

Legislative Council,

Tuesday, 21st November, 1933.

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

MOTION—BEES ACT.

To Disallow Regulation.

Debate resumed from the 16th November on the following motion by Hon. V. Hamersley (East):—

That the regulation amending Regulation 6 of the regulations made under the Bees Act, 1930, as published in the "Government Gazette" on the 20th October, 1933, and laid on the Table of the House on the 24th October, 1933, be and is hereby disallowed.

HON. H. J. YELLAND (East) [4.36]: I will support the motion. I was keenly interested in the Minister's statement, which showed that when there was a conference of Ministers for Agriculture in the Eastern States, the Eastern States representatives asked that the Western Australian regulations should be relaxed. The request has come from the Eastern States, not from the beekeepers of Western Australia. Our Minister for Agriculture could scarcely be expected to be well versed in beekeeping. Consequently he agreed that the position should be submitted to arbitration at the hands of the Agricultural Department of New Zealand. That Department of Agriculture said we would be quite safe in restricting our limits within which it would be possible to export honey to the Eastern States; that is to say, the limit from diseased localities. It is quite evident that the Department of Agriculture of New Zealand took into consideration New Zealand conditions, and were not conversant with the conditions in Western Australia. Conditions in New Zealand are totally different from the conditions here. New Zealand has a much colder climate than ours, and therefore the radius within which the bees are able to work from their hives is considerably less than in warmer coun-

tries such as Western Australia. In New Zealand, owing to the abundance of honey-bearing flowers, the bees would not have to travel so far as they travel here, where there is a scarcity of such plants. Therefore it is quite possible that in New Zealand a three mile radius would be quite safe, but it is not so in Western Australia.

Hon. W. J. Mann: What about Tasmania?

Hon. H. J. YELLAND: Conditions there would be very much the same as they are in New Zealand. In warmer climates the distance over which the bees can travel is greater than it is in cooler climates, and therefore in warmer climates the risk is correspondingly increased. Mr. Hamersley pointed out what really happens. Bees in search of honey will fly a distance of about 2½ miles from their hive. If it happens that their hive is infected with any of the diseases common to bees, the principal of which is foul brood, those bees would carry the disease the 2½ miles. A bee in search of honey goes into various flowers, where it deposits the germs of any disease it may be carrying. Then bees from another hive 2½ miles in another direction, would overlap and get into the same flower, with the result that they would be likely to contract that disease and carry it away with them. If that is possible, it will be seen that we are not safe in having a radius of less than 5 miles, and that in the interests of our own beekeepers we should disapprove of these regulations. If we permit the regulations to stand, they will give the Eastern States greater facilities to exploit our own markets. At present appliances used in the manufacture and transportation of honey cannot leave the Eastern States to come to Western Australia, nor leave any locality in this State to be transferred to another locality, if they are within five miles of an infected area. It is only wise that we should protect the industry from the spread of disease. Members should consider the attitude of the Eastern States towards our industries in the West. A little while ago we were compelled to bring the dried-fruit industry under the export conditions of the Eastern States and export our quota beyond the Commonwealth, accepting outside prices, instead of using the whole of our products in Western Australia. In other words, we have to give the Eastern States some of the market we have in our own State for our own products. That was brought

about because it was a Commonwealth matter and Commonwealth protection was given as a Federal measure. Western Australia has had to suffer a lot because of those restrictions. Then the Eastern States have set up regulations to preclude the possibility of the introduction there of red mite and lucerne flea from Western Australia. Of course they are fully justified in doing that, but the result is that no potatoes are permitted to leave Western Australia from areas infested with either of those two pests. That is only right, because it might mean the spread of those pests to other parts of the Commonwealth. But are we not likewise justified in putting up our own regulations and saying what are to be the regulations in Western Australia against the introduction of diseases in other industries? The bee industry is one that we desire to protect by the five-mile limit within which it is possible to transfer honey or appliances connected with the manufacture of honey from any infected area. As regards the transference of diseases from one locality to another, every State, fortunately, is capable of making its own regulations. A State may make regulations restricting the transport of stock or any other likely conveyor of disease from one portion of the State to another portion, and likewise from one State to another State. That is all we have done in connection with the bee regulations, and we are quite justified in maintaining those restrictions. By relaxing them Western Australia has everything to lose and nothing to gain. On the other hand, the Eastern States have all to gain and nothing to lose; and naturally they have approached the Western Australian Government with a view to having the restrictions removed or relaxed, so that some advantage may be gained over Western Australian producers. That, in my opinion, is the main reason why the suggestion has come from the East. I support the motion because we are justified in protecting our industry to the full. Because of our warm climate the radius is greater here than it is in the colder parts of the Eastern States. Conditions there do not apply to Western Australia. At times it is highly necessary for us to import queen bees from the Eastern States to improve our stock of bees. Thus it is necessary that the existing restrictions should be maintained for the protection of our industry. It is quite pos-

sible for us to get the bees needed here outside the five-mile radius in the Eastern States, and thus avoid the risk of adopting a smaller radius. If the radius of a working bee is $2\frac{1}{2}$ miles—

Hon. T. Moore: Who said so?

Hon. H. J. YELLAND: That suggestion comes from those who have studied the flight of the bee.

Hon. T. Moore: It is a good long distance.

Hon. H. J. YELLAND: Yes. It would naturally be greater in a warm climate than in a cold one. If the $2\frac{1}{2}$ -mile limit is maintained, it is necessary for us to retain the five-mile limit, in order that there may not be overlapping. On the other hand, if the limit is reduced to three miles, the overlapping will be nearly two miles, and that would be a pregnant means of spreading the disease. I hold that the $2\frac{1}{2}$ -mile radius should on no account be reduced. I trust that the alteration of the regulation will not be permitted to the detriment of Western Australia and for the sole advantage of the Eastern States, which would thus be afforded a better opportunity of exploiting the Western Australian market.

HON. V. HAMERSLEY (East—in reply) [4.49]: Mr. Yelland has covered the ground. So far as I can learn, the alteration has been made without reference to the Beekeepers' Association and those directly interested. The regulation has been varied solely at the instance of Eastern States Ministers for Agriculture. I fully realise that those Ministers wish to take every possible opportunity of securing the trade open in Western Australia. However, we have a duty to our State, and that is to protect our industry in the same way as the Eastern States protect theirs. Embargoes were placed upon the importation of Western Australian potatoes into the Eastern States unless accompanied by a certificate that the potatoes had been grown outside a certain radius from places where disease existed. That was greatly to the detriment of Western Australian growers. The Eastern States protected their potato growers in the same way as we wish to protect our beekeepers. When the original limit of five miles was imposed, discussion centred upon the radius of the bee being seven miles. However, it was agreed that five miles would be sufficient protection. The beekeepers an-

ticipated that they would be safe so long as the importation of bees or of materials required in connection with the industry was limited by that radius. The beekeepers are highly nervous about the proposed reduction of radius. I am informed that a consignment of cheap honey sent from the Eastern States to Fremantle was a diseased consignment, and that bees roaming here were able to get to that honey and thus spread the disease. Therefore, strict precautions had to be taken by all beekeepers having the disease amongst their bees. Accordingly the beekeepers do not view with any degree of sympathy the suggestion suddenly put forward to reduce the radius. I ask hon. members to support me in maintaining that which the beekeepers of this country desire, a reversion to the original radius of not less than five miles.

Question put, and a division taken with the following result:—

Ayes	..	..	..	16
Noes	..	..	..	8

Majority for 8

AYES.

Hon. C. F. Baxter	Hon. Sir C. Nathan
Hon. L. B. Bolton	Hon. J. Nicholson
Hon. J. T. Franklin	Hon. H. V. Piesse
Hon. G. Fraser	Hon. E. Rose
Hon. E. H. H. Hall	Hon. H. Seddon
Hon. V. Hamersley	Hon. C. H. Wittenoom
Hon. G. W. Miles	Hon. H. J. Yelland
Hon. R. G. Moore	Hon. J. M. Macfarlane

(Teller.)

NOES.

Hon. J. Corneli	Hon. J. J. Holmes
Hon. J. M. Drew	Hon. W. H. Kitson
Hon. E. H. Gray	Hon. T. Moore
Hon. E. H. Harris	Hon. W. J. Mann

(Teller.)

Question thus passed.

BILL—PERMANENT RESERVE (A↑1162.)

Received from the Assembly, and read a first time.

BILL—CONSTITUTION ACTS AMENDMENT.

Second Reading.

Debate resumed from the 16th November.

HON. C. F. BAXTER (East) [4.58]: The Bill before the House has revived the oft-repeated statement that there are sections of our Constitution Act which are

not in keeping with the altered conditions brought about during the progress of the State since its Constitution was framed. In this respect it is interesting to note that the smallest State of the Commonwealth realised that there was cause to amend its Constitution upon grounds of a somewhat similar nature to those which our Parliament is called upon to deal with now. The Tasmanian Act amending the Constitution says—

This Act may be cited as the Members of Parliament Doubts Removal Act, 1932.

There were doubts in Tasmania, just as there are here now. Section 2 of the Tasmanian Act reads—

(1) Notwithstanding any law to the contrary, the acceptance by any person prior to the commencement of this Act of any grant or of any advance by way of loan under and for the purposes of—

- i. The State Advances Act, 1907;
- ii. The Returned Soldiers' Settlement Act, 1916;
- iii. The Flood Sufferers' Relief Act, 1929;
- iv. The Unemployment Relief Act, 1930; or
- v. The Unemployed (Assistance to Primary Producers) Relief Act, 1930—

respectively, shall not be held to have rendered such person incapable of being elected as a member of either House of Parliament or to have rendered or to render him incapable of sitting or voting as a member thereof.

(2) The election of any such person as aforesaid prior to the commencement of this Act to either of the said Houses is hereby declared to have been valid and effectual.

(3) Every such person as aforesaid shall be and is hereby indemnified, freed, and discharged from and against all forfeitures, penalties, incapacities, and disabilities, which he may have incurred or, but for this Act, would incur by reason of his said act.

This shows clearly that they realised the position, or on the other hand, that something arose which compelled an amendment of the Constitution to be made in that State. Up to date we have not reached that stage here. Among the very necessary amendments is one which refers to members of the legislature. The main sections of the Constitution Act which refer to the position are Sections 34 and 35. In my opinion, should these sections be drastically applied, a very awkward situation would arise. Section 34 reads—

If any person being a member of the Legislative Council or Legislative Assembly, shall directly or indirectly, himself or by any person whomsoever in trust for him or for his use or benefit, or on his account, enter into,

accept, or agree for, undertake or execute, in the whole or in part, any such contract, agreement or commission as aforesaid, or if any person being a member of the said Council or Assembly, and having already entered into such contract, agreement or commission, or any part or share of any such contract agreement or commission, by himself, or by any other person whomsoever in trust for him, or for his use or benefit, or upon his account, shall after the commencement of the next session of the legislature continue to hold execute or enjoy the same or any part thereof, the seat of every member shall be void: Provided that nothing in this or the last preceding section shall extend to persons contributing towards any loan for public purposes heretofore or hereafter raised by the Colony or to the holder of any such bonds issued for the purpose of any such loan.

It will be noticed that the word "Colony" is used, showing how long ago it is since an amendment of the Constitution was made. Therefore it is very clear that this section was never intended to apply to such condition of affairs as we have in Western Australia at present. It is difficult to apply this section to the State where the Crown is engaged in so many activities which cover such a wide range, and has to enter into contracts with almost every one of its citizens. The only exemptions to members of the legislature are contained in Section 35, which reads—

The foregoing provisions shall not extend to any contract, agreement or commission made, entered into, or accepted by any incorporated company where such company consists of more than 20 persons, and where such contract, agreement or commission is made, entered into, or accepted for the general benefit of such company, nor to any contract or agreement in respect of any lease, license or agreement in respect to the sale or occupation of Crown lands.

Therefore there are only three exemptions so far as legislators are concerned, namely (1) persons contributing towards any loan for public purposes; (2) any agreements, leases, or other business entered into by incorporated companies consisting of 20 persons or more; (3) in respect to any lease, license or agreement in connection with Crown lands. As regards No. 2, the position is somewhat farcical. Members at different times have been forced for their protection to form their concerns into companies of 20 shareholders so that they may do legitimate business, I might add, business above reproach, with a Government activity. How can the position of members under

Sections 34 and 35 be reconciled with transactions concerned with any of the State trading activities? For instance, the Agricultural Bank, the Industries Assistance Board, State Farms, State Batteries, and others.

Hon. T. Moore: Wyndham Freezing Works?

Hon. C. F. BAXTER: Yes; the whole of the State trading concerns. It is necessary to go much farther than does the Bill before the House.

Hon. E. H. Harris: To do what?

Hon. C. F. BAXTER: To bring the Constitution up to date and protect the members. I realise the necessity for prompt action. Mr. Holmes stressed the necessity for amending the Constitution and in the course of his remarks said—

It has been known in this country for the past 40 or 50 years that it was necessary to amend the Constitution; yet nothing was done. During the last 40 or 50 years it should have been somebody's job to look after the matter.

If the hon. member's suggestion were followed by a Bill to make the necessary amendments, it would be interesting to see whether it would receive his support. He is such a strong upholder of the Constitution that I feel his support would not be forthcoming. I should like to refresh Mr. Holmes's memory. An amending Bill was brought forward much later than 40 or 50 years ago. As a matter of fact, that Bill was heatedly debated in this House just 14 years ago this month, during the session of 1919. That Bill was intended to amend the Constitution in six different places. It will be found on page 36 of the "Bills introduced in 1919." Clause 5 of that Bill reads—

Section 35 of the Constitution Act Amendment Act, 1899, is hereby amended by adding the following words:—"nor to any contract or agreement (not being a contract for the construction of any public work within the meaning of the Public Works Act, 1902) made in the ordinary course of business with the Commissioner of Railways, or under the Government Savings Bank Act, 1906, or with any person or body charged in a corporate capacity with the administration of any Act, or of any State trading concern, or with an authorised agent of a Minister of the Crown charged with the administration of the Wheat Marketing Act, 1916, or the control of State farms, smelters or batteries."

It will be noted that this amendment did not open the door to improper practices,

but it certainly would have clarified the position of members under the Constitution.

Hon. V. Hamersley: Was that passed?

Hon. C. F. BAXTER: No, and I think the hon. member was one of those who saw to it that it did not pass. Whilst Mr. Holmes finds fault for neglect when this Bill was placed before Parliament, he was one of the strongest in opposition to it. There is no need for me to refer to "Hansard" to support what I am saying; I can rely upon my memory. Mr. Holmes eventually voted against the amending Bill of 1919.

Hon. J. J. Holmes: I can change my mind without changing my seat, and that is more than some people can do.

Hon. C. F. BAXTER: I hope Mr. Holmes will change his mind on this occasion. The Bill of 1919 was laid aside at the second reading stage owing to a statutory majority not having been obtained. The voting was 13 for and 13 against. Because there may have been other amendments in the Bill which were objectionable is no reason for supporting a vote against the second reading. It would be interesting to know whether the hon. member would give his support to such an amendment now. As a fact, several members have expressed themselves on the Bill before the House in such terms that no encouragement is given to any Government to take action to amend the Constitution in the necessary direction. Every session Parliament is engaged in amending Acts of long standing to meet the altered conditions which must occur in this as well as in other countries. Were this not done a state of chaos would result. Yet in face of this we find different members are strongly against the Constitution Act being treated in the same way. The question whether a member of Parliament acting on the Lotteries Commission infringes the Constitution is not clear, and as the Lotteries Act was placed on the statute-book under the assumption that any member so acting did not become liable, the present occupant of the position accepted it in good faith. A doubt, however, exists, and I consider it the plain duty of Parliament to remove that doubt. I cannot agree with the suggestion of Mr. Holmes, that the hon. member in question should be allowed to

fight the case while neither Parliament nor the Government take any notice of it. I commend the Government for stepping into the breach, and rectifying what was a mistake on the part of the previous Government. I cannot agree that Mr. Clydesdale should be allowed to go on and fight the case.

Hon. G. W. Miles: You do not admit it was a mistake, do you?

Hon. C. F. BAXTER: It was a mistake that the clause drafted by the Crown Law Department was not embodied in the measure. I do not agree with the suggestion that Mr. Clydesdale should have to fight a court case, for the starting of which he is not responsible, and go through all the necessary turmoil, apart altogether from the financial side of the business. Such a case must have a bad effect upon his health and constitution. No matter how robust he may be, how could he go through a case of this sort unscathed? I know he is the largest-hearted man in the State.

Hon. J. J. Holmes: I did say he should not be the loser by the transaction.

Hon. C. F. BAXTER: I know Mr. Holmes takes that view. The matter, however, goes beyond anything of a mercenary nature. To a large extent it has to do with the gentleman's honour.

Hon. J. J. Holmes: Oh no.

Hon. C. F. BAXTER: It may be said he accepted a position he had no right to accept.

Hon. J. J. Holmes: Who said that?

Hon. C. F. BAXTER: Certainly not the hon. member. He would not think of making such a remark, but it could wear that appearance. Mr. Clydesdale could not go through all this business and come out of it with his health unimpaired. We should not allow him to be forced into such an unfortunate position. Whilst Mr. Clydesdale and others laboured for charity and conducted these lotteries in an honorary capacity, we heard nothing whatever about the matter, and would never have heard anything but for this particular case. The hon. member was chosen for the position because of his ability and his experience. He need give place to no man for his charitable work. He knows the lottery business thoroughly, and no one knows better the charitable side of it. The last 12 months have proved that conclusively. When I was Leader of the

House the Lotteries Committee informed me that they could guarantee the expense would not exceed 16 per cent., and they believed they could bring it down to 14 per cent., which is practically what has been done. The charities side of the business has been well organised, and the distribution has been made on an equitable and reasonable basis. This House as well as Mr. Clydesdale are in an awkward position. The only honourable way out of it is to support the Bill. The position in question is worth only £5 a week. To a man like Mr. Clydesdale, with an open pocket and a big heart, and hard worker that he is, the remuneration would not be too much if it were £1,000 a year. We can forget the monetary side of it all, as there is very little gain for Mr. Clydesdale in that respect. He accepted the position in good faith, and is the right man to be at the head of this Commission. I hope the House will see its way clear to pass the measure by a big majority, not merely by a statutory majority, and show the public that we are ready to do the right thing. Some people will argue that we are doing this and that to the Constitution. They have no knowledge of the position, and should not carry any weight in a matter of such importance and far-reaching effect as this is. I support the second reading of the Bill.

HON. E. H. HARRIS (North-East) [5.22]: Having raised the point that was partly responsible for the laying aside of the Lotteries (Control) Bill, I appear to be frowned on by some members, whose impartial judgment based on the facts presented appears to have been out-weighed by sentiment. Sentiment has appeared very prominently in the debate. That was due to the eagerness of members to respond to the broadcast s.o.s. signals that we sent out to save a member who had got into difficulties, not difficulties brought about by himself, to secure a position of monetary gain, but brought about by the Government which urged upon him acceptance of the position, and gave an assurance, said to be based on legal advice, that there was no obstacle to his taking it. Had the circumstances been different, and had the hon. member brought this upon himself, I would not have given my support to the Bill. The measure before us purports to indemnify Mr. Clydesdale from any of the penalties to which he may be subject under the Constitution Act,

and to protect him alone. I interjected when the Minister was speaking, "What else does the Bill contain?" and he replied that it was purely a Bill to support Mr. Clydesdale in his position and that it was our duty to assist in that direction. I submit that the Bill exceeds the limitation given to it by the Leader of the House. Mr. Clydesdale, having yielded to the representations of the Government in 1932, accepted a position on the Lotteries Commission. His record for capacity and integrity no doubt influenced the Government in making the selection and in appointing him as chairman of the Lotteries Commission. I believe he accepted the position in a bona fide manner, on the assurance of the Government that he would suffer no disability. That assurance was probably based on an error of judgment on the part of those who held that view. Opinions differ even amongst ourselves. Some members have definitely stated that the position is not an office of profit under the Crown. In the Lotteries (Control) Act there is reference to an office, one for which remuneration is provided. It is, therefore, a profitable office for those who hold it, for it derives its breath of life from a Minister of the Crown. The preamble of the Bill says, "Whereas doubt has arisen as to members of the Parliament of Western Australia having committed breaches." I understand this is a Bill to indemnify Mr. Clydesdale. But it speaks of "members," which prompted me to ask what others there are that the Government seek to appoint.

The Chief Secretary: There was another member.

Hon. E. H. HARRIS: Yes. I understand provision is made that action must be taken within three months.

Hon. J. Nicholson: I think it is two months.

Hon. E. H. HARRIS: As it is outside that time, I submit that the Bill applies to only one member. What others are there who will need protection in a case of that sort? By Clause 2 the Bill will exempt members of Parliament, both present and future, from any penalties under the Constitution Act. It says—

No action or other legal proceedings shall lie against any member of the Parliament of Western Australia through any violations of the provisions of the Constitution Act.

Subsections 2, 3, 4, and 5 of Section 3 which is amongst those that are enumerated

say that a member may become insolvent and forfeit his seat; that he may become insane and forfeit his seat; that he may swear allegiance to a foreign power, such as Hitler, and lose his seat; and he may fail to attend the sittings of the House. Under the Bill as drafted I submit that if an occupant of a position on the Lotteries Commission is exempt from the penalties of the Constitution Act for accepting an office of profit, he will also be exempt from the applications of the subsections to which I have just referred. If the Bill provided for exemption from the application of Subsection 6 of Section 8, which deals with a member accepting a pension or an office of profit, I would agree with it. The clause, however, goes far beyond the protection desired for one member and accords that privilege to every sitting member, every one of whom would be granted exemption from the application of the provisions I have enumerated. Following the preamble and taking cognisance of Clause 2, I submit that the Bill, if passed, will have application to every member of Parliament, and not to one alone. It was alleged that it was to deal with the position of one member only, in the interests of equity and justice. On the other hand, it will not only apply to every sitting member, but to future members as well. Opposed as I am to a legislator occupying a position such as that under discussion, I must certainly oppose the throwing out of a lifeline to anyone apart from the one member in whose interests it is stated the Bill has been introduced, namely, Mr. Clydesdale. Since the last sitting of the House, a discussion has taken place with the Honorary Minister who agreed to submit an amendment, which appears on the Notice Paper. The object of the amendment was to clarify the position, to a certain extent, in view of the objections raised by some members, including myself. The Honorary Minister suggests that in line 9 of Clause 2 after "1899," the words "by reason of such member of Parliament having accepted the office of a member of the commission appointed under Section 3 of the Lotteries (Control) Act, 1932," be inserted. That limits the application of the clause to a certain extent, but does not go as far as I would like. I had proposed that the Bill should be limited in its application to one person only and in order to achieve that had suggested the inclusion of the words "who, at the commencement of this Act." The Honorary Minister was not enamoured

of that suggestion. Since then I have had a further discussion regarding it and suggested that the word "heretofore" should be introduced into the Honorary Minister's amendment. He is not favourably impressed with my suggestion. The Bill seeks to safeguard the position regarding Mr. Clydesdale till the 1st December, 1933. If we agree to the Bill as it stands, it will mean that on the 1st January, 1934, Mr. Clydesdale will be in the position he occupies to-day. He will again be open to challenge. I have an amendment on the Notice Paper that will at least safeguard Mr. Clydesdale until the 31st December, 1934.

The Honorary Minister: Are you over-looking Clause 3?

Hon. E. H. HARRIS: I have an amendment to strike out that clause and if we adopt that course, my amendment to Clause 2 to extend the application of the Bill to 1934 will be appreciated.

The Honorary Minister: You suggest that we do not desire the Bill to operate beyond the end of December, 1933?

Hon. E. H. HARRIS: I did not say that at all. I merely pointed out that the Bill as it stands, will protect Mr. Clydesdale to the end of 1933 and unless a continuance Bill be introduced later on, the Act itself will terminate at the end of 1933. I have suggested extending its operations to the end of 1934 and if a continuance Bill be introduced, it should be made to coincide with that suggestion and be effective as to the end of 1934 as well.

Hon. J. Nicholson: Even if the Act were continued for another year, the same trouble would then arise.

Hon. E. H. HARRIS: But it would give Mr. Clydesdale 12 months within which to make up his mind as to whether he would continue to run any such risk.

Hon. J. M. Macfarlane: Could he not make up his mind on such a question in a month?

Hon. E. H. HARRIS: I do not know that one could determine such a question quite conveniently by the end of a month. The Legislative Council is a House of review and this is a time when members should assert themselves. If we pass the Bill as drafted, we will be held up to ridicule by the public for throwing the mantle of protection over every member of Parliament, from the application of provisions of the Constitution Act, whereas the Bill has al-

legedly been introduced for the express purpose of protecting Mr. Clydesdale alone. If we open the door sufficiently to allow Mr. Clydesdale in and then close it, that should be all that is necessary. On the other hand, the Bill will sling the door wide open to allow every member in and also anyone who may occupy a similar position in future. If we are to exempt from any violation of the Constitution Act, let us limit that exemption to the one member concerned who is in difficulties arising from his acceptance of the advice tendered by a former Government. In the exceptional circumstances, if the Government are prepared to meet me in that direction and limit the Bill to deal with Mr. Clydesdale alone, I am prepared to support the Bill, but not otherwise. Since members met this afternoon, the Honorary Minister has been good enough, in view of discussions that have taken place regarding the amendment of the Bill, to cause the Crown Law Department to send Mr. Woolf to Parliament House, and Mr. Woolf has drafted a new Clause 2. The clause merely represents a proposal and, as it has just been typed and handed to me to quote, I shall read it to see whether it meets any of the objections I have raised. It reads—

Delete Clause 2 and substitute the following:—"Notwithstanding the provisions of Section 6 of the Constitution Act, 1889, and Sections 32, 34, 37, 38 and 39 of the Constitution Acts Amendment Act, 1899, no disability, disqualification or penalty shall be incurred by any person who is at present a member of Parliament by reason of having accepted, or continuing to hold, office as a member of the Lotteries Commission constituted under the Lotteries Control Act of 1932 or any emolument pertaining to that office, but no such office or emoluments arising therefrom shall be held or enjoyed by any member of Parliament beyond the 31st day of December, 1934."

That appears to me to deal with one or two objections I have taken, and will limit the clause to one member of the Commission and the period to the end of 1934. I would like to consider the amendment before I accept it. At first glance it would appear that the amendment may appeal to members who feel disposed to vote against the second reading of the Bill. I hope it will facilitate the passing of the measure in order to do what I believe every member desires, namely, to protect Mr. Clydesdale from the consequences of the position in

which he finds himself. Dealing further with matters arising out of the Bill, I would like to ask Ministers the following question: How many fronts have the Government the principle of a person holding two positions? Recently the civil servants were forbidden, by a circular sent out by the Government, to do any outside work. That extended even to a civil servant occupying post as organist in a church.

Hon. J. J. Holmes: Or playing a cornet in a band.

Hon. E. H. HARRIS: A little while ago a Bill was before this House under which a man was to be declared a rogue and vagabond if he took bread and butter out of the mouth of another person by trying to fill two positions.

Hon. R. G. Moore: For trying to get a position.

Hon. E. H. HARRIS: That was to limit the penalty provided for any man who made a false statement in attempting to get work, as the result of which he deprived someone else of employment. There is a close relationship between that proposal and the circular forbidding civil servants to do outside work. In the Goldfields Press of Saturday last a report appeared of the proceedings of the Eastern Goldfields District Council of the Australian Labor Party and the publication included a motion protesting against Mr. Clydesdale holding a paid position on the Lotteries Commission. Members expressed the opinion that such an action was opposed to the principle of one man one job. That is what the Labour Party on the goldfields had to say about this matter. The Bill makes a close preserve of a seat on the Lotteries Commission for members of Parliament. Recently a Bill was before members to amend the Municipal Corporations Act. The object of that measure was to provide, as the Minister stated, a democratic franchise preparatory to the establishment of several boards. A metropolitan board of works was foreshadowed in addition to others. I am wondering whether, having regard to the manner in which the Bill has been framed to cover every member of Parliament, the Bill foreshadows the establishment of a principle adopted by the Lang Government in New South Wales of passing gifts at the disposal of the Crown to members of Parliament, and, by an amendment

of the Constitution Act, exempting them from penalties under that legislation. I may be a bit premature, but if we pass the Bill as drafted, we may provide the thin end of the wedge to enable that course to be followed. I hope we shall have an opportunity to consider the amendments proposed before the Bill goes to a division.

HON. G. W. MILES (North) [5.45]: In bringing forward the Bill, the Government have gone the wrong way about meeting the situation. The proper procedure, as suggested by Mr. Holmes, would be for Mr. Clydesdale to decide which position he wished to occupy. I agree with all that has been said concerning Mr. Clydesdale's charitable work and about his being the right man for the position. If he wishes to retain it, the proceedings should go on, the Government should foot the bill and, if necessary, appoint Mr. Clydesdale to the position at a salary of £800 or £1,000 per annum. There would then be no necessity to alter the Constitution. I totally disagree with my colleague, Sir Edward Wittenoom, when he says that a member of Parliament should be allowed to occupy any office of profit under the Crown. The remarks made by Mr. Baxter to-day are also, I think, altogether out of place. An amendment of the Constitution should receive very careful consideration; it should not be rushed through the House. Section 35 of the Constitution Act may require amendment in order to define exactly an office of profit under the Crown; but, in my opinion, that is all that is required. When speaking the other evening, Mr. Mann said he did not think it necessary for a Minister of the Crown to submit himself for re-election on a change of Government. I entirely disagree with him. That provision ought to remain in the Constitution.

Hon. W. J. Mann: It is obsolete and out of date.

Hon. G. W. MILES: It is not. The provision is there to be made use of if required.

Hon. J. Cornell: It has to be made use of.

Hon. G. W. MILES: Yes. I know the Minister has to submit himself for re-election.

Hon. W. J. Mann: And the country is put to the expense of another election.

Hon. G. W. MILES: When I interjected the other night, my friend said he wanted to express his view. That is my desire now.

Hon. W. J. Mann: Carry on.

Hon. G. W. MILES: As I say, the Minister has to submit himself for re-election and almost invariably he is returned unopposed, that is, if the party which has come back to power has the support of the people. I remember one occasion, however, when the late Mr. Morgans formed a ministry: the electors then had the right to say whether they desired a change of Government or not, and at the subsequent election three of Mr. Morgans's ministers were defeated. The Constitution should not be altered. The provision I refer to is designed to allow electors to express their opinion upon the appointment of a Minister. They have a perfect right to do so. Mr. Nicholson's suggestion, I think, is the most ridiculous I have heard. His desire is to make it possible for a member to remain on the commission for all time.

Hon. J. Nicholson: Not for all time.

Hon. G. W. MILES: Practically so.

Hon. J. Nicholson: No, only during the continuance of the Lotteries Act.

Hon. G. W. MILES: Yes, but it looks as if the Lotteries Act will continue.

Hon. J. Cornell: It is here to stay.

Hon. G. W. MILES: Yes. Even if the second reading of the Bill is passed, I hope members will reject Clause 3, and particularly the proposed amendment by Mr. Nicholson. I am glad to see the Government are taking notice of the point raised by Mr. Harris, and that they have a Crown Law officer available to assist in framing a fresh clause to take the place of Clause 2. Members are indebted to Mr. Harris for having raised the point he did, and to Mr. Holmes for the point that he raised during the debate on the Bill and for the point he raised when the former Bill was before the House. I oppose the second reading.

HON. V. HAMERSLEY (East) [5.50]: I realise that the Government have brought the Bill forward in an attempt to keep faith with the action of the previous Government in making the appointment they did; but I cannot conceal from myself the impression that we made no mistake about the intention of members of this House when the Lotteries Bill was before us. I remember well the Minister at that time announcing that

the very clause which enabled a member of Parliament to sit on the commission had been struck out by another place, and that it was included in the Bill then before us by mistake. Members of this House then said they would make sure of the matter and the clause was struck out of the Bill. The idea of members then was that a member of Parliament should not be appointed to the Lotteries Commission.

Hon. C. F. Baxter: Do you remember any member who expressed that opinion on the Bill? I know that not one member did.

Hon. V. HAMERSLEY: That undoubtedly was my impression. Possibly the opinion was expressed privately. Whether or not it appears in "Hansard" I cannot say, but that certainly was the impression left on my mind. When members of another place were seeking re-election, Mr. Scaddan, the Minister in charge of the Lotteries Commission, who had made the appointment, and also Mr. Mann, one of the members who was appointed to the commission, failed to secure re-election. I hold the view, and I believe I am not singular in holding it, that the appointment had something to do with the defeat of those members at the last general election. Therefore, I feel the community generally have expressed their opinion with respect to the appointment. When the Lotteries Bill was before this Chamber, members were distinctly of the opinion that it would not be advisable for members of Parliament to sit on the Lotteries Commission. The Government of the day were taking a very grave risk in making those appointments, which in my opinion were directly at variance with the Constitution Act. It was experimental legislation, and there was a strong feeling throughout the State against the then proposed method of raising money for charitable purposes. If we pass the Bill we shall be gambling with the Constitution itself, and I do not feel inclined to go as far as that. I very much regret Mr. Scaddan's and Mr. Mann's defeat, and I endorse what Mr. Miles has said about Mr. Clydesdale. Let the Government compensate Mr. Clydesdale if he is the loser through some misunderstanding of the position; but do not let us alter the Constitution and so open the door for any member to accept an appointment on this commission or on any other commission. That would be too dangerous. We would be weakening a link in the chain joining the people

with Parliament if we passed the measure before us. I would very much like to see the difficulty overcome. Possibly Mr. Harris' amendment may have the desired effect if the measure passes the second reading. If it does, I hope the Bill will be confined to the present sitting member. Personally I cannot vote for the second reading. I was however, somewhat surprised that Mr. Clydesdale accepted the position in view of the opinions held by members when the Lotteries Bill was before the House.

HON. E. H. H. HALL (Central) [5.54]

I am glad to hear Mr. Hamersley say he is distinctly under the impression that when the Lotteries Bill was before Parliament last session, it was not the intention of the Government to appoint a member of Parliament to the Lotteries Commission.

Hon. C. F. Baxter: What gave you that impression? There was no secret at all about it.

Hon. E. H. H. HALL: Mr. Baxter's interjection has been effectively answered by Mr. Hamersley's remarks. I was so certain of the impression that I looked up "Hansard." I could not, however, find anything there to support that impression.

Hon. C. F. Baxter: Why bring it up now when there is no justification for it?

Hon. E. H. H. HALL: I have spoken to members upon the matter, because my impression was so definite. They were just as definite as I was, and now Mr. Hamersley, whom we hold in the highest respect, has stated in the House that he was under the same impression. I therefore do not stand alone.

Hon. L. B. Bolton: There were plenty against it.

Hon. E. H. H. HALL: The hon. member is entitled to have his opinion and impression and I suppose he will accord me the same right. I know that our impression is discounted by the fact that no record of it appears in "Hansard." There was, however, a very definite impression amongst many members that the Government would not be so foolish or so ill-advised as to appoint a member of Parliament to the commission. I make that statement quietly and without any heat in order to show the position in which I stand to-day.

Hon. C. F. Baxter: I did not mislead the House.

Hon. E. H. H. HALL: I have not said you did.

Hon. C. F. Baxter: Where did you get the impression from?

Hon. E. H. H. HALL: I say my impression was shared by other members, and stated by Mr. Hamersley this afternoon. The Government having taken the responsibility of appointing members of Parliament to those positions, and having allowed Parliament no voice in the appointments, it is only fair that the Government should now undertake all responsibility attaching to those appointments. It is unfair to ask members at this late hour to do something which many members feel they cannot conscientiously do. Mr. Baxter's speech this afternoon almost caused me to support him.

Hon. C. F. Baxter: Almost persuaded!

Hon. E. H. H. HALL: Yes. But we are not here to be swayed by our sympathies. The hon. member drew a picture of the mental anguish of Mr. Clydesdale, and went so far as to say that his character would suffer as the result of any action taken in the law courts. Does Mr. Baxter in his sober senses expect us to believe that? Just the same, the hon. member made a very fine speech, appealing to our sympathies and pointing out the unfortunate position in which Mr. Clydesdale is placed. But, as so many members have already said, there is not the slightest suspicion of anything improper attaching to Mr. Clydesdale. One is willing to credit the late Government with the best intentions in making those appointments, for they appointed men who had been engaged in philanthropic work in the city for many years past. I am as willing to give credit to the Government for having made those appointments as I am to give credit to the appointees for accepting them in good faith; but it was against my wish and the wishes of many others that members of Parliament should have anything to do with that commission. Opinions in the House are divided, for we have old members like Sir Edward Wittenoom and the Chief Secretary, taking up one side, while on the other side we have Mr. Hamersley, Mr. Holmes and Mr. Miles. I cannot allow myself to be swayed by any sympathy in the matter. I have been castigated in this Chamber on many occasions by Mr. Miles and Mr. Holmes, but this time I am going to support them. I say we should not leave ourselves open to the taunt that we came to the assistance of a member of Parliament, and that we used our authority for that purpose. It has not yet been

decided that a seat on the commission constitutes an office of profit under the Crown, so why not let the action go on? Then, as suggested by Mr. Holmes, if Mr. Clydesdale be mulcted in damages, the Government should stand up to it and see that he is not made to suffer. Sir Edward Wittenoom said that members of Parliament were best fitted for appointment to offices of profit under the Crown. The hon. member's opinion is entitled to all respect, but really I cannot agree with him. When taxpayers send men to Parliament, they send them to serve in a definite capacity: and appointing themselves to offices of profit under the Crown is quite outside the duties that the people have in mind when electing them. I objected to the previous Government appointing an ex-member of Parliament to a certain board and, this session, I have objected to the present Government appointing political supporters to certain positions. Now there is another board coming along, the transport board. Only the other day a man said to me, "Any chance of an appointment on the transport board?" I said I did not think there was, and so he said, "Well, what about yourselves; you appointed Mr. Clydesdale to a nice position, so why not appoint some of your own members to the transport board?" I fully believe that the two members who suffered defeat at the recent elections were the victims of public feeling against the Government appointments to the Lotteries Commission. Nobody can find any fault with the way in which the sweeps have been administered, nor is there any criticism against the manner in which similar consultations were conducted by the Ugly Men's Association and by the R.S.L. The gentleman filling the position of secretary to the Lotteries Commission was secretary to the former body when it was conducting consultations, and so I do not think there was any necessity to appoint members of Parliament to the commission. I am reluctantly compelled to oppose the second reading.

HON. SIR CHARLES NATHAN (Metropolitan-Suburban) [6.8]: So much has been said on the Bill that I feel it is scarcely necessary for me to say very much. Yet it seems to be desirable for every member to express his views on the subject, and

perhaps I might feel a little lonely if I were to leave myself out.

Hon. E. H. HARRIS: They were not so keen when we were on the subject of bees.

Hon. SIR CHARLES NATHAN: I approach the Bill with mixed feelings. If I thought there was a possibility of a majority of members supporting it as it stands, I would strenuously oppose the second reading; on the other hand, from the remarks made by a number of members, I feel that if the Bill gets into Committee there is a possibility of its being knocked into a shape that will command our support. I blame the previous Government for the position that has arisen, and I feel that members of Parliament should never have been offered seats on the Lotteries Commission. It says a great deal for the present Government that they should have introduced a measure which, after all, is only common justice; because the error, if it were an error, committed by the previous Government in offering such positions to members of Parliament is one that must lie with the Government, not with the individual. Those members, in accepting the positions, acted in good faith, and so are entitled to the protection of the House. If the present Government, which were then in Opposition, can realise their obligations, surely we as private members can do no less. On the other hand, such relief as can be afforded should extend wholly and solely to the individual who finds himself in an unfortunate position. Holding those views, I propose to support the second reading. Many suggestions have been made as to how, when in Committee, the Bill might be limited either to the individual or to the specific case. At this stage it is not necessary to voice my own opinions except to say that I should strenuously oppose any attempt seriously to alter the Constitution, which has stood the test of time. Before that is done, very grave consideration should be given to it by the House. Certainly, any relief afforded by the Bill should be restricted to the individual on account of the circumstances which have placed him in a false position. I will support the second reading.

HON. H. SEDDON (Noth-East) [6.12]: I did not address myself to the Bill which was ruled out, because in my opinion the points of order raised by Mr. Harris and

Mr. Holmes should have precluded further discussion. I certainly think a lot of time could have been saved if the debate had been adjourned immediately after those points were raised. The Bill proposes to overcome certain disabilities that were apparent in the former Bill and is really introduced for the purpose of protecting Mr. Clydesdale in the position in which he finds himself. Frankly, I consider Mr. Clydesdale has been very fortunate in that he did not have to submit himself to the electors at the general elections, at a time when public feeling was very strong. There is not the slightest doubt there was considerable feeling in the community regarding the appointment of members of Parliament to a commission to control the lotteries. Whether that opinion was forced upon the people by certain sections of the Press, or by political agitation, it certainly was very marked at the time, and there is not the slightest doubt it had a marked effect on the fortunes of two of the candidates at the elections.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. H. SEDDON: No doubt this Bill had a material effect in deciding the fate of two seats at the recent general election. That opinion is based on what is held by many members of this Chamber, that it is highly undesirable that a member of Parliament should occupy a position which can in any way be regarded as an office of profit under the Crown. We have to realise, too, that the Labour Party have expressed themselves strongly on the question of holding more than one appointment. It has already been pointed out by other speakers that a circular was issued, soon after the present Government came into office, drawing the attention of civil servants to the fact that it was not desirable for them to occupy any remunerative position outside the Government service, and that they were expected to conform simply to their ordinary work. I am inclined to ask why the Government should be discriminating in the present instance as against the attitude they took up with regard to civil servants. Personally I think the Government's action has been prompted by their sense that in justice to an hon. member who has been placed in a false position, they should endeavour to rectify a wrong. I wish to express my personal

opinion that no member of Parliament should occupy such a position as the one under consideration. In my opinion it is also undesirable that a member of Parliament should be placed in a position where he is disbursing public funds. Such a position is unfair to the hon. member himself, subjecting him to unfair criticism and placing him in an invidious light. We have to estimate the extent of our responsibilities towards the hon. member in question, and we also have to estimate the fact that quite a lot of current propaganda can only be ascribed to the manner in which the members of the Lotteries Commission have done their job. We do not find severe criticism directed against the man who is endeavouring to trim, to placate people, and to oblige them as far as possible. Strong criticism is directed against men who are honestly and conscientiously trying to do their duty. I cannot forbear from expressing the opinion that much of the present propaganda is due to the fact that members of the Lotteries Commission have had to make decisions on applications for permission to hold lotteries. No doubt that circumstance is responsible for much of what has been said outside this Chamber against the present Bill. If that is the case, the Government, and we as members of Parliament, will be only doing our duty by standing behind the man who conscientiously tried to do his job. That is why I am inclined to support any suggestion to help the hon. member who finds himself in an unfortunate position. This Bill is partly for the purpose of protecting the hon. member by revising certain sections of the Constitution. First of all it purports to protect him against legal proceedings, and then to exonerate him from any penalty for breaches of the Constitution incurred through holding the position of a member of the Lotteries Commission. However, the measure goes much further than that. In my opinion, it goes so far as to protect any member of Parliament for anything done in the past, present, or future, so long as he is a member of the Lotteries Commission. The point has been well worked out by Mr. Harris, and I do not intend to labour it, but that point alone leads me to say that I cannot support the Bill in its present form. I consider that such a provision is far too dangerous for us to accept. Therefore, before casting my vote either for or against the second reading, I should like to have an

assurance from the Honorary Minister that he will be prepared, in the event of the Bill passing the second reading stage, to consider such amendments as will overcome what I consider a highly dangerous position. We have to ask ourselves first of all, are we justified in interfering with proceedings in the law courts? I think the answer is—under most circumstances, certainly not. I consider it extremely unwise for Parliament to attempt to interfere, in most circumstances, with proceedings which are taking place in the courts. In the present instance, if there is a justification, I think that justification arises from the fact that Parliament has been responsible for placing the hon. member in the position he now occupies. Undoubtedly he accepted the position only after seeking and obtaining competent advice, which was to the effect that membership of the Lotteries Commission was not an office of profit under the Crown. To that extent there is an obligation on us to protect the hon. member. Then the question arises, should we protect members from the effects of breaches of the Constitution? Mr. Harris has already pointed out what the width of the present Bill is, and what it involves with regard to Section 38 of the Constitution. That constitutes my main objection to the Bill in its present form. In my opinion, no member of Parliament should accept an office which may be regarded as an office of profit under the Crown. Now I wish to refer to the safeguards in the Constitution. Many hon. members consider that those safeguards are out of date and should be amended and brought up to date. There may be force in that argument, but I wish to point out that those safeguards which have been embodied in the British Constitution are of ancient authority and have again and again been reconsidered and investigated by British Parliaments and again and again have been retained. The very fact of their having been subjected to such severe criticism and nevertheless having been retained is strong evidence of the necessity for their retention. Therefore I would hesitate long and seriously before revising them. I should have to hear very strong reasons indeed to lead me to depart from that attitude. I am prepared to go as far as is absolutely necessary to relieve any member from an invidious position entered into by reason of parliamentary assurances, but I do not think that such a state of things should continue longer than is absolutely necessary. I do not regard

the Bill as it stands as right. It is too dangerous and too wide. I shall support it subject to an assurance that it will be amended as I have indicated. In the circumstances I await with keen interest the reply of the Honorary Minister.

THE HONORARY MINISTER (Hon. W. H. Kitson—West—in reply) [7.42]: The debate on this measure has raised numerous interesting points. On this occasion I desire to be as brief as possible. Therefore, while I should be glad to refer to many of the statements which have been made, I shall confine my remarks to two or three only. First, I wish to deal with the contention put forward by Mr. Harris, who stated that the Bill as submitted is altogether too wide, and that it opens the door for every member of Parliament to be protected against every disqualification appearing in Section 38 of the Constitution Acts Amendment Act. I have consulted the Crown Law authorities regarding that contention, and am advised that there is no substance whatever in the argument put forward, that all Clause 2 does is to provide immunity for a member of Parliament who may be a member of the Lotteries Commission against any action which might lie against that member by virtue of his being a member of the Lotteries Commission, and that the question of disqualification of a member arising from the fact that he may become bankrupt or may become of unsound mind is not involved. From the legal point of view I am advised there is absolutely no doubt about that, and of course I have to accept that advice.

Hon. J. J. Holmes: Did not the Crown Law Department in the first instance advise that this was not an office of profit under the Crown?

The HONORARY MINISTER: In the first place the previous Government were assured absolutely that it was not an office of profit, and it is on that ground that we find it necessary to introduce this Bill. The present Government, of course, are not responsible for the appointment; but in view, as I have said before, of the doubt which has arisen by virtue of action taken by a person against a member of Parliament holding a position on the Lotteries Commission, we consider that, as many members have expressed it here, it is only common justice that Parliament should take all steps necessary to give that member of Parliament

the protection requisite for safeguarding his interests. For that reason the Government have submitted the Bill in its present form. At the same time the Government are not wedded to the form of the Bill, and so long as we achieve our object we shall be satisfied. I think we have shown that we are prepared to do what we can to meet the wishes of hon. members, by inserting in the Notice Paper an amendment of the Bill as originally presented to this Chamber. That amendment was designed to overcome the objections raised by several members of this Chamber who considered that the clause as it then stood was not specific enough. Consequently to meet their wishes I agreed to accept that amendment. Since then the Bill has received further consideration at the hands of members. Many points of view have been advanced and, as pointed out by Mr. Harris, I was instrumental in requesting that the Assistant Crown Solicitor should be in attendance at the House so that if thought advisable he might satisfy members regarding any point raised. As a consequence of that action, it is proposed, when the Bill reaches the Committee stage, to move a further amendment which I believe will meet almost all the points raised by various members during the debate. As I said before, all we are desirous of doing is to make sure that we are providing adequate protection under the circumstances that have arisen. In the course of the debate quite a lot has been said with regard to the necessity for a revision of the Constitution in some respects. I have taken a note of the statements made in that connection and I assure members that consideration will be given to the suggestions made. Certainly it is a long while since the Constitution was amended and it may be considered necessary, after mature consideration, to introduce a Bill to amend the Constitution in some directions. Some members have said that we have gone the wrong way about this matter. Mr. Miles, Mr. Holmes and another member suggested that we should have allowed the court proceedings to continue, that we should not have interfered with the course of justice. I do not look upon it as interference with justice; I look upon it from the point of view of rectifying a wrong for which a previous Parliament was responsible.

Hon. J. J. Holmes: A previous Government, not a previous Parliament.

The HONORARY MINISTER: The hon. member may put that interpretation on it if he likes. A previous Parliament agreed to the measure which the Government understood gave protection to any member who accepted a seat on the Lotteries Commission. A clause was inserted in the Bill when it was introduced last year, but it was struck out because it was thought there was no necessity for it. Be that as it may, I do not look upon these proceedings as an interference with the course of justice. I regard the measure as absolutely essential to mete out common justice to a member who may have been placed in a false position by accepting an office in connection with which he understood there would be no difficulty. That being the case, all we are desirous of doing now is to rectify the matter and make it such that that member shall not suffer any disability. I do not propose to say anything further except to express the hope that the Bill will pass the second reading by the requisite absolute majority. I commend the Bill to the House and give an assurance that in Committee I will be prepared to accept any amendment hon. members may desire to submit, which will achieve that which the Government have set out to do.

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

Ayes	..	..	..	20
Noes	..	..	..	4

Majority for .. 16

AYES.

Hon. C. F. Baxter	Hon. T. Moore
Hon. L. B. Bolton	Hon. Sir C. Nathan
Hon. J. Cornell	Hon. J. Nicholson
Hon. J. M. Drew	Hon. H. V. Piesse
Hon. J. T. Franklin	Hon. E. Rose
Hon. G. Fraser	Hon. H. Seddon
Hon. E. H. Gray	Hon. C. H. Wittenoom
Hon. W. H. Kitson	Hon. H. J. Velland
Hon. J. M. Macfarlane	Hon. E. H. Harris
Hon. W. J. Mann	(Teller.)
Hon. R. G. Moore	

NOES.

Hon. V. Hamersley	Hon. E. H. Hall
Hon. J. J. Holmes	(Teller.)
Hon. G. W. Miles	

The PRESIDENT: I declare the second reading carried with the concurrence of an absolute majority of the whole of the members of the House.

In Committee.

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

Clause 1—agreed to.

Clause 2:

Hon. E. H. HARRIS: Following on my remarks earlier in the evening, it is my intention to vote against the clause and later to move the following:—

“Notwithstanding the provisions of Section 6 of the Constitution Act, 1889, or Sections 32, 34, 37, 38 and 39 of the Constitution Acts Amendment Act, 1899, no disability, disqualification or penalty shall be incurred by any person who is at present both a member of Parliament and a member of the Commission constituted under the Lotteries (Control) Act, 1932, by reason of having accepted or continuing to hold before or after the commencement of this Act the office of a member of the said commission or any emolument pertaining to that office, but no such office or emolument arising therefrom shall be held or enjoyed by any such member of Parliament beyond the 31st day of December, 1934.”

The position has been made perfectly clear, the object being to limit to December, 1934, permission to members of Parliament occupying a seat on the Lotteries Commission.

Hon. E. H. Harris: During my second reading speech I referred to the possibility that, if we passed this Bill as printed, it would mean the exemption of members of Parliament from the disabilities set out in Section 38 of the Constitution Act. I have since conferred with the Crown Solicitor, who assures me that the Bill will not have this effect.

The HONORARY MINISTER: I see very little in the proposed new clause to object to. It seems to cover every point raised by most members, and there is certainly no ambiguity about it.

Hon. V. HAMERSLEY: I am opposed to the clause, but I cannot record a vote against it as I am paired with Mr. Franklin.

Clause put and negatived.

Clause 3:

Hon. E. H. HARRIS: This clause provides that any member of Parliament may be a member of the Lotteries Commission. I am opposed to that. A member of Parliament may reap a good deal of advantage through being a member of the commission. Because certain sums of money have been given to certain organisations the member in question may derive a good deal of popularity therefrom. It is not right that a member of Parliament should serve on a body of this kind, which is engaged in handing out money that comes from public subscription.

The HONORARY MINISTER: As it is evidently the intention of the Committee to accept the proposed new clause, there is nothing else for us to do but to vote against Clause 3, which thus becomes inconsistent with the rest of the Bill.

Clause put and negatived.

New clause:

Hon. E. H. HARRIS: I move—

That a new clause be inserted to stand as Clause 2 as follows:—"Notwithstanding the provisions of Section 6 of the Constitution Act, 1899, or Sections 32, 34, 37, 38 and 39 of the Constitution Acts Amendment Act, 1899, no disability, disqualification or penalty shall be incurred by any person who is at present both a member of Parliament and a member of the commission constituted under the Lotteries (Control) Act, 1932, by reason of having accepted or continuing to hold before or after the commencement of this Act the office of a member of the said commission or any emolument pertaining to that office, but no such office or emolument arising therefrom shall be held or enjoyed by any such member of Parliament beyond the 31st day of December, 1934."

Hon. R. G. MOORE: I move an amendment—

That the figures "1934" be struck out and "1933" inserted in lieu.

This Bill was introduced for a specific purpose, which has been attained. Already considerable trouble has been caused by a member of Parliament serving on the Lotteries Commission, and we do not want that to continue for another 12 months.

Hon. Sir CHARLES NATHAN: I support the new clause moved by Mr. Harris and oppose the amendment moved by Mr. R. G. Moore. We have to bear in mind that the member of Parliament who was appointed to the commission, was selected on account of his known ability to control an important undertaking, and of the confidence the general public had in his capacity to administer what is a particularly difficult task. Mr. Moore's amendment would mean that in little more than a month's time Mr. Clydesdale would have to vacate his position. I do not know of any manager of a big business concern whose services could be dispensed with at such short notice without the affairs of the company being disorganised. We should not agree to create any such difficult position in connection with the Lotteries Commission. The period allowed in the new clause will afford ample oppor-

tunity to determine whether it will be necessary to repeal the Act, to extend its operations for another 12 months, or to deal with any contingency that may arise. There is one point about the amendment. Seeing that this is a legal enactment, it should be made fairly fool-proof. I do not know whether the reference to "such members" in the proposed new clause will limit the holding of the position to a man who is also a member of Parliament, and whether it necessarily excludes other members.

Hon. J. NICHOLSON: The point raised by Sir Charles Nathan is worthy of consideration. Mr. Harris desires to make it clear that the enjoyment of the office under consideration and emoluments arising therefrom shall be retained until the end of December 1934 only by a member of Parliament at present occupying the dual position of a member of this House and of the Lotteries Commission. He also desires to make it clear that no other member of Parliament can be covered by the exemption.

Hon. Sir Charles Nathan: That is the point I want made quite clear.

Hon. J. NICHOLSON: In my opinion, the insertion of the word "such" is relative, and refers back to the particular member who holds the dual position of a member of Parliament and of the Lotteries Commission. There is nothing in the new clause that could possibly extend its application to members of Parliament generally. The new clause can be agreed to without any danger, and it has the merit of being concise and clear.

Hon. J. M. MACFARLANE: I desire the Bill to be passed in such a form that it will not be possible for a member of Parliament to be appointed to a seat on the commission in future. I do not know whether it will be possible, under the terms of the proposed new clause, to prevent the appointment of another member of Parliament for the year 1934.

Hon. C. F. Baxter: But there cannot be any new appointment.

The CHAIRMAN: I am not a draftsman but I think the position could be made clearer only by mentioning a specific name.

Hon. E. H. Harris: Or else by moving an additional amendment setting out that in future no member of Parliament shall be appointed to the commission.

Hon. H. J. YELLAND: If we agree to the proposed new clause, we will merely ratify the appointment of one member of Parlia-

ment who is at present a member of the commission, but the legislation will be in such a form that we admit that no other member can be appointed without committing a breach of the Constitution Act.

The HONORARY MINISTER: I agree with Mr. Nicholson's interpretation of the new clause. It is brief, concise and leaves little to the imagination. I hope members will not attempt to alter it. The new clause will limit the occupancy of the position by a present member of Parliament for another year, after which it will not be possible for any member of Parliament to be appointed to the commission, or even for the member of Parliament who is at present on the commission to retain his seat on the commission for a further period.

Hon. H. J. YELLAND: Unless legislation is introduced to extend the exemption from the Constitution Act.

The HONORARY MINISTER: Yes; it would require another Bill.

Hon. R. G. MOORE: The Committee would be well advised to accept my amendment. If we insert it in the proposed new clause the effect will be that the position will terminate at the end of the year. Reference has been made to Mr. Clydesdale's position on the commission. One would think that if he were not appointed to it, the bottom would fall out of it. Other members of the commission may possess as good if not better qualifications than Mr. Clydesdale. Why should members try to create the impression that, without Mr. Clydesdale, the commission could not be carried on?

Hon. L. B. BOLTON: It is you only that is giving him that credit.

Hon. R. G. MOORE: Why cannot we appoint another man to fill his position this year?

Hon. L. B. BOLTON: We do not appoint members of the Lotteries Commission; that is a matter for the Government.

The CHAIRMAN: The proposed new clause moved by Mr. Harris has nothing to do with the appointment of Mr. Clydesdale as a member of the Lotteries Commission after the 31st of next month. That is a matter for the Government.

Hon. R. G. MOORE: If it is not advisable to re-appoint Mr. Clydesdale, then why the provision for his re-appointment? If a referendum were taken to-morrow, I think it would be found that the electors

would not be agreeable to a member of Parliament holding a position on the Lotteries Commission. We are trying to get out of a difficult position, and let us do so as quickly as we can. We should not appoint Mr. Clydesdale to a position on the commission for another 12 months.

Hon. E. H. HARRIS: Despite what Mr. Moore said, I suggest that the proposed clause should be passed. Parliament proposes to close down in two or three weeks, and I understand it is the intention of another place to bring down a Lotteries Continuance Act extending the term to 1936. When that Bill reaches us, I propose to move that the term in both Bills should coincide.

Hon. H. SEDDON: I support the amendment because I think it undesirable that a member of Parliament should occupy a position on the commission. We would protect Mr. Clydesdale by voting for the amendment. The overriding principle is that a member of Parliament should not hold an office of profit under the Crown.

Hon. E. H. H. HALL: I support the amendment, although it is evident to me that I am in the minority. If it is wrong for a member of Parliament to occupy a position on the Lotteries Commission, then the sooner he is removed from that position, the better.

Hon. L. B. BOLTON: I oppose the amendment. While I would not argue that the Lotteries Commission would absolutely fail if Mr. Clydesdale were removed from the position of chairman, I think, with Sir Charles Nathan, that to remove Mr. Clydesdale at a minute's notice would not be in the best interests of the commission. The members of the commission have had little enough time to put it on the sound footing it stands on to-day. They have achieved what nobody expected them to carry out in so short a time. They have the confidence of the public and it is entirely wrong to remove Mr. Clydesdale from his position at such short notice.

Amendment stated.

The CHAIRMAN: I desire to intimate to the Committee that, although under the Standing Orders it is not necessary to have an absolute majority on a vote on the Bill in Committee, perhaps it might be as well to have it. I give my vote with the noes.

Division taken with the following result:—

Ayes	..	..	..	..	6
Noes	..	..	..	..	16

Majority against 10

AYES.

Hon. E. H. H. Hall
Hon. J. J. Holmes
Hon. G. W. Miles

Hon. R. G. Moore
Hon. H. Seddon
Hon. C. H. Wittenoom
(Teller.)

NOES.

Hon. C. F. Baxter
Hon. L. B. Bolson
Hon. J. Cornell
Hon. J. M. Drew
Hon. G. Fraser
Hon. E. H. Gray
Hon. E. H. Harris
Hon. W. H. Kitson

Hon. J. M. Macfarlane
Hon. W. J. Mann
Hon. T. Moore
Hon. Sir C. Nathan
Hon. J. Nicholson
Hon. H. V. Piesse
Hon. H. J. Yelland
Hon. E. Rose
(Teller.)

Amendment thus negatived.

New clause put and passed.

Preamble, Title—agreed to.

Bill reported with amendments.

Report Stage.

The HONORARY MINISTER: I move—

That the consideration of the report be made an Order of the Day for the next sitting of the House.

Hon. J. CORNELL: Before the question is put, notwithstanding that it is unusual to debate it, I understand it is the desire of the Honorary Minister that the third reading be made an Order of the Day for to-morrow. Under the Standing Orders the report can be taken to-morrow and the third reading moved on the following day. I suggest to the Minister, if the House is agreeable, that we move the suspension of the Standing Orders, in order, if possible, to have the Bill put through its remaining stages to-night. I think that is the general wish of the House.

Hon. J. J. Holmes: Finish it to-night?

Hon. J. CORNELL: Some of the members want to get away. In the circumstances I cannot see any valid objection to my suggestion.

The HONORARY MINISTER: Although there may not be any valid objection to the course suggested by Mr. Cornell, it is not desirable in regard to a measure of this kind.

Members: Hear, hear!

The HONORARY MINISTER: The measure is a very important one, involving an amendment of the Constitution. It is but reasonable that members should have until to-morrow to consider the effect of the amendment to which they have agreed. Probably to-morrow evening I shall avail myself of the suggestion now made by Mr. Cornell.

Hon. J. Nicholson: You had better move in that direction. You have to give notice.

The HONORARY MINISTER: I hope members will meet me in that regard. It is highly desirable to finalise this measure as early as possible, but I have no desire to rush it through the House.

Question put and passed.

BILL—LAND TAX AND INCOME TAX.

Second Reading.

Debate resumed from 15th October.

HON. H. SEDDON (North-East) [8.46]: I think members will appreciate the fact that the Government have carried out what they undertook, namely, that they would not increase taxation under the Bill. In view of the state of the finances they would have been quite justified in revising that taxation, because there is no doubt that unless something unforeseen occurs we shall have a larger deficit at the end of the year than was contemplated. It is evident that the Government have been able to finance under much more favourable circumstances than their predecessors enjoyed last year. They have had an additional £100,000 from the Loan Council to enable them to keep their deficit within the agreed upon £750,000, and they have also had the benefit of more loan money, which in the circumstances is really unemployed relief money, than their predecessors had. In view of this, it is interesting to contrast the deficit figures at the end of October last with those at the end of October in the preceding year. And it must be remembered that the deficit this year has been attained in spite of the benefit of the extra funds the Government have had, and also in spite of the fact that they have had the benefit of the financial emergency tax from the 1st October, a tax that was not available to the previous Government in October of last year. If we find that the deficit to the 31st October, 1932, was £762,577, while the deficit to the 31st October of this year was £758,862, or an improvement

of only £3,751. In view of the substantial financial advantages the present Government have had as against their predecessors, that slight improvement in the results is in my opinion an indication that they have been spending more liberally than did their predecessors. And while that expenditure has reduced unemployment to a certain extent, not only directly but also by virtue of the fact that the increased money has circulated through the community and so increased employment, yet their record after all is slightly less creditable than that of their predecessors. The incidence of taxation is due for consideration when we are dealing with a Bill such as this. Under that heading I want to stress the fact that the depression has had one effect, in so far as it has led Governments to recognise that the average citizen has responsibilities in the meeting of the expenses of Government services which he enjoys. Now that they have entered into the field of collection at the source, the Government have discovered two important points: the first is that they are thereby spreading the incidence of taxation more fairly, in that it brings in sections of the community which previously have evaded taxation; and secondly it is having the effect of bringing home to the citizen his responsibility as an elector in the policy that he supports for his Government. It is the duty of every member of Parliament to impress this principle upon the electors at every opportunity, because if we are going to have sound and sane Government it can only be attained by the people adopting a critical attitude towards Government expenditure and taking a keener interest in the proposals submitted to Parliament than they have done in the past. I hope the time is not far distant when the general public will realise that the extravagant promises made to them at election time have to be paid for by themselves. When they realise this, probably they will make a more critical examination of the proposals laid before them. We have also adopted another idea during recent years, namely the earmarking of proceeds of taxation for particular purposes. In support of that view I advance the hospitals tax, which was imposed with the idea that a certain sum of money would thereby be ensured to the hospitals for their maintenance, and would be made available in remote parts of the country. That principle might with advantage be extended. If we were to ex-

tend it, we would demonstrate to the people what the so-called free services cost. People are accustomed to hearing Parliament deal with millions of pounds, and so those figures have ceased to have any meaning for the average elector. If we can bring before the people the idea that a few hundred thousand pounds involved in the granting of some particular service means that the people themselves will have to pay each a penny per week extra under the financial emergency tax, it will have a good effect upon them, for it will arouse their interest and so be an excellent check on Government expenditure. The popular attitude towards taxation is more or less a legacy. Taxation is certainly unpopular, but there is no reason why in a country like this, people should not have common sense in reviewing taxation and realising that they are simply paying for services rendered to them by the Government they have elected. The old idea of taxes comes down from the days when taxation was imposed in the older countries largely for the purpose of assisting reckless monarchs to keep up their established courts and spend their money in riotous living. Frequently taxation was imposed as the result of conquest, the people finding that they had to pay their conquerors heavy taxation as an alternative to more or less direct forms of slavery. However, in a country like Australia, where expenditure is chiefly a matter of Government policy, this idea should be largely dispelled. If the citizens could only see that taxation to-day is due to the decisions of the people themselves, given at the elections, they would realise that the policy they are endorsing costs money which they should be prepared to pay directly. Most of our present-day taxation is due to the heavy loan expenditure of the past. It has been pointed out that one-third of our total revenue, not only revenue from taxation, but revenue from all sources, goes towards paying the charges on the loan expenditure on so-called reproductive works. Consequently when the people realise this we shall not have members indulging in the kind of discussions we have heard recently in regard to unproductive railways; because the people will realise that the unproductive railways mean a direct loss which has to be paid for by the people themselves. One of the most disquieting

features which have arisen during and since the depression, is the attitude of the general public towards further loan expenditure. Although they have had drilled into them the enormous loan charges, equalling so large a proportion of the revenue that is raised, and the necessity for balancing the Budget with the idea of placing the State's finances on a sound basis, we still find in them a reluctance to face the facts of finance as they are, to face the necessity for direct taxation. Instead of this they are ever ready to defer to the future, important obligations that are the responsibility of the present. It is astonishing that the lesson has not been more readily learned by the people that they should bear more taxation in order to meet their responsibilities, and insist on a more critical attitude in their representatives in Parliament towards the financial proposals of the Government. In those circumstances, I will support the Bill. As I say, the Government have acceded to the desire of the general public that taxation should not be increased. At the same time, I suggest the new field of taxation might be more extensively employed in the meeting of our deficit. It would be far more creditable in regard to the expenditure from revenue, and especially more creditable in regard to the expenditure of loan funds. I will support the Bill.

THE CHIEF SECRETARY (Hon. J. M. Drew—Central—in reply) [9.1]: Just a few words in reply. There is very little I can object to in the speech of Mr. Seddon, the only member who spoke on the second reading of the Bill. He stated that the present Government had more money than the previous Government, the inference being that revenue should have shown to better advantage. I could not follow the hon. member's reasoning in that connection. To be sure, the present Government have about £600,000 of Loan funds in excess of the amount enjoyed by the previous Ministry. However, in the same breath Mr. Seddon discouraged the borrowing of money. He said that Loan expenditure should be discouraged. If the hon. member's policy is closely followed, the result will be that revenue will show to even greater disadvantage. However, I should like to know, and I frequently ask this question, how in such circumstances the Government would be

able to carry on, how the State would exist financially, unless we borrowed money during the period of the present depression. The Government have to carry the whole load resulting from the depression. They have had to find employment for 11,000 men, and there are still about 3,000 getting sustenance. How would the employment be found? Could it be as the result of taxation? That is entirely out of the question—impossible. The only policy to adopt is still to borrow money, and that position is recognised by all the Australian Governments. There is no alternative. By providing work we provide sustenance for the people. The hon. member said the Government had more money to handle than the previous Government, and should have shown up much better than they did during the month of October. Mr. Seddon ignores the fact that although probably the Government had more money to spend, there were sources of expenditure that did not exist during the previous year. In consequence of £2,000,000 borrowed during the previous year, there was an added interest bill of £120,000 to meet during the present financial year, and a proportion of it had to be found during the month of October. Mr. Seddon also referred to the fact that financial emergency legislation came into operation on the 1st October. It did in name, and in name only, because as the result of the operation of that legislation during the month of October very little money came into Revenue. It took weeks to circulate information regarding the passing of that legislation and its contents. The hon. member will recognise that that position must have inevitably arisen. Hence it is rather unfair to expect the results of the existence of the financial emergency legislation to show themselves during the first month of its operation. Nor was that legislation passed until well into October, with the result that a large amount of money could not have been collected, was not collected, and may never be collected. During the last three months, including October, we spent a large amount in repairing railway lines. That money came out of Revenue. Further, in pursuit of our policy we spent a large amount on repair of public buildings. I mention these facts because I know the hon. member is very fair, and will take them into consideration and realise that even if the

financial results of October are not what he expected them to be, there is some measure of justification for it. I greatly appreciate the hon. member's speeches, although sometimes I do not agree with him. Even when I do disagree with him, I still admire his consistency.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

BILL—LAND.

In Committee.

Resumed from the 15th November; Hon. J. Cornell in the Chair, the Honorary Minister in charge of the Bill.

Clause 142 to 171—agreed to.

Postponed Clause 113—Maximum area:

Hon. C. H. WITTENOOM: I move an amendment—

That the following be added to stand as Subclause 11:—"Notwithstanding anything in this section to the contrary, the maximum area to be lawfully held by any person, or by any two or more persons jointly, or by any association of persons incorporated or unincorporated may, with the approval of the Governor, be increased to not exceeding two million acres, if such person or persons, or association of persons, has or have complied with the improvement conditions of his or their holdings of the area prescribed by subsection (1) of this section, and such holdings have been stocked and kept stocked as prescribed by Section 103."

The object of the amendment is to enable a person or company, having completed all the required improvements on the holding of a million acres, to secure another million acres on which to continue their work. Such a person or company might have the capital available and might desire to employ it in this way.

The HONORARY MINISTER: I cannot accept the amendment. The existing legislation provides for a limit of 1,000,000 acres which is considered by the Government to be quite a liberal provision. The Government are desirous of meeting the wishes of pastoralists as far as possible, but they cannot at the present stage agree to any increase in the maximum area which has been allowed in recent years.

Hon. C. H. WITTENOOM: Conditions have changed very much in recent years and cattle people have experienced many difficulties. The more stock they have on their areas, the easier it will be to make the properties pay. I hope the Minister will reconsider his decision.

Hon. G. W. MILES: The object of the amendment is to allow a man or a company, having already improved their million acres, to acquire another area. There are one or two instances in the State where people have capital available, and they are not permitted to reinvest it in carrying out further development. The policy that is being adopted is resulting in money being driven out of the State. The investment of this capital would mean more work, and the money could not be better employed. Certainly it would be better to assist in its investment in the opening up of additional pastoral country than to use it in acquiring city property.

Hon. E. ROSE: Having lived in the North-West for a number of years I know the area of country that is required to enable a person to carry stock. There are several stations that are fully developed, and on these properties many thousands of pounds have been spent in boring for water. Now, having fully developed the million acres, the holders wish to turn to the back country which an ordinary individual will not look at. It is lying idle, and is capable of being stocked and developed. I know of several instances where a million acres is not sufficient.

Hon. J. J. HOLMES: It has been conceded that the Government have put up a reasonable measure, and that they have gone as far as might have been expected of them, especially remembering that their policy is to restrict the size of holdings. I do not think there is any possible hope of the Government accepting the suggested amendment, and therefore we should not jeopardise the Bill which generally has met with approval. We are aware that in recent years millions of acres in the Kimberleys have been abandoned for several reasons, one being that people who were land-hungry took up more than they could possibly handle. It is known that if people form themselves into companies, they can hold as many million acres as they like. Any lawyer would help pastoralists to form a company to take up as much country as they liked, knowing that according to a ruling that has been given, shareholders are

not interested in the lease. Why therefore jeopardise the chance of the Bill going through when those who want additional areas can get them by getting round the four corners of the Act?

The HONORARY MINISTER: It is not possible to discriminate between cattle country and sheep country; it is all pastoral country. I thank Mr. Holmes for his remarks in respect of the clause as it stands. If Mr. Wittenoom's statement is correct, the same comments which were passed regarding agricultural land will apply to the pastoralists. They probably have too much land, and additional areas that they might desire might prove an even bigger handicap. I admit that the pastoral industry has been passing through bad times, but it is pleasing to know that there is an improvement in respect to wool. I suggest that the holders of pastoral areas producing wool are likely to have more prosperous times in the immediate future than they have had in recent years. I regret I cannot accept the amendment.

Hon. G. W. Miles: Do you agree with Mr. Holmes that it is possible to drive a coach and four through the Act, and take up more millions of acres.

The HONORARY MINISTER: I understand that by the formation of a company it is possible to do that. The Minister for Lands cannot accept the amendment, and I merely pass the decision on to members.

Amendment put and negatived.

Clause put and passed.

New clause:

Hon. H. V. PIESSE: On behalf of Mr. Thomson, I move—

That a new clause be inserted as follows:—

Mortgages of leases or licenses to be transferred to Crown grant. cf. No. 26 of 1911, s. 2.

149. If a lease or license is mortgaged under the provision of Section 145, or is subject to a mortgage under Section 138 of the Land Act, 1898, and the lessee or licensee, during the continuance of such mortgage, becomes entitled under such lease or license to a Crown grant in fee simple of the land, the mortgage, unless discharged, shall by the operation of this Act be transferred to and apply to the Crown grant and the land thereby granted in all respects as if such Crown grant had been referred to in the mortgage; and on the lease or license being filed in the Office of Land Titles with a certified copy of the mortgage as registered under this Act or the Land Act, 1898, a memorandum of such mortgage

shall be indorsed by the Registrar of Titles as an encumbrance of the Crown grant and on the folium of the Register Book on his registering such grant, and when so indorsed shall have effect as if it contained all the covenants, powers, and conditions which, by the Transfer of Land Act, 1893, are implied in mortgages under that Act or conferred on the parties thereto, except so far as such mortgage contains express provisions to the contrary.

The term "license" includes an occupation certificate or permit to occupy relating to a free homestead farm.

The HONORARY MINISTER: After consideration, the Minister for Lands tells me he is prepared to accept this new clause. There are several old leases in existence that still come under the Land Act, but not under the Transfer of Land Act. When a Crown grant is required and there is a mortgage, it is necessary, before the Crown grant issues, for the mortgage to be lifted, and a fresh one prepared and lodged in the Titles Office. Mr. Thomson's amendment will obviate this, and ensure that the encumbrances will be carried on automatically to the Crown grant by the Titles Office. The new clause will probably save a lot of trouble and expense. I would like to reply to some questions asked by members during the second reading. Mr. Yelland asked why the proviso in the old Act relating to Clause 13 in the Bill was omitted. It is not considered necessary as the position is covered when the authorisations are signed. I was asked why the words "by auction or private contract" were omitted from Clause 22. The Act provides that in certain circumstances land shall be sold by auction or private contract. It is considered that the words are unnecessary. Mr. Yelland also asked why Subclause 3 of Clause 23 was not printed in italics. After the select committee of another place had finished their deliberations they brought in several amendments. This was one of them, and because of that the subclause was not printed in italics. A good deal of discussion occurred as to the meaning of "common." In none of our Acts is there a definition of that word, but I am advised that it is a kind of reserve. Nuttall describes a common as a tract of open ground, the common property of any members of the community. With regard to Clause 36, one member said that the Act had not been carried out in that where a temporary reserve had been held for 12 months there were cases in which it had not

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been gazetted and yet there had been difficulty in getting the land thrown open for selection. The department advise that in such cases the land has not been required but that if inquiries were made, temporary reserves were lifted. I was asked what protection there was for a genuine home builder under Clause 38; it was stated that a speculator might buy up all the township blocks at a sale. I am advised it is not possible to provide any further protection than is already given in the Act. An auctioneer must accept the highest bid. I was asked whether anything had been done at Wiluna under Clause 45, which gives power to set aside certain areas for workers' homes. I am advised that the Act is only put into operation at the request of the Workers' Homes Board, and that, if such a request is made, lots will be set aside. Mr. Harris raised a question with regard to Clause 118. I am advised that this is governed by the Mining Act, and that what is meant is a proclaimed goldfield or mining district. Mr. Thomson raised a question regarding Clauses 127, 128 and 130, and asked what provision was made for a reduction in price in the case of C.P. leases granted under the Act. He suggested the insertion of a provision similar to Section 2 of the Industries Assistance Act, 1924, which gives the Minister power to write down. Under this Bill we cannot reduce the price of land held under C.P. conditions. The Minister for Lands is giving consideration to the matter and, if it is thought desirable to have this power, he would be prepared either to bring down an amending Bill or see if something could not be done in another place to deal with it. Mr. Piesse asked a question regarding overdue rents owed by returned soldiers and wanted to know if the men would be allowed to pay on a pro rata basis. The reply is in the affirmative; each case will be treated on its merits if the settlers pay current rents regularly. If so, the department will spread the arrears over the balance of the term of the lease. That covers the points regarding which information was desired.

New clause put and passed.

Schedules 1 to 28—agreed to.

Title—agreed to.

Bill reported with amendments.

House adjourned at 9.18 p.m.

Question: Government employees, retiring age	...	1
Purchasers' Protection Bill, Select Committee, extension of time	...	
Annual Estimates: Report of Committee of Ways and Means	...	
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Health Act Amendment (No. 2), 2r.	...	
Lotteries (Control) Act Amendment (No. 2), 2r.	...	
Reserves, 2r., Com. report	...	
Fremantle City Council Lands Amendment, 2r., Com. report	...	
State Transport Co-ordination, 2r.	...	

The SPEAKER took the Chair at 4 p.m. and read prayers.

QUESTION—GOVERNMENT EMPLOYEES, RETIRING AGE.

Mr. WANSBROUGH asked the Premier, 1, In view of the declared policy of present Governments that 65 years shall be the retiring age of both salary and wage employees, is it a fact that the Public Service Commissioner and the Commissioner for Railways, during previous months, have disregarded such policy, by granting extension of time to certain senior officers? 2, so, will he make known the names of such officers, and the reason for the departure from the declared policy?

The PREMIER replied: 1 and 2, In a few instances where disorganisation or inconvenience to the service would result from immediate retirement of officers the Government have approved of extensions.

PURCHASERS' PROTECTION BILL—SELECT COMMITTEE.

Extension of Time.

On motion by the Minister for Employment, the time for bringing up the report of the Select Committee was extended by one week.

ANNUAL ESTIMATES, 1933-34.

Report of Committee of Ways and Means adopted.