Third Reading.

THE CHIEF SECRETARY (Hon. J. M. Drew—Central) [4.55]: I move—

That the Bill be now read a third time.

HON. A. LOVEKIN (Metropolitan) [4.56]: Clause 2 of the Bill says "The said sums shall be available to satisfy the warrants under the provisions of the law now in force, in respect of any services voted by the Legislative Assembly during the financial year." Should not these sums be voted by Parliament? I did not notice this before. It seems to me we are putting into the hands of the Legislative Assembly the right to vote these moneys without the sanction of the other constitutional House. I merely draw attention to this matter.

THE CHIEF SECRETARY (Hon. J. M. Drew—Central—in reply) [4.57]: From time immemorial the clauses in the Supply Bill have been much the same. The House of Commons votes Supply.

Hon. A. Lovekin: That is a different position.

The CHIEF SECRETARY: The position is exactly the same here, where the Legislative Assembly grants Supply. There has been no amendment of the procedure by the present Government, so far as I know.

Hon. J. Nicholson: The clause was no different in the previous Bill.

The CHIEF SECRETARY: It has appeared in every Bill, so far as I can recollect.

Hon. A. Lovekin: I can raise the question when the main Bill comes before us.

Question put and passed.

Bill read a third time and passed.

BILL—MENTAL TREATMENT.

As to Second Reading.

Order of the Day read for the moving of the second reading.

Hon. Sir Edward Wittenoom: There are no copies of this Bill before us.

THE CHIEF SECRETARY (Hon. J. M. Drew—Central) [4.58]: I regret that no copies of this Bill have as yet been distributed. That has never been my responsibility; at any rate they are not here. I therefore move—

That the consideration of the Order of the Day be postponed until the next sitting.

Motion put and passed.

House adjourned at 5 p.m.

Legislative Assembly,

Tuesday, 13th September, 1927.

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

QUESTION—WATER SUPPLY, EDJUDINA DAM.

Hon. G. TAYLOR asked the Hon. J. Cunningham (Honorary Minister): Is it his intention to lay upon the Table the papers dealing with the leasing of the Edjudina dam?

Hon. J. CUNNINGHAM replied: Yes, if the papers are moved for in the usual way.

QUESTION—LAND SELECTION, RAVENSTHORPE DISTRICT.

Mr. MARSHALL (for Mr. Corboy) asked the Minister for Lands: 1, How many blocks have been applied for in the Ravensthorpe district during the last 12 months? 2, How many of such blocks are awaiting survey, etc., before approval? 3, Can he indicate when it will be possible for such approvals to issue? 4, As settlers are waiting to proceed with development, will it be possible to expedite this work?

The MINISTER FOR LANDS replied: 1, Seventy-three. 2, Thirty-one, but in 19 cases applicants have not yet paid survey fee asked for and in six cases the land has

to be classified before it can be decided whether the applications can proceed. 3 and 4, A surveyor is being sent to the district at once to clear up outstanding surveys. In those cases where survey fee has been asked for, surveys will be carried out as soon as the fees are paid.

BILL—FORESTS ACT AMENDMENT.

Introduced by the Premier and read a first time.

BILL—INFLAMMABLE LIQUID.

Second Reading.

THE MINISTER FOR MINES (Hon. S. W. Munsie—Hannans) [4.39] in moving the second reading said: I desire to say at the outset that this is a fairly technical measure and one that is rather difficult to explain fully during the second reading stage. The whole of the technicalities, however, can be explained fully in Committee. My object at this stage is to show the necessity for such a Bill.

Hon. W. J. George: That is quite evident, is it not?

The MINISTER FOR MINES: Yes. Legislation to control the conveyance and storage of inflammable liquids is necessary owing to the great danger arising from the risk of fire and explosion. The main object of the Bill is to protect life and property. Under existing conditions petrol and inflammable oils are conveyed and stored in a manner that is dangerous not only to the firms that store and carry them, but also to neighbouring premises. In my opinion legislation of this kind is long overdue.

Hon. Sir James Mitchell: There is similar legislation in force in New South Wales and South Australia.

The MINISTER FOR MINES: Yes. A facsimile of this measure is operating in New South Wales, and the Act in force in South Australia is almost identical. Such legislation has been on the statute-book in New South Wales since 1915, in South Australia since 1913 and in Tasmania since 1910. Victoria and Queensland are now preparing legislation on similar lines. As regards other British possessions, New Zealand has had similar legislation since 1908, Canada since 1899 and India since 1899. In foreign countries, legislation for the control, storage and conveyance of inflammable oils has been in existence in Belgium since 1863, France 1866, Germany 1866, Holland 1901, Austria 1901, Japan 1891, Norway 1871 and Russia 1891. Nearly the whole of the States in the United States of America have legislation to control the storage and conveyance of inflammable oils dating back to 1874. Another reason why, in the opinion of the department, it is necessary to introduce similar legislation here, is the immense increase in the importation of those oils into Western Australia. During the year ended the 30th June, 1922, the quantities imported amounted to 1,805,000 gallons of mineral spirit and 1,384,995 gallons of mineral oils. During the 12 months ended the 30th June, 1927, the quantities were 11,158,726 gallons of mineral spirit and 37,325,239 gallons of mineral oils including kerosene for lighting purposes, power kerosene, mineral lubricating oils and crude oils. The increase of importations for the year 1927 over the year 1922 was 9,253,726 gallons of mineral spirit and 35,940,244 gallons of mineral oils. I expect that the quantities to be consumed in Western Australia will continue to increase. I believe, therefore, that it is necessary to place on the statute book legislation to control the storage and conveyance of these oils.

Mr. Marshall: Do you intend to bring the Railway Department under the measure?

The MINISTER FOR MINES: Yes. The Bill applies to the Railway Department and the Harbour Trust, but I do not know what the hon. member has in mind.

Mr. Marshall: I can tell you that the Railway Department had two trucks of mineral oil immediately behind an engine, that these trucks caught fire, that one of them was totally destroyed, and that the other was just barely saved.

The MINISTER FOR MINES: That was bad management, no doubt.

Mr. Marshall: Of course it was.

The MINISTER FOR MINES: In point of fact, when the Bill had been drafted and was presented to me, the clauses dealing with the conveyance of petrol and mineral oils over the railways, and also the clauses dealing with unloading and loading at wharves, struck me as so exacting that I asked the Chief Inspector of Explosives, who was responsible for the preparation of the Bill, to confer with the Railway Department and

the Harbour Trust on the subject. I really thought the measure made the position too stringent. However, I am assured—and I know this to be correct—that neither the Railway Department nor the Harbour Trust raise any objection whatever to the Bill; indeed, they welcome it. It is also welcomed by the large oil companies who are now importing immense quantities of the commodity into Western Australia. The Bill provides for the storage of inflammable liquids in registered premises and in licensed premises. There is a distinction or difference between the two. "Registered premises" are for the convenience of small storekeepers. The maximum quantities that may be stored in registered premises are 800 gallons of mineral oil and 100 gallons of mineral spirit if kept in an above-ground place, and 500 gallons of mineral spirit if kept in an underground depot. Tanks attached to houses are underground depots, and their usual capacity is 500 gallons of mineral spirit. The annual registration fee on registered premises is fixed by the Bill at 10s. The term "registered premises" will apply to portions only of premises. For instance, a storekeeper in a city or town street may desire to store a certain quantity of petrol; and in such a case it will not be necessary for him to register the whole of his shop, but merely that portion in which the petrol is contained. On the other hand, the term "licensed premises" applies to whole buildings. Licensed premises will be permitted to store larger quantities of the commodity. Installations belonging to the large oil companies come under this definition. The annual fee payable in respect of licensed premises will be £1 for quantities up to 4,000 gallons, and £2 for quantities over 4,000 gallons.

Hon. Sir James Mitchell: What is the object of the license fee—revenue?

The MINISTER FOR MINES: There certainly will be some cost involved in administering the measure. The fees are fixed merely on a basis that will cover the administrative cost. From figures that have been obtained it appears that the total amount of the fees to be charged in this State will represent only 1¼d. per 100 gallons of liquid, so that the fees should not in any way affect the actual cost to consumers. No one man can discharge the duties connected with this part of the measure. Certainly we shall need some inspectors. In their absence this legislation would be useless.

Hon. W. J. George: Some premises carry 16¾ gallons. Will such premises have to be specially registered?

The MINISTER FOR MINES: I will explain all that to the hon. member in due time. It is not intended that the measure shall apply to a farm or similar property, provided that the owner is storing petrol exclusively for his own use and not dealing in it. But if a farmer, or any other person, stores petrol in quantities higher than those specified in the Bill, for the purpose of dealing in it, selling it to others, he will certainly have to take out a license in the same way as any other dealer.

Mr. Marshall: How about a person who does both?

The MINISTER FOR MINES: Such a person will come under the provisions of the Bill. If he is selling the liquid, he must pay a license fee.

Hon. G. Taylor: He could not sell without a license.

The MINISTER FOR MINES: Further, no person can store petrol, even for his own use, in an installation that is a danger to his neighbours. Such a provision is thoroughly right.

Hon. W. J. George: It is quite right; but what is the position regarding oil engines, in connection with which perhaps 300 or 400 gallons have to be kept in stock?

The MINISTER FOR MINES: That point is dealt with in the industrial part of the measure. The Bill also contains a clause dealing with a practice that is growing to some extent in the metropolitan area, and which I am given to understand represents, under existing circumstances, a positive danger. The Bill deals with that matter from the aspect of storage of petrol in dry-cleaning establishments.

Mr. Sampson: Does the measure apply to kerosene?

The MINISTER FOR MINES: To some brands of kerosene, certainly.

Member: It might almost apply to whisky.

The MINISTER FOR MINES: As far back as 1911 the Perth City Council submitted to the Government a request for the introduction of legislation to control the storage of mineral oils and petrol. A similar request has come from the Western Australian Fire Brigades Board. Further, there has been a like request from the executive committees of the Road Boards Association of Western Australia.

Hon. Sir James Mitchell: A request for a Bill?

The MINISTER FOR MINES: Yes, for a controlling measure. Their request is particularly for legislation to control the erection and maintenance of Bowser pumps. The Perth City Council and the Fire Bridgades Board have repeatedly requested the Government to introduce a measure setting up departmental control because some persons do not understand—and it is only natural that they should not understand—the extreme danger that arises under certain conditions. The Bill prohibits the placing of Bowser pumps on footpaths. There is now a license fee on Bowser pumps, but there is no general legislation governing the matter.

Hon. G. Taylor: Under this measure will Bowser pumps already on footpaths have to be removed?

The MINISTER FOR MINES: Yes.

Hon. G. Taylor: That will involve heavy expense.

The MINISTER FOR MINES: Very little expense indeed. I was of the same opinion as the hon. member until I made inquiry and discovered that the large majority of Bowser pumps in the metropolitan area have the actual filler itself on the footpath, to which arrangement no exception is being taken, but have the tank containing the oil off the footpath, on private property. With such cases the Bill does not propose to interfere.

Hon. Sir James Mitchell: Surely that is the arrangement in every instance?

The MINISTER FOR MINES: No. I think I ought to state that the Government have received protests from country road boards in cases where oil companies sought to instal Bowsers with tanks on footpaths. The local authorities protested against such installations. However, there is no legislation on the subject.

Hon. G. Taylor: The oil companies could not carry out their proposal without the permission of the local authorities.

The MINISTER FOR MINES: Road boards have the right to prevent the installation of Bowsers; but this measure will, wisely I think, prohibit the practice.

Hon. G. Taylor: That is as regards tanks on footpaths, not as regards Bowser fillers, which can remain on footpaths?

The MINISTER FOR MINES: Yes.

Mr. Sampson: Cannot that matter be dealt with under the Factories and Shops Act?

The MINISTER FOR MINES: No. A Bowser is not a factory under the definition in that Act and an inspector would have no authority over it.

Mr. Ferguson: Is filling from the footpath a source of danger?

The MINISTER FOR MINES: I do not think so. It is said the tank should be at least 12ft. distant from the Bowser on the footpath. No gases, I am informed, leak from Bowser tanks. Moreover, tanks now being installed are so regulated that one can actually test the quantity of oil or petrol in a tank without any air being permitted to enter; and where no air reaches the petrol, the condition is one of perfect safety. One could even drop a lighted match into the tank without igniting the petrol.

Several interjections.

Mr. SPEAKER: I am compelled to point out that this is not the Committee stage, but second reading.

The MINISTER FOR MINES: The Bill makes it compulsory to store inflammable liquids under such conditions as will confine the effects of fire to a restricted area and greatly reduce the possibility of explosion. Without effective control such as this Bill proposes, the lives of members of fire brigades are endangered. On several occasions recently firemen have been engaged in the very act of putting out fires, when they have discovered large quantities of inflammable oil stored in places from which, if it did burn, it would simply run all over the floor. That I do not regard as a desirable state of affairs; no fireman should be required to carry out his duties under such conditions. Provision is made for the erection of screening walls to prevent fire spreading from any one place to another. Enclosures of the kind are constructed for the purpose of preventing the overflow of inflammable liquid in case of fire. Provision is made by the Bill in regard to the capacity of such enclosures. Certain differences are set up. Where petrol is stored in cases or drums containing not more than 10 gallons, and where there is a retaining wall around the storage place giving sufficient room for containing 25 per cent. of the total quantity of inflammable liquid stored, that will be deemed sufficiently safe, because there has never been a case known

of the whole quantity of petrol stored in such a manner exploding simultaneously. It will explode from the top downwards, in which circumstances the cases at the bottom will not ignite as quickly as those on top. It is recognised all over the world where legislation governing this problem is in existence, that a retaining wall sufficient to hold 25 per cent. of the petrol stored in cases or drums, is adequate to prevent the liquid overflowing in the event of a fire occurring. On the other hand, where petrol is stored in bulk, the Bill provides that the capacity of the retaining wall must be 10 per cent. greater than the quantity stored. The different provision is necessary because the heat generated in the event of an explosion or fire, causes expansion and a consequent overflow of the inflammable liquid if provision, such as I have indicated, is not made. That accounts for the differential requirements under this heading. I have referred to some of the dangerous practices indulged in regarding the handling of inflammable liquids. Some of these practices arise from ignorance of the dangers involved, or from carelessness in the storage of petrol. Some of these are such as to endanger not only the properties of the persons storing the petrol but those of their neighbours, as well as the lives of the people working in the vicinity. Petrol is being stored in many places in Perth to-day under such conditions that, were a fire to occur, the petrol would not only run over the floor where it is stored, but from one floor to another. I do not think that is desired by anyone and it is high time legislation was introduced to prohibit that practice.

Hon. G. Taylor: Is it wise to store petrol anywhere except in basements?

The MINISTER FOR MINES: Perhaps not, but up to 20 cases of petrol have been stored under the staircase in a big warehouse. Had a fire taken place there and a tin of petrol exploded, it would not have been possible either to get up or to come down the stairs owing to the flames that would have arisen from the petrol. The Bill also contains strict provisions regarding the conveyance of petrol. It is a common spectacle in the city streets for motor lorries to be seen standing for upwards of two hours, loaded with petrol and yet unattended. Recently my attention was drawn to one lorry that stood in the street for one hour 47 minutes. I was informed when it arrived in the street, and I timed it myself. Such a lorry should not be unattended at all.

Hon. W. J. George: Where was that lorry standing?

The MINISTER FOR MINES: In one of the main thoroughfares of the city.

Hon. W. J. George: If you leave a motor car for 20 minutes, a policeman is at your elbow straight away.

The MINISTER FOR MINES: I do not know anything about that.

Hon. W. J. George: Well, I do!

The MINISTER FOR MINES: It is quite common to see the driver of a motor lorry, heavily laden with inflammable oil, smoking away as he proceeds along the street. That matter is dealt with as well. While the provisions of the Bill may not prohibit such practices, still if such drivers insist upon smoking, they will be liable to a heavy fine.

Mr. J. H. Smith: You are going too far; it is ridiculous!

The MINISTER FOR MINES: Some men may want to sit on cases of petrol and smoke cigars or cigarettes, but I do not, nor would any reasonable man desire to do so.

Mr. J. H. Smith: It is being done every day of the week.

The MINISTER FOR MINES: And during the last couple of years four lorries loaded with petrol have been destroyed by fire in Western Australia.

Mr. J. H. Smith: Yes, and they were well covered by insurance.

The MINISTER FOR MINES: Perhaps so, but that has nothing to do with the point.

Hon. Sir James Mitchell: Will that not affect persons driving motor cars? While smoking, they may be sitting over their petrol supplies.

The MINISTER FOR MINES: Not so much danger need be feared in such cases because the petrol is under cover in drums. The Bill also makes provision regarding the conveyance of petrol supplies. In England a motor owner is prevented from conveying over five gallons of petrol on the floor of his lorry unless the exhaust pipe leads out to the front of the vehicle and not, as is customary here, underneath the vehicle to the rear. That is a reasonably cheap device to prevent fire. I believe that the cause of at least two of the fires on motor lorries in Western Australia was due

to petrol from a leaky tin dropping on to the exhaust. Had the exhaust been in the front of the lorries, not one of the four destroyed here during the last year or two would have been lost. I do not anticipate any great engineering difficulties in carrying out the necessary alterations, so that the exhaust will be in front instead of at the back of motor lorries.

Hon. W. J. George: Are you quite sure that will be safe?

The MINISTER FOR MINES: I am not an expert and cannot say. All I can tell the hon. member is that that system is adopted in England, and the authorities there compel motor owners to carry it out. If they do not comply, owners of motor lorries are not permitted to carry more than five gallons of petrol on the floors of their vehicles. The member for Murchison (Mr. Marshall), by interjection, asked whether that would apply to the railways. It will apply to the railways and also to the harbour and river authorities. I am given to understand that the regulations of the Railway Department conform to the requirements that are set up in the Bill regarding the conveyance of oil and inflammable liquids. So also do the regulations and conveniences of the Fremantle Harbour Trust. Beyond those authorities, there are no regulations governing the position and small boats are able to convey petrol up the river and land their supplies on the wharves at Perth without any control being exercised over them under existing regulations. The Bill will deal with those small craft equally with the big steamers at Fremantle.

Hon. G. Taylor: The Bill seems to be aimed against the small man.

Mr. J. H. Smith: It will kill the small man.

The MINISTER FOR MINES: Well, we will discuss that phase when we deal with the Bill in Committee.

Hon. W. J. George: You should look into the exhaust question.

The MINISTER FOR MINES: I will, and I will place before hon. members the information supplied to the department regarding the regulations in operation in England.

Hon. Sir James Mitchell: Why not make them have a chimney with the exhaust up in the air?

The MINISTER FOR MINES: There are a dozen and one ways in which the difficulty may be overcome. Where there is unnecessary risk, I believe it is the duty of Parliament to legislate to remove that risk. I am not prepared to say that people must not store petrol under certain conditions, if hardships will be involved. If that were the case, I would not introduce the Bill, but no hardship will be imposed upon anyone.

Mr. J. H. Smith: It will mean great hardship.

The MINISTER FOR MINES: While the Bill does not actually include a similar provision, it will be interesting to members to know that regulations in other countries provide that owners of motor lorries engaged in conveying petrol from one place to another, must erect a screen wall between the driver and the petrol. They have provided that a sheet of asbestos is sufficient for this purpose. If similar provision were made here, it could not be said that great hardship would be imposed if we insisted upon the provision of a sheet of asbestos to protect the man who was driving a motor lorry.

Mr. J. H. Smith: What about the man in the country who is carting sleepers, and has to bring back petrol supplies?

The MINISTER FOR MINES: The Bill will not affect a man who is bringing back petrol for his own use. I have already said that the farmer may store petrol supplies on his own premises, provided he is not engaged in trading in a larger quantity than he requires for his own purposes, and such a man will not be interfered with.

Mr. J. H. Smith: Some men have to bring back 20 or 30 cases.

The MINISTER FOR MINES: If a sleeper carter or anyone else finds it necessary to cart 30 or 40 cases, should we not legislate to protect him against himself, and thus prevent him from perhaps injuring himself and destroying his lorry?

Hon. W. J. George: Some people who have oil engines in the country use 150 cases a month.

The MINISTER FOR MINES: And they will not be interfered with. I can assure the hon. member on that point. There are a number of storekeepers in this State who are building, or contemplating building special storerooms for their petrol supplies. Some have been built quite recently, but those I refer to will be absolutely useless. It is necessary for their own protec-

tion, as well as the protection of others, that buildings without the necessary retaining walls shall be disallowed.

Hon. Sir James Mitchell: If the stores are well away from other places, it will not matter much.

The MINISTER FOR MINES: I am not too sure. If petrol escapes from any store in a town, the liquid will not have to travel far before it endangers a neighbour's property. If a storekeeper proposes to store 750 or 1,000 cases of petrol and a fire takes place, the petrol will have to run only 50 or 60 feet before it enters neighbouring premises. I do not think that sort of thing should be allowed unless proper retaining walls are provided.

Hon. W. J. George: I do not think you will find any store in the country putting up that quantity of petrol.

The MINISTER FOR MINES: There was a great deal more than that stored in one country centre and the premises adjoined large Government and private buildings, valued at over £20,000. If a fire had taken place, nothing could have saved the whole of the other buildings.

Hon. W. J. George: If a thousand cases of petrol are stored, no retaining wall will stop a fire.

The MINISTER FOR MINES: That may be the hon. member's opinion, but it is not mine. It would not stop the fire, but with a retaining wall we could prevent the petrol running into neighbouring properties and burning them down.

Hon. W. J. George: But it would run under the doors.

The MINISTER FOR MINES: There would be no door in the retaining wall.

Hon. G. Taylor: Then how would the petrol be put in?

The MINISTER FOR MINES: It is estimated that the cost of administering the Act will not be more than 1¼d. per 100 gallons. That being so, nobody can say that it will make any difference in the price to the ordinary consumer.

Hon. Sir James Mitchell: I hope we are not going to build up a staff of new officials.

The MINISTER FOR MINES: I expect we shall require three inspectors, at all events.

Hon. Sir James Mitchell: Oh, Lord!

The MINISTER FOR MINES: I do not see how it is to be done with fewer.

Hon. Sir James Mitchell: But surely we are not to go on adding inspectors to an already long list!

Hon. W. J. George: What will the fees amount to?

Mr. SPEAKER: Order: I ask members to wait till the Committee stage before discussing the details of the Bill. The Minister is entitled on the second reading to give the principles of the Bill, but not to enter into details.

The MINISTER FOR MINES: The total amount estimated to be received from all fees is about £1,500 per annum.

Hon. W. J. George: But on your own figures it will be more than that.

The MINISTER FOR MINES: Well the hon. member can argue that later, when probably I shall have a reply for him. I do not think there is necessity for me to say any more on the second reading. The Schedule appears to be fairly elaborate, but it deals only with the form of the instrument to be used for testing the spirits and oils. It will be essential that a standard instrument for the testing of oils and spirits be obtained, and that all other testing instruments used by the companies should be in conformity with the standard instrument. If that were not provided for we should have all manner of complications arising. Many people, perhaps, would endeavour to store an oil that was really a spirit, and there would be disputes. They would say their instruments showed that it was of certain inflammability, and was a mineral oil, while the departmental instrument would say it was above that standard, and should be classed as a mineral spirit. The Schedule provides for standardising all tests of oils and spirits throughout the State. If, in Committee, any serious defects are discovered in the Bill, we can then argue them out. In the interests of the protection of life and property in this State, I hope the Bill in reasonable form will pass both Houses. I move—

That the Bill be now read a second time.

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

BILL—CLOSER SETTLEMENT.

In Committee.

Mr. Lutey in the Chair, the Minister for Lands in Charge of the Bill.

Clauses 1, 2, 3—agreed to.

Clause 4—Board to report to Minister:

Mr. THOMSON: I move an amendment—

That the following proviso be added:—"Provided also that any person as aforesaid may, within the prescribed time, appeal from the board to a local court from the opinion of the board that the land is not put to reasonable use, and its retention by the owner is a hindrance to closer settlement and cannot be justified, and the decision of the local court shall be final."

The owner of the land taken should have the right to appeal. He may have spent considerable sums of money in developing his holding according to the experience of the district. Therefore he may really be using his land to a full and proper purpose. This is the day of mass production, and everywhere we find various businesses being merged so as to avoid heavy overhead expenses. No other section of industry expends more money in the provision of up-to-date machinery than does the farming community. In Australia today there is used in agriculture some £42,000,000 worth of machinery. Owing to the ever-increasing costs of production, the farmer is compelled to obtain the most modern machinery; and when he has such machinery, he cannot afford to cultivate only a small area. It is the day of the tractor, and if the farmer in his desire for efficiency will go in for expensive machinery, he must have considerable areas under cultivation. Of course it will be for the board to decide whether the area a man is farming is too large. No doubt many people would say that Mr. Liebe, who has under crop a larger area than any other man in this State, has far too much land.

The Minister for Railways: No.

Mr. THOMSON: Of course it would be said that Mr. Liebe is using his land; but it could not be argued that he is using it all to the fullest advantage.

The Minister for Railways: I say good luck to him. So would anybody else.

Mr. THOMSON: I hope the Minister will accept this entirely reasonable proviso. It can do no harm, and it will protect the man whose property the board has decided to resume.

The MINISTER FOR LANDS: I cannot accept the amendment. It would do nothing but create delay and unnecessary friction. At the same time it would set up the principle that the court is better qualified than the board of experts to determine whether land is being put to a reasonable use. The board will have expert knowledge and will determine whether the land is being reasonably well used. The hon. member suggests that this should be left to the court.

Mr. Thomson: The board would give its decision first.

The MINISTER FOR LANDS: But the amendment assumes that the court has more knowledge than the qualified board to be constituted under the Bill.

Mr. Thomson: No, the court would come to a decision on the evidence.

The MINISTER FOR LANDS: The whole question is as to whether the land is being used to its full economic value. What does the local court know about whether land is being put to reasonable use?

Mr. J. H. Smith: Probably it would have a better knowledge than the board.

The MINISTER FOR LANDS: It is not a question of law, but merely one of opinion.

Hon. Sir James Mitchell: That is the danger.

Hon. G. Taylor: Yes, the danger of giving the board too much power.

Mr. J. H. Smith: It is a question of evidence.

The MINISTER FOR LANDS: What magistrate would be likely to have a better knowledge of the land than would the members of the board? No question of law is involved. It is merely a question of opinion based on knowledge. How could the court have a greater knowledge than the board? The court would not have the knowledge that the board would have, and it would be injudicious to allow owners to go over the head of a qualified board to a court. The hon. member, realising that, should not press his amendment.

Hon. W. J. GEORGE: I am inclined to support the amendment. For almost everything nowadays an appeal court is provided. The principle has become established right through Australia. We are witnessing a succession of appeals by the Government in connection with what I was going to describe as that abominable affair at Kalgoorlie.

The Minister for Lands: That is a question of law.

Hon. W. J. GEORGE: If a man's life work is to be attacked, he should have the right to state his case. Men have been invited to take up land and settle on it. They have pledged their good faith by investing their capital and labour to make

the land productive. The board might say that a certain man is not working his land properly, and surely when his whole livelihood is called into question he should have the right to appeal to a competent court! To refuse such an appeal is the last thing one would expect of a Labour Government.

Mr. LINDSAY: The Minister objects to the amendment on the ground that it would cause delay, and he urges that the board would be composed of experts. There is another clause that will make for delay in that a man may elect to subdivide, and if the subdivision is not carried out within a certain time he may appeal.

The Minister for Lands: That is another matter.

Mr. LINDSAY: But the man could say he would subdivide his land and could then appeal to the court. That would be merely going a long way round to reach the same point. Why not grant the appeal in the first place? I should like to know who is going to set the board in motion. Probably one settler will want a portion of somebody else's land and will approach the member for the district. The owner should be an expert as to the best use for the land and he should be able to pit his knowledge against that of the board. If the two parties could not agree there should be an opportunity to appeal. The Minister for Justice has introduced a Bill to grant a board of appeal to a certain body of civil servants. Why should there be no right of appeal from the decision of this one board? The court would decide on facts adduced from expert evidence. I desire that the Bill should become law, but landowners who feel they are suffering an injustice should have the right of appeal.

Hon. Sir JAMES MITCHELL: The Bill contains no safeguards and there is no provision for evidence. The owner cannot ask the board to take evidence other than his own evidence. Subclause 2 provides that the board may take evidence on oath, whereas the previous Bill stated that the board shall take evidence on oath.

The Minister for Lands: It is the same thing.

Hon. Sir JAMES MITCHELL: Not at all. If we provide that the board shall take evidence the owner could insist on the board hearing evidence. As the subclause stands it is optional with the board whether evidence is called. If there is to be no appeal, the board should be compelled to listen to evidence. Still, an appeal should be allowed. A magistrate is expected to decide only on the evidence. The Arbitration Court can do not as it likes but only what Parliament permits. The member for Guildford introduced a Bill recently to enable the Arbitration Court to function as he wished.

Hon. W. D. Johnson: It is not true to say that.

Hon. G. Taylor: That is what you said.

Hon. Sir JAMES MITCHELL: When a member introduces a Bill he has a definite object. In the opinion of the member for Guildford the law was wrong.

Hon. W. D. Johnson: I introduced the Bill to enable the court to function. Why use words that are incorrect?

Hon. Sir JAMES MITCHELL: Which words?

Hon. W. D. Johnson: That I introduced the Bill to enable the court to function as I wished.

Hon. Sir JAMES MITCHELL: I do not care how it is put.

The CHAIRMAN: The hon. member must deal with the amendment.

Hon. Sir JAMES MITCHELL: Probably very little land will be resumed, but I cannot see why the Minister should object to the owner calling evidence.

The Premier: There is no objection to the owner calling evidence.

Hon. Sir JAMES MITCHELL: There is no provision for it.

The Premier: There is no objection to it.

Hon. Sir JAMES MITCHELL: We are framing a law.

The Premier: Then make the law give him the right to call evidence.

Hon. Sir JAMES MITCHELL: But the Minister is not doing it.

The Premier: You know that in these days "may" is generally accepted as "shall."

Hon. Sir JAMES MITCHELL: No; the word has been deliberately altered. It is not the word that was used in Mr. Angwin's Bill.

The Premier: No, it is copied from your Bill.

Hon. Sir JAMES MITCHELL: It is not. Safeguards were provided that are not to be found in this Bill. Mr. Angwin's Bill used the word "shall."

The Minister for Lands: Your Bill said "may."

Hon. Sir JAMES MITCHELL: It is not the same Bill.

The Premier: It is the same Bill on the point that you are arguing.

Hon. Sir JAMES MITCHELL: Not at all. There should be no objection to the owner bringing evidence before either the board or a magistrate, and provision ought to be made for that.

Hon. G. TAYLOR: I cannot follow the argument of the Minister for Lands when he refers to the incapacity of the tribunal that would hear the evidence of both sides. The board would initiate the proceedings, and would have to be satisfied that the land to be taken was not being utilised to its fullest extent. It would then send the information to the Minister. One cannot help thinking that the board will already have satisfied itself that the land is suitable for closer settlement, because it will have informed the Minister to that effect. The owner will, therefore, have to put up a strong case to cause the board to alter its decision. Before the board gains the necessary experience, it may ruin or cripple someone. When there is so much at stake the delay involved in an appeal before a magistrate is not worth considering. The matter should be argued before some authority which has not any preconceived opinion upon it. The amendment is a perfectly fair one.

Mr. J. H. SMITH: The passing of this amendment will enable the Bill to get through another place. If the Government do not accept it I cannot see that the owner of the land will get any redress. Members of the board will not be supermen, and should not be given the supreme power prescribed in the clause.

Mr. FERGUSON: I support the amendment. It is quite likely owners of land will be subjected to considerable hardship, for the reason that they will have only one representative on the board as against two representing the Government. In such circumstances the right of appeal to an independent party should be given.

Mr. ANGELO: I also support the amendment. As it is constituted the board will be a lop-sided affair, whereas, if an independent and fully qualified man were appointed to the position of chairman, that characteristic would be removed.

Mr. MANN: The right of appeal should always be given in cases of this kind. We are beginning to see that there should be a right of appeal from the decisions of the licensing bench. Many people are saying "God forbid that the licensing bench should continue its autocratic actions." When a body of persons is given arbitrary powers it is likely to become highly autocratic. I can imagine the remarks of the Minister for Lands if he were called upon to criticise this autocratic measure.

The Minister for Lands: I supported a similar Bill before.

Mr. MANN: We have learned that it is wrong to appoint authorities without giving the right of appeal from their decisions. If this amendment is not carried the fate of the Bill in another place will be jeopardised. I hope the Minister will not be narrow in his views concerning amendments that are brought forward. This amendment does not say how the proposed local court shall be constituted.

Mr. Thomson: It is intended to mean the local court over which the stipendiary magistrate in the district presides.

Mr. MANN: So much confidence has been reposed in our stipendiary magistrates that they have recently been appointed industrial magistrates to control our industrial laws. If the Minister administering the industrial laws has so much confidence in our local court magistrates, why should not the Minister for Lands have a corresponding confidence in them and let them deal with appeals under this measure?

Mr. E. B. JOHNSTON: I also support the amendment. Every Government employee is being given the right of appeal, and rightly so. Under this Bill the Government will be empowered, through a board, to interfere with the livelihood of the man on the land. Many properties that carry sheep are best suited for the production of merino wool and stud stock; and yet, if the majority of the board desired to resume such a property, the owner would have no right of appeal under the Bill as it stands. He should have that right, and the local court of the district would be the proper tribunal to hear such appeals. Local magistrates sometimes are even empowered to try persons for their lives. The amendment represents a protection to settlers who are utilising land for grazing sheep and producing wool. I hope the Government will accept it.

Mr. C. P. WANSBROUGH: On the second reading I characterised the Bill as harassing and disturbing legislation, and spoke of it as giving the proposed board confiscatory powers. The acceptance of the

amendment will remove the greatest objection entertained to the measure by the vast majority of those it will affect.

Mr. SAMPSON: There is a general desire for the passing of a measure like this; but I hope that, on reconsideration, the Minister will come to the conclusion that the amendment is equitable and will make the measure more useful and more workable. The right of appeal is common, and appeals can be made from one court to another. The proviso, however, does not go so far, since the local court's decision is to be final. Therefore the amendment cannot be said to make for excessive litigation or heavy costs. Opportunity is given for appeal in connection with taxation assessments and local government assessments on certain lands, and such appeals do not stop with the local authority but proceed to the local court. The proviso liberalises the measure and brings it into closer conformity with present-day legislation. On Sunday last members had the opportunity of viewing a great tract of country out from Mingenew, and I then suggested that a particular piece of land should be used for closer settlement. It was explained to me that the block in question, having a rich crop of natural grasses, was used for topping up cattle brought from the Murchison. Anyone unacquainted with that fact would consider that the land should be brought under the plough. In such a case the proviso would prove a manifest advantage. Indeed, the proviso represents British justice.

Mr. THOMSON: This is not my individual amendment, but represents the unanimous opinion, after mature consideration, of the Country Party; and I hope the Minister will reconsider his decision. It is only fair that a landowner should have a right of appeal. Clause 4 gives the owner the right to be furnished with a copy of the board's report supporting, with reasons, the decision to resume; but no clause gives him the right to an opportunity of bringing evidence in disproof of the board's conclusions. As has been pointed out, quite conceivably the public service members of the board might decide that certain land was not fully utilised, while the third member of the board, the man with practical knowledge, held the contrary view. Of course the practical man would then be in the minority, while the other two members would constitute the majority. Such a position is lopsided. We have before us a Bill, which I support, giving the right of appeal to members of the police force where their livelihood is affected. In that instance the Government recognise the justice of granting an opportunity for appeal which has been refused for many years. The present Bill may result in taking away a man's means of livelihood. True, compensation is provided for; but the Government may resume a man's land at a price which makes it desirable for closer settlement, whereupon the man, in order to re-establish himself as a producer of sheep and wool, will have to go out and do pioneering once again. I am prepared to accept those provisions of the Bill which refer to arbitration, but I do trust that the Government will accept the proviso.

Sitting suspended from 6.15 to 7.30 p.m.

The MINISTER FOR LANDS: I am surprised that hon. members see any necessity for an appeal against the decisions of the board. More particularly am I surprised when I remember that those hon. members supported a similar Bill introduced by Sir James Mitchell. In some respects that Bill was more drastic than the one under consideration. The member for Murray-Wellington had no doubt about the position in those days, and in fact that Bill went through this House with the support of all parties.

Mr. Thomson: No, we asked for an appeal board then.

The MINISTER FOR LANDS: I have read the speeches of the member for Katanning on that occasion, so I know what I am talking about.

Mr. Lindsay: Surely we are allowed to change our views.

The MINISTER FOR LANDS: Yes, but members on that side of the House have changed their views only since they have been sitting in Opposition. Behind their attitude is the desire for political propaganda.

Mr. Thomson: No, there is not.

The MINISTER FOR LANDS: The member for Murray-Wellington need not look so surprised at my remark. At the request of Opposition members and their constituents I agreed to amend the Vermin Act, and then those hon. members ran away from it at the general election.

Mr. J. H. Smith: That was not general.

The MINISTER FOR LANDS: I can claim, therefore, to have previous experience

regarding what hon. members ask for and support in this House, and their subsequent attitude at general election time.

Mr. Thomson: But we asked for an appeal board like this before the general elections.

The MINISTER FOR LANDS: The hon. member's constituents asked for amended legislation and then the hon. member basely made charges during the elections, although his statements could not be substantiated.

Hon. W. J. George: Are you expecting an immediate dissolution of Parliament?

The MINISTER FOR LANDS: No.

Hon. W. J. George: Well, why indulge in this political propaganda now?

The MINISTER FOR LANDS: The Leader of the Opposition professed to see much trouble ahead because of the use of the word "may" instead of "shall"; yet in the Bill he introduced, the clause dealing with this question read, "the board may take evidence on oath," and so on.

Hon. W. J. George: But what about the remaining portions of that Bill?

The MINISTER FOR LANDS: There was no provision for an appeal, and at that time no hon. member saw any necessity for an appeal. It is extraordinary that members should see the necessity now, and that they should be alarmed because the Bill does not provide for an appeal.

Mr. Thomson: This is similar to the amendment we moved when a similar Bill was last before the Committee.

The MINISTER FOR LANDS: In view of what I have pointed out, hon. members are not entitled to raise the issue now.

Hon. W. J. George: The question is why the word "shall" should not be used. That is the point.

The MINISTER FOR LANDS: Why was that word not used in the Bill that the hon. member supported, when his Government were in power?

Hon. W. J. George: That does not matter now.

The MINISTER FOR LANDS: It is of importance, because hon. members should be consistent. If they were prepared to support the earlier Bill, they should not oppose the present Bill.

The CHAIRMAN: I would point out that we have passed that portion of the clause in which the word referred to appears. The amendment under discussion is to add a proviso.

The MINISTER FOR LANDS: If hon. members move to include "shall," I shall not take exception, because it has been held by the courts that the meaning of "may" is the same as "shall." I am not concerned about that, but I am concerned regarding the attitude of hon. members who are endeavouring to force upon the present Government and the board, a proviso that may be embarrassing to the board. The member for Toodyay drew attention to the fact that an appeal is allowed under Clause 8. It must be realised that there are two different aspects. The appeal is provided under Clause 8 on a question of fact as to whether the owner has fulfilled his contract and divided his land. Now the suggestion is that an appeal shall be to a magistrate to determine something of which he will have no knowledge. The board will surely be in a position to give a more shrewd and sound judgment than will be any magistrate or judge.

Mr. Lindsay: But they may be wrong.

The MINISTER FOR LANDS: Whether right or wrong, if there is an appeal from their decision, it will be to a person who, in 99 cases out of 100, will not possess the knowledge at the disposal of the board.

Mr. Lindsay: But the magistrate would have the evidence to direct him.

The MINISTER FOR LANDS: But he would have no local knowledge. The member for Swan referred to land at Mingenew that was used for holding cattle brought down from the Murchison, and considered that was sound reason why the land should not be used to its fullest extent. There hon. members have the view that would be held by magistrates and men of that type!

Mr. Sampson: It seemed to me a satisfactory explanation.

The MINISTER FOR LANDS: A practical man would have seen at once that that land was not being put to its fullest use.

Mr. C. P. Wansbrough: You take an extreme case.

The MINISTER FOR LANDS: Some of us saw the country in that district, which includes the Nangetty and Urella Stations. A practical man would see straight away that those stations were grazing propositions, but he could not say the same regarding other parts of the country, where we saw from 5,000 to 10,000 acres on which there was only one habitation. The appearance of that country and the standing timber suggested to any practical man that it was farming land and

not grazing country. A magistrate would be in the position of the member for Swan, and would be perfectly satisfied with the existing position, too.

Hon. G. Taylor: But a magistrate would take evidence from both sides.

The MINISTER FOR LANDS: I have every respect for the law, but I do not attach much importance to law on questions of fact such as this.

Hon. Sir James Mitchell: You should look out.

Mr. Davy: Six practical men will take six different views upon one question.

The MINISTER FOR LANDS: And they may be wrong, and the magistrate, having no knowledge himself, will be confused by the diversity of opinion.

Mr. Davy: No, he will try to balance the evidence of the lot.

Mr. Lindsay: The Agricultural Department officials are not always right.

Hon. G. Taylor: Nor are the Taxation officials, either.

The MINISTER FOR LANDS: Does the member for Toodyay not consider himself competent to give an expression of opinion regarding land in his district?

Mr. C. P. Wansbrough: Yes, but not regarding land in my district.

The MINISTER FOR LANDS: Would not the member for Beverley be competent to express an opinion regarding land in his district?

Mr. Lindsay: Quite so.

The MINISTER FOR LANDS: All hon. members are sure they could do what is proposed, but no one else could do it! Why fear that the board may do an injustice?

Hon. Sir James Mitchell: There is no doubt the board will not knowingly do an injustice.

The MINISTER FOR LANDS: Where land has been resumed, the owner always gets far more than he would have received had the land been sold in the open market.

Hon. G. Taylor: That is so.

Mr. Davy: No, it is not.

The MINISTER FOR LANDS: Can the hon. member say where that has not been so?

Mr. Davy: I can give instances.

The MINISTER FOR LANDS: At any rate, in the country areas the owner always receives more when his land is resumed.

Mr. Davy: You are setting yourself up to be a better judge than the court.

The MINISTER FOR LANDS: No, I am not.

Mr. Davy: You must be.

The MINISTER FOR LANDS: I have had experience.

Mr. Davy: That is what I say. You do set yourself up as a better judge!

The MINISTER FOR LANDS: There is no necessity for hon. members to be concerned regarding the possibility of the board acting in an arbitrary manner. Why did not the Leader of the Opposition make provision for an appeal in the Bill he introduced?

Hon. G. Taylor: That was a different Bill.

Mr. Lindsay: And that was years ago.

The MINISTER FOR LANDS: That explanation will not do. The Leader of the Opposition, when he brought down his Bill, did not see any necessity for an appeal board. Yet that Bill passed this House with the endorsement of all members. I myself supported it. I hope the amendment will not be agreed to, for it is not at all necessary. There is no appeal against the decisions of the land board that allocates land.

Hon. Sir James Mitchell: Oh, yes, there is.

The MINISTER FOR LANDS: To whom?

Hon. Sir James Mitchell: To the Minister.

The MINISTER FOR LANDS: But when is it exercised? The Minister never interferes. There is really no appeal against the decisions of that board, and I do not think there should be any appeal under the Bill.

Mr. Mann: Why have appeal boards of any kind?

The MINISTER FOR LANDS: May I again point out to the hon. member that this Bill is the Bill his Government introduced some years ago. The Legislative Council threw out the Bill, but none of the members of that House proposed an amendment like that now before us. I hope it will not be agreed to.

Mr. GRIFFITHS: The Minister has suggested that the amendment is mere political propaganda. I hope he does not take to himself credit for all the sincerity in the Committee. The amendment has the backing of the whole of our party. The present Government have endorsed the principle of appeals by proposing to constitute an appeal board

for the police force. The Minister suggested that members of this party, after asking for a vermin tax, objected to it. That is not correct. What we object to is, not the vermin tax, but its incidence. I will support the amendment.

Mr. THOMSON: Ever since the first Closer Settlement Bill was introduced years ago, members of this party have consistently advocated provision for appeal against the decisions of the board. On the 17th October, 1922, the then member for Sussex moved that the following proviso be inserted in the Closer Settlement Bill of that year:—

> Provided that an owner may at any time within one month from the service of such intimation as aforesaid appeal to a judge of the Supreme Court, who may either confirm the action of the board or direct the cancellation of such intimation.

The chief difference between that amendment and the one now before us is that that provided for an appeal in the Supreme Court, whereas to-day we think it would be simpler if appeals were dealt with by a local court. Many Government supporters are strongly in favour of appeal boards and courts. There have been instances of injustice in Government departments from time to time, and very often the injured persons have appealed to a member of Parliament who, in turn, has secured the appointment of a select committee to inquire into the case. Not infrequently, as the result of such inquiries, the decision of the department has been overridden. If it is fair to give a Government employee the right to appeal to a select committee, surely it is only fair to provide for appeals from the decisions of a board that, possibly by the direction of a Minister, may say that a man's land is not being properly used. It is already provided in the Bill that the owner may demand from the Minister a copy of the board's report. Why should it stop at that? Why should he not be given the right to appeal against the decision of the board? For five years our party has advocated provision being made for appeals from the decisions of the closer settlement resumption board, and in view of that I hope the Minister will accept the amendment.

Mr. DAVY: The idea that a local expert is bound to do justice is not supported by our experience of experts. The Commissioner of Taxation is an expert, and we have had some very hard things said about him.

Hon. Sir James Mitchell: But the lawyers interpret the law for him. That is his trouble.

Mr. DAVY: No, he interprets the law, and constantly finds himself falling foul of——

The Minister for Lands: But he is not an expert.

Mr. DAVY: Then who is an expert? Surely a person experienced in the particular line of knowledge in which he deals! Therefore I suppose the Commissioner of Taxation is an expert in taxation. Anyone with experience of land resumption courts will realise that while one set of experts holds to one opinion, another set holds to exactly the opposite opinion. The only way of arriving at the truth is to have some person competent to weigh the two sets of views. By taking a line between them he may arrive at the truth. Under the Bill it is proposed that a man of local knowledge, working in conjunction with two Government officials, shall be the sole arbiter. The Minister has suggested that as regards land in the Toodyay district the member for Toodyay would be bound to be right. I do not think he would claim that for a minute. I guarantee that if he expressed an opinion whether a piece of land was being used to its full economic value, I could get five or six neighbours as expert as he who would give as many different opinions

The Minister for Lands: I would be willing to abide by his knowledge of his own district.

Mr. DAVY: I would not, though I would as soon have his opinion as that of any other expert. I am sure I could find another farmer as successful as he who would differ from him as to the best purpose to which land could be put. On the question of the full economic value of land there must be differences even among experts. I suggest that one man might have a fad for growing oats and rape to feed sheep, another might consider the same land was best suited for wheat, while a third might favour subterranean clover and wool growing. Each of the three might be right in different years.

The Minister for Lands: If you were the magistrate what would you do in the circumstances?

Mr. DAVY: I would come to a conclusion on the expert evidence tendered.

The Minister for Lands: How could you do that if you had no personal knowledge?

Mr. DAVY: Personal knowledge of a subject rather disqualifies a judge from weighing the evidence. If he possesses personal knowledge, it tends to reduce him to the level of an expert. The ideal judge is the man who listens intelligently, understands the arguments advanced, and determines which is the most reasonable view expressed.

The Minister for Lands: How could he come to a conclusion when you admit that each of the three men you mentioned might be right in different years?

Mr. DAVY: It is the basis of our judicial system to come to a conclusion on the evidence adduced.

The Minister for Lands: That might be all right in law.

Mr. DAVY: But law itself enters little into the vast majority of cases.

Mr. Thomson: We are framing a law that will result in a man's land being taken from him.

The Minister for Lands: It is not a question of legal evidence. It is a question on which a magistrate would have no knowledge at all.

Mr. DAVY: He does not want it, and in fact it is better that he should have no knowledge.

The Minister for Lands: Not in a matter of this kind.

Mr. DAVY: The question whether the owner is putting his land to its full economic use could be decided by an impartial person after hearing the evidence. To provide an appeal is a reasonable and proper safeguard. Personally I would rather provide for an appeal to a tribunal more likely to be skilful than is a local magistrate. Local magistrates are often not very experienced, simply because we cannot afford the salaries to get the right men, but they are honest and industrious and endeavour to do their duty. A successful farmer may be the most miserable lecturer imaginable on farming.

The Minister for Lands: That is not the point.

Mr. DAVY: It is. The Minister asks that a man shall have his land taken on the opinion of two civil servants and a practical farmer from the district. I suppose the Minister means the third member of the board to be a man who has successfully conducted a farm in a district.

The Minister for Lands: No, a man who knows the possibilities of land in the district.

Mr. DAVY: That means a man who has successfully farmed land in the district. A person of native ability might be a fool in everything except his own particular job.

Mr. Lindsay: He might be a dud on the board.

The Minister for Lands: Would not any local farmer have more knowledge of the district than the magistrate would have?

Mr. DAVY: That is not the point. The possibility of a man acquiring sound judgment is one thing, but whether he does acquire it is quite a different matter. I can imagine that there are successful farmers whose judgment on a peice of land other than their own would be bad.

The Minister for Lands: I will not have that.

Mr. DAVY: The amendment is essentially just, and I should have expected the Committee to accept it had the Minister permitted members on his side to exercise their discretion.

Hon. Sir JAMES MITCHELL: The Minister said my Bill was the same as his. Mine was totally different. The Minister's Bill states "if in the opinion of the board land having regard to its economic value is not put to reasonable use—" which is very different from the clause in my Bill and from the clause in the Bill introduced by Mr. Angwin.

The Minister for Lands: It is the difference between tweedledee and tweedledum.

Hon. Sir JAMES MITCHELL: The Minister is wrong; there is a vast difference. We must not approach these questions in the belief that what we do not know is not knowledge. There were safeguards in my Bill not to be found in this measure. The Minister's only argument against the appeal is that it will cause delay. There is not much in that objection. Who can say of what land is capable? Years ago people damned every acre in the wheat belt and to-day some damn every acre in the South-West. Yet we are now unable to supply the demand for wheat land. The owner of land would have no chance to produce evidence except before a magistrate and the Minister might well agree to grant an appeal. The magistrate would decide on evidence that the owner would have to produce.

Mr. ANGELO: I am surprised at the opposition of the Minister to this amendment. As a farmer he must recognise the danger of the clause as it stands. Ministers come and go, and a Government may assume office that will be out to grab everything it can from the farmer. Owners of land must have some right of appeal from the decisions of this board. All three members of the board will be appointed by the Government, who will be able to alter the personnel from time to time as desired. Thus the board may be able to dominate the broad acres of the country. If the Minister does not like the idea of appeals being made to stipendiary magistrates, let him put forward some other suggestion.

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

Ayes	18
Noes	20
Majority against ..	2

AYES.

Mr. Angelo	Mr. North
Mr. Barnard	Mr. Sampson
Mr. Brown	Mr. J. H. Smith
Mr. Davy	Mr. J. M. Smith
Mr. Ferguson	Mr. Taylor
Mr. E. B. Johnston	Mr. Thomson
Mr. Latham	Mr. C. P. Wansbrough
Mr. Lindsay	Mr. Richardson
Mr. Mann	(*Teller.*)
Sir James Mitchell	

NOES.

Mr. Chesson	Mr. Munsie
Mr. Coverley	Mr. Panton
Mr. Cunningham	Mr. Rowe
Mr. Heron	Mr. Sleeman
Miss Holman	Mr. Troy
Mr. Kenneally	Mr. A. Wansbrough
Mr. Kennedy	Mr. Willcock
Mr. Lambert	Mr. Withers
Mr. Marshall	Mr. Wilson
Mr. McCallum	(*Teller.*)
Mr. Millington	

PAIRS.

AYES.	NOES.
Mr. George	Mr. Collier
Mr. Maley	Mr. Corboy
Mr. Teesdale	Mr. Lamond

Amendment thus negatived.

Mr. LINDSAY: I move an amendment—

That in Subclause 3 the following words be added:—"Provided that within two months of the receipt by such person of a copy of the report, an appeal shall be allowable to a judge of the Supreme Court against the decision of the Board."

In 1922 the then member for Sussex moved a similar amendment to this, with the exception that he provided for only one month. Reference is made to the same thing in Clause 8 of the Bill. A right of appeal against subdivision is there given to the owner who has recourse to the Supreme Court. The objection the Minister has to police magistrates taking appeal cases cannot apply to judges of the Supreme Court. All three members of this board will, in effect, be nominees of the Government. For that reason alone every landowner should have the right to appeal against its decision. If members of the board are the experts they are made out to be, they will be able to show their knowledge when cases come before the Supreme Court, and the owner of the land will also have an opportunity to produce expert evidence to justify his appeal. The whole case will then be decided by the judge. It is improbable that there will be many appeals, but, seeing that for the most part the estates that will be resumed will be of considerable area, a large sum of money will be at stake. Are the members of the board to be the only people to say whether land is being put to its proper use or not? My principal object in moving this amendment is to force the board to justify its action in the event of the owner being dissatisfied with what is being done.

The MINISTER FOR LANDS: This amendment, though to some extent different in language, is substantially the same as that disposed of a few moments ago. The principle is the same; the difference is merely as between courts. There is no necessity to argue the present amendment, which I regard as out of order, the matter having already been disposed of. I oppose this amendment on the same grounds as I opposed the previous one. Every member must realise that under the Bill there is no possibility of injustice being done to any landholder. Apart from the circumstance that the measure empowers the Government to resume compulsorily—in which respect the Bill is coercive—there is no use whatever in members talking about acts of injustice. Any coercive measure must contain elements of injustice. Members who base their objection to the exercise of coercion under any part of the measure, must object to the whole Bill. From the moral standpoint it is doubtful whether any measure of this kind is admissible at all, but the necessities of the people justify such Acts

from time to time. The individual's rights cannot prevail against the community's rights; and this applies specially to the possession of land, from which all wealth is produced. The individual's rights must always be subject to those of the community. We must do such things as this in the general interest. Therefore I hope hon. members who have subscribed to the principle of the Bill will cease to talk about injustice. Under the measure the Government take power, in the general interest, to resume land held under contract with the Crown. However, the only people affected by the measure are people holding large areas.

Mr. Thomson: Not necessarily so.

The MINISTER FOR LANDS: But substantially so. Nobody thinks for a moment of resuming a farm of 1,000 acres. That would be a ridiculous thing to do. But when it comes to 10,000 acres, the position is entirely different.

Hon. Sir James Mitchell: There is no limit to the Bill. Under it, 100 acres may be resumed.

The MINISTER FOR LANDS: The Leader of the Opposition knows that no Administration in its senses would resume an estate of 100 acres.

Mr. Thomson: But it might be done.

The MINISTER FOR LANDS: Why see all these lions in the path?

Hon. G. Taylor: Most of them are dandelions.

The MINISTER FOR LANDS: I commend to hon. members a speech I made on this subject in 1902, a speech I might have made on this very Bill. The view I took then, I take now. At any rate, I, as a land owner, am quite prepared to leave my destiny in the hands of a board. My experience has been that boards invariably give compensation greater than the price a man would get for his property in the open market. The mover of the amendment would be the last man to suggest that Supreme Court Judges know more about land than he himself does. The hon. member has rather confused me by his summing up of cases; evidently his mind is more active than mine. Still, I cannot admit even for a moment that a lawyer knows more about land than does a farmer. The amendment would submit questions of the potential value of land to a man lacking the necessary training and experience to decide them. On the other hand, a question as to subdivision of land and offering it for sale is one of fact and of law, and therefore proper for submission to a court. In such a case the judge determines whether the landholder has kept his contract. Under the amendment the landholder would bring quantities of evidence and the board would bring quantities of evidence, and the poor perplexed judge would be wondering which side was telling the truth. His position then would be the same as in a divorce case. Doubtless, eventually the weight of evidence would be against the board, because the landholder would have troops of friends to speak in his favour. A judge's training entirely disables him from rightly deciding questions as to the productive nature and capacity of land. The ordinary judge would give his decision to the side producing the greater number of witnesses swearing the greater number of truths or untruths. If the judge had knowledge of the nature of land as he has of law, he could throw aside a great deal of evidence. Hon. members would be ill-advised to put such a matter in the judge's hands. Behind the board are the Government, and no Government holding office in this State would do anything that was unreasonable or unfair to any section of the community.

Mr. THOMSON: Behind the decisions given in regard to pay and conditions of all classes of public servants are the Government, and yet the Government have seen fit to give public servants an appeal board. The Minister thinks this particular matter should not be referred to a judge because he would not have the necessary experience and knowledge of land. Under another clause, however, the Minister is willing to allow the landholder an appeal to the court.

The Minister for Lands: But that is on questions of contract and of law.

Mr. THOMSON: The Bill empowers the Government to instruct the board to inquire into the economic use of parcels of land. Under the present law the Government have not that power. Therefore the Bill interferes with the people's rights. The Minister said no injustice could be done under the measure. We do not object to coercion; we say, if the Government consider that land is not being fully utilised they should have power to order inquiry by the proposed board. When it comes to a question whether or not in the opinion of the board, land is being properly utilised, it is merely common justice to the owner to give him the right of appeal. Surely we are going backward in-

stead of forward! When Magna Charta was signed, the rights and privileges of the people were protected. We passed laws setting conditions under which people could acquire land, and now we are asked to agree to further legislation dealing with the proper utilisation of that land. The Minister told us that the Bill will apply only to large landowners, but we cannot deal with the intentions of any Government. It is no use quoting to a Supreme Court judge what the intentions of Parliament were, for judges can deal only with the Acts of Parliament as we pass them. I do not believe for one moment the Government have any intention of doing an injustice. The amendment merely seeks to do justice, and I am sure that if the Bill were being dealt with along non-party lines it would be accepted. I regret that the Minister is adamant in his determination not to accept it. Let him prove his confidence in his own statement that no injustice will be done, and agree to the amendment!

The Minister for Lands: There is a possibility of injustice arising out of appeals.

Mr. THOMSON: We are in favour of the Bill, but we claim that the right of appeal should be allowed.

Mr. ANGELO: I am surprised at the arguments used by the Minister in opposing the amendment, especially his assertion that a judge would not be competent to deal with appeals. He spoke of landowners bringing hundreds of their friends to support their contentions. Surely the Minister's opinion of judges is very poor! A judge would be able to sum up the witnesses and properly assess the value of their evidence. Among the witnesses might be three or four farmers with expert knowledge, and their opinions would be of weight.

Mr. Panton: Is it a fair thing to ask a man to give his opinion on oath?

Mr. Davy: It is done every day, and reasons are given in support of opinions.

Mr. ANGELO: Of course. As a matter of fact, if the board functions in the way the Minister hopes, there will be very few appeals. After a number have been unsuccessful, the farmers will realise that the members of the board know their business and there will be few appeals. With a one-sided board such as that set up in the Bill, wholly appointed by the Government as the board will be, it is only just that the right of appeal should be granted. I hope the Committee will accept the suggestion for the appeal to a judge who is trained to weigh evidence, deal with questions apart from political influence, and to give justice to all concerned. It is unnecessary for a judge to be personally acquainted with every problem upon which he adjudicates. In the taxation case in which the member for Toodyay was interested, a judge entered judgment against the decisions of the Commission of Taxation. Judges deal with divorce suits, but it is not regarded as necessary for judges to hunt pretty girls in order to gain experience!

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

Ayes	.. ..	18
Noes	.. ..	19
Majority against	..	1

AYES.

Mr. Angelo	Mr. Mann
Mr. Barnard	Sir James Mitchell
Mr. Brown	Mr. North
Mr. Davy	Mr. Sampson
Mr. Ferguson	Mr. J. H. Smith
Mr. Griffiths	Mr. J. M. Smith
Mr. E. B. Johnston	Mr. Taylor
Mr. Latham	Mr. Thomson
Mr. Lindsay	Mr. Richardson
	(Teller.)

NOES.

Mr. Chesson	Mr. Munsie
Mr. Coverley	Mr. Panton
Mr. Cunningham	Mr. Rowe
Mr. Heron	Mr. Sleeman
Miss Holman	Mr. Troy
Mr. Kenneally	Mr. A. Wansbrough
Mr. Kennedy	Mr. Willcock
Mr. Lambert	Mr. Withers
Mr. Marshall	Mr. Wilson
Mr. McCallum	*(Teller.)*

PAIRS.

AYES.	NOES.
Mr. George	Mr. Collier
Mr. Maley	Mr. Corboy
Mr. Teesdale	Mr. Lamond

Amendment thus negatived.

Clause put and passed.

Clause 5—agreed to.

[*Mr. Panton took the Chair.*]

Clause 6—Notice to owner:

Hon. Sir JAMES MITCHELL: I move an amendment—

That in line 1 of paragraph (a) "may" be struck out, and "shall" inserted in lieu.

Amendment put and passed

Mr. DAVY: The proviso to paragraph (b) of Subclause (1) deals with conditional purchase leases or other contracts not registered as Crown leases. This is the first place in the Bill where we come to the fact that "land" is to include conditional purchase leases as well as freehold.

The Minister for Lands: It was in the last Bill.

Mr. DAVY: That may be, but this is where we first arrive at it in this Bill. I move an amendment—

That the proviso be struck out.

It has been said there is no reason why the Bill should not apply to conditional purchase land as well as to freehold. But there is a very good reason. When land is given to a citizen by the Government on conditional purchase lease, the Government by contract actually guarantee to the citizen that if he carries out certain specified requirements, then in due course the land shall become his property. The guarantee is that the fulfilment of the expressed conditions shall be deemed to be equivalent to putting the land to reasonable use having regard to its economic value. If the citizen does not fulfil those conditions, he forfeits the land. But if he does fulfil those conditions, and nevertheless the Crown take the land away from him, the Crown commits, not only a breach of contract, but a breach of faith. The position in respect of the freehold title is very different. There is no express contract as to the terms upon which a man shall hold such land. It is well recognised in every British community that when the requirements of the community as a whole are greater than the requirements of the individual, the community requirements shall be paramount, and the individual shall be called upon to part with his land, subject of course to his being properly compensated. But when there is an express contract, such as that in a conditional purchase lease, under which the holder shall be permitted to go on holding his land, it is wrong to give to the Government legislative power to cancel that contract and take the man's land from him. It is nothing but a breach of faith, and we should not do it Moreover, it is entirely unnecessary, for it is inconceivable that any conditional purchase land subject to forfeiture in the event of the conditions not being fulfilled is not being put to reasonable use, having regard to its economic value. I think we might well eliminate this proviso, firstly because it is unjust, and secondly because it is quite unnecessary.

The MINISTER FOR LANDS: The hon. member argues that in the granting of a conditional purchase lease the Government make a definite contract with the holder that if he fulfils the requirements the land shall become his own. But the Government have made an equally definite contract with the holder of fee simple land. That man has gone through the conditional purchase process, fulfilled all requirements, kept faith and now holds his land absolutely, notwithstanding which the hon. member would agree to the resumption of his land.

Mr. Davy: But the contract made has been discharged.

The MINISTER FOR LANDS: No, the contract can never be discharged. The contract is that upon the fulfilment of the conditional purchase requirements the holder gets his title as the absolute owner. But then the Government say, "Although you have done all these things, and become the owner, we now propose to break the contract." The hon. member fancies he can see a distinction between that and the taking of conditional purchase land. He must realise that there is no such distinction at all. In both cases there is a broken contract, and in my view it is harder upon the holder of freehold land than upon the owner of a conditional purchase lease. There are instances in which we shall have to take the conditional purchase land, some of it in pretty big areas.

Mr. Davy: But if the holders are not fulfilling conditions you can forfeit their land.

The MINISTER FOR LANDS: But it is not always done. For instance, the stocking conditions are not invariably insisted upon, because sometimes circumstances are against their fulfilment.

Hon. Sir James Mitchell: Under this you will have just as much right to resume pastoral lands as any other lands.

The MINISTER FOR LANDS: That is so.

Hon. Sir JAMES MITCHELL: The illogical thing about resuming land held under improvement conditions is that in the opinion of the House the fulfilment of those conditions is sufficient to justify the

holding of the land. Ministers from time to time come down and ask the House to fix the improvement conditions. We have done that, and so it is entirely illogical to say to the occupier, "We fixed the conditions, but we did not make them stringent enough, and so we shall have to take the land from you." And the curious thing is that when we resume that land and reallocate it under improvement conditions, there will be nothing to prevent us coming along and resuming it once more.

Mr. LAMBERT: I am surprised at the arguments of the member for West Perth. After all, the main consideration in the acquiring of land is whether it will be paid for at a proper valuation. In the public interest, land is acquired under the Public Works Act and other Acts, no matter what the title of the land may be.

Hon. G. Taylor: But there it is acquired because the Crown needs it.

Mr. LAMBERT: And under the Bill it will be acquired for closer settlement in the public interest.

Hon. G. Taylor: It might be acquired in individual interest.

Mr. Lambert: It would be acquired in the public interest.

Mr. DAVY: The Government have made a definite contract that settlers shall have land under certain conditions. The conditions have been fixed on the basis of what it is considered the holders should do in order to develop the land in the proper way. If it is not unjust, it is certainly comical to say to those men, "You are not putting your land to reasonable use having regard to its economic value." The Minister admitted that that would not occur except where holders were not fulfilling the conditions of their contract. If they are not fulfilling the conditions, the law enables the Crown to forfeit the land without compensation. Consequently, conditional purchase land appears to be included in this Bill, not with the intention of enabling the Crown to deprive a man of his conditional purchase land, but to compensate him for taking it.

The Minister for Lands: The conditions require only certain improvements.

Mr. DAVY: But the average man finds it necessary to work pretty hard in order to fulfil the conditions. No doubt it is constantly brought to the Minister's notice that holders of conditional purchase land are not fulfilling the conditions and the Minister refuses to forfeit the leases.

The Minister for Lands: And frequently I forfeit them.

Mr. DAVY: It is almost inconceivable that the board would conclude that conditional purchase land was not being put to reasonable use if in fact the conditions of the lease were being fulfilled. Therefore the inclusion of conditional purchase land is illogical and entirely unnecessary. I should be pleased to hear of any substantial piece of conditional purchase land where the conditions are being fulfilled, and the land is not being put to reasonable use having regard to its economic value, and its resumption is necessary in the interests of the State.

Mr. LAMBERT: Members are hardly likely to be impressed with the specious argument of the member for West Perth. Under the Public Works Act, the Government have the right to acquire land on which perhaps valuable factories have been built, and yet the hon. member suggests it would be a hardship if conditional purchase land were resumed.

Mr. C. P. Wansbrough: I suppose the poor old cocky has no rights.

Mr. LAMBERT: No one denies that a farmer, or a cocky, as the hon. member contemptuously terms him, has a right to his land. I am surprised at the argument of the member for West Perth, because he must realise in his saner judgment that if we decide on a policy of closer settlement, it should apply to all land.

Mr. MARSHALL: It has been argued that conditional purchase land should not be brought within the scope of the Bill because the conditions make it possible to forfeit the land if it is not improved. There is nothing in this Bill dealing with the conditions governing such land; the only reference is to the economic value of land. If the amendment is carried it will be possible for people to intrigue and employ dummies and hold up large areas of land so long as they improve the property. Thus much injury would be done to the State if the amendment were passed. Men of wealth employ dummies to hold up large areas of land because otherwise they could not get sufficient to satisfy their greed.

Mr. Mann: Under the conditional purchase?

Mr. MARSHALL: Under the dummying adopted in the North-West and in other pastoral areas, it is not impossible. This Bill deals only with the economic value of land, and the hon. member has been argu ing about the conditions under which the land is sold.

Mr. Davy: How is a man going to comply with the conditions without producing on his land?

Mr. MARSHALL: There is nothing to compel him to produce; all he has to do is to improve the land.

Mr. Davy: How can he pay his interest to the bank if he does not produce?

Mr. MARSHALL: The conditions of the lease do not compel him to produce. Under this clause a man must produce from his land according to its full economic value.

Amendment put and negatived.

Clause put and passed.

Clause 7—Acquisition of Land:

Mr. DAVY: I am going to move that in subclause 3 the words "subject as hereinafter provided" in line 1 be struck out, that in line 3 between the words "of" and "and" the words "the assessment of" be inserted, and that the three provisos be struck out. My purpose is to endeavour to preserve uniformity in the method by which compensation for resumed land may be arrived at. Only one method of doing this should be employed. The machinery under the Public Works Act has always worked well, and everyone understands the procedure. In this clause the Minister has copied preceding Closer Settlement Bills. I can see no reason why we should duplicate the method of assessing compensation. The effect of my amendment would be to bring the clause into line exactly with the Public Works Act. I move an amendment—

That in Subclause 3 the words "subject as hereinafter provided" be struck out.

[*Mr. Angelo took the Chair.*]

The MINISTER FOR LANDS: I appreciate the desire of the member for West Perth to secure uniformity. It would have been quite easy to provide for compensation to be paid according to the terms of the Public Works Act. My objection was that this would mean reference to a judge. Under the Arbitration Act the parties can agree upon a sole arbitrator, or two arbitrators as the persons to settle their dispute. It is better that the Arbitration Act should govern this particular form of compensation.

Mr. Davy: By agreement the parties could have arbitration under my amendment.

The MINISTER FOR LANDS: I think they would be obliged first of all to go before a judge. A judge has no practical knowledge of these particular questions. It would be far better for all concerned that these questions should be dealt with by practical men. For that reason I have made this provision in the clause.

Mr. Davy: We had better wipe out our judges. They seem to be quite useless.

The MINISTER FOR LANDS: Not at all. In a case of this character the position would be more satisfactory to all concerned if it were dealt with under the Arbitration Act.

Mr. MANN: During the last Parliament we amended the Industrial Arbitration Act. The Minister for Works said he was going to search the Commonwealth to find the best man for the position of President of the Arbitration Court. He subsequently chose a highly trained legal gentleman. To-day that court is inquiring into questions appertaining to railway men. The President knows nothing about railways or transport, but he does know something about the law of evidence and of equity, and on those points will give his decision. If this argument holds good in the Arbitration Court it must hold good in the case of land resumptions for closer settlement purposes.

Mr. DAVY: I am surprised at the Minister's attitude. My amendment would not prevent the parties from having private arbitration if they so desired, and abiding by the decision of the arbitrator. It is not at all necessary that they should go near a judge if they do not wish to do so. The Arbitration Act provides that any civil dispute may at the will of the parties be decided by arbitration. All I suggest is that when there is not that amicable agreement between the parties, when each is forcing the other, there shall be the procedure laid down by the Public Works Act. The Minister says we want not judges but practical men to decide these matters. What are these practical men?

The Premier: Men entirely apart from the law; so consider yourself as not being a practical man.

Mr. DAVY: I do not pretend to have knowledge of land valuing.

The Premier: Even if you had, your legal knowledge would disqualify you.

Mr. DAVY: Possibly. In this community, perhaps against its will, there is a class of persons who are trained in the deciding of questions and the presenting of cases, and there is also a special class of persons elevated to the judicial positions because it is thought they are better qualified to exercise judicial functions than are people without that experience. Yet one sees this extraordinary hatred for, this peculiar distrust of, people trained from early manhood to one special purpose. Surely the practical man is he who is experienced in deciding between the conflicting arguments and conflicting opinions of so-called experts. Six land valuers would probably give six conflicting opinions.

The Minister for Railways: With very good reasons for all of them.

Mr. DAVY: No. That is where the job of the non-practical man, who is experienced and trained not in the valuing of land but in the sifting of reasons and evidence, comes in. I suggest that in the interests of uniformity we keep the procedure under this Bill on exactly the same lines as the procedure under the Public Works Act. The parties would still have a perfect right, if they so wished, to go to arbitration.

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

Ayes	17
Noes	20
Majority against	3

AYES.

Mr. Barnard	Mr. North
Mr. Brown	Mr. Sampson
Mr. Davy	Mr. J. H. Smith
Mr. Ferguson	Mr. J. M. Smith
Mr. Griffiths	Mr. Taylor
Mr. E. B. Johnston	Mr. Thomson
Mr. Lindsay	Mr. C. P. Wansbrough
Mr. Mann	Mr. Richardson
Sir James Mitchell	*(Teller.)*

NOES

Mr. Chesson	Mr. McCallum
Mr. Collier	Mr. Munsie
Mr. Coverley	Mr. Panton
Mr. Cunningham	Mr. Rowe
Mr. Heron	Mr. Sleeman
Miss Holman	Mr. Troy
Mr. Kenneally	Mr. A. Wansbrough
Mr. Kennedy	Mr. Willcock
Mr. Lambert	Mr. Withers
Mr. Marshall	Mr. Wilson
	(Teller.)

PAIRS.

AYES.	NOES.
Mr. Maley	Mr. Corboy
Mr. Latham	Mr. W. D. Johnson
Mr. Teesdale	Mr. Lamond
Mr. George	Mr. Millington

Amendment thus negatived.

Clause put and passed.

Clause 8—Default by owner after notification to subdivide for sale:

Mr. DAVY: Suppose the owner subdivides his land, and puts it up for auction at prices dictated by the board under Subclause 3 of Clause 6, and fails to sell, what happens then? That position does not seem to have been provided for.

The Minister for Lands: The board could then take the property.

Mr. DAVY: The clause does not say so. Nor does it say that the board shall take the property. In the circumstances they cannot take it over unless they are specially authorised to do so. What happens then? As far as I can see, nothing happens.

Mr. Thomson: And the owner has been put to the expense of subdivision.

Mr. DAVY: Yes. How long must he go on trying to sell at the prices fixed by the board? For ever? Possibly there has been a failure to notice that particular position. The clause deals with default. If the landholder has made no default and still does not sell, where is he then?

The MINISTER FOR LANDS: It would not be reasonable to assume that the board would take action unless there was some demand for the land, nor yet that the board would do other than fix reasonable prices for the land to be resumed. I cannot assume that a sale would not be effected.

Mr. Mann: That is not the point. What would you do if a sale did not take place?

The MINISTER FOR LANDS: But it is not reasonable to assume that a sale will not take place.

Mr. Davy: Is it unreasonable to assume that Government officials cannot be unreasonable?

The MINISTER FOR LANDS: We can speak only in the light of experience in the past. All lands acquired by Government officials in years gone by have been disposed of without difficulty.

Members: Of course.

Mr. Davy: But not at public auction! The land was disposed of at fixed prices.

The MINISTER FOR LANDS: At fixed maximum prices.

Mr. Davy: Has the unfortunate land owner to accept anything he is offered for his land?

The MINISTER FOR LANDS: He will have to accept what is a fair thing, otherwise he could place some fictitious value upon his property and desire a sale at that price. A land owner may decide to subdivide his property, thinking he can do better by attempting to sell his property himself.

Mr. Davy: Do you suggest that the contingency I mentioned could not arise?

The MINISTER FOR LANDS: The land owner makes the choice for himself. He is not compelled to accept the price offered, and he may go to arbitration. He may exercise his right to subdivide and sell it himself. If he chooses that alternative, he should be satisfied with the results he secured.

Mr. Davy: I am merely pointing out the position in which we may land ourselves.

Mr. Lambert: We could provide that where the upset price is fixed by the board, the Government should take the land over at that price if it is not realised.

The MINISTER FOR LANDS: When the board notify their intention to resume and offer a fair price for the property, the land owner may consider he can do better on his own account. He may elect to subdivide his property himself, if the price offered is not considered suitable.

Mr. Davy: But the contingency I refer to arises before any price is offered.

The MINISTER FOR LANDS: But if the land owner elects to do the business himself, he acts upon his own responsibility.

Mr. Lambert: And any land owner has a right to protect his own interests.

The MINISTER FOR LANDS: Yes, and if it does not come off he cannot blame the Government.

Mr. Lambert: That is, if he fixes the upset prices. But if the Government fix the upset prices——

The MINISTER FOR LANDS: But a land owner may fix fictitious prices in order to frustrate the object of the Bill.

Mr. Mann: The Minister should reconsider the clause, and have it drafted in a more simple form.

The MINISTER FOR LANDS: It will not be re-drafted.

Mr. Mann: It will lead to a lot of litigation.

The MINISTER FOR LANDS: I do not think the hon. member knows what he is talking about. If a person takes the alternative and elects to subdivide and sell his own property, he must take the risk. If we allow a land owner to subdivide and fix his own prices for the blocks to be sold at auction, there will be no resumption.

Mr. Thomson: But under the Bill you fix the prices.

Mr. DAVY: I do not think the Minister appreciates the position. I am not complaining about any hardship or harshness that is likely to follow where the interest of the land owner is concerned.

The Minister for Lands: What do you suggest we should do?

Mr. DAVY: I am asking for an explanation.

The Minister for Lands: And you have got it.

Mr. DAVY: No, I have not. A property owner receives from the board a notice of their intention to resume. He has a certain time within which to make up his mind whether he will allow the land to be taken or whether he will subdivide it and offer the blocks for sale under certain conditions and prices prescribed for him. The clause provides that if the land owner has given notice to the board of his intention to subdivide but makes default, he shall be deemed not to have notified the board of his intention to subdivide and the board can go on with the resumption. But if the man does not make any default and his land is not taken, what happens then? He has done all that he is required to do and yet no sale is effected and nothing happens. I suggest there is a gap in the machinery of the Bill.

Mr. THOMSON: There is another phase of this question: A man is about to put in his crop when he gets notice that it is proposed to resume his land. Consequently he decides not to put in that crop. He may elect to subdivide his property and put it up by auction. But no bidders come forward. Consequently he does not sell his land. Yet he has lost his season's crop. It might mean a very serious loss to him. That phase requires to be considered.

Mr. Chesson: But the board would not step in if he were cropping his land.

Mr. THOMSON: No, but he may be about to crop it when he gets the notice. At present I do not see how the difficulty could be overcome.

The MINISTER FOR LANDS: The point raised by the member for West Perth will be inquired into. It is reasonable to assume that if the owner has exercised his right to subdivide the land, accepting the conditions imposed upon him by the board, the board if necessary will have to take it over.

Hon. G. Taylor: Well, why not direct the board in this, as in so many other things?

The MINISTER FOR LANDS: I do not think it necessary. However, I will make a note of the point raised by the member for West Perth and go into it with the officials to-morrow.

Clause put and passed.

Clauses 9 to 16—agreed to.

New clause:

Mr. THOMSON: I move—

That the following be added to stand as Clause 11:—"Owner may retain portion of land intended to be acquired: Notwithstanding anything in this Act to the contrary, any owner who, before a declaration is published under section seven that land has been taken under this Act, may notify the board of his desire to retain a portion of the land intended to be taken sufficient for the sustenance of himself and his family, and in such case he shall have the right to retain such portion of the land as may be agreed upon between such owner and the board."

I hope the Minister will accept this. It has to be agreed upon by the owner and the board. The owner should have the right to retain his homestead. He may have been born and bred on the homestead, in which event it would have for him a strong sentimental appeal.

The MINISTER FOR LANDS: I suppose by "family" is meant those dependent upon the owner. Of course some owners would want to retain enough for half a dozen families. It is quite reasonable that any man owning a property should be entitled to retain a portion for the sustenance of himself and his family.

Hon. Sir James Mitchell: It would be the improved part.

The MINISTER FOR LANDS: Yes, and there might be a sentimental reason attaching to it. I see no objection to the proposal.

New clause put and passed.

Title—agreed to.

Bill reported with amendments.

House adjourned at 10.23 p.m.

Legislative Council,

Wednesday, 14th September, 1927.

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

BILL—MENTAL TREATMENT.

Second Reading.

THE CHIEF SECRETARY (Hon. J. M. Drew—Central) [4.33] in moving the second reading said: As members know, there is not at the present time what may be termed a half-way house between the ordinary medical hospital, and the Hospital for the Insane. Some unfortunate person may suffer from what there is every reason to believe is a temporary attack of some nervous trouble, which upsets his mental balance for the time being. There is no ample provision in our public or private hospitals for effectively dealing with such cases, and there is no alternative but to send the patient to the Claremont Hospital for the Insane. He may be there, and sometimes is there, only a matter of a few months, but a form of stigma attaches to him for the remainder of his life. People say, "That man or that woman has been in Claremont," and forever