no tender is received or if the tender is unsatisfactory, he may then and only then dispose of it by public auction.

Hon. L. Thorn: That is putting it in a roundabout way. Could not you say that no tender would necessarily be accepted?

The MINISTER FOR LANDS: I am prepared to amend it so long as the sense is retained, but my advice to the Committee is to adopt the amendment as drafted.

The Minister for Works: Would not the term "no satisfactory tender" cover the position where there was no tender?

The MINISTER FOR LANDS: Yes.

The Minister for Works: If there is no tender at all, there can be no satisfactory tender.

The MINISTER FOR LANDS: The proposal is clear enough to me.

Hon. A. V. R. Abbott: I think it is rather good drafting language.

The MINISTER FOR LANDS: The member for Collie need not worry about what will happen regarding the calling of tenders. The Government is anxious that nine families shall occupy this land. Terms and conditions will be drawn up with respect to the calling of tenders, which will be so rigid that the department will have complete control of the situation. If there is more than one tender, the matter will go to the board, which will make a recommendation to the Minister.

The CHAIRMAN: I did not wish to interrupt the sequence of the discussion, but the question is that the member for Toodyay, in view of what the Minister has stated, have leave to withdraw his amendment.

Mr. PERKINS: I wish to speak further to the amendment of the member for Toodyay. Apparently the Minister is adamant that the value of the work done by the board at North Stirling is not worth its full commercial value at present. In other words, the money spent by the board cannot be recovered in the sale value of the land at present. The amendment of the member for Toodyay would not be effective, and I would agree to its withdrawal, but I am disappointed at the disclosure by the Minister, who takes it for granted that when the

board has done a certain amount of work in any new area, the work is not worth the money spent on it.

If private people acted in that way, they would soon be in queer street. While we have an obligation to servicemen to go ahead with these projects until the applicants have been settled, we had better ensure that we get value for our money after that and do not permit the board to waste a proportion of the money. Private individuals spending money on such work would expect to get 100 per cent. value. Evidently the work is not worth the money that the board has spent on it.

The Minister for Lands: The chances are that it will not be worth the money.

Mr. PERKINS: If the work is worth the money, the Minister can accept the amendment of the member for Toodyay. If it is not worth the money, some other method must be found. For that reason I shall agree to the withdrawal of the amendment.

Amendment, by leave, withdrawn.

The MINISTER FOR LANDS: I move an amendment—

> That after the word "approve" in line 15, page 2, the words, "but the Minister shall not dispose of the land by public auction until he has first endeavoured to dispose of it by public tender and that no satisfactory tender has been received" be inserted.

Hon. D. BRAND: I was not present when the Bill was introduced, but believe an amendment to the Land Act is of vital importance at this stage of development. As a representative of an area where light land has been developed rapidly over the last two or three years—I think the Minister for Justice will agree with what I am saying—

The Minister for Lands: The Bill applies to special settlement areas.

Hon. D. BRAND: In the event of the amendment being accepted by the Committee, I assume it could apply to any land the Minister cared to dispose of under the Act.

The Minister for Lands: Any land declared to be a special settlement.

Hon. D. BRAND: I am glad some amendment is being suggested in order that the land might not go to the man with the most money, but to the man—or his son—who can stand the financial strain of developing light land over two or three years until it is fenced, stocked and yields some return. It has been proved that to establish a light land farm these days requires anything from £5,000 to £10,000.

Mr. May: It would be difficult to establish it entirely for that.

Hon. D. BRAND: It requires knowledge, money and the necessary equipment. I hope the Minister will pursue this policy quickly while reasonable prices are offering for primary products, so as to give the experienced man, who is interested in this land, an opportunity. I think this class of country has lost its attraction to speculators. To develop it requires hard work, money, tolerance and patience.

In the long run I do not doubt it will prove suitable and fertile country, and there are areas along the Great Northern Highway now covered with lupins, Wimmera rye-grass and other grasses that have been planted there. They are transforming the country, but that land now represents the expenditure of many thousands of pounds and two or three years of hard work. I am directly opposed to selling to the highest bidder as there are land-hungry men of means who would like to secure these areas. I believe the opportunity should be given to the man who has not so much money, but sufficient backing and knowledge to establish himself there.

The Minister for Lands: That is why we want the provision for calling for tenders.

Hon. D. BRAND: I hope that when tenders are called for and received, the Minister will ensure that the land is allocated to people who can cope with the problem.

Mr. NALDER: If the tenders received are not satisfactory, and the Minister decides to dispose of the land by public auction, what will be the position if the highest bid received does not reach even the highest figure tendered?

The Minister for Lands: It would be necessary to place a reserve price on the land.

Mr. NALDER: Then it might not be disposed of. Is the land to be sold at auction to the highest bidder?

The MINISTER FOR LANDS: All the possibilities have not been gone into in detail. The Bill asks for power to dispose of the land, and the Lands Department is quite capable of imposing all the necessary conditions on the calling of tenders or at auction, in order to safeguard the position. If the figure bid did not reach the reserve price, there might be further negotiation. The main requirement is to have power to do one of two things without being under the restrictions at present in the Land Act with reference to conditional purchase.

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

Clause 4, Title—agreed to.

Bill reported with an amendment.

House adjourned at 10.10 p.m.