sion, and whenever it has been possible for them to ease the rough path of those I have sent along, they have exhibited the utmost courtesy. We have often heard that officials have been callous. Whether it is that with the advent of the Labour Government those officials suddenly have become more solicitous for the welfare of the workers I do not know; but right through the system, perhaps as the result of the eagle eye of the Minister being upon them, those officials are giving excellent service, and very little complaint from the unemployed against the administration of the department is being heard. There are times when we cannot procure the things we require, but that does not alter the fact that to-day the department is being administered in a manner not partial to any particular section. Each member of the community that comes within the ambit of the department receives generous consideration and as much work as the Minister can find for him. I rose to compliment the Minister on the manner in which he has been administering his department. If things continue as they are going, it will not be long before he will be able to say that not only has the Blackboy Hill camp been wiped out, but that he has progressed considerably along the road which the Labour Government desire to traverse.

Progress reported.

House adjourned at 9.56 p.m.

Legislative Council,

Tuesday, 14th November, 1933.

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

ASSENT TO BILLS.

Message from the Lieut.-Governor received and read notifying assent to the undermentioned Bills:—

1, Police Act Amendment.
2, Feeding Stuffs Act Amendment.
3, Plant Diseases Act Amendment.
4, Fruit Cases Act Amendment.
5, Tenants, Purchasers and Mortgagors' Relief Act Amendment.
6, Entertainments Tax Act Amendment.

BILL—LOTTERIES (CONTROL) ACT AMENDMENT (No. 1).

As to Procedure—President's Ruling.

The PRESIDENT: I propose at this stage to give my deferred ruling on the points of order raised by Mr. Harris and Mr. Holmes respectively. It is claimed by Mr. Harris that the Bill is one which in paragraph (b) of Clause 3 effects an alteration in the constitution of each House of Parliament, and was, therefore, required by Section 72 of the Constitution Act, 1889, to pass its second and third readings with the concurrence of an absolute majority. To this point I have given long and careful consideration, and feel myself obliged to uphold the objection for the following reasons:—

It is not within my province to decide whether a seat on the Lotteries Commission is, or is not, an office of profit under the Crown, but for the present purpose it must be assumed to be so, for otherwise the provisions of the paragraph mentioned would be meaningless. If, therefore, such a seat is an office of profit, the tenure of it must be a disqualification to a member of Parliament. This disqualification the paragraph seeks to remove, and is, therefore, one which concerns the qualifications of members. But does it follow that, in the words of Section 73 of the Constitution Act, 1889, it "effects an alteration in the constitution of either House of Parliament?" In answering this question, we find a guide in "The Australian States Constitution Act, 1907," and I need not stress the importance of this testimony. The object of this Act of the Imperial Parliament is to lessen the number of Australian Bills which must be reserved for the Royal Assent. Section 2 begins, "There shall be reserved for the signification of His

Majesty's pleasure thereon every Bill passed by the Legislature of any State forming part of the Commonwealth of Australia which (a) alters the constitution of the Legislatures of the State or of either House thereof." Subsection 2 continues: "For the purposes of this section a Bill shall not be treated as a Bill altering the constitution of the Legislature of a State or either House thereof by reason only that the Bill (omitting (a), (b) and (c)), in paragraph (d) concerns the election of the elective members of the Legislature or either House thereof, or the qualifications of electors or elective members. For all purposes, therefore, except for the reservation of assent, a Bill which concerns the qualifications of members, is still to be treated as a Bill altering the constitution of the Legislature or either House thereof, and therefore, requiring an absolute majority. It is impossible to suppose that paragraph (d) would have been placed in the Act, unless such Bills were, at the time of the passing of the Act, included in the category of Bills altering the constitution of the Legislature, to the same extent as the Redistribution of Seats and other Bills specified in paragraphs (a), (b) and (c). And in that category they obviously remain.

If support of this interpretation were needed it would be found in the opinion of Sir Howard D'Egville, a recognised Constitutional authority, on the Closer Settlement Bill, 1922, printed as honourable members will remember, in our Votes and Proceedings of 1924. These are his words:—"I take this view because I think that to remove a possible disqualification of a member of Parliament so as to enable him to retain his seat in the House when, but for such statutory relief he would have to be debarred from so doing, does, in effect, amount to an amendment of the Constitution."

I have, therefore, no hesitation in ruling that the Lotteries (Control) Act Amendment Bill is one which effects an alteration in the constitution of either House of Parliament, and is, therefore, one which under Section 73 of the Constitution Act, 1889, it would be unlawful to present to the Governor for assent unless the second and third readings had been passed in each House with the concurrence of an absolute majority. That being so, my course is clearly laid down in No. 242 of the Standing Orders:—"If any Bill received from the Assembly be a Bill by which any change in the constitution of the Council or Assembly is proposed to be made, the Council will not proceed with such Bill unless the Clerk of the Assembly shall have certified on the Bill that its second and third readings have been passed with the concurrence of an absolute majority of the whole number of the members of the Assembly."

The certified copy of the Bill has no such statement, and I rule, therefore, that the Council cannot proceed with the Bill. I must also uphold, in spite of many adverse instances in our statute book, the objection raised by Mr. Holmes, to the effect that the virtual amendment of the Constitution Act contained in Clause 3 is foreign to the Title of the Bill.

The CHIEF SECRETARY: I move—

That a message be transmitted to the Legislative Assembly acquainting it that with reference to Message No. 39 from the Legislative Assembly forwarding a Bill for an Act to amend the Lotteries (Control) Act, 1932, objections have been taken to the Bill on the ground that paragraph (b) of Clause 3 of the Bill proposes to make a change in the Constitution of the Legislative Council and/or the Legislative Assembly, and does not bear a certificate that its second and third readings have been passed with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly; also that the aforesaid paragraph is foreign to the title of the Bill. These objections having been upheld, the Legislative Council informs the Legislative Assembly that it is unable to proceed further with the Bill.

Hon. J. J. HOLMES: I would like your ruling, Mr. President, as to whether the Chief Secretary's motion is in order. I gathered from the ruling you have given the House, that the Bill is not properly before this Chamber. It should not have been introduced here without a certificate regarding the statutory requirements governing the passage of the Bill in another place at the second and third reading stages. If the Bill is not properly before this House, it is finished; we cannot deal with it further.

The PRESIDENT: My reply is that the Bill cannot, in any circumstances, be proceeded with further, irrespective of what answer may be sent from another place in reply to the message. I take it the Chief Secretary's motion represents a simple act of courtesy in order to inform the Legislative

Assembly of what has happened to the Bill in this House.

Hon. E. H. HARRIS: I would like an assurance from a reliable authority as to the position. If we agree to the motion, shall we merely as an act of courtesy notify another place what has been done rather than that they should first read of the proceedings in the report in the "West Australian" to-morrow morning? If we pass the motion and send it to another place will it merely serve to provide them with a waddy with which to return and hit us later on? I want to be sure on the point. Perhaps the Chief Secretary will be able to indicate what is intended.

The PRESIDENT: Perhaps the hon. member would like me to read the motion again or perhaps he would like to have a copy of it.

Hon. E. H. HARRIS: We have heard it read twice but I cannot quite grasp what it really amounts to. It is difficult to gather its full meaning merely as a result of hearing it read. So long as we are not affording another place an opportunity to send back to us a certificate regarding the proportion of members in the Assembly who agreed to the second and third readings of the Bill or to do something that will enable them to further traffic with the Bill under discussion, I shall lodge no objection to the motion being agreed to. Not being conversant with the position, I would like the Leader of the House to give us an assurance on the point.

Hon. J. CORNELL: I followed closely the reading of the motion moved by the Leader of the House, and I cannot read into it anything that would enable it to be used as a stick with which to beat this House. In the past 22 years, so far as I can remember, there have been two instances similar to the position now occupying the attention of members. The first was on a point of order raised by Mr. Holmes in 1912. The course suggested in the Chief Secretary's motion was followed on that occasion. Then, in 1925, a practically similar state of affairs, as regards the point of order raised by Mr. Harris, was decided by you, Mr. President, in Committee.

Hon. E. H. Harris: No message was sent to the Assembly on that occasion.

Hon. J. CORNELL: It was not even reported to the House. The Electoral Act Amendment Bill of 1925 was ruled out of order under Standing Order 242, and in giving your ruling, Mr. President, in your then capacity as Chairman of Committees, you said—

> I have therefore no hesitancy whatsoever in ruling that the Committee cannot proceed with the Bill. If the Committee raise no objection to my ruling, I shall leave the Chair.

The report of the proceedings in "Hansard" concluded—

> The Chairman accordingly left the Chair and the Bill lapsed.

That shows what happened on the second occasion. If the question merely related to the point of order raised by Mr. Harris, I would object to the motion moved by the Chief Secretary being agreed to, because of the similarity of the circumstances to the position that arose eight years ago when we went no further than to declare the Bill out of order. We certainly did not inform the Legislative Assembly of what had happened. On this occasion, two points of order are involved and, in view of the position that arose in 1912, I believe we should be consistent and, as an act of courtesy, let the Legislative Assembly know what has actually happened. I can see no danger in the motion.

The CHIEF SECRETARY: The passing of the motion will be merely an act of courtesy. It will inform the Legislative Assembly of your ruling, Mr. President, on the two grounds of objection, the first being that the Bill was not certified to as having been passed with an absolute majority of the Legislative Assembly, the other point being that part of the subject matter of the Bill is not relevant to the Title. The motion goes no further. Even if subsequently a message were returned from the Legislative Assembly, could this House not be prepared to receive and consider the message? I cannot say whether a message will be returned.

Hon. J. Cornell: The motion does not bind the Council in any way.

The CHIEF SECRETARY: Mr. Holmes hinted that the motion may revive the Bill, which he claimed was extinct. Let us suppose that it does so. Mr. Holmes has spoken on the Bill, and so has Mr. Harris. Other members have not had an opportunity to discuss it. The Bill was sent to this Chamber for the purpose of careful review, and yet three-fourths of our number have not had an opportunity to discuss it.

Hon. E. H. Harris: Other members had the opportunity to do so. They were not stopped by anyone.

The CHIEF SECRETARY: I have moved the motion as an act of courtesy to the Legislative Assembly in order to formally notify them of the fate of a very important measure following upon the President's ruling that it is out of order and the message gives the grounds for the ruling.

Question put and passed; the message transmitted accordingly.

MOTION—BEES ACT.

To Disallow Regulation.

HON. V. HAMERSLEY (East) [4.54]: I move—

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

Recently a regulation was laid on the Table to amend those made under the Bees Act, 1930. I am more or less interested in the matter because a number of beekeepers reside in my province, and they are scattered over a large area. They are somewhat concerned regarding the altered regulation seeing that they have been working satisfactorily under the existing regulations for a number of years. The notification in the "Government Gazette" of the 20th October last read as follows:—

It is hereby notified that His Excellency the Lieut.-Governor in Council has been pleased to amend Regulation 6 of the regulations made under the Bees Act, 1930, and published in the "Government Gazette" on the 6th day of March, 1931, as follows:—"The said Regulation 6 is amended by substituting the words 'three miles' for the words 'five miles' in line 7 of the said regulation."

The original regulation provided that where bees, hives, honey or beekeepers' appliances were introduced into the State accompanied by a certificate required by Section 14 of the Act, the certificate had to define the boundaries of the district mentioned therein and disclose the fact that the district comprised an area contained within a circle having a radius of not less than five miles from the apiary or place from which the bees, hives, honey or appliances were introduced into the State, as the centre of that circle. The regulation will reduce the radius to three miles. It seems quite a simple matter until one comes in contact with beekeepers, who point out the danger of introducing diseases. Western Australia has suffered enough in the past from the introduction of various parasites and diseases, and I understand that the beekeepers view the amendment of the regulation with a certain amount of suspicion. It is known that a bee in its honest roaming for honey, traverses about 2½ miles and under the regulation, has a radius of about five miles over which to operate. In those circumstances, the bee had a distance of 2½ miles from the hive in each direction before it was likely to come into contact with bees from another hive. The reduction of the radius to three miles means that the bees will be overlapping, and there is great danger of the introduction of disease from other localities or from another State. After a conference of beekeepers, the radius of five miles was fixed as the absolute minimum. In the circumstances, the reduction to three miles is viewed with suspicion by the beekeepers, who are gravely concerned about the position. There is a possibility of the bees overlapping within the State itself. Some of the larger apiarists are inclined to move their bees from time to time and the smaller beekeepers claim that their preserves are being encroached upon, with the result that the smaller men have greater difficulty in establishing themselves. I hope the Minister will furnish the House will the reasons prompting such a drastic alteration to the regulations, so that members will be enlightened regarding the position. My object in moving the motion is to help the beekeepers.

On motion by the Chief Secretary, debate adjourned.

BILL — GERALDTON SAILORS AND SOLDIERS' MEMORIAL INSTITUTE LANDS VESTING.

Read a third time and *passed.*

BILLS (2)—FIRST READING.

1, Augusta Allotments.

2, Land Tax and Income Tax.

Received from the Assembly.

BILL—LAND.

In Committee.

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

Clauses 1, 2—agreed to.

Clause 3—Interpretation:

Hon. H. J. YELLAND: The definition of "town" is not included. Why has there been this omission?

The HONORARY MINISTER: Several interpretations have been omitted because they are already provided for in the Interpretation Act.

Clause put and passed.

Clauses 4, 5—agreed to.

Clause 6—The Minister for Lands:

The HONORARY MINISTER: This is perhaps the most important clause in this part of the Bill. It provides that the Minister shall be appointed as a body corporate to get over any difficulties that may be likely to arise. There are many documents which require the personal signature of the Minister, and unless the clause be agreed to, it will be necessary at some time in the future to secure the signature of the Minister for the time being. Under the amendment it will be possible for the occupant of the Ministerial position at that time to sign the necessary release for mortgages and other documents of a similar character.

Clause put and passed.

Clauses 7 to 12—agreed to.

Clause 13—Signature of other instruments:

Hon. H. J. YELLAND: I notice that the proviso which appears in the original Act has been omitted from this clause. Is there any particular reason for the omission?

The HONORARY MINISTER: It was not considered necessary to include it. In another part of the Bill the hon. member will find that provision is made to cover the matter.

Clause put and passed.

Clauses 14 to 21—agreed to.

Clause 22—Land of insolvents to be for benefit of creditors:

Hon. H. J. YELLAND: This clause omits some words contained in the original Act. The existing legislation provides that with the consent of the Minister land may be sold "by auction or private contract." What is the reason for the omission of those words?

The HONORARY MINISTER: No particular reason has been given for the omission. I think the words are superfluous. The Bill merely provides that land may be sold, which means by whatever seems at the time the best method from the aspect of the insolvent estate. There are numerous methods by which one can dispose of land and I assume that the method which most appeals at the time will be the method adopted.

Hon. H. J. YELLAND: I have no objection to the wording of the clause, but I draw attention to the omission because when the Bill was placed before us we were given to understand that any departures from the original Act and its amendment Acts would be printed in italics. However, we have no cognisance of words omitted. It is not fair to pass these matters by without mention being made of the fact that they represent departures from existing legislation.

The HONORARY MINISTER: Many slight alterations have been made, as I stated on the second reading. While I have information regarding the great majority of alterations and omissions, there may be two or three for which I cannot at the moment give reasons. I am quite prepared to take note of such instances and supply the information at the earliest possible moment. Such a matter need not hold up a clause.

Clause put and passed.

Clause 23—Forfeiture for non-compliance with conditions:

Hon. H. J. YELLAND: Here is another instance of the same thing. Subclause 3 appears in ordinary type, but so far as I can discover it is not contained in the original Act, or in any amendment Act. Therefore it should be printed in italics as an amendment, so that it may, if necessary, be given more serious consideration than otherwise would appear to be needed. I do not complain that the subclause is either unnecessary or out of order.

The CHAIRMAN: It looks to the Chairman as if italics have been used where principles are involved, not matters of machinery.

Hon. H. J. YELLAND: On the second reading it was stated that italics would be used to draw attention to alterations. Here is another instance of omission in that direction.

Clause put and passed.

Clauses 24 to 28—agreed to.

Clause 29—Governor may make reserves:

Hon. H. J. YELLAND: Another omission occurs here. In paragraph (f) the words "school and" have been omitted after the words "endowment of."

The HONORARY MINISTER: The clause sets forth the purposes for which land may be reserved, but all these purposes are provided for in existing legislation, except those stated in paragraphs (o) and (p), referring to workers' homes and to cottages under the Housing Trust Act.

Hon. J. Nicholson: Those purposes were embodied by the Acts of 1922 and 1930.

The HONORARY MINISTER: It may be so. I am advised that they were not covered. However, they will be covered by this Bill.

Clause put and passed.

Clauses 30 to 34—agreed to.

Clause 35—Land within a common may be disposed of by conditional purchase:

Hon. H. J. YELLAND: Surely there should be special reasons given why a common should be cut up for agricultural purposes. A common is set aside for the convenience of the public, and it cannot be in the best interests of the public that it should be withdrawn and cut up for agricultural purposes.

The HONORARY MINISTER: This provision appears in the parent Act. It is necessary because it is frequently found that there is in a common a much larger area than is required, and that the balance could well be used for agriculture. The provision has been in the Act for many years and there has not been any abuse under it. Certainly the Minister would not operate under it without the consent of the local authority.

Hon. J. J. HOLMES: First of all we want to know what is a common. Presumably it is a reserve for the common use of stock owners, particularly for camping travelling stock. In my opinion these commons should be declared class "A" reserves. The necessity for them when first they were declared was not nearly so great as it is to-day, because in the early days all the country was open and a man could camp where he liked with his stock, whereas to-day much of the country is alienated; and, moreover, roads that were once 20 chains wide, have been reduced to two chains, making it all the more necessary to have permanent reserves on which to camp stock.

Hon. E. ROSE: I agree with the Honorary Minister. These commons were created many years ago, mostly near settlements and small towns, and largely to afford areas on which cow owners could run their cattle. To-day they are quite unnecessary. A common is very different from a reserve for travelling stock. There is very little travelling stock to-day, because virtually all stock are carried by railway. So it is quite unnecessary to have a number of reserves for travelling stock. I agree with the Minister that the clause should remain in the Bill.

Hon. A. THOMSON: Owing to the rabbit and kangaroo pests, many farmers in country districts regard these reserves as constituting a menace. In my experience no Minister has ever considered the selling of any part of a common or reserve until it has the approval of the local authority, which certainly will not approve unless a majority of the people within the district give consent. In the stock-raising areas many of these reserves may be necessary, but in the agricultural areas very few are really required. I agree that we ought to pass the clause, for hitherto the provision has worked very well.

Hon. W. J. MANN: I hope the clause will be agreed to. In many of our commons are areas of agricultural land that could well be settled. Such commons as are not frequently used ought to be cut up and cultivated. Many of them are nothing but breeding grounds for pests.

Hon. G. W. MILES: I think we could well pass the clause. No Minister has ever granted the release of any common without the consent of the local authority. In the North there have been commonages running into 150,000 acres. In the old days they were used for camping horses and bullocks and camels, but in this age of motor traction they are no longer necessary. I know of one common leased to a squatter who is using it to very good purpose.

The HONORARY MINISTER: There is nothing in the Act to define a common. Mr. Holmes dealt with reserves which come under a different category. The point raised is interesting and should be cleared up. I therefore propose to obtain the information members have asked for. With regard to the further point raised by Mr. Holmes, dealing with Class A reserves, I referred the matter to the Minister for Lands, who advised me that it is receiving his serious consideration. The Minister is sympathetic to the suggestion put forward by Mr. Holmes.

Clause put and passed.

Clause 36—Temporary reserves:

Hon. H. J. YELLAND: The differentiation between temporary reserves and reserves has caused trouble in the past. Under the clause, the Minister may temporarily reserve lands, but if the reservation be not confirmed within 12 months, then the land temporarily reserved shall cease to be so reserved. A great number of temporary reserves have been marked on the public plans of the Lands Department during past years. For instance, if a railway is authorised in a particular locality, land within a certain radius of the proposed railway is immediately temporarily reserved, so that no person may select it in anticipation of the railway being constructed and so reap the benefit of the unearned increment. That practice is justifiable, but under the clause, as drawn, a temporary reserve would, after a period of 12 months, lapse if it were not confirmed. The clause as drawn may result in serious trouble to the Lands Department. I think it would be well if the Honorary Minister referred the clause back to the Minister for Lands in order to ascertain if some verbal alteration cannot be made whereby the department would be protected.

Clause put and passed.

Clause 37—agreed to.

Clause 38—Town and suburban lands to be sold by auction:

Hon. E. H. H. HALL: I desire to draw the attention of the Committee to what is occurring now. I was in Wiluna recently, where the Government are putting up blocks of land for sale to people desirous of building homes. Under the existing Act, and under the Bill as drawn, there is nothing to prevent a speculator from purchasing all the blocks of land submitted at an auction and then sitting back and making a profit later on. We should, however, try to protect the genuine home-builder, and I would like to know if there is any intention on the part of the Government to protect the genuine resident of a town like Wiluna who is desirous of building a home for himself and his family.

The HONORARY MINISTER: I am afraid I cannot answer the question. The desire of the hon. member is to prevent speculation in townsites or building blocks and that, I imagine, is a rather difficult proposition, unless we include in the Bill a residental qualification, as has been done in the case of agricultural lands. Can the hon. member put forward some concrete suggestion which I could submit to the Minister?

Hon. E. H. H. HALL: I would refer the Honorary Minister to Clause 42 of the Bill, which makes provision for the fencing of suburban blocks. Perhaps provision could be made whereby the purchaser of a townsite block must establish that he will erect a residence on the block.

Hon. H. V. PIESSE: Perhaps the Minister could arrange for some blocks of land to be set aside in building centres at Wiluna for the purposes of workers' homes. Most towns have an area set aside for that purpose. That would no doubt meet the position.

Clause put and passed.

Clauses 39 to 44—agreed to.

Clause 45—Grants of land for the purposes of the Workers' Homes Act and Housing Trust Act:

Hon. E. H. H. HALL: The Minister might take advantage of this clause to meet the case that has arisen at Wiluna. This is a place that bids fair to rival Kalgoorlie, where blocks for workers' homes are not procurable. Land outside the Wiluna township to-day will soon, by comparison, be in the heart of it. Now is the time to set aside an area for the building of workers' homes.

The HONORARY MINISTER: I will refer the matter to the Minister for Lands. Even if something of that kind were done, speculation in town and suburban lots would still go on.

Hon. H. V. PIESSE: Only one man can get a worker's home block, whereas if the

land is bought in the open market, one man may secure as many blocks as he wishes. I think the clause is fairly well protective as it is.

Clause put and passed.

Clause 46—agreed to.

Clause 47—Conditional purchase with residence:

Hon. J. NICHOLSON: I move an amendment—

That to paragraph (a), Subclause 1, the following proviso be added:—"Provided that the maximum area may be increased by not exceeding one-tenth, if deemed necessary to effect the survey."

This amendment is designed to give power to the department to square off blocks, where there is a small area involved, by joining up the piece with some nearby boundary.

Hon. H. V. PIESSE: I support the amendment. I know of many cases in which after survey the boundaries of blocks have had to be altered one way or the other.

The HONORARY MINISTER: I have referred this proposed amendment to the Minister for Lands, who does not think the clause should be altered. It is possible that a man may have 5,000 acres, and, if this amendment were carried, he could have another 500 acres tacked on to his holding. A man and his wife, as one person, may hold 1,000 acres of cultivable land, and 2,500 acres of non-cultivable land, making a total of 3,500 acres. If a tenth of that area were added, they would be holding 3,850 acres. If a person held 500 acres of cultivable land, he would be able to hold 3,750 acres of non-cultivable land, making his total area 4,250 acres, and under the amendment a tenth of that area could be added to the whole.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. J. NICHOLSON: The amendment is for the purpose of assisting the Lands Department and the surveyors. The Governor may reduce the maximum area required and it is obviously wise to grant some latitude to enable the area to be increased, because that will help the surveyor to deal with tag-ends of land that may, if included in a block, increase it beyond the area stipulated.

Hon. J. J. HOLMES: There is nothing new in the clause. I do not think we should tamper with a provision that has worked well for many years. The land is classified and surveyed into blocks, and there are not likely to be tag-ends left over such as Mr. Nicholson has in mind. I am certain means have been found under the provisions of the Act to deal with anything of that description.

Hon. J. NICHOLSON: Previously a man and his wife could take up a much larger area, but now they will be restricted to 1,000 acres between them. A road may be provided and in the lay-out may leave a small strip of land between the road and a 1,000 acre block. Would it not be wise to include some provision in the Bill to enable that strip of land to be added to the adjoining allotment.

The HONORARY MINISTER: I do not think there is anything in the argument advanced by Mr. Nicholson. Where land is surveyed before selection, the whole of the area is cut up, and there are varying acreages in a given district. Everything depends upon the classification of the land.

Hon. A. Thomson: What if there were 25 acres of first class land in the strip to which Mr. Nicholson has referred?

The HONORARY MINISTER: It must be remembered that the block must consist of 1,000 acres of cultivable land, or its equivalent, which may be more than 1,000 acres. Should there be any small strip of land, such as Mr. Nicholson mentions, it would be added to one of the adjoining blocks. I know of one instance in which a larger area was included in a block than the owner desired.

Hon. J. Nicholson: My amendment was moved merely with the desire to assist the Lands Department.

The HONORARY MINISTER: The departmental view, which is supported by that of the Minister, is that there is no necessity for the amendment. In those circumstances, perhaps we should not interfere with the clause, but I will raise the matter with the Minister again.

Hon. J. J. HOLMES: The only point raised by Mr. Nicholson was that a surveyor might leave odd corners not included in a block. I do not know that that would be much of a compliment to the surveyor, because he has to classify and survey the block. Should he run out his first line and find that he had left an odd corner, it would merely mean reducing the width or length

to include the odd piece, and the surveyor would then go on with the next block. In my opinion, the clause is satisfactory as it stands.

Hon. H. V. PIESSE: Mr. Nicholson's amendment would apply only to land surveyed after selection. Regarding land surveyed before selection, the whole area has to be classified first, and the necessary proportions of first, second and third class land provided in accordance with the Act.

Hon. J. Nicholson: I will not press the amendment, if the Honorary Minister will bring the matter before the Minister.

The Honorary Minister: I will do so.

Amendment put and negatived.

Hon. A. THOMSON: I move an amendment—

That the two provisos to paragraph (b) be struck out.

The Act has worked satisfactorily and there should be no reasonable objection to a husband and wife being allowed to acquire 2,000 acres. Under existing conditions, farmers are wondering how they can work their holdings profitably, and if they desire to run sheep, it is generally accepted that more than 1,000 acres are required. My amendment will place the farmers on all fours with what Sir Edward Wittenoom desires with regard to pastoral holdings.

Hon. H. V. PIESSE: I support the amendment. When married people have children, it is essential that they should have larger areas of land. A thousand acres is too small a block for a married man with a family. If we have married people with large families engaged in agriculture, they should have the opportunity of taking up extra land.

The HONORARY MINISTER: The present restriction has been in force since 1922 and during that period the department found that the area now allowed to a married man and his wife to be quite sufficient. One can sympathise with a family that may desire to hold bigger areas, but I am afraid we can carry that sentiment a little too far. My information is that the present maximum has proved to be satisfactory over a period of 12 years, and that there is no justification for increasing the area.

Hon. J. J. HOLMES: If we want to handle this country properly, it must be handled in large and not small areas. Compare the large holdings with the number of people who are trying to eke out a miserable existence in the smaller areas without either finance or equipment. The day is not far distant when we shall be obliged to reverse the whole policy of land settlement and encourage people to take up large areas, remembering always that the conditions under which the land is held must be enforced.

Hon. A. Thomson: That is the point.

Hon. J. J. HOLMES: The trouble is that the conditions under which the land has been held have never been enforced, with the result that development and railway traffic have been retarded.

Hon. W. J. MANN: The days of land hunger are practically passed. I do not like the idea of speculative land selection, but the fact that people with families are disadvantaged by being confined to small areas appeals to me and we should therefore make it possible for them to hold larger blocks. I shall support the amendment.

Hon. T. MOORE: I intend to oppose the amendment in the interests of the people for whom the mover of the amendment speaks. I have seen a lot of land settlement in this country and I say confidently there have been more failures through having taken up too much land than not having taken up enough. Unfortunately, there is a desire on the part of people to take up a lot of land. If those people had sufficient capital to develop, say, 2,000 acres, it would be all right; but where are those people to be found? Those who have taken up land have sought assistance from the Government at the outset, and the Government are not now in the position to find money to carry out improvements on 2,000 acres, so that the people may live up to what they should do under conditional purchase conditions. We shall be doing an injustice if we allow a man's wife to take up an extra 1,000 acres with the desire to do something for the children that are coming along. In Victoria a man could take up only 640 acres in some places and 320 in others.

Hon. L. B. Bolton: A different class of land.

Hon. T. MOORE: We say that ours is first class land, that is, the land we propose to settle in 1,000-acre blocks. A man with 1,000 acres has a tremendous task before him. He must clear it, fence it and provide water. That takes a fair amount

of money, and on top of that his land rents are falling due and there are rates and other incidental expenses.

Hon. H. V. Piesse: He should not take it up if he cannot finance it.

Hon. T. MOORE: Unfortunately there are very few men who can finance these days. I have seen many failures because people have had more land than they were able to develop. If it were possible to get settlers with capital, I should then say give them the 2,000 acres. In the interests of the people themselves we shall be doing the right thing by limiting the area to 1,000 acres. If a man wants more, and he is in the position to acquire it, he will buy it.

Hon. A. THOMSON: The Frankland and Gordon River areas were thrown open under regulations framed by the Lands Department, and the Agricultural Bank refused to grant any advances in those districts because, the bank contended, large areas were required for stock purposes. My amendment does not declare that 2,000-acre blocks should be thrown open, but that there should be opportunity to apply for such areas. The Land Board inquire fully into the position of every applicant, and the decision rests in their hands.

The CHAIRMAN: The amendment refers to man and wife.

Hon. A. THOMSON: That is why I want the clause struck out. There is nothing to prevent the Land Board from refusing an application where they believe that sufficient finance is not available. Let us leave the matter as it is. Men go on the land with sons 16 or 17 years of age, and before long those boys will be eligible to take up land; but before they reach the qualifying age, the land may be gone.

Hon. H. J. YELLAND: In 1911 it was possible for a man to take up 1,000 acres under the residential section, and another 1,000 acres under the non-residential provision. The wife, if living with her husband, as she should be doing, could not fulfil the residential condition. She would have to come under Section 56, the non-residential provision. Thus it was possible for a man to have 3,000 acres, though he would have to do the improvements on the area held by his wife. A man with a family large enough to do the required work was quite justified in holding such an area, but under the conditions here proposed there could be dummying. The provisos would drive the man with capital to secure land under dummying conditions. I support Mr. Thomson's amendment.

Hon. L. B. BOLTON: I too feel that I must support Mr. Thomson's amendment. My farming experience convinces me that on 1,000 acres a man has little opportunity of making progress. Successful farmers, even in the Central Province, are mostly men who have had to start with something like 1,000 acres but have gradually built up their properties. I originally took up 830 acres, the maximum I could secure at the time, and struggled with it for three or four years without making any advance. Only after securing additional land was I able to make any headway. In the district where I am farming, about 30 blocks were thrown open, and the vast majority of those who took them up went out because they could not develop their holdings. Now my district has good, up to date farmers. The properties of five of the men who had to go out because of not having sufficient areas are in my possession to-day, and I have a fairly successful farm. The much-despised St. George's-terrace farmer is the backbone of Western Australia's farming industry.

Hon. H. J. Yelland: You cannot put that over us.

Hon. L. B. BOLTON: The St. George's-terrace farmer is necessary for the advancement of the State.

Hon. H. V. PIESSE: In the Cranbrook district large areas were taken up, and owing to want of capital those farmers have not progressed. Many of them wish to reduce their areas, because of the marvellous rainfall, combined with the use of superphosphate. I support Mr. Thomson's amendment.

Amendment put and a division taken with the following result—

Ayes	9
Noes	11
Majority against	2

Ayes.

Hon. C. F. Baxter	Hon. H. V. Piesse
Hon. L. B. Bolton	Hon. A. Thomson
Hon. E. H. H. Hall	Hon. H. J. Yelland
Hon. W. J. Mann	Hon. C. H. Wittenoom
Hon. J. Nicholson	*(Teller.)*

Noes.

Hon. J. M. Drew	Hon. T. Moore
Hon. G. Fraser	Hon. E. Rose
Hon. E. H. Harris	Hon. H. Seddon
Hon. W. H. Kitson	Hon. C. B. Williams
Hon. J. M. Macfarlane	Hon. E. H. Gray
Hon. G. W. Miles	*(Teller.)*

Amendment thus negatived.

Hon. A. THOMSON: I move an amendment—

That in line 3 of the second proviso to paragraph (e) of Subclause 4, the words "other near relative" be struck out, and "bona fide manager or servant" inserted in lieu.

It might easily be that a near relative would not be a satisfactory resident. It might be much more agreeable to a man to put his employee in residence.

The HONORARY MINISTER: I cannot accept the amendment. The hon. member will find that in Clause 49 provision is made for everything he desires. Under that, a manager can comply with the residential conditions. To put such an amendment in the clause before us would be so to widen it as to render it impracticable.

Hon. H. J. YELLAND: The Honorary Minister is right. Clause 49 indicates that if a person is unable to carry out the residential conditions of his lease, he may by making application to the Minister have the lease transferred from residential conditions to non-residential conditions.

Hon. A. Thomson: He would then have to make double the improvements, which would be a hardship.

Hon. H. J. YELLAND: It would not be a hardship, for the ordinary improvements required are altogether too slight.

The HONORARY MINISTER: I should like to emphasise the point mentioned by Mr. Yelland. The clause as it stands is certainly better from Mr. Thomson's point of view than the section in the original Act, where there is no provision for any near relative complying with the residential conditions.

Hon. E. H. H. HALL: Why should a man be debarred from taking up a block of land merely because he cannot call upon a near relative to enter into residence? The only point should be whether he is prepared to comply with the conditions under which the land is granted to him.

Hon. A. THOMSON: Which would be more profitable to the State, to place a practical experienced man on a block of ground, a man who would see that the necessary improvements were effected, or to place a boy, 16 years of age, on the land, simply because he happens to be a relative of the holder?

Amendment put and negatived.

Hon. C. F. BAXTER: Dealing with paragraph (f) of subclause 4 of the clause, what is meant by an adequate water supply? Would it be a supply for cropping alone or for cropping and stock? The clause goes on to provide that that adequate water supply must be provided within the first two years. That might be a very difficult, if not impossible, proposition. There are many properties in this State upon which it was impossible to get an adequate water supply within the first two years of their development. I had a property comprising 7,000 acres that was looked upon as a white elephant for the first five years I held it, but after the timber had been ring-barked it became one of the best watered properties in the State. It would be a step in the wrong direction to leave this provision in the Bill. It should be deleted.

The HONORARY MINISTER: It is, I think, the experience of the Minister for Lands over a large number of years which has made him so keen on the insertion of this provision in the Bill. As Mr. Baxter points out, it is only necessary that an adequate water supply shall be provided, if required by the Minister. The person occupying the portfolio of Minister for Lands will certainly have a fair knowledge of what is necessary in each particular case. If it is not possible for a settler to provide an adequate water supply within two years, then ample power is given by the Bill to permit of the Minister extending the period for any time he thinks reasonable. The question as to what would constitute an adequate water supply would, in my opinion, depend upon the circumstances of each particular holding. It is generally conceded that for a farmer to succeed nowadays, it is necessary for him to have stock. He must have water for his stock. I oppose the amendment, but I hope the House will agree to include it in the Bill.

Hon. H. J. YELLAND: In some respects the provision is reasonable, but it must not apply to land already held under lease from the Crown. Surveyed blocks are usually let under conditions, and this provision should not be deemed to be included as one of the provisions of the leases already granted. Will the Honorary Minister inform the Committee if it is the intention of the Government that

this condition should apply to land to be selected in the future?

The HONORARY MINISTER: I fail to see how the provision could be made to apply to leases already granted, because there is a contract existing between the Government and the settlers is such cases. I have not heard any suggestion that a condition of this kind is likely to be imposed upon people who have already settled on land under given conditions.

Hon. C. F. BAXTER: I agree with the Honorary Minister when he says this matter can safely be left in the hands of the Minister for Lands because he has had much experience in land settlement, and probably has been very fortunate so far as his water supply is concerned. The same remark applies to the previous Minister, Mr. Latham. The time may come, however, when some gentleman may be holding the position of Minister for Lands who has not much knowledge of land settlement and who will be advised by officers who also have little knowledge of the position. In some cases a water supply cannot be obtained until the timber has been cleared. Five or six years must elapse after the timber is removed before a settler can get a supply of water upon his holding. There are thousands of acres on which there is no holding ground for dam-sinking, and on which it is not profitable to attempt to sink wells. This provision will tend to hold up a good deal of land settlement.

Hon. J. J. HOLMES: The clause is satisfactory as it is. One of the first essentials on any farm is the provision of an adequate water supply. The Minister should have power to see that the settler provides himself with this at the earliest opportunity. No farmer should be obliged to abandon his work for the purpose of carting water.

Hon. H. V. PIESSE: I agree with the remarks of Mr. Holmes. A settler cannot work his property to advantage unless he has first provided himself with water. The Minister would always use his judgment as to the extent to which this obligation should be fulfilled.

Hon. J. NICHOLSON: I am inclined to think these words will be difficult to interpret. If this provision were converted into one of the specified improvements of a holding, the obligation would be placed upon the lessee to provide himself with a sufficient water supply for his purpose. I should like to know what the term "adequate water supply" means. It would certainly vary according to circumstances.

The HONORARY MINISTER: The Minister would not require a settler to supply himself with water facilities unless he had good reason for so doing. Only when a man had cleared and fenced his land, and was ready to cultivate it, would he require more water than was sufficient for himself and his family, and only then would he be called upon to provide himself with adequate facilities. It would be difficult to find a better word for this purpose than "adequate."

Hon. L. B. BOLTON: I do not see why the Minister should interfere in this matter. The responsibility is upon the settler to provide himself with all the water he requires. For the first three years of my farming operations all I had was the contents of a 100-gallon tank. I am opposed to the insertion of this provision in the Bill.

Hon. J. J. HOLMES: I hope no attempt will be made to define the meaning of "adequate water supply." The clause as printed is quite plain and simple, and it is left to the discretion of the Minister to interpret it as occasion demands.

Hon. C. F. BAXTER: Mr. Holmes has expressed the hope that we shall not attempt to define what is an adequate water supply. If members of this House who have had 30 years' experience as practical farmers cannot arrive at a decision, how can it be expected that civil servants will do so?

The CHAIRMAN: They will do it quite easily.

Hon. C. F. BAXTER: Well, I suppose so!

The Honorary Minister: It would all depend on the circumstances.

Hon. C. F. BAXTER: And what view would the Minister's advisers take of the circumstances? I am afraid this may cause great difficulty for new settlers.

Amendment put and negatived.

Clause put and passed.

Clauses 48 to 53—agreed to.

Clause 54—Land for vineyards, orchards and gardens:

The HONORARY MINISTER: Before we finish with the provisions regarding conditional purchase land, I would like to reply to one or two queries by members during

the second reading stage Mr. Thomson referred to the position of C.P. land and homestead farms in relation to the Transfer of Land Act, and he desired to obviate the difficulties regarding the lifting of mortgages and so forth before a Crown grant could be issued, by inserting a clause to bring such land under the Transfer of Land Act. I have been advised that such a course would not be relevant to the Bill, and could be dealt with only by an amendment to the Transfer of Land Act. The matter has been brought under the notice of the Crown Law authorities, and when I receive the information in reply, I will let Mr. Thomson have it. Regarding the other suggestion made by Mr. Thomson, in which he dealt with land vested in local authorities, I think he referred to some trouble that was mentioned by a legal gentleman in Katanning.

Hon. A. Thomson: Yes, that is so.

The HONORARY MINISTER: That gentleman suggested that a clause should be inserted in the Bill whereby all land vested in a local authority by any Act should be held by that local authority with all the powers, rights and privileges of an owner in fee simple, subject to certain safeguards. The Crown Law authorities advise me that that matter would not be relevant to the Bill, but is probably one for amendment in Acts dealing with local governing bodies, and also the Transfer of Land Act. If Mr. Thomson can supply further particulars, the Assistant Crown Solicitor will be pleased to advise what is necessary to be done. Mr. Nicholson also raised a similar question regarding the bringing of leases under the Transfer of Land Act, and my reply to Mr. Thomson applies equally to him.

Clause put and passed.

Clauses 55 to 112—agreed to.

Clause 113—Maximum area:

Hon. G. W. MILES: Will the Minister agree to the postponement of this clause? Sir Edward Wittenoom has an amendment on the Notice Paper and he is unavoidably absent.

The HONORARY MINISTER: I have no objection to postponing the consideration of the clause, but there is a small amendment that is required and this might be made. I move—

That in Subclause 5 the words "Except as provided by the last preceding section" be struck out.

These words as they appear are meaningless.

Amendment put and passed.

Further consideration of Clause postponed.

Clauses 114 to 117—agreed to.

Clause 118—License for quarrying etc., but not on goldfield or in mineral district:

Hon. E. H. HARRIS: There is no definition here to indicate what is a goldfield. The clause says "not being a goldfield." In the Mining Act the definition of "goldfield" is, "any land proclaimed or deemed to have been proclaimed goldfields under the provisions of this Act." We have a thousand miles of auriferous country in this State, but when we refer to mining we must have regard also to tin, copper, coal and other minerals. I consider the word "proclaimed" should appear before "goldfield"; otherwise it will mean the whole of Western Australia. The Minister might look into this point.

The HONORARY MINISTER: Section 154 of the original Land Act which is similar to the clause under discussion, does not contain a definition of "goldfield." I will, however, look into the matter as requested by the hon. member.

Clause put and passed.

Clauses 119 to 127—agreed to.

Clause 128—Power to reduce selling price:

Hon. A. THOMSON: I should like to know whether the Government can interpret the clause to read that they have power to reduce the value of the repurchased estates. When many of the estates were purchased, conditions were very different from what they are now. In some cases also, the settlers have not been successful.

Hon. J. J. Holmes: Do you think the Minister should have this power?

Hon. A. THOMSON: Yes, if it is found that the quality of the land is not giving the return that was originally thought it would. In such cases, the Minister should have power to review the charges.

The HONORARY MINISTER: The hon. member raised this question on the second reading, and I submitted it to the Crown Law authorities, who advise that the provision does not give the Government power to reduce prices.

Hon. A. THOMSON: The Bill could be recommitted for the purpose of dealing with the matter. Does the Bill contain any clause enabling the Government to reduce prices?

The HONORARY MINISTER: I cannot point to any clause in the Bill giving the power mentioned by the hon. member. I shall have inquiry made on the point. Subclauses 4 and 5 of Clause 127, which are new, provide for an increase in the term of lease from 30 years to 40, with payment of interest alone for the first five years. Repurchased estates sold during the last five years will come under that provision, the relief given by which will prove highly valuable. I may also refer Mr. Thomson to Clause 130.

Hon. A. THOMSON: I appreciate the provisions to which the Honorary Minster has drawn attention. They will prove advantageous to men on repurchased estates.

Hon. E. H. H. HALL: Applications are being made to the Minister for reduction in the selling price of land on account of its having turned salt. Is there any other clause empowering the Government to reduce the price in such cases?

The HONORARY MINISTER: I will make inquiry on the subject.

Hon. T. Moore: Re-assessments are being made everywhere.

Clause put and passed.

Clause 129—Deferment of rent payable by discharged soldiers:

Hon. H. V. PIESSE: Will the Minister for Lands extend overdue land rents to the full term of 40 years? I understand that as the result of an interview with the Minister such a promise has been made. I should like to learn whether the arrangement is to be carried out.

The HONORARY MINISTER: I shall be only too pleased to make the necessary inquiry.

Clause put and passed.

Clauses 130 to 140—agreed to.

Progress reported.

BILL—CONSTITUTION ACTS AMENDMENT.

Received from the Assembly, and read a first time.

BILL—FORESTS ACT AMENDMENT.

Second Reading.

THE CHIEF SECRETARY (Hon. J. M. Drew—Central) [9.43] in moving the second reading said: In 1918 an Act was passed making provision that three-fifths of the net revenue from timber should go to a reforestation fund. At that time the revenue from sandalwood was very small. The royalty was something like £1 per ton. A few years later, under a scheme for limiting export, the royalty was substantially increased. The aggregate revenue from sandalwood had mounted from £1,600 annually to about £50,000. There was no outlet for the wise expenditure of such a sum annually on the propagation of sandalwood, and in 1924 a Bill was passed providing that one-tenth of the amount received from sandalwood should be set aside for re-growth purposes, or £5,000, whichever was the greater. In 1929, owing to the depression and the financial position of the Treasury resulting therefrom, the Collier Government omitted from the annual Bill the clause which in previous years had provided that £5,000 or 1/10th of the revenue for sandalwood should be placed in the fund for the re-growth of sandalwood. The Bill was defeated. In the following year, 1930, the Mitchell Government introduced a Bill on identical lines, except that, in addition to taking the sandalwood revenue from 1930-31, the measure mopped up the money which we would have received had our Bill been passed. No doubt members realised at that stage that the depression was not a temporary one, that it would continue for some years. The result was that the Bill passed with little discussion. Through an oversight, no Bill was submitted for the year 1932-33, but the money was taken into Consolidated Revenue.

Hon. E. H. Harris: Legally?

The CHIEF SECRETARY: It was taken into Consolidated Revenue and subsequently expended, legally or not, I do not know, but no action has occurred in consequence. The Bill before us is on all fours with the two last measures which were introduced, with the exception that it validates what the Treasurer did in error in 1932-33. For this purpose the Bill is deemed to have continued in force as from and including the 30th June, 1932. As will be recognised, the present Government will derive no benefit

from the retrospective aspect of the Bill. The money was spent before they entered office last year.

Hon. G. W. Miles: How much? Do you know the amount?

The CHIEF SECRETARY: It was £13,575. Although the Bill covers that situation, unfortunately we derive no benefit from the revenue referred to. The export of sandalwood in 1931-32 was 1,450 tons, and in 1932-33 it was 3,800 tons. The revenue last year was £13,575, and the revenue for this year is estimated to be £19,000. The money already spent in the re-growth of sandalwood has not been attended with the results anticipated. It has been found possible to grow plants successfully, but when they reach a certain early stage they are destroyed by rabbits. This new factor, the Conservator of Forests says, cannot be economically controlled on uncleared land; on which sandalwood must be sown, as it is a root parasite and nuts must be sown in proximity to host plants. No more work is being done in the direction of carrying on these sandalwood plantations, although a little money is being expended on supervision. There is a balance of £2,827 in the fund at the present time. I move—

That the Bill be now read a second time.

On motion by Hon. E. H. Harris, debate adjourned.

House adjourned at 9.52 p.m.

Legislative Assembly,

Tuesday, 14th November, 1933.

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

ASSENT TO BILLS.

Message from the Lieut-Governor received and read, notifying assent to the undermentioned Bills:—

1, Police Act Amendment.
2, Feeding Stuffs Act Amendment.
3, Plant Diseases Act Amendment.
4, Fruit Cases Act Amendment.
5, Tenants, Purchasers, and Mortgagors' Relief Act Amendment.
6, Entertainments Tax Act Amendment.

QUESTION—PUBLIC WORKS, PROCURATION ORDERS.

Mr. SAMPSON (without notice) asked the Minister for Works: 1, Is it a fact that a notice is displayed at various works advising that procuration orders may be used by workers to provide for the withholding by the Government pay clerk of an amount of 2s 6d monthly, such amount to be retained and paid to the union for the required ticket? 2, If so, has the Minister given his approval to this?

The MINISTER FOR EMPLOYMENT, for the Minister for Works, replied: 1, Yes. 2, Yes.

BILLS (2)—THIRD READING.

1, Augusta Allotments.
2, Land Tax and Income Tax.
Transmitted to the Council.