

Legislative Council,

Wednesday, 2nd November, 1932.

The MINISTER FOR LANDS: As far as we know, there is no truth in it. Mr. White had accumulated long service leave of about three months, and two months deferred annual leave. I believe he is doing something to assist the New South Wales Government in their legislation.

Hon. P. Collier: How did he come to have so much leave?

The MINISTER FOR LANDS: He had not taken it. In the early part of last year the Government issued instructions that those who had accumulated leave had to take it. Mr. White was appointed to adjust the farmers' debts, and so could not take his accumulated leave then. He took it as soon as he had cleaned up all the accounts outstanding.

Hon. P. Collier: How much annual leave had he?

The MINISTER FOR LANDS: Two months deferred annual leave.

Mr. Corboy: Is he receiving salary all the time?

The MINISTER FOR LANDS: I do not think so. The original arrangement was that he was to be paid out of pocket expenses while away advising the New South Wales Government. That was the only payment to be made.

Hon. P. Collier: Are the Government allowing annual leave to accumulate now?

The MINISTER FOR LANDS: No, except in special circumstances. In my own department at present there is one officer whose annual leave has accumulated. The instructions are definite that deferred long service leave must be cleaned up while things are slack.

Vote put and passed.

Progress reported.

House adjourned at 11.31 p.m.

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

BILLS (2)—THIRD READING.

- 1, Land Tax and Income Tax.
- 2, Mortgagees Rights Restriction Act Continuance.

Passed.

BILL—HEALTH ACT AMENDMENT.

Further Recommittal.

On motion by the Chief Secretary Bill again recommitted for the purpose of further considering Clauses 7 and 35.

Hon. J. Cornell in the Chair; the Chief Secretary in charge of the Bill.

Clause 7—Amendment of Section 34:

Hon. J. NICHOLSON: There was some discussion about this clause when the Bill was previously in Committee. It provides that if any local authority refuses to carry out any order of the Commissioner, it shall be deemed guilty of an offence. There is a proviso, but in my view the members of the board should not be liable to the risk of a penalty nor even be put to the expense of defending any action in court. Having regard to the intention of the Minister to move an additional clause, as was outlined last night, providing for the carrying out of certain requirements for the preservation of health, this clause now under consideration should be reviewed. I move an amendment—

That all words after "hereof" in line 10 be struck out and the following inserted in lieu:—"the Commissioner may thereupon do or cause to be done all or any such acts, deeds, and things as he may think proper in order to effect compliance with the provisions of

this Act, or the exercise of any power, by-law, regulation, or order as aforesaid, and all costs and expenses incurred in connection therewith shall be a debt due by the local authority to the Commissioner, and be recoverable in any court of competent jurisdiction."

If a local authority wilfully refuses to carry out some particular health order, the individual members of it should not be exposed to a penalty, but the Commissioner should be able to do what is necessary to comply with the Act. The local governing authority in default would then be liable for the cost incurred.

Hon. H. Seddon: If they defied him, why should they not pay for so doing?

Hon. J. NICHOLSON: Members of a board may have legitimate ground for questioning the efficacy of some step that the Commissioner may desire to be taken in their district. Because of that individual members of the local authority should not be held personally liable for the action of the board as a whole. The proper thing to do is to arm the Commissioner with the full powers in the interests of public health.

The CHIEF SECRETARY: The Commissioner has already got all the power that Mr. Nicholson desires to give him. The amendment does not improve the position in any way. Are we going to allow members of the board wilfully to obstruct the Commissioner in the carrying out of some public health requirement? In a case like that immediate action must be taken. If the amendment is agreed to, it will be most difficult to deal with negligent local authorities.

Hon. Sir CHARLES NATHAN: I support the amendment. The clause, as it is worded, offends all principles of common justice. In ordinary conditions of trust the individual is always indemnified from personal loss through mistakes that may occur, provided they are not wilful mistakes. A member of a local health board may consider that in the best interests of his district he should not agree to some order given by the Commissioner. He may, therefore, vote against its being carried out. He has wilfully refused to carry out the instructions, and under the clause as printed he can be brought before the court and fined. The effect of the clause will be to compel members of road boards to carry out all orders simply because they know they will be fined if they refuse to do so.

Hon. J. M. DREW: The subclause is a double-barrelled one. If a local authority wilfully, and therefore knowingly, neglects to enforce any one of hundreds of regulations, they can be brought under the penal provisions of the measure. They are expected to know all the regulations. If they do not carry them out, they are liable to a fine, or imprisonment if they do not pay the fine.

The CHIEF SECRETARY: When it comes to a question of public health, the judgment of the Commissioner should be accepted above that of laymen. In cases of this kind time is the essence of the contract. When a board refuses to carry out instructions, the Commissioner should be enabled immediately to step in and handle the situation.

Hon. J. NICHOLSON: Section 15 of the Act gives the Commissioner ample power to act quickly and promptly in any emergency. What I fear is that he may desire to apply the whip to individual members of local governing authorities, who may honestly believe that a certain step is not necessary. Because they have refused to carry out instructions they are to be liable to a penalty. I wish to vest the Commissioner with the fullest power to make the board liable when it does not carry out its duty. Nothing is wanted beyond giving the power to the Commissioner.

Hon. E. H. H. HALL: I agree with the Minister that the Commissioner is the man whose judgment should be accepted in such a case. In the English language there is such a word as "forthwith." The Minister would have the backing of the House if he gave power to the Commissioner to act forthwith.

Hon. A. THOMSON: I should prefer to see the clause deleted altogether. The Minister has told us that already the Commissioner has power to deal with every emergency such as indicated by Mr. Nicholson and to deal with it forthwith. One of the reasons why the Commissioner is asking for this power is to back up the additional subclause which has been added to Clause 26. A suburban road board some time back strongly protested against the action of the Commissioner in imposing upon that board a health officer. The board considered that the appointment was not necessary, but the Commissioner insisted on it. The board refused to pay the officer and it was only after long negotiations that the officer received

proportion of the money due to him in accordance with the appointment made by the Commissioner. While admitting that the Commissioner has all the power he needs I shall support the amendment if only for the purpose of safeguarding those who render services in an honorary capacity.

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

Ayes	..	..	..	..	16
Noes	..	..	..	..	6
					—
Majority for	..	..	..	..	10
					—

AYES.

Hon. L. B. Bolton	Hon. W. J. Mann
Hon. J. M. Drew	Hon. G. W. Miles
Hon. J. T. Franklin	Hon. Sir C. Nathan
Hon. E. H. H. Hall	Hon. J. Nicholson
Hon. V. Hamersley	Hon. H. V. Piesse
Hon. J. J. Holmes	Hon. A. Thomson
Hon. W. H. Kitson	Hon. Sir E. Wittenoom
Hon. J. M. Macfarlane	Hon. C. H. Wittenoom
	(Teller.)

NOES.

Hon. C. F. Baxter	Hon. T. Moore
Hon. J. Ewing	Hon. H. Seddon
Hon. E. H. Harris	Hon. G. Fraser
	(Teller.)

Amendment thus passed.

Clause, as amended, agreed to.

Clause 35—New Section. Persons prohibited from advising use of artificial food for infants without permission of Commissioner:

The CHIEF SECRETARY: This clause has been under the consideration of the department for a considerable time and it is felt that it would be more workable if the words "without first obtaining the permission of the Commissioner" were struck out. It is not necessary that the Commissioner should give permission. People who are selling foodstuffs to-day have organisations behind them, and under the new clause as it stands it would mean that everyone connected with the organisation would require to get the permission of the Commissioner to sell artificial foods. That was never intended. I move an amendment—

That the words "without first obtaining the permission of the Commissioner" be struck out.

Hon. Sir EDWARD WITTENOOM: I do not see why these words should be struck out.

The CHAIRMAN: All protection goes when these words go out.

Hon. Sir EDWARD WITTENOOM: We should have some protection. I have a couple of infants, and have had a good deal of trouble with them lately. Consequently I know exactly what is happening. We want to be very careful what food we give to children, and it will not be wise to cut out the words the Minister desires to delete.

The CHIEF SECRETARY: It is not a question of the class of food, it is a question of dealing with those persons who are prepared to go out and advise mothers to take infants off natural food and put them on artificial food. The Commissioner would not give them his permission.

Hon. J. J. Holmes: Why were the words put in?

The CHIEF SECRETARY: That is what I want to know. The clause will be better without them.

Hon. J. M. MACFARLANE: It is not intended to countenance the sale of any kind of food without restriction. It will still be an offence for anybody to give wrong advice to a mother, but it is not right to restrict the sale of any food so long as it is not extravagantly advertised. The words should be deleted.

Hon. J. M. DREW: The amendment will make sense of the clause. Previously it was ridiculous; now it will be logical.

Hon. Sir EDWARD WITTENOOM: Mr. Drew's remarks carry us nowhere. If the words are expunged, any sort of food may be sold and some of it may be injurious. Control should be exercised over the sale of such foods.

Hon. L. B. BOLTON: I support the amendment, which will make the clause more satisfactory. Is it intended to retain the proviso relating to medical practitioners?

The Chief Secretary: No.

Amendment put and passed.

The CHIEF SECRETARY: I move an amendment—

That the proviso be struck out.

It might happen that a medical practitioner was interested in some patent food, and he should not escape responsibility any more than anyone else.

Hon. Sir Edward Wittenoom: If you poison one of my children, I will hold you responsible.

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

Bill again reported with further amendments.

BILL—FINANCIAL EMERGENCY TAX ASSESSMENT.

Second Reading.

THE CHIEF SECRETARY (Hon. C. F. Baxter—East) [5.20] in moving the second reading said: I deeply regret the necessity for introducing this Bill to impose further taxation. For two and half years the Government, although urged repeatedly by members of this Chamber, have refrained from imposing further taxation in the hope that prosperity would once more smile upon us and that such measures would be unnecessary.

Hon. J. J. Holmes: Did you say that members of this Chamber had urged that taxation should be increased?

The CHIEF SECRETARY: Yes.

Hon. G. W. Miles: The Government are 2½ years late in bringing it down.

The CHIEF SECRETARY: Complaints have been voiced in the other States that we have not been doing all that we could in this way, and the fact has been reiterated that the people of Western Australia are more lightly taxed than those of any other State in the Commonwealth. This may be so, but the sole aim of the Government has been to limit taxation to the very lowest point possible, and to this end, every possible avenue of saving and economy has been examined and exploited in an effort to reduce expenditure and so reduce the necessity for further taxation.

Hon. Sir Edward Wittenoom: I say it has not.

The CHIEF SECRETARY: The Government have considered that increased taxation delays the return to prosperity, and their whole aim has been to refrain from adding to the burden and, wherever possible, to reduce the cost of production. We feel that industry is already overtaxed, but owing to the unprecedented conditions that confront us, due to the world fall in commodity prices, and following on that the reduced income of our

people, the revenue has fallen so greatly that we have not been able to meet our expenditure from it. Now we have reached the point where we have no alternative to increasing taxation in order to raise funds to meet our commitments and our obligations make an increase vitally necessary. Many people appear to be under the impression that the Government possess a magic talisman by which they can materialise money from thin air, but unfortunately, as members have learnt from bitter experience, that is not so. If we possessed a magician's wand and could conjure up revenue just when we required it, how easy government would be! Although our revenue has fallen so greatly, our overseas interest has not fallen, and to this must be added the cost of exchange, which last year amounted to the huge sum of £620,000.

Hon. Sir Edward Wittenoom: Because you have not made sufficient economies.

The CHIEF SECRETARY: One half of the present expenditure on Government in this State, namely £4,000,000, is spent in meeting obligations on loans. Then there are free services such as education, police, charities, etc., that must be carried on, and those services, which are not revenue-producers, absorb more money than we receive from ordinary taxation. The expenditure in 1929-30 on the free services amounted to £1,074,791, and taxation receipts for that year were 1,452,793. In 1930-31 the cost, including unemployment relief, increased to £1,387,136 and the taxation receipts fell to £1,134,385. Last year free services cost £1,419,235, and the taxation receipts showed a further decrease to £1,006,917. This year, owing to the absorption of a large number of unemployed on Government part time work, it is estimated that free services will cost £1,078,786, and the taxation returns, inclusive of an amount of £300,000 expected to be realised from this proposed tax, are estimated at £1,216,650. There are 9,140 persons employed on Government part time work at present and 6,867 receiving sustenance. The income from production in this State in 1928 was £33,000,000, but by 1930 it had dropped to £24,000,000. The figures for last year are not yet available, but I have no doubt that they will show a still further decline. In 1929-30

the total Government revenue was £9,750,515. In 1931-32 it had decreased to £8,035,316—a fall of over £1,700,000 in two years. The deficits were—

	£
1929-30	518,000
1930-31	1,420,000
1931-32	1,557,896

and in pursuance of the Government policy, we still refrained from imposing additional taxation. This year the estimated deficit is £1,360,000. The Loan Council has refused to make available any sum in excess of £765,000 to meet this deficit—

Hon. G. W. Miles: Which is a jolly good thing.

The CHIEF SECRETARY— and have thus forced the Government into a position where it becomes imperative to increase taxation to raise sufficient extra revenue to bridge the gap between the amount allowed by the Loan Council and the estimated shortage. In order to do this the Bill proposes to impose a tax of 4½d. in the pound on all salaries, wages, income and dividend duties. Certain exemptions are provided, including single persons whose incomes are under £52 a year, and married persons whose incomes are under £104 per year. Old age pensions and pensions paid for war service are also exempt. The tax is estimated to return £300,000 for the balance of this financial year, and is primarily intended to meet the cost of unemployment, which amounted to £653,031 last year. Owing to the expenditure of loan money this year, which has absorbed a large number of men on part-time work, the cost of unemployment has been estimated at £310,774. This method of taxation is the only one that will bring in the money in time to be of use, and it has in its favour that it will cost very little to collect, for it is mainly levied at the source of income, whereas taxes that are collected with the aid of the machinery of the Taxation Department are more costly and take a long time to collect. Another point in favour of this tax is that it will levy upon a large class of migratory workers, who although earning taxable amounts, manage to evade ordinary taxation. This

year the estimated total revenue, inclusive of the additional Federal grant of £200,000 and the expected receipts from this proposed tax, is £8,417,577.

In 1929-1930 the total taxation collections amounted to £1,452,793, of which amount income tax yielded £340,501 and dividend duty £410,615, a total from those two sources of £751,116. Last year the collections were £1,006,917, inclusive of income tax £260,253 and dividend duty £178,187, or a total of £438,440 from those two items. The total taxation receipts for the current year are estimated at £1,216,650 inclusive of the £300,000 expected from this emergency tax. The ordinary income tax is expected to realise £180,000 and dividend duty £150,000, representing a decrease of over £421,000 in three years. This proves how necessary it is for the Government to impose further taxation to make up the leeway.

Expenditure for 1931-32 amounted to £9,593,212, and, including the amounts of £644,000 expended for unemployment relief and £620,000 for exchange, showed a fall of £675,000 as compared with 1929-1930. The estimated expenditure for this year is £9,181,243, which shows a reduction on last year of nearly £412,000. This is the result of rigid economy and savings in many directions; but despite this, the fall in revenue has also been so consistent that it has been impossible to keep the expenditure down to a figure that would enable the Government to carry on without recourse to further taxation. This Bill undoubtedly calls for further sacrifices from the whole of the community; but in these times of world-wide depression and stagnation the keynote of life appears to be sacrifice, and if we can win our way back to the path of prosperity, then the sacrifices will not have been made in vain. I will not voice the worn-out statement that prosperity is just around the corner, but I do honestly and sincerely believe that we are again on the upward path, and that although we undoubtedly have a hard climb before us we shall eventually win out on to the broad road of prosperity and happiness. I move—

That the Bill be now read a second time.

On motion by Hon. J. M. Drew, debate adjourned.

BILL—FINANCIAL EMERGENCY TAX.*Second Reading.*

THE CHIEF SECRETARY (Hon. C. F. Baxter—East [5.33] in moving the second reading said: In presenting this Bill, it is only necessary to state that the measure is consequent upon the Financial Emergency Tax Assessment Bill, of which I have just moved the second reading. It fixes the rate of tax at fourpence-halfpenny in the pound. In presenting the previous measure I explained the necessity for this legislation, and I need not repeat myself. I move—

That the Bill be now read a second time.

Hon. J. J. HOLMES: I move—

That the debate be adjourned to the next sitting of the House.

Hon. Sir EDWARD WITTENOOM: I move an amendment—

That the debate be adjourned to next Wednesday.

If the amendment is carried, we shall have an opportunity to read the Chief Secretary's speeches in "Hansard." I could not hear half of what the Minister said, and certainly what I heard was not very convincing.

Amendment put and passed.

BILL—WESTERN AUSTRALIAN AGED SAILORS AND SOLDIERS' RELIEF FUND.*Second Reading.*

HON. J. CORNELL (South) [5.35] in moving the second reading said: I commend this Bill to hon. members as having a worthy purpose. In 1930 a fund was started by the R.S.L. with the object of making some provision for the future of aged soldiers, sailors and nurses. The recent cut in pensions, particularly soldiers' pensions, makes the fund, and incidentally this Bill, even more necessary than they were at the time the fund was launched, in 1930. The chief object of the measure is to provide for the investment of a capital fund until the year 1940, before it can be drawn upon for any purpose whatsoever. It is generally accepted that by that time there will be diggers in need of assistance from the fund.

Hon. T. Moore: A good many are in need of assistance now.

Hon. J. CORNELL: I agree with Mr. Moore. The financial necessity for postponing withdrawals from the fund until 1940 is self-evident. There is nothing in the Bill asking for any subsidy from the State. I am not prepared to say what may transpire in ten years' time, but the intention of the promulgators of the fund is that from now until 1940 the diggers themselves shall provide powder and shot for the fund from their own resources.

Hon. A. Thomson: What is the necessity for the Bill, then?

Hon. J. CORNELL: There must be some statutory authority for the fund. It is proposed to establish the fund on this basis: Hon. members are aware that in connection with each Armistice Day there is a Poppy Appeal throughout Western Australia. Until recently the proceeds from the sale of poppies were divided between the Federal Executive of the R.S.L., the Western Australian State Executive of the R.S.L., and in a minor degree the sub-branches of the R.S.L. in Western Australia. Hon. members—and there are many who take a lively interest in the affairs of the Perth soldiers, especially on Armistice Day—will realise that in taking only 50 per cent. of the proceeds to which I have alluded, the returned soldiers of this State are making a sacrifice in order that aged soldiers, sailors and nurses may benefit in the future. Instead of taking 100 per cent. of the proceeds of the sale of poppies, the three units mentioned will in future take only 50 per cent.: and the remaining 50 per cent. will be paid into this fund, which at present has a credit of £1,375. Another object of the Bill is to give the fund statutory force, so that as the years go by it may continue to be properly controlled under a statutory trust. Taking the promulgators of the fund by and large, few of them will be alive in 1940: and the desire is to prevent the conditions attaching to the fund being altered at the whim of some of our comrades later. If the Bill passes, the authority of Parliament will have to be obtained before the constitution of the trust can be altered. The proposal is that the trust shall consist of three members, two of them to be appointed from time to time by the State Governor. One member is

to be nominated by the State Executive of the Western Australian branch of the R.S.L. Even in the constitution of the trust the promulgators are asking for only one member, leaving the Government of the day to appoint the other two. When the fund operates—in 1940—payments from it will be made to any aged or invalid soldier, sailor or nurse, or to the widow of any soldier or sailor who fought in the Great War, provided that the recipient of the payment is domiciled in the State of Western Australia. It is the intention of the R.S.L. throughout Australia—and in this regard Western Australia has taken the lead—to try to establish a similar fund in every Australian State. This means that our fund, when in operation, will assume the obligation of caring for aged soldiers, sailors and nurses, or the widows of soldiers and sailors, domiciled in this State. That restriction does not necessarily mean that a person who is qualified to receive payments from the fund and who leaves Western Australia will be utterly debarred from benefiting, in view of the intention to create similar funds in all the other Australian States. Without further ado I move—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

In Committee.

Hon. J. Nicholson in the Chair; Hon. J. Cornell in charge of the Bill.

Clauses 1, 2—agreed to.

Clause 3—Fund:

Hon. J. CORNELL: Mr. Nicholson has pointed out to me that paragraph (c) of Subclause 3 would be improved by adding to it the words "or bequest," since a bequest is not necessarily a donation. I move an amendment—

That the words "or bequest" be added to paragraph (c) of Subclause 3.

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

Clause 4—The Trust:

Hon. W. J. MANN: Subclause 2 provides that the trust shall consist of three members of whom one shall be a representative of

the State executive of the R.S.L. Why only one representative? Is that not magnanimous on the part of the league?

Hon. J. CORNELL: Colonel Collett is responsible for the Bill, and he is a man of vision. I have not consulted him at any length on the point, but I assume that the two other members will be just as sympathetic as the R.S.L. executive. In fact, there is no one like a digger to tell off a digger.

Hon. J. J. Holmes: Will the other appointments be made on the recommendation of the league?

Hon. J. CORNELL: Probably they will be made on the recommendation of the president for the time being. The subclause means that the other two trustees need not necessarily be soldiers.

Hon. Sir Charles Nathan: They need not have any interest in the fund.

Hon. J. CORNELL: That is so. The president of the league is always a man who has to exercise much tact and discretion, and if Colonel Collett makes a recommendation in such matters, that is an end to it.

Clause put and passed.

Clauses 5 to 7—agreed to.

Title—agreed to.

Bill reported with an amendment.

BILL—MARRIAGE ACT AMENDMENT.

Second Reading.

HON. J. NICHOLSON (Metropolitan) [5.50] in moving the second reading said: The Bill is short, but its brevity renders it none the less interesting. As the title indicates, the object of the Bill is to amend the Marriage Act of 1894, and the real purpose of the measure is to be found in Clause 2 which reads as follows:—

No marriage heretofore or hereafter contracted between a man and the daughter of his deceased wife's brother, or the daughter of his deceased wife's sister, or between a woman and the son of her deceased husband's brother, or the son of her deceased husband's sister, shall be deemed to have been or shall be void or voidable by reason only of such affinity.

In order to explain the position, I would remind hon. members that the last amendment was made to our marriage laws in

1894 when the marriage between a man and the sister of his deceased wife was, for the first time, made legal. Up till that time such marriages were absolutely void, being within what was known as the prohibited degrees of affinity. Conversely, the marriage between a woman and the brother of her deceased husband was not made legal in Western Australia until 1915, although that position had been legislated for in other countries before that date. They were somewhat slow in regard to that phase in our country, but the position was rectified ultimately. Now a marriage between a man and his deceased wife's sister or between a woman and the brother of her deceased husband is perfectly legal. There are certain degrees of affinity laid down and established by ancient Acts, and I took the opportunity to bring to the House a copy of Halsbury's "Laws of England," which gives in brief form the position with regard to the prohibited degrees. It would be just as well for me to read a passage from that standard work so that members may appreciate exactly the position. In volume 16, on page 282, Halsbury explains—

A marriage between persons within the prohibited degrees of consanguinity or affinity is absolutely null and void for all purposes whatsoever. The prohibited degrees, which have received statutory recognition, were expressed in a table set forth by authority in 1563. In reference to the prohibited degrees, relationship by the half blood is a bar to marriage equally with relationship by the whole blood and illegitimate equally with legitimate relationship.

Dealing with those persons standing within the prohibited degrees, the note that appears in the volume reads as follows:—

The prohibited degrees according to the table are as follows:—A man may not marry his grandmother, grandfather's wife, wife's grandmother, father's sister, mother's sister, father's brother's wife, mother's brother's wife—

Hon. J. J. Holmes: According to this he may marry his granddaughter.

Hon. J. NICHOLSON: I will get over that difficulty. The note continues—

—wife's father's sister, wife's mother's sister, mother, stepmother, wife's mother, daughter, wife's daughter, son's wife, sister, wife's sister, brother's wife, son's daughter, daughter's daughter, son's son's wife, daughter's son's wife, wife's son's daughter, wife's daughter's daughter, brother's daugh-

ter, sister's daughter, brother's son's wife, sister's son's wife, wife's brother's daughter, wife's sister's daughter.

Hon. J. M. Macfarlane: They are not relations at all.

Hon. J. NICHOLSON: That is one of the cases we are dealing with in the Bill. There are two notes dealing with the point, and the other deals with the prohibited degrees with regard to a woman. So we have got right down to the final stage. I pointed out that in 1894 in Western Australia we legalised marriage between a man and his deceased wife's sister, and in 1915 legalised the marriage between a woman and her deceased husband's brother. The Bill seeks to legalise the marriage of persons standing one degree further removed in the relationship set out in the table I have quoted. It is the children of those people regarding whom it is proposed that their marriage shall be legalised, but, strange to say, by the old laws I have referred to, they came within the prohibited degrees of affinity and consanguinity, because when a man or woman marries, there is the same standard of relationship established in affinity as in consanguinity between them. As stated in Halsbury—

A husband is of affinity to his wife's kindred and a wife of affinity to her husband's kindred, but the kindred of a husband are not of affinity to the kindred of his wife, and therefore two brothers, for instance, may marry two sisters.

I have read that passage for a reason. While the Bill has been considered most carefully by the Crown Law authorities, it was found necessary, in order to safeguard against the position of closer relationship arising by reason of two brothers marrying two sisters, to add the proviso appearing at the end of Clause 2. Because of the fact that two brothers might marry two sisters, it was not desired to allow even any approach to a blood relationship, so as to preserve as far as possible the prohibition that those who preceded us thought it wise to lay down in regard to marriage. There is absolutely no blood relationship between a man and the sister of his deceased wife, nor between a woman and a brother of her deceased husband; they are quite foreign in blood, one to the other. It was realised that, there being no blood relationship, there could be no possible objection to allowing those two

lines of people to intermarry. That was given in the one case in 1894, and later in 1915.

Hon. W. J. Mann: Why was it not put in in the first place?

Hon. J. NICHOLSON: They have advanced by easy stages, and I think wisely. The case I am seeking to provide for—

Hon. J. J. Holmes: Is it only one case?

Hon. J. NICHOLSON: No, I am speaking in a broad way.

Hon. E. H. Harris: Is there any mandate for the Bill?

Hon. J. NICHOLSON: Yes. This is to provide for marriage between persons who are one degree farther removed than is the deceased wife's sister and the deceased husband's brother. Since they are one degree farther removed, there can be no possible objection to the passing of the Bill. I looked into the matter very carefully before I consented to introduce the measure, and if I had seen any objection to it, I would not have undertaken it. Everything has been done which is essential. I move—

That the Bill be now read a second time.

On motion by Hon. J. J. Holmes, debate adjourned.

BILL—PUBLIC SERVICE APPEAL BOARD ACT AMENDMENT.

Second Reading.

HON. H. SEDDON (North-East) [G.S.] in moving the second reading said: 'This Bill is brought down to remedy a defect in the Public Service Appeal Board Act of 1920. The purpose of that Act was to grant to the public service, including teachers, an appeal board to whom they could submit their claims for superannuation under the Act of 1904. The parent Act was brought down as the result of an agreement arrived at after the public service strike, but as the railway servants were not concerned in that strike their position was overlooked and no provision was made whereby they could appeal in the same way as their fellow servants. The Bill proposes to give them the same rights as are given to the rest of the public service. It is a measure of justice, and I hope the House will assist to grant this relief. Prior to 1904 any person employed in the public service of the

State in an established capacity could apply for superannuation. It did not necessarily follow that he would get it. After the passing of the Act of 1904, no one who had joined the service after that date was entitled to claim superannuation. The Bill deals with those persons who were in the railway service prior to 1904, and seeks to give them the same privileges as are enjoyed by the rest of the public service. Under the Public Service Appeal Board Act, provision is made that a board shall be constituted for the public service, consisting of three appointees, one of whom is nominated by the public service. When the board is dealing with appeals from the teachers' section, that representative is a teacher. The Bill seeks to provide that an appointee from the railway service shall have a seat on the board when it is dealing with appeals from railwaymen. At present, any railway employee who wishes to lodge an appeal respecting a claim for superannuation can lodge it only with the Governor-in-Council. Instead of that, the Bill proposes that his appeal shall be lodged with the appeal board and dealt with by that board. The men concerned are those who were employed prior to 1904. They are very few in number, and their number is rapidly diminishing. Clause 2 of the Bill provides for the establishment of a railway appeal board in addition to the two boards to which I have referred. Clause 3 prescribes the constitution of that board, and Clause 4 details the matters to be dealt with by the board. I move—

That the Bill be now read a second time.

On motion by Hon. G. W. Miles, debate adjourned.

BILL—ROAD DISTRICTS ACT AMENDMENT.

In Committee.

Resumed from the previous day. Hon. J. Cornell in the Chair; the Chief Secretary in charge of the Bill.

The CHAIRMAN: Progress was reported on Clause 26, the question before the Chair being that paragraph (c) be struck out.

The CHIEF SECRETARY: Before progress was reported yesterday, Sir Charles Nathan pointed out that paragraph (c)

would prove harsh on those who had purchased blocks in a subdivided estate. Of course that was never intended. To meet that position I have had an amendment prepared which, if agreed to, will remedy the defect. My amendment, which is in the form of a proviso, will read as follows:—“Provided also that this subsection shall not apply to any land the subdivision whereof had been approved prior to the commencement of this subsection.”

The CHAIRMAN: Before that can be moved as an amendment, it will be necessary that the amendment to strike out the whole of paragraph (c), which is now before the Chair, shall be withdrawn.

Hon. A. THOMSON: I am not prepared to withdraw my amendment. Many thousands of blocks have been purchased in subdivided estates around the metropolitan area.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. A. THOMSON: I should like to see the whole clause struck out. The Minister stated that the Bill had been asked for by the Road Boards' Association. I have here the minutes of the last conference of that body, but can find in them no reference to this measure. If this clause were struck out, no injury would be done to the Road Boards' Association. Many thousands of blocks of land have already been subdivided. We might be imposing great hardship upon the purchasers of land if they were compelled to construct roads past their blocks to the satisfaction of the local authorities, more especially as it may be land which to-day has no market value.

Hon. J. J. HOLMES: Mr. Thomson might withdraw his amendment so that we can discuss the amendment proposed by the Chief Secretary. I do not want to penalise people who have been let down, but I will do anything to prevent a repetition of what has gone before.

The CHIEF SECRETARY: I hope the subclause will not be struck out. This amending Bill has been on the stocks for many years, and there is no question but that the Road Boards' Association has given approval to this legislation.

Hon. A. Thomson: What did they ask for?

The CHIEF SECRETARY: Amongst other things, for the drainage provisions set forth in this clause. As soon as the slump is over the go-getters will get busy again, and it is desired to pass legislation that will force them to open up their estates and drain their land before it is offered for sale. The burden which has been cast upon local authorities in the past in this respect has been altogether too great, and it is time some protection was afforded to them.

Hon. V. HAMERSLEY: Many people have tried to dispose of their land by subdividing it. When they have managed to sell one block at an enhanced value, the Taxation Department have applied that value to all the remaining blocks, with the result that the sale has fallen through. Most owners of land are only too anxious to sell it because of the rates and taxes, but in these times they cannot give it away. It would be a mistake to hamper those who are endeavouring to get rid of large holdings by subdividing them into small allotments. I cannot see why they should be put under the control of the Town Planning Association. Probably the Government want to throw the onus of finding employment for various persons upon the road boards through the medium of the owners of subdivisional land. Now is not the time for legislation of this kind.

Hon. H. SEDDON: The areas of land that are available for subdivision are limited in extent. If access is provided to such land, the owners will have far more chance of disposing of it. By insisting upon a proper standard of subdivision we shall be giving a fair deal to all concerned, and maintaining a higher standard in respect to subdivided properties.

Hon. J. J. HOLMES: I should be opposed to this Bill being applied to the whole State, including the agricultural areas. The cry has been that large areas of land have been withheld from development, and the Federal land tax was imposed to burst up some of these big estates. We know that it is difficult to give land away in these times. One man in the Central Province tried to give some land to a charitable institution but found it could not be done. In these days of increasing taxation and falling prices, we should not

pass legislation of this character, especially if it is to cover a wide field.

The CHIEF SECRETARY: I appeal to members to allow the clause to remain so that those people who speculate in subdivisions may be dealt with by the local body.

Hon. A. THOMSON: If a road board had been desirous of obtaining funds for the construction of new roads, they would have accomplished a good deal towards the construction of those roads if Subsection 3 of Section 155 of the principal Act had been amended. I would be willing to amend that section and make the amount £3. Owners of land would then know what they would have to pay. The clause as it is is most objectionable and places unlimited power in the hands of a local authority which could demand a class of road that might not be considered necessary. Whatever his Ministerial opinion might be, I think the Minister views the position in the same way that we do.

Hon. G. Fraser: Do you say this would give the local authority greater power?

Hon. A. THOMSON: Yes.

Hon. G. Fraser: Then why are they opposing it?

Hon. A. THOMSON: They are not opposing it. I am inclined to think the Bill has emanated from the officer in charge of town planning.

The Chief Secretary: He had nothing to do with it.

Hon. A. THOMSON: The clause could be so worded that after a subdivision if the owners were not prepared to make the road according to the deposited plan, they could be compelled to deposit anything up to £6 per chain for every chain of road they were throwing open.

The CHIEF SECRETARY: One member accused the Government of trying to shift their responsibility. What has the Government to do with it? It is a question of giving authority to a local body. This is a matter entirely for a local governing body. The time will come when there will be more subdivisions and it is right to prepare for that instead of waiting until the time has arrived. It is just a matter of giving local bodies power to protect themselves against those who subdivide areas and make huge profits.

Hon. J. J. HOLMES: What I want to know is whether this has emanated from the road board conference or not. I have reason to believe that the Town Planning Association is pushing things on to the road boards and the road boards are resenting it. I make that statement because I know that the town planning people are more interested in this Bill than are the road boards. If the paragraph be confined to future subdivisions in towns and suburbs, I shall be prepared to support it, but I cannot support a provision that will apply from Wyndham to Esperance. If the desire is to ruin the people who are pioneering the country, the clause should be passed.

The CHIEF SECRETARY: I intend to move a proviso to afford the protection Mr. Holmes desires, but until the subclause is passed, the amendment cannot be moved.

Hon. H. V. PIESSE: I have applied to road boards in Katanning to cut up land, and the plans have been returned with an intimation that they must be approved by the Town Planning Commission. Extensive alterations have been necessary in consequence. A little time ago an application was made in Katanning for permission to erect a building in the main street. The proposal was fought strenuously by the Town Planning Commissioner, but eventually permission was obtained. Town planning does exert great influence on subdivisions in the country. If roads had to be provided as suggested, hardship would be inflicted. The clause should be deleted.

Hon. J. NICHOLSON: Mr. Thomson's suggestion seems reasonable. A few evenings ago I questioned whether the emergency legislation then under consideration was accomplishing the benefit expected of it. Much of the emergency legislation has operated to the detriment of industry, has stifled employment, and created greater hardship.

The CHAIRMAN: What has that to do with the question before the Chair?

Hon. J. NICHOLSON: I will show the connection. The proposal under discussion is stringent. To require roads to be constructed before land can be subdivided would mean that the cost of the roads would be added to the price of the blocks, and people would have to pay an enhanced price for the blocks.

Hon. W. J. Mann: They would get the advantage of a good road.

Hon. J. NICHOLSON: We would be making it more difficult for people to buy the land, and there would be less employment because of the fewer people able to buy land and build houses. I appreciate the remarks of the Chief Secretary, but the passing of such a clause would further restrict employment at a time when the outstanding need is to revive employment.

Hon. W. J. Mann: What about the employment on making the roads?

Hon. J. NICHOLSON: There would be no such employment. People would not subdivide because of the increased capital required and of the unlikelihood of people being able to afford the enhanced prices that must be asked. We have always sought to prevent the crowding of houses, but such a provision will lead to crowding. It would be well to defer the clause until times improve.

Hon. J. M. DREW: I opposed the clause last night on the ground that the owner might fail to construct the road. Now, however, the present owner will be required to construct it. With the amendment outlined by the Chief Secretary, I am satisfied with the clause. Access should be provided to such allotments which would be intended for residential purposes.

Hon. J. T. FRANKLIN: I am opposed to the clause, and especially to paragraph (c). To require an owner subdividing land to make roads before he could sell would be a retrograde step. The measure would not apply so much to the country districts as to the congested areas. The effect of the clause would be to stop development in the crowded centres. No provision is made for the class of road to be constructed. In the suburbs of Melbourne, when the local authority decides to build a road, the owner of each block has to pay a proportion of the cost according to his frontage. Members will have noticed that most of the corner blocks are not sold because anyone buying them would have two frontages to pay for when the roads were constructed. Numerous blocks of 33-ft. frontage are to be found in the City of Perth—quite unsuitable for the erection of up to date, hygienic buildings. The clause is altogether too stringent, and in country towns would prove ruinous. There should be provision for the construction of roads where buildings are already erected. A

more reasonable provision might be enacted.

The CHIEF SECRETARY: Mr. Franklin is concerned about the misfortunes of those who have subdivided estates and sold blocks actually worth £10 for £80 to £100. The hon. member wishes to make the unfortunate purchasers of such blocks bear the cost of constructing roads. The object of this provision is to control persons who in the past have made fabulous profits by subdividing and selling estates.

Hon. J. J. Holmes: That is all right for the future, but this deals with the past.

The CHIEF SECRETARY: No. I would not dream of making the provision retrospective. Those who make huge gains out of subdividing transactions should pay for the necessary roads; not the local authorities.

Hon. G. FRASER: I fail to understand Mr. Franklin's argument. If this provision is enacted and roads are constructed in advance, their cost will be added to the price of blocks. It is much better for a man to pay the price of a block with road communication, than to buy a block on the strength of promises. The provision, it is said, gives too much power to local authorities; but I know of local authorities who are opposed to the provision. In the case of some subdivided estates, local authorities have had to provide funds for road making. Most of these subdivisional jokes have been put up in country districts, or outside townsites. The clause should pass as printed.

Hon. J. M. MACFARLANE: I counsel Mr. Thomson to withdraw his amendment temporarily, so that the Minister may move his amendment. Mr. Thomson will have opportunity to move for reconsideration, if necessary. I favour the Government's proposal to impose conditions for subdivision; but any class of road might be declared at the pleasure of the Town Planning Commissioner, through pressure exercised on the road board. The following is a passage from a letter referring to this Bill:—

We are informed of one recent instance where it was proposed to subdivide land worth £2,500. The plan being submitted to the Town Planning Commissioner, the owner was informed that he must guarantee to build a

road estimated to cost £11,000, before the plan could be passed. This, of course, killed the proposition.

That occasions me concern as to what will ensue upon the imposing of these conditions. The man who wishes to subdivide an area should not be called upon to build roads far beyond the requirements of the neighbourhood. Let roads be built progressively as required. This provision should not be permitted to apply harshly to areas already cut up. Many years must elapse before there will be any danger of congested areas being created in Perth. I am anxious that the subdivisional conditions shall be retained in the Bill, but I hope the Minister will have an opportunity to move his amendment.

Hon. A. THOMSON: If it is the wish of the Committee, I will withdraw my amendment.

The CHAIRMAN: Order! We have spent an hour and a half over this amendment. I think it would be better for the amendment to be put, and so get the decision of the Committee.

Hon. J. J. HOLMES: I realise Mr. Fraser's desire to assist, but he should not forget that the clause is retrospective.

Hon. G. FRASER: You should keep in mind the amendment that the Minister intends to move.

Hon. J. J. HOLMES: But we cannot deal with that.

Hon. G. FRASER: If the Minister does not keep faith with the Committee, we can recommit the Bill.

Hon. J. J. HOLMES: We should bear in mind the fact that people who have bought land will not, if we agree to this proposal, have a negotiable document. They will not be able to borrow money to build homes because the mortgagee will not lend money, as the property will not be saleable under the conditions provided in the clause. I suggest that the clause be struck out and we can later insert another that will meet with the desires of members and protect the public against land sharks.

Hon. G. FRASER: The only objection lodged by Mr. Holmes is that we do not know what amendments may be moved later. The difficulty can easily be overcome because not only can we recommit the Bill, should the Minister not keep faith with the

Committee, but we can defeat the Bill at the third reading stage.

Hon. V. HAMERSLEY: I do not know that the amendment indicated by the Minister will be acceptable because it will deal only with subdivisions that have been approved. There are many subdivisions that have not been approved, and the clause will apply to them.

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

Ayes	..	..	..	..	9
Noes	..	..	..	..	11
					—
Majority against	..	..	..	..	2
					—

AYES.

Hon. J. Ewing	Hon. H. V. Piesse
Hon. J. T. Franklyn	Hon. A. Thomson
Hon. V. Hamersley	Hon. C. H. Wittenoom
Hon. G. W. Miles	Hon. J. J. Holmes
Hon. J. Nicholson	(Teller.)

NOES.

Hon. C. F. Baxter	Hon. W. J. Mann
Hon. G. Fraser	Hon. A. Thomson
Hon. E. H. Gray	Hon. Sir C. Nathan
Hon. E. H. Harris	Hon. H. Seddon
Hon. W. H. Kitson	Hon. H. J. Yelland
Hon. J. M. Macfarlane	Hon. J. M. Drew
	(Teller.)

Amendment thus negatived.

The CHIEF SECRETARY: I move an amendment—

That at the end of paragraph (c) the following be added:—"Provided also that this subsection shall not apply to any land the subdivision whereof had been approved prior to the commencement of this subsection."

Hon. A. THOMSON: I give notice of my intention to move for the insertion of an amendment that will have the effect of requiring a maximum amount to be fixed in respect of the expense to be borne.

Hon. J. J. HOLMES: I ask the Minister to consider what he is doing because this will apply to the whole State.

The Chief Secretary: But I have a further amendment to move that will cover that point.

Hon. J. J. HOLMES: Let us have that amendment first, and the one now before us can be dealt with later.

The CHAIRMAN: I understood the Minister to say long, long ago that if he succeeded in his amendment, he would recommit the clause to strike out the amendment agreed to last night with the view to inserting another amendment to affect the first paragraph, and then later on he would

move a further amendment to meet the point raised by Mr. Holmes. The Minister must move his amendments in their proper sequence.

The CHIEF SECRETARY: I have told the Committee that I intend to deal with the points raised. I intend to move another proviso regarding agricultural land.

Hon. G. FRASER: Is it possible, by a slight addition to the amendment now before the Committee, to cover the points raised by Mr. Holmes?

The CHAIRMAN: No, the Minister must deal with the provisions in proper sequence.

Hon. V. HAMERSLEY: Many subdivisions of the past have not been approved. Under this provision would the promoters of those subdivisions be permitted to sell another block of land before making their roads?

The CHIEF SECRETARY: I do not understand the hon. member. If the subdivisions have not been approved, no blocks could be sold at any time. I have never heard of a subdivision which was not approved.

Amendment put and passed.

Hon. A. THOMSON: I propose to move as an amendment, That the following proviso be added:—"Provided further that this section shall not apply to land subdivided for agricultural, viticultural or horticultural purposes."

Hon. J. J. HOLMES: We are given to understand that the Minister has an amendment which will meet the case. I should say the amendment ought to come from the Crown Law Department, for then we would know where we were. This is too delicate a matter to have any doubt about.

Hon. G. W. MILES: Does the Minister intend to reply to the statement made by Mr. Macfarlane to the effect that this proposal was submitted to the town planning authority respecting a property valued at £2,500, and that they said £11,000 would have to be spent on the roads? If that is right, it means that anybody desiring to buy a block in a subdivision, instead of having to pay £50 for it, would have to pay £250 for it.

The CHAIRMAN: No hon. member is bound to answer a statement made by another member.

Hon. A. THOMSON: Since it is the intention of the Minister to recommit the

clause with a view to moving a further amendment, I suggest that he provides for an amount to be fixed after consultation with the local authority.

The CHAIRMAN: I suggest we pass the clause now, then recommit it and make the two amendments, the one proposed by the Minister and the other by Mr. Thomson.

Clause, as amended, put and passed.

Clause 27—Amendment of Section 159:

Hon. J. NICHOLSON: I move an amendment—

That paragraph (b) be struck out.

The parent Act provides that when any person sells any rateable land he shall forthwith give the local authority notice. Paragraph (b) substitutes "within 21 days" for "forthwith." In my opinion "forthwith" is much better than the proposed substitution.

Hon. W. J. MANN: I prefer "within 21 days" to "forthwith." The only thing I am in doubt about is whether the 21 days is sufficiently long for men living in remote parts of large road board areas.

Hon. J. NICHOLSON: "Forthwith" is more elastic than "21 days" especially for people living at a distance from the road board office. It does not matter to the local authority whether they receive notice of change of ownership, for the land is there as security for payment of rates. My objection to "within 21 days" is that it is a definite period on which to hang the penalty of £5, whereas "forthwith" is open to wide interpretation.

The CHAIRMAN: The whole question is whether "forthwith" is a longer period than "21 days."

Hon. G. FRASER: Certainly the period of 21 days is more definite than is the word "forthwith." Imagine the conflict of opinion that could arise over the meaning of "forthwith."

Hon. J. Nicholson: You want to impose the penalty.

Hon. G. FRASER: No, I want to safeguard the individual against the penalty. The word "forthwith" does not give any protection to the individual, because it could be interpreted to mean "immediately." There can be no argument about a stated time of 21 days.

Hon. W. J. MANN: The word "forthwith" means immediately. Mr. Nicholson

wants us to believe that it is a period which can be stretched out to comprehend a year.

Hon. J. J. HOLMES: I should like to know what meaning is ascribable to "giving notice." If I sell a block of land in the Kimberleys I should be complying with the Act if I posted a letter to the local road board notifying the sale, although it certainly would not be received within the time specified.

Hon. J. NICHOLSON: The giving of notice depends upon the conditions that are laid down. If notice were not given within a specified period of 21 days the penalty of £5 would be imposed, whereas if notice had to be given forthwith this might, with due consideration for the conditions imposed, signify a very much longer period. Notice is not given until it has been received by the person to whom it is supposed to have been given.

The CHIEF SECRETARY: Mr. Nicholson places whatever interpretation suits him upon any particular word. The dictionary says that "forthwith" means "at once, immediately, directly, now." How can it be stretched to cover a period of weeks? The 21 days would be ample time in which a person could give notice of sale. As it is, people dispose of land without notifying the local authority, and leave the buyer burdened with the rates that are due upon it.

Hon. J. Nicholson: We must consider the legal interpretation of the word "forthwith."

Amendment put and negatived.

Hon. J. NICHOLSON: I move an amendment—

That in proposed new subsection contained in paragraph (c) after the word "building" the following words be inserted:—"erected on land situated within a townsite and not being a shed, stable, garage or outbuilding."

No doubt the object of the subsection is to meet the situation set up by the removal of houses from the goldfields. The proposed subsection means that if any man shifted a temporary shed in his back yard he would require to give seven days' notice to the local authority of his intention to do so. That is why I am moving to exempt such buildings from the provisions of the Act.

The CHIEF SECRETARY: There are many reasons why the amendment should not be agreed to. Buildings on the gold-

fields have been removed without notice being given, and it has happened that they have constituted the only value that lies in the land. This can happen in other parts of the State. The local authorities should be acquainted with what is being done so that steps may be taken to prevent damage to footpaths or roads by reason of the removal of houses. I cannot see the need for the amendment. It will certainly not apply to farm dwellings.

Hon. J. J. HOLMES: It is all very well to say that this clause will not apply to farm buildings, outhouses and other things connected therewith. We have had previous experience of what Acts of Parliament are not supposed to affect.

Hon. G. FRASER: I am agreeable to the first part of the amendment, but I cannot accept the latter portion of it dealing with stables or outbuildings. Anyone with experience of local bodies will know of their difficulties in connection with garages particularly.

Hon. J. NICHOLSON: I appreciate the suggestion you, Mr. Chairman, were good enough to make.

The CHAIRMAN: My suggestion simplifies the position.

Hon. J. NICHOLSON: There are certain sheds of a temporary character that are sometimes erected in townsites and even in suburbs. I will accept the suggestion to limit the amendment to the words "erected on land situated within a townsite."

Hon. J. M. DREW: The land may be practically worthless, and there may be some sort of a house on it. Rates may be due to the municipality, and if the house is demolished there will be no prospect of the local authority being able to recover the rates.

Hon. J. NICHOLSON: If I may be permitted, I will alter my amendment to insert merely the words "erected on land situated within the townsite."

Amendment, by leave, amended.

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

Clause 28—Amendment of Section 160:

Hon. A. THOMSON: It does not seem necessary to include paragraph (h) because already the necessary power is pro-

vided by Section 160, which we are amending. I move an amendment—

That in paragraph (h) "and cooling chambers" be struck out, with a view to inserting "for road board requirements only."

If it is the intention of the local authorities to provide cooling chambers for a certain section, there should be power to levy rates on that section.

The CHIEF SECRETARY: I am going to agree to strike out the words, but I cannot accept the additional words it is proposed to insert. Different local bodies have electric lighting plants which are not always solely for their own requirements.

Hon. W. J. MANN: I hope "cooling chambers" will not be struck out. In some small districts the only power available is electric power, and it may be that cooling chambers are wanted for dairying purposes or for fruit.

Hon. J. M. MACFARLANE: Cooling chambers should not come within the province of local authorities. It is possible in these days to get small refrigerating machines which can be driven off any electric lighting plant. This is a proposal to extend private trading by public bodies. I shall oppose the amendment.

Amendment put and passed.

Hon. A. THOMSON: I move an amendment—

That after "pits," in line 2 of paragraph (h), the words "for road board requirements only" be inserted.

The CHAIRMAN: We have passed that point; the amendment will have to be moved on recommitment.

Clause, as previously amended, agreed to.

Clause 29—New section:

Hon. J. J. HOLMES: Who is going to decide whether any land is substantially and permanently increased in value by drainage works undertaken by a board?

Hon. A. Thomson: It is provided later that the matter is to be determined by arbitration.

Hon. J. J. HOLMES: Then I am satisfied.

Hon. J. NICHOLSON: Is not the clause intended to refer to land within a town-site and not to farm land?

Hon. J. J. Holmes: It says "any" land.

The CHIEF SECRETARY: Of course it will apply to any land. A person may have land worth 10s. an acre and a drain may make it worth £30 to £60 an acre. That is what drainage is doing in the South-West. When facilities are provided that improve the value of land, the owner should contribute.

Clause put and passed.

Clause 30—agreed to.

Clause 31—New section:

Hon. A. THOMSON: Under Clause 29 any dispute is to be settled by arbitration, but under this clause it is proposed that the question of benefit derived from drainage works is to be referred to the Minister, whose decision shall be final and without appeal. I move an amendment—

That the words "shall be final and without appeal" be struck out, and the words "may on appeal be determined by the provisions of the Arbitration Act, 1895" inserted in lieu.

The CHIEF SECRETARY: I cannot agree with Mr. Thomson. The Minister would have engineers and surveyors to advise him and would hold the scales evenly between the two parties. That would be preferable to referring the matter to arbitration.

Hon. J. J. HOLMES: Why is arbitration provided for in Clause 29, and why is the Minister to have the final decision under this clause? There should be appeal from the decision of the Minister to arbitration.

Hon. J. M. DREW: The Town Planning and Development Act provides for reference to arbitration on any question as to whether any property is injuriously affected or increased in value and the means and manner of paying the sum to be paid as compensation. The Minister, under this clause, might come to a speedy, inexpensive and sound decision without putting into effect all the machinery of the Arbitration Act.

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

Clauses 32 to 35—agreed to.

Clause 36—Amendment of Section 194:

Hon. J. J. HOLMES: The clause will enable local authorities to acquire or build agricultural halls, libraries or reading rooms or acquire sites for such buildings. Mr. Thomson was fighting for a principle when he objected to giving boards power to erect

cooling chambers, and he should equally object to giving boards power to erect the buildings I have indicated.

Clause put and passed.

Clause 37—Amendment of Section 196:

Hon. A. THOMSON: This clause gives extraordinary powers to local authorities, especially as to regulation and control of bills and placards. There is danger in proposed paragraph 20 (a), affecting advertisements placed by a business man on his own premises. I agree that control of hoardings is reasonable.

The CHIEF SECRETARY: The powers proposed are necessary, especially in these days of fast traffic. A hoarding might be placed on a dangerous corner so as to obstruct the view.

Hon. A. Thomson: Local authorities have the necessary powers now.

The CHIEF SECRETARY: It is not considered that they have.

Hon. A. THOMSON: I move an amendment—

That all the words after "of" in line 1 of proposed paragraph 20 (a) be struck out, and "hoardings, whether public or private," be inserted in lieu.

As the paragraph stands, a local authority could object to a brass plate or an electric sign.

Hon. G. FRASER: I hope the amendment will not be carried, since under it any person might plaster anything he chose on a hoarding. Local governing bodies can be trusted to exercise wisely the powers here proposed.

Hon. J. M. DREW: It is advisable to grant these powers, as the Town Planning Commissioner has extreme powers and can at any time step in. Valuable buildings might be erected adjoining a vacant block, on which a hoarding might be placed plastered with such advertisements as would detrimentally affect the value of the buildings mentioned.

Hon. J. T. FRANKLIN: Perth has been up against unsightly hoardings for years. On private premises near King-street were some highly objectionable advertisements, to which the City Council could not effectively take exception. Interference with brass plates or electric signs need not be feared, especially as regards elec-

tric signs, which tend to make the streets well lighted. There should be restrictions on advertisements placed upon the blank walls of buildings.

Amendment put and negatived.

Hon. E. H. HARRIS: Paragraph (c) deals with hawkers, but the Bill does not provide a definition of "hawking." I suggest to the Minister the necessity for dealing with that omission.

Hon. J. Nicholson: There is the Hawkers Act, which will govern the position.

Hon. E. H. HARRIS: I think a definition should be included in the Bill for the guidance of local authorities.

Hon. A. THOMSON: I move an amendment—

That a new paragraph, to stand as 46b, be inserted as follows:—"Enabling the board to declare specified areas in any portion of the townsite of their road district, in which only buildings of specified value and approved design may be erected."

The Minister said that most of the clauses in the Bill were approved by the Road Boards Association, and my amendment represents another proposal agreed to unanimously by that body.

The CHIEF SECRETARY: I think road boards should have the power indicated, but there should be some protection accorded the community because boards may force people to build houses beyond their means. That has been done.

Hon. A. Thomson: The amendment is governed by the earlier reference to the approval of the Minister being necessary.

The CHIEF SECRETARY: Then that is quite all right.

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

Clause 38—agreed to.

Clause 39—Amendment of Section 202:

Hon. A. THOMSON: I hope the Committee will delete the clause, which will empower the Government to override a local authority in respect of by-laws already approved by the Minister. The local authority may have determined that buildings of a specific type only may be erected, and the Government will be able to override them and erect wooden buildings.

The CHIEF SECRETARY: Mr. Thomson has taken the wrong view of the posi-

tion. I have a list of 60 local governing authorities that have adopted the Second Schedule to the Act, under which it is not permissible for buildings to be erected in their localities, with external walls that are of inflammable material. Notwithstanding that fact, many of them allow wooden houses to be erected at present. The amendment is designed to protect local authorities that have acted in that way, so as to enable people to erect homes within their means, particularly in view of the economic position to-day.

Hon. A. THOMSON: The Minister takes a different view of the clause from that of some local authorities, because I have received requests from several of them to oppose the clause. It will give the Government power to override the local authorities, and the latter are anxious about the position.

The CHIEF SECRETARY: The object of the clause is to protect, among other local governing authorities, the municipal council at Katanning, because they have allowed wooden buildings to be erected in their district, although they come under the Second Schedule.

Hon. J. J. Holmes: Why not amend the Second Schedule?

The CHIEF SECRETARY: There is no need to do so. It is not a question of overriding local authorities but of assisting them, and surely in these days we should assist them in their desire to allow people to build homes within their means. In this State in particular, lots of people have gone into homes far beyond their means, and some of the local authorities have helped in this by declaring given areas brick areas. The provision is required to protect certain people even though they are operating under the Second Schedule.

Hon. G. W. MILES: Have not the Minister and the Government already overridden the local authority by sanctioning the erection of wooden buildings at the University when the local authority and a public petition had declared that those buildings should not be erected? It seems to me this clause is merely to give the Government power to override local authorities.

Hon. J. T. FRANKLIN: It should be the local authority, not the Governor, named in this clause. As the clause stands,

anybody who wishes to erect a wooden building will have to apply to the Governor for authority. It has been said it is cheaper to build a wooden house than a brick one. It may be so in the first instance, but in the long run the brick house is much the cheaper. Instead of having to go cap-in-hand to the Governor when one wishes to build a wooden house, it should be left to the local authority to give the necessary sanction.

The CHIEF SECRETARY: The clause deals, not with one building, but with a district or portion of a district. It will merely give the Governor-in-Council a power which he has not to-day.

Hon. J. NICHOLSON: I remind the Minister that a little time ago the Government proposed to erect wooden houses under the Mc Ness scheme near North Perth in what is a recognised brick area. The City Council said it was not desirable, that it would be unfair to the owners of land in that locality, who had expended money in erecting brick houses. Eventually the Government abandoned that scheme and erected their wooden houses in a recognised wood area. By recalling that, we see the reason for this clause, which is to give the Governor-in-Council the power to override local authorities.

The Chief Secretary: Do you think the Government follow the same procedure as you do in this House?

Hon. J. NICHOLSON: The Government did override the local authorities in respect of the wooden buildings at the University. I agree with Mr. Thomson that it would not be right to pass this clause. If the clause were giving the local authority power by resolution to sanction the erection of wooden buildings I would agree with it, but it overrides the powers of the local authorities, and so I will vote against it.

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

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

Majority against 10

AYES.	
Hon. C. F. Baxter	Hon. W. J. Mann
Hon. J. M. Drew	Hon. H. Seddon
Hon. W. H. Kitson	Hon. E. H. Hall
	(Teller.)

NOMS.

Hon. L. B. Bolton	Hon. G. W. Miles
Hon. J. Ewing	Hon. T. Moore
Hon. J. T. Franklin	Hon. Sir C. Nathan
Hon. E. H. Gray	Hon. J. Nicholson
Hon. V. Hamersley	Hon. A. Thomson
Hon. E. H. Harris	Hon. C. H. Wittenoom
Hon. J. J. Holmes	Hon. H. J. Yelland
Hon. J. M. Macfarlane	Hon. H. V. Piesse

(Teller.)

Clause thus negatived.

Progress reported.

House adjourned at 10.27 p.m.

Legislative Assembly.

Wednesday, 2nd November, 1932.

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

QUESTIONS (2)—RAILWAYS.

Coal Analytical Tests.

Mr. MARSHALL asked the Minister for Railways: 1, Is it the practice of the Railway Department to make monthly analytical tests of all coal produced locally and consumed by that department? 2, If regular analytical tests are not made, what is the practice of the department for testing this coal?

The MINISTER FOR RAILWAYS replied: 1, Yes. 2, See reply to question No 1.

Karragullen-Midland Junction Service.

Mr. SAMPSON asked the Minister for Railways: 1, Is he aware that the train which leaves Karragullen for Midland Junction at 8.30 p.m. on Tuesdays and Fridays is scheduled to arrive at Midland Junction, a distance of 21 miles, at 11.30 p.m.? 2, That in order to ensure connection with the Midland Junction-Perth train scheduled to leave Midland at 11.30 p.m. it is sometimes necessary for the Midland-Perth train to be delayed? 3, In view of the short distance from Karragullen to Midland Junction is it possible to reduce the time taken?

The MINISTER FOR RAILWAYS replied: 1, A train runs as indicated on Tuesdays and Thursdays. 2, Yes. 3, In the new time table the train is due to arrive at Midland Junction at 11.25 p.m. As it is a goods train, time allowance is necessary for shunting and further acceleration cannot be arranged. A passenger coach is attached for the convenience of the public.

QUESTION—UNEMPLOYMENT, COLLIE.

Mr. WILSON asked the Minister for Lands: 1, Has the land in the Bushwell Brook district lately inspected by the Premier been surveyed for selection? 2, If not, will he have the land surveyed at an early date? 3, If the land has been surveyed, will he cause the allotments to be made available early for settlement? 4, Will he take steps to see that priority of allotment is given to the families of men who were dismissed from the Collie coal mines and timber mills? 5, Will he extend to the successful applicants the financial conditions operating at the Nannup settlement? 6, What are the conditions of payment for work done by the settlers at Nannup?

The MINISTER FOR LANDS replied: 1, No. 2, The area is at present being operated over on a lease by sawmillers, and it is considered advisable to delay survey for a while. 3, Answered by 1 and 2. 4, Consideration will be given to the inclusion of the families referred to if it is decided to inaugurate a similar scheme to Nannup. 5, Yes, should it be decided to develop this area by unemployed married men. 6, Advances up to £2 per week, which must be