made to enforce full rights under the mortgage.

Hon. L. Craig: There are two cases of hardship out of 150.

The HONORARY MINISTER: No. The number of applications which have been granted is 78, that is, applications to enforce the full terms of the mortgage.

Hon. L. Craig: Yes, 78 have been granted.

The HONORARY MINISTER: Yes, and two applications of that kind have been refused.

Hon. H. V. Piesse: And 45 have been adjourned.

The HONORARY MINISTER: And 23 applications are pending. This is perhaps one of the most important of the financial emergency measures. It affects a larger percentage of the population than any of the others.

Hon. L. Craig: It has been tremendously abused.

Hon. H. S. W. Parker: It is one of the most abused measures.

Hon. H. V. Piesse: We cannot legislate for everyone.

The HONORARY MINISTER: I would not like to say it has been abused, because I do not know of any such cases. The Government are of opinion that the measure should be re-enacted for a further 12 months. I therefore move—

That the Bill be now read a second time.

On motion by Hon. H. V. Piesse, debate adjourned.

House adjourned at 8.17 p.m.

Legislative Assembly,

Tuesday, 27th August, 1935.

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

ASSENT TO BILL.

Message from the Lieutenant-Governor received and read notifying assent to the Supply Bill (No. 1), £2,200,000.

QUESTION—TRAFFIC FEES.

Basis of Allocation.

Mr. SAMPSON asked the Minister for Works: 1, What was the total amount collected by the Police Department from motor vehicle licenses in the metropolitan area last year? 2, What amount of those fees was paid to the Main Roads Board, the Transport Board, and what was the aggregate sum paid to various road boards in the metropolitan area? 3, On what basis, proportion, or system were the amounts referred to in paragraph 2 allocated to the Main Roads Board, Transport Board, and the various road boards in the metropolitan area? 4, What were the individual amounts allocated to each road board in the metropolitan area, and on what basis or system were the individual amounts arrived at? 5, What were the various amounts, if any, allocated from the Transport Board traffic fees to the Main Roads Board, and to the various road boards in the metropolitan area?

6, On what basis or system were the Transport Board traffic fees allocated?

The MINISTER FOR WATER SUPPLIES (for the Minister for Works) replied: As the information is in the form of a return, I lay it upon the Table of the House.

QUESTION—LAND TAX.

Mr. SAMPSON asked the Premier—1, Is he aware that land tax is levied on land used for bee, pig, and poultry farming? 2, As bee, pig, and poultry farming are branches of agriculture, will he take the necessary steps to ensure that the consideration provided in the non-taxation of agricultural lands shall apply in the cases mentioned?

The PREMIER replied: 1, Yes. 2, The matter is receiving consideration.

QUESTION—STATE FERRIES.

Mr. CROSS: asked the Minister for Railways: 1, Is he aware that in the summer of 1934 the ferry boat "Perth" on several Saturday afternoons was taken off its usual run, namely, Barrack Street jetty to Mends Street jetty, in order to follow boat races? 2, Is he aware that this action was detrimental to passenger traffic between Perth and South Perth? 3, Will he take steps to prevent a recurrence of the complaint set out in paragraph 1, particularly in view of the increased passenger traffic to the Zoo on Saturday afternoons? 4, Is he taking steps to ensure that a new ferry boat is provided for the South Perth ferry service in the present financial year?

The MINISTER FOR RAILWAYS replied: 1, Yes. 2, No. 3, Consistent with economic operation, all necessary steps will continue to be taken to ensure a maximum of convenience to patrons of the ferry service. 4, This matter is under consideration.

QUESTION—UNEMPLOYMENT, KALGOORLIE.

Hon. J. CUNNINGHAM asked the Minister for Railways: 1, What is the total number of married men registered at the Employment Bureau, Kalgoorlie? 2, What is the total number of single men registered at the Employment Bureau, Kalgoorlie? 3, What is the total number of married and single men registered at Kalgoorlie drawing sustenance payments? 4, During the past six months, how many men have been placed in work through the Labour Bureau, Kalgoorlie?

The MINISTER FOR RAILWAYS (for the Minister for Employment) replied: 1, Six. 2, Five. 3, Nil. 4, 29.

LEAVE OF ABSENCE.

On motions by Mr. Wilson, leave of absence for one month granted to the Minister for Works (Hon. J. J. Kenneally—East Perth), and to Mr. Raphael (Victoria Park) on the ground of ill-health.

BILL—BUNBURY RACECOURSE RAILWAY DISCONTINUANCE.

Second Reading.

THE MINISTER FOR RAILWAYS (Hon. J. C. Willcock—Geraldton) [4.36] in moving the second reading said: The purpose of the Bill is to authorise the closure and removal of a short section, one and a-half miles, of railway known as the Bunbury Racecourse Railway. Older members will remember that a similar provision was in a Bill brought down seven or eight years ago, but there was some opposition on the part of the local agricultural society and the local race club, and so the section of the Bill which dealt with this railway was deleted, and the line has remained there ever since. But no money has been spent on the line since that time, 1927, nor has the line been used, and it is obviously unnecessary. The opposition which certain local bodies had to its removal seven years ago has disappeared, and they have notified that they no longer offer opposition to that removal. The railway is not of any sort of use at all, whereas the material would be of use in other parts of the railway system. Because this line was authorised by Act of Parliament, it is necessary that a Bill giving authority to remove it must come before the House if the line is to be removed. Had not Parliamentary approval been necessary the department would have taken up the rails and sleepers and used them elsewhere long ago. I do not think there can be any

opposition to the Bill in the House because, as I say, all local opposition has disappeared. The line is earning nothing, it is of no use and so it is desired to pull it up. I move—

That the Bill be now read a second time.

MR. WITHERS (Bunbury) [4.39]: What the Minister has said is quite true. There was local opposition to the removal of the line seven years ago, because at that time it was thought it could be used for the benefit of the Agricultural Society. However, seeing that road transport has come into operation extensively in that area, the railway is no longer justified. No money has been spent on the line since the previous Bill was before the House, so members can imagine the state of disrepair it is in to-day. There has been a move on the part of the Bunbury Race Club to have the line pulled up with a view to beautifying the entrance to the course. One always has sympathy with any organisation prepared to spend money in beautifying the district. An old Bunbury resident has offered to construct a handsome gate entrance to the course, which will be a monument to the club's ground. The gates are to cost £300. But they cannot be erected until the line has gone, as the land is held to-day by the Railway Department for the purpose of a railway siding, which must be removed before the proposed gates can be erected. One condition under which I would have the railway pulled up is that consideration be given to the provision of facilities at South Bunbury for the purpose of trucking stock, and for one or two other little improvements that are essential to that part of the district. Also when the line is pulled up I hope the land will revert to the Crown so that it will be possible for the Municipality of Bunbury and the Bunbury Road Board to make use of it as a short cut from the Vasse-road to the Blackwood-road, instead of everybody having to go a long way round. This short cut would be very useful to many, and so I hope the Railway Department will allow the land to revert to the Crown in order that the road board may take it up. This would mean considerable improvement to Forrest Park, which is already a beauty spot and which will eventually become the main sporting ground for the district. It now has a road running along it, and if this proposed road can be run along the other side of the park it will be of immense advantage.

On motion by Hon. P. D. Ferguson, debate adjourned.

BILL—NORTHERN AUSTRALIA SURVEY AGREEMENT.

Second Reading.

THE ACTING MINISTER FOR MINES (Hon. M. F. Troy—Mt. Magnet) [4.43] in moving the second reading said: In November, 1933 Cabinet agreed to a proposal of the Commonwealth for an exploratory survey of the economic resources of Northern Australia. It was proposed that a systematic investigation be made as a co-ordinated effort by the Commonwealth, Queensland and Western Australian Governments, primarily into the mineral wealth of the north of Western Australia, the Northern Territory and north-western Queensland, to be accomplished by aerial, geological and geophysical surveys. The Commonwealth was to bear half the cost, and Queensland and Western Australia to share the other half. The total cost will be £150,000, of which this State's proportion is £37,500. The committee controlling consists of the Federal Minister in charge of Development, Senator McLachlan, and the Ministers for Mines of Queensland and Western Australia. There is also an executive committee consisting of Sir Herbert Gepp (chairman) and the Government Geologists of Queensland and Western Australia, with Mr. P. B. Nye as executive officer, Dr. W. G. Woolnough, as technical adviser, and Mr. I. M. Raynor as geophysical adviser. The work is expected to take three years, and is at present in active operation in Queensland, the Northern Territory and Western Australia. In this State operations are being caried out at Bamboo Creek, McPhee's Patch and Marble Bar, in the Pilbara goldfield, and it is expected that operations will be commenced at Nullagine, in a few weeks time. The expressed objective of the aerial, geological and geophysical survey is the development of Northern Australia by the location of payable ore bodies. The aerial photography, geology and geophysics will be of value in locating ore, but each branch of the above sciences must be viewed in its true perspective and each will be used only in so far

as it is likely to yield direct economic results. The success of the survey must be judged not by vague recommendations as to favourable areas for prospecting, but by the additional number of ounces of gold ore, tons of copper or lead which will be produced from the areas selected as a direct result of its efforts. The aerial work is being carried out by the Royal Air Force. The reason for the introduction of this Bill is that whilst the Mining Development Act authorises the State to spend moneys for the performance of mining development, that Act can be considered as operative only in Western Australia, and there is no authority to expend moneys outside Western Australia in furtherance of a joint scheme such as has been described. It is necessary, therefore, to put everything in order, that proposals such as are contained in the Bill should be passed. I move—

That the Bill be now read a second time.

On motion by Hon. C. G. Latham, debate adjourned.

BILL—BRANDS ACT AMENDMENT.

Second Reading.

THE MINISTER FOR AGRICULTURE (Hon. F. J. S. Wise—Gascoyne) [4.48] in moving the second reading said: This Bill, in conjunction with another that I will introduce later, is designed to provide some means more effectively to cope with the practice of sheep stealing. This offence in many districts has become more than a criminal act. It has become a highly organised and systematised business. In the process of developing the districts in the rural areas there has been a marked change in the requirements of both the Brands Act and the Droving Act to meet the situations that exist, particularly when comparing the times when that legislation was first introduced almost 40 years ago. The better transport facilities of to-day assist the sheep thief, and make it very hard, not only to detect him, but to bring him to book. The police labour under a marked disadvantage in the endeavour to control the trouble and cope with it, a long time in many cases having elapsed before anything at all is known about the sheep being missing from the different properties. There is very little evidence to work upon in the endeavour to locate the culprits. The law relating to the Brands Act and the Droving Act does not meet the situation. Although this question has not come before me by way of deputation, I find it has been the subject of much consideration by my predecessors in office. For many years it has been presented as one of the major troubles confronting owners in both a large and a small way in many districts. Following amendments to the law in 1919, complaints were made that the identification by means of earmarks was unsatisfactory. At that time sheep stealing was very rife. In some cases firms, owners and even fat stock salesman, offered large rewards in the endeavour to stop these crimes. As now, the thieves were difficult to catch. By the mutilation of the ears, thus destroying the earmarks, and the subsequent removal of the ears from the skins, it has been almost impossible to check up on even the known thief. Down the years the practice has increased in spite of every effort to subdue it. In some districts it has really become a highly organised industry. Members of many road boards have expressed much concern. Requests have been made for legislation amending the Brands Act and the Droving Act as a means of controlling sheep stealing in the districts concerned. All the associations in rural areas have presented their viewpoints on this matter. The police have stated that their position is not at all strong in their endeavours to meet the existing demands for patrol and the prevention of stealing. All these complaints and previous complaints led to a conference that I called. This included the Minister and the Commissioner of Police and the officers in control of the two Acts in question. The Bill I now submit is the outcome of that conference. It has been drawn up after much thought and consideration, with due regard to every existing legitimate practice, with the object of not hindering anyone who has a legitimate case, or is legitimately in charge of sheep under the provisions of either of the two Acts. We desire to make an unlawful act much harder to accomplish. By a system of compulsory branding it is felt we shall be able to hamper the sheep thief in his operations, and lead to detections. As the provisions of the Brands Act will in a way provide for compulsory branding following shearing in the southern districts, a word in connection with the proper use of branding fluids may be timely. In the endeavour to make a searching inquiry into this question, I have discussed the possibilities of deleterious results to wool, due to the use of branding fluids,

with Professor Nichols, who has been in control of the wool research station in England. He says that the reputable branding fluids now on the market have no ill effects upon wool. The only danger is that the small man with 50 or 100 sheep may be prepared to use any substance which is not a proper substance for that purpose. The alterations found necessary in the Brands Act will be easily followed. It shall be compulsory to register the wool brand with the earmark, and the wool brand must be registered in addition to the earmark by every owner of sheep. At present it is compulsory that the earmark be registered, but the wool brand may be registered. As the key to the position concerned in the control of this menace really lies in the use of the wool brand, it is deemed desirable to make compulsory the registration of that brand. In practice it is very difficult, if not impossible for even a highly trained man readily to identify earmarks. It is felt, particularly in cases where sheep are travelling in closer settled rural areas, that the wool brand would provide a better distinguishing mark. It is, therefore necessary to make the registration of both the earbrand and the wool brand compulsory. The second point is that the use of the registered wool brand shall be compulsory after each shearing in the southern portion of the State, within a district as defined in the Bill. I have prepared a map showing exactly where these boundaries are, so that it will not be necessary for members to imagine what the specified area is, as outlined in the Bill. I will see that this is made available. There are many difficulties in the North, where the numbers of sheep are large, in complying with some of these conditions. Even in that case, it shall be compulsory where sheep are intended to travel from the station that the wool brand shall be used. I will deal later with these points in connection with the Droving Bill. In the North little or no sheep stealing occurs as between station and station, but stealing has occurred when sheep have been on the road. It is quite possible for sheep to be lifted when the ordinary brand is used, whereas if the brand as suggested were used, much greater difficulty would be presented in doing so. There is nothing to prevent the sheep owner in the North wool-branding for his own protection if he desires. With respect to the North it shall only be compulsory for sheep that are to travel on the road, or to be driven in mobs from one place to a rail head to the southern centre, to be branded in this way. There is nothing impracticable in the suggestion. In the South-West where shearing is done at central sheds, it is highly necessary to control the ownership of the sheep. It is intended that following each shearing in the southern districts it shall be compulsory to wool-brand the sheep following the shearing. If the sheep are branded with a readily distinguished wool brand, there will be very little difficulty in determining their ownership. It has been suggested, and is to be found on record on the departmental files, that many complaints from the South-West emanate from neighbours who have had sheep stolen to make up deficiencies that have occurred in the case of adjoining owners. Whether the owners repeat the process or not I do not know, but I do think that the use of a wool brand will act as a deterrent. Provision is made in another Bill to amend the Droving Act in cases where sheep have been purchased, and would therefore carry a different wool brand from that of the owner. When sheep are handled at a sale and sold they may be sold branded with a brand other than that of the purchaser. Provision is made that where the wool brand of the existing owner is not that which is borne by the sheep, such owner may easily identify and distinguish his sheep. Clause 6 gives power to an inspector to prevent the removal of sheep that are not wool-branded, and is designed to strike at thieves who now convey stolen sheep in motor trucks. The third main point in the Bill is contained in Clause 7. This makes it unlawful for a person to be in possession of skins from which the ears have been removed or mutilated. Section 49 (b) of the Act makes it unlawful for anyone to remove the ears, except prior to tanning. It has been found that this does not go far enough. There is the itinerant sheep purchaser who travels through the districts buying sheep skins, many of which may have come from sheep that have been stolen. If a man has stolen sheep, and wishes to sell the skins after he has killed them, he has only to remove the ears from the skins and it is practically impossible to identify the brands in such a way as to determine who the right-

ful owner of the sheep was. It is proposed to make it unlawful for a person to be in possession of sheepskins. As the Act is now, it is unlawful for persons to remove such skins, but it will be made unlawful for a person to be in possession of sheepskins from which the ears have been removed.

Hon. P. D. Ferguson: What about the person who moves sheep in a motor truck?

The MINISTER FOR AGRICULTURE: That point would be covered by the waybill or other document which the person must carry to indicate that he is in lawful possession. This provision is necessary in connection with the ears of the sheep, particularly as it applies to country butchers, who are often blamed for many of the thefts that occur. If provision is made that the ears shall be left on the skins, any breaches of the law will be much more readily detected. It is much easier to trace a skin than it is to trace a carcase. The fourth main provision of the Bill is to be found in Clause 8. This makes it unlawful to remove sheep unless they are wool-branded, and will apply to the whole State. There is nothing impracticable in this. Instead of sheep being branded with what is known as the "T" brand, with which travelling sheep must be branded according to the law, by the provisions of the Bill they will be branded with the registered wool brand of the owner, prior to droving taking place. It simply means that when sheep are to be put on the road either in the North or in the South, they will be carrying the registered wool brand of the owner. The T-brand, of course, is an easy brand to use, and an easy brand to copy and to apply. Where sheep are included into mobs, picked up a hundred at a time or a couple at a time, it is easy to apply the T-brand, and so defy the law in that respect. The provision as to waybills contained in the Droving Act Amendment Bill will clearly indicate how much more difficult it will be to deal with waybills by road than it has been in the past. Wherever sheep are moved by vehicle, this system of checking will be much simpler than to imprint on the sheep the T-brand as required under the existing law. At present it is possible for any owner to register as his registered wool brand a replica of his earmark; that is, the whole of the ear with the registered earmark thereon to be used as his wool brand. That may be the system that is decided upon. I have now stated what is in essence the Bill I have presented to the House.

Mr. Patrick: Most people use their ordinary stock brand for a wool brand.

The MINISTER FOR AGRICULTURE: Many of them do. The measure is designed specifically to make it much more difficult than it has proved in the past to commit the offence of sheep-stealing. Following the many complaints received, and the demands made for such legislation as this, I feel sure hon. members will give the measure their consideration and support. I move—

That the Bill be now read a second time.

On motion by Hon. P. D. Ferguson, debate adjourned.

BILL—DROVING ACT AMENDMENT.

Second Reading.

THE MINISTER FOR AGRICULTURE (Hon. F. J. S. Wise—Gascoyne) [5.19] in moving the second reading said: The Bill aims at making amendments in the existing droving legislation to work in close relationship with the measure of which I have just moved the second reading. The present Bill aims at rendering the existing Droving Act more practicable and more suitable to prevent sheep-stealing than is the case under the existing law. It is aimed especially at the menace of sheep-stealing. Since the Droving Act of 1902 became law, as may well be imagined, conditions in relation to droving have materially altered in every district of the State. When that measure was drafted and made law, Western Australia was, as it were, one immense succession of big pastoral areas, where distances were great: and it was never considered likely to be necessary to drove sheep over distances of less than 40 miles. With the alteration of conditions, and with the position as we see it to-day, when hundreds of sheep are transported by motor vehicle over hundreds of miles, there is a state of affairs which was never contemplated when the original droving law was passed. That being so, as journeys of 40 miles now bring districts together and towns together, it is considered desirable to reduce the limit of 40 miles to 15 miles. That is to say, instead of its being only necessary for a person to give notice of the removal of stock when he intends to remove them 40 miles,

it is suggested that it is essential to make the distance for notification 15 miles. In an endeavour to reduce the ambit of sheep-stealing and the activities of those who engage in that traffic, a special connection is endeavoured to be made between the Brands Act and the Droving Act. I may mention that special legislation has been introduced during recent years not only in the other Australian States and New Zealand, but also in other parts of the world which are endeavouring to cope with the trouble. In Scotland sheep-stealing has presented such a menace that special legislation is to be introduced in order to cope with it. One suggestion is that every sheep in every district shall be wool branded. In New Zealand, owing to the persistence of sheep-stealing, it has been definitely laid down that no sheep shall be permitted to travel at night, and that no person may travel any sheep at night. That is the present law in New Zealand. From reports I have been able to gather, it appears that the law has done a great deal to minimise the trouble. In Western Australia, however, I do not think it wise to introduce so drastic a provision. It is highly necessary here, particularly in our summer months, to carry and convey large numbers of sheep by night, not only in the southern districts when marketing the sheep as fat lambs, but also in the North, particularly for the conveyance of rams several hundreds of miles inland. Undoubtedly most of the evil is confined to the more closely settled districts of our State. In pastoral areas there are only two worries connected with the Droving Act, or any legislation relating to the destruction or stealing of sheep. One worry has been the dishonest drover who has found opportunity to pick up small lots of sheep at watering places and when reaching such centres as Northampton or Ajana, has discovered a ready market for the stolen sheep with the farmers in those districts. When sold they are known to be stolen sheep. I feel sure, however, that with the leaving of the ears on the skins, as mentioned in the previous Bill, a great deal will be done towards preventing such thefts; and of course the provision would help materially to minimise these offences not only in the North but also in the South. There is always the chance of a drover making good his losses by adding suitable numbers to his mob. The only other trouble found in the North has been that occasionally, perhaps only in rare cases, sheep have been shot by people unaware of the northern custom by which they can get their meat free if they ask for it, without shooting or otherwise destroying sheep in an endeavour to get meat to carry themselves over. I am reminded of a happening on a far North station. An owner was travelling along his run and noticed a man on all fours crawling from bush to bush near a mob of sheep. Driving right on top of this man, the owner challenged him with what he was doing. The man said, "Well, they looked so ferocious that I thought I had better be prepared to shoot them." Many proposals have been made for coping with the illicit skin dealer, who has been a big factor in the systematic sheep-stealing in the South-West. At a later stage it may be found necessary to register these skin dealers, and also to insist that proper records and information be kept by butchers. But such matters are outside the scope of this Bill, and may be dealt with later. The provisions of this measure, briefly, may be said to be an alteration of the distance necessitating a waybill. It is proposed to reduce that minimum from 40 miles to 15 miles. The reasons for the proposed change are obvious; and those administering the parent Act, including the Chief Inspector of Stock, are anxious to have the amendment. The second amendment proposed deals specifically with waybills. Clauses 4 and 5 provide that these shall be made out in triplicate instead of, as at present, in duplicate. The existing practice is that when an owner hands to the drover a number of sheep, he also hands to him a copy of the waybill, of which a counterpart is sent to the Chief Inspector of Stock in Perth. It is now desired that the triplicate of the waybill be forwarded to the nearest police officer, the person concerned. In the absence of this practice it is found that no matter where a police officer has interrogated a drover, the police officer, not knowing what should be the provisions in the waybill or its contents, has had little chance of checking up on even a known thief. It is thought that by submitting to the nearest police officer a copy of the waybill, which he in turn will forward along the route of the sheep, a great deal may be done to obviate existing abuses. Clause 7 is designed to deal with sheep sold whether on the farm or at sales; in other words, sheep

carrying a wool brand other than the wool brand of the present owner. It has been found that following a sale owners of sheep have recognised their own sheep in mobs bought at the sale. Upon inquiry they have learnt that the auctioneer in the mixing of the sheep in the yard has had no knowledge as to who delivered those particular sheep to him. Therefore, if we couple the proposal for the compulsory branding of sheep with the supplying of a particular form by the auctioneer, or the agent, or the owner of the sheep, to the person to whom they have been sold, an easy check will be possible, and it will then be much more difficult than it is to-day for thieves to get away with such practices. Subclause 6 of Clause 7 makes it clear that where sheep are being driven under ordinary droving conditions, and accompanied by a waybill, the provision for statement of ownership shall not apply. In that case the waybill will be quite sufficient. The next point relates to the abolition of the "T" brand, which, in the past, has applied to all sheep travelling over a distance. I have already explained that the alteration from the standard "T" brand to the compulsory brand, or registered wool brand, of the owner will minimise the dangers in that regard. Both the Bills I have dealt with aim at controlling the operations of the thief and the receiver. It is obvious that co-operation is necessary in every district between the persons concerned and the authorities, in order that the operations of the thief and the receiver may be hampered, and the delinquents more easily detected. I move—

That the Bill be now read a second time.

On motion by Hon. P. D. Ferguson, debate adjourned.

BILL—JUDGES' RETIREMENT.

Second Reading.

THE MINISTER FOR JUSTICE (Hon. J. C. Willcock—Geraldton) [5.17], in moving the second reading said: The object of the Bill is to fix a retiring age of 70 years for judges of the Supreme Court of Western Australia, who may be appointed after the measure becomes operative.

Mr. Marshall: Why have you departed from the principle of retirement at 65 years of age?

The MINISTER FOR JUSTICE: For men occupying similar positions in other States, the retiring age is fixed at 70 years, and when the Government decided to present the Bill to Parliament, an endeavour was made to make the measure uniform, if possible, with the conditions that had been adopted elsewhere relating to positions of the type affected. In this State the retiring age is fixed at 70 years of age for stipendiary magistrates by Section 4 of the Stipendiary Magistrates Act of 1930, and a similar provision applies to the President of the Industrial Arbitration Court by virtue of Section 48 of the Industrial Arbitration Act, 1912-25. The positions I have referred to are similar to those of the judiciary, and, therefore, Parliament has had an opportunity to review the matter and has fixed the statutory limit at 70 years. The desire is to bring the judiciary into conformity with that practice, and provide for retirement at a similar age for all persons holding high judicial offices in this State. At present, judges of the Supreme Court are entitled to hold office during good behaviour, without any obligation to retire at any age. They can be removed from office only for misbehaviour and upon a resolution being passed by both Houses of Parliament. Under those conditions, a judge may be any age when he is appointed or when he retires. It is merely a matter of discretion. A body of opinion seems to have developed not only in this State but elsewhere that it is in the general interests of everyone concerned that some age limit should be fixed at which persons occupying important public positions shall retire from the service of the State. In England just recently a commission of inquiry was appointed to deal with this matter, and I have not yet received the results of the investigation. Such an inquiry would not have been launched unless there had been a body of opinion in favour of that course being adopted, or if those who were responsible for the appointment had not believed that an alteration of the existing situation was necessary. The same matter has been the subject of public discussion in relation to judges of the Commonwealth High Court. As members are aware, the terms of the appointment of judges of the High Court are controlled by the Constitution, and any amendment to that enactment can be by way of referendum only. Naturally, a matter of this description would not be made the cause for a referendum under

which the people of every State of Australia would be asked to express their opinion at the ballot box. Because of that, I do not think the question has been pressed. Requests have already been made to the Attorney General of Victoria that the Government of that State should pass legislation to fix a retiring age of 70 years for judges of the Supreme Court and of inferior courts in that State. In Queensland a retiring age of 70 years has been operative since 1921. Under the Judges' Retirement Act passed in that year, the retiring age of 70 years was fixed for all judges then in office, or appointed subsequently. For the purposes of that Act the term "judge" included all the judges of the Supreme Court of Queensland, the President of the Court of Industrial Arbitration, judges of the Court of Industrial Arbitration and judges of district courts, the last mentioned having the status of our stipendiary magistrates. Similarly, in New South Wales a retiring age of 70 years has been fixed since 1918 for all judges of the Supreme Court of that State, of the Court of Industrial Arbitration, and of the district courts. That limitation was imposed by the provisions of the Judges' Retirement Act of 1918. Therefore, if the Bill under discussion be passed, not only will there be uniformity as regards retirement of persons holding high judicial offices in this State, but Western Australia will fall into line with the practice in two States and with what is proposed to be adopted in one or two other States. Therefore, if the Bill be agreed to, the same conditions will apply to a majority of the judiciaries of Australia. The object of the Bill is not a new and unknown departure from existing conditions with regard to the judiciary, either in this State or in some of the other States of the Commonwealth. Already we have a retiring age in this State for all judicial officers other than Supreme Court judges, whilst Queensland and New South Wales have had a retiring age for all judicial officers, including Supreme Court judges, for many years past. Moreover, action is being taken to apply the same conditions in other States. I do not desire to explain the clauses of the Bill in detail. Clause 3 provides that the Act shall not apply to the judges who hold office at the commencement of the Act. That clause has been inserted because the Government consider it would be unfair and unreasonable to interfere with the tenure of the present judges, who accepted office in the belief that their tenure of office, as provided by law at the time of their appointment, would not be interfered with. There is a possibility that, in the near future, a further appointment may be made to the judiciary, and before any such appointment is considered or made, if the alteration in the law is regarded as desirable, the matter should be dealt with before any appointment is made under the provisions of this particular measure. I do not think it necessary to say anything further regarding the Bill. As the member for Murchison (Mr. Marshall) indicated by interjection, a retiring age does apply in the Civil Service, and that age is somewhat less than that proposed in the Bill. On the other hand, should a Government deem it desirable to retain public servants in their positions, so that they may render service of advantage to the State, they may be retained in office for some years beyond the retiring age. Such a provision applying to judges would not be desirable. The Bill also contains a machinery clause that will enable a judge, who has reached the retiring age, to continue in office should a trial or action taken before him not be completed on the date he attains the age limit. In such circumstances, the judge will be permitted to complete the trial or action, subsequent to which his retirement will become operative. I move—

That the Bill be now read a second time.

On motion by Hon. P. D. Ferguson, debate adjourned.

BILL—TRUSTEES' POWERS AMENDMENT.

Second Reading.

THE MINISTER FOR LANDS (Hon. M. F. Troy—Mt. Magnet) [5.26] in moving the second reading said: The Bill is designed to give trustees effective powers of agreeing to compositions and schemes of arrangement that would have the effect of varying their rights as trustees in cases where farmers desire to take advantage of the provisions of the Farmers' Debts Adjustment Act. The Trustees' Powers Act was passed in 1931 and was part and parcel of the emergency legislation. A number of discretionary powers were given to

trustees under the measure. For instance, trustees were empowered to release or modify the terms of any lease; they were empowered to accept a lower rate of interest where, under the provisions of the emergency legislation, the interest was reduced; they were given powers, which were necessarily in aid of those contained in the Act, to apportion moneys coming into their hands as between the capital fund and the income fund. At that time, however, no power was given to trustees to enable them to write off debts or to agree to compositions in cases where obviously a portion of the debt had been lost. That is the position to-day. Despite that fact, trustees to-day are accepting the risk and are agreeing to receive in satisfaction of debts, owing to them on behalf of beneficiaries, less than the sum involved. That course is adopted because those trustees know full well that a bird in the hand is worth ten in the bush, and they realise that if they do not accept the money offered to them, there is every likelihood of losing the whole debt. That being so, Parliament is asked to give statutory protection to deserving cases. Naturally in legislation of this description, we have to tread very warily. Under the provisions of the Bill, we have not gone to the full extent of saying that a trustees may, on any occasion, agree to the writing down of a debt that is due to him, but have restricted his powers in that sense to cases where the general body of creditors of a farmer have agreed that a writing down should take place. Admittedly this power of agreeing to a writing down is an important one to give to trustees, but, under existing circumstances, it is vitally necessary. The Bill will also provide some safeguard to the trustees themselves by imposing that limitation upon their powers to write down debts. It would be useless in practice to lay down that the trustees must go to court in every case, because that would be a very expensive proceeding. In some cases, if such a condition were laid down, it would be wellnigh impossible to get any satisfaction because the beneficiaries are resident in different parts of the world. All things considered it has been decided, rather than go the whole length, to restrict the power of writing down to cases of voluntary arrangement under the Farmers' Debts Adjustment Act. It will be noticed that the amendment introduced by this Bill purports to apply notwithstanding the provisions of Section 6 of the existing Act. Section 6 precludes trustees from varying the terms of leases and mortgages where the trust deed expressly forbade them to do so, but of course it must be made clear that such a provision cannot apply to the present case of writing down under the Farmers' Debts Adjustment Act. Otherwise, in a good many instances trustees would find themselves stultified and unable to do anything. The Bill seeks to give trustees necessary powers to deal with conditions that have arisen, and I do not anticipate that any objection will be offered by the House, seeing that the measure deals with the writing down of debts under the Farmers' Debts Adjustment Act. I move—

That the Bill be now read a second time.

On motion by Hon. P. D. Ferguson, debate adjourned.

BILL—TENANTS, PURCHASERS, AND MORTGAGORS' RELIEF ACT AMENDMENT.

Second Reading.

THE MINISTER FOR JUSTICE (Hon. J. C. Willcock—Geraldton) [5.32] in moving the second reading said: This Bill is a hardy annual. It has been presented in this House in each of the last four or five years. It will not require much explanation because it is simply a continuance measure. The Act was passed in the early stages of the depression, and it has been found desirable as the years have passed to continue that legislation in operation. Some of the financial emergency legislation was limited in its application. Under the Act the tenant, purchaser or mortgagor has to take action in the court to get a stay order to prevent either the landlord, owner or mortgagee from exercising his rights under existing legislation. Owners, mortgagees and landlords are not prevented from doing anything permitted under existing legislation unless the person concerned makes application for a stay order. Then both parties are summoned to appear before the court, the whole of the circumstances are considered and a decision is given on the facts adduced. The Act gives that right only to persons in straitened circumstances by reason of having become unemployed. The right is not given to anyone else who might

suffer from adverse conditions due to other causes. An unemployed person may obtain protection by a stay order because of victimisation or undue hardship. A man might be as honest as the sun and actuated by the best intentions, but because of unemployment he is unable to fulfil the conditions undertaken in all good faith when he had prospects of permanent employment. Such a man receives relief only because he has become unemployed. The court specifies the period for which relief is granted. While it is hoped that the need for legislation of this kind will cease, unfortunately that time has not yet arrived. We still have a considerable amount of unemployment and part-time employment. Numbers of people who have been unemployed for a considerable time might need the protection of the Act. Last year a number of cases were decided, not as many as in the first year, but sufficient to warrant the re-enactment of the measure. Probably there would have been considerably more applications for stay orders, but for the fact that the original Act permitted people to contract themselves outside the Act. On two or three occasions this House has passed an amendment to prevent that happening, but the proposal has failed to receive the approval of another place. We have all had experience of the Act, and its provisions are fully understood. The object is to continue the Act for another 12 months. I move—

That the Bill be now read a second time.

On motion by Hon. P. D. Ferguson, debate adjourned.

BILL—RURAL RELIEF FUND.

Second Reading.

THE MINISTER FOR LANDS (Hon. M. F. Troy—Mt. Magnet) [5.37] in moving the second reading said: The Bill is for an Act to provide for the administration of a fund which is to be made available to the State by the Commonwealth Government under the Federal Act passed recently entitled Loan (Farmers' Debts Adjustment) Act. That Act authorises the Commonwealth Government to raise £12,000,000 in order to make grants to the States for the purpose of enabling farmers to effect compositions with their creditors. The allocation to Western Australia from the first £10,000,000 has been fixed at £1,300,000, and from the balance of £2,000,000, the tentative allocation to Western Australia may be in the vicinity of £260,000, making a total grant of £1,560,000 to Western Australia over a probable period of three to four years. In discussing this measure I readily admit that I would much prefer to be presenting a Bill more in keeping with my own point of view and that of the Government. What the farmer needs most is rehabilitation and reconstruction. That, to my way of thinking, lies in the provision of the development and equipment necessary to make the farm highly productive. Unless that be done, I see no permanent solution of the farmers' difficulties, unless high prices recur.

Hon. P. D. Ferguson: Does that apply to all Australia?

The MINISTER FOR LANDS: I am discussing Western Australia. In the Eastern States, New South Wales, Victoria and Queensland and probably also South Australia, the agricultural industry is more firmly established. Farms have been in occupation for many years, and farming there is not confined to the production of wheat. The harvest of New South Wales reached 70,000,000 bushels, but there farming consists more of stock than of wheat, and wherever mixed farming has been carried on over a lifetime, and sons have succeeded their fathers, one may expect to find a more satisfactory state of affairs. We in Western Australia entered upon development late, and until recently we were opening up new country. Consequently the settler is of necessity confined to the production of wheat. We have not yet reached the stage of development to engage in mixed farming as is being done in the Eastern States. Therefore I consider that our position is much worse in that respect than is the position in the Eastern States. No doubt they have their difficulties in respect to land values, which are higher than in Western Australia. Of course high land values do present great difficulties. In New Zealand, probably the most highly productive country in the world, farmers are in difficulties because of their high land values. Somebody scoffed when I stated than in New Zealand there were as many as ten mortgages on one farm, but I was told by an Auckland solicitor that that was so. I heard of there being several mortgages on individual farms. Our trouble arises from the need for development and equipment to make farms highly productive. I feel that this Bill does not nearly meet the case. I do not deny that the creditor, particularly

the country storekeeper who stood to the farmer in his need, is entitled to something. In fact, I consider that the creditor is apt to be forgotten by people who ought not to forget him. Some people seem to think that the creditor has no rights at all. I say that he has rights, and I should have been glad to see his rights considered as far as possible. But the Commonwealth Government in this legislation, is not, in my opinion, attempting to meet the situation as outlined to them by the Federal Royal Commission on the wheat flour, and bread industries. Prior to the last Federal election the Commonwealth Government showed remarkable anxiety with regard to the farmers' predicament, and they were not prepared to wait for the report of the Royal Commission; it was too long in coming. They called for an interim report and from that we know that the Commonwealth Government promised the farmers of Australia £20,000,000 for the reconstruction of the industry. The other evening I referred to one of their advertisements published in the "Primary Producer" and other newspapers telling the people that it was intended to pay to 50,000 farmers a sum of £20,000,000 on the 15th September. As I have already said, no greater attempt could have been made to bribe anybody. When the Minister for Justice and I were discussing the electoral laws the other day it occurred to us that the Act interpreted such inducements as bribery. The gentlemen who authorised the publication of that advertisement, Messrs. Monger and Macfarlane, ran a risk, and if action were taken against them it might result seriously. When you tell 50,000 farmers that they can draw £20,000,000 on polling day, I consider it is a pretty definite bribe. The farmers were told that on the 7th September this cheque could be cashed. The elections were won by the party then in power, so they got away with it. Now the position is that we have the present proposal. Eventually the Federal Government agreed to provide £12,000,000. The first allotment, as I have already stated, is £10,000,000, and this is for the purpose not of reconstruction, nor for purchasing equipment and making improvements, but for the payment of debts only. I have no doubt hon. members have read the report of the Federal Royal Commission. I did intend to read the recommendations of that Commission, but it would take too long to do so. Hon. members may read them for themselves. They have seen the Commission's report. The Commission recommended a very complete programme for the Commonwealth Government, and said that the work should not be left to the State. The Commonwealth were to provide the machinery and the funds. Personally I prefer that the Commonwealth should do the work: but the Commonwealth Government have a very nice discretion in these matters; they leave all the dirty work for the States. The other night an hon. member asserted that my interpretation of the Commonwealth Act respecting the necessitous grant was not correct. I prefer that the Commonwealth Government should administer this grant themselves. I have had experience of the Commonwealth Government instructing me to do certain things and a Federal member writing to members in this House and saying that what I had done was wrong. An hon. member on the cross benches came to me last year and disputed my interpretation of the Commonwealth Act. He said that I was wrong, but I had the authority of the Federal Minister and was able to assure him that I was right. In self defence I had to tell the farmers that the speech of a member of Parliament was one thing and an Act of Parliament was another. There are matters in which no Commonwealth member should be mixed up.

Hon. P. D. Ferguson: The State could do the work better than the Commonwealth.

The MINISTER FOR LANDS: Let them do their own work. There are certain conditions laid down which would make it unpleasant for the State to do the work.

Mr. Patrick: And it would be difficult to interpret.

The MINISTER FOR LANDS: Yes, and would lead to a lot of trouble with which, of course, Commonwealth members would not be associated. I knew what would happen and I did not feel any pleasure in interpreting the Act. There is no doubt that if the report of the Royal Commission on the wheat, flour and bread industries had been carried out, it would have been a wonderful thing for the farming industry. I do not wonder at the farmers making a demand that the recommendations of that Commission should be carried out. The Federal Government were so anxious to do something that they would not wait for the Commission's report. They asked for an interim report and acted

upon it. When the complete report was presented they ignored it absolutely. Whilst I do not regard the present proposals as satisfactory, we are not in a position to refuse the money provided, nor would we be justified in doing so. Neither was it possible for the Government to impress their own point of view satisfactorily on the Commonwealth Government. The money is there; it will afford some help and we must make the best use we can of it. The Government did their duty in this regard at the Canberra Conference at which the matter was discussed. I regret to say that at that conference my views were as a voice in the wilderness. The Premier also expressed to the Prime Minister the Government's opinion in the same way and in the same language almost and every member of the Federal Parliament representing Western Australian constituencies was given a copy of the report. I know that some of those members pressed the Western Australian attitude without any effect. The State Government has done everything possible to put the position fairly and comprehensively before the Federal Parliament. The Royal Commission on the wheat, flour and bread industries recommended a readjustment of debts in accordance with the ability of debtors to pay. Properly speaking that is a matter for Commonwealth legislation, and uniformity of action is desirable. The Commission recommended the freezing of excess debts for a period up to seven years, with a final compulsory adjustment, according to the conditions ruling at the end of that period. They recommended better returns for the farmer by a contribution through a fixed home consumption price up to £3,500,000 annually. They also recommended a revolving fund up to £3,000,000 to assist the general requirements of the farmer and further recommended a temporary machinery loan up to £1,200,000. This is probably one of the soundest recommendations. Then they recommended a long dated loan for permanent improvements of say £1,000,000 and also that the cost of administration estimated at £350,000 annually should be charged against Commonwealth revenue. That is not so. The cost of administration would be a charge against State revenue because the State Government would be required to distribute the money and arrange for the manner of distribution and arriving at the settlement of debts. I have already said that the Commission also realised that in this State and probably the other States to a lesser degree, there are properties not economically suited to wheat growing and that such holdings should, where practicable, be combined with larger areas, fenced, and a water supply provided for stock-raising. That is what the Government propose to do in the Esperance area. We have been for two years engaged in the classification of that area and the properties are being linked up. The policy pursued there is identical with the policy recommended by the Royal Commission. Machinery equipment is also fast becoming a major problem, hence the Commissioners' recommendation to provide for that contingency. I recently read the quarterly report of some of the Agricultural Bank country managers and they emphasised that a greater portion of the machinery on farms was in such a state of disrepair or worn out that it was no longer of any use. Those managers also pointed out that many farmers were working horses, none of which was less than 10 years old. That is very serious too. Where such conditions exist there can be no production and so those are amongst the problems that must come home to us in the near future. The Commissioners also stressed the necessity of protecting properties against the rabbit menace, but none of these essentials have been provided for in the present scheme. What is suggested is not possible under this legislation. Not a penny of this money can be used for the purpose of wire netting. I do not know whether hon. members are satisfied or not with this provision, but I have no doubt they will express their opinions on the Bill. I am inclined to think, however, more than one will agree with my point of view. The State Government will derive no direct benefit whatever from this fund, but will be saddled with the whole cost of administration. I do not think the State Government would cavil at being saddled with the cost of administration—I am sure I would not—if the amount provided by the Commonwealth Government were distributed in such manner as to put the farming industry on a better footing. I would say, "Well, that being so, we must meet the expense of the administration, for the scheme will do some good for our people, will put

them in a sound position and enable them to face the future with some confidence, and that is all to the good of the State." In that event, the State would have been quite entitled to accept the burden of administration; but my feeling is that the expenditure of this money will largely leave the farmer in the ditch in which the depression has lodged him. While the Federal Government have excluded the State from any share of the moneys provided by the Federal Government, they have legislated a provision for the compulsory suspension of State debts. It is estimated that at least half the debts of farmers are due to the Agricultural Bank and associated activities. This was definitely shown by the Royal Commission which inquired into the affairs of the Agricultural Bank last year. About one-half the debts of farmers of this State are due to the Agricultural Bank, the Lands Department and the Water Supply Department. The debts of the farmers of this country amount to £34,078,000, of which no less than £17,200,000 is, as I say, due to the Agricultural Bank, the Lands Department and the Water Supply Department. In respect of those debts, the farmers will not get a shilling out of this scheme. The Commonwealth Government have not only excluded the State from any share in this money, but have also passed legislation suspending the debts due to the State. Could there be anything worse than that? What would the member for North Perth (Mr. J. MacCallum Smith) do about it? While they exclude the State from any share in the benefits of the scheme, they have passed legislation suspending our debts, and so they are taking out of the hands of the State authorities the management of their own affairs. We have previously heard of Comonwealth interference, but this a measure of interference which I do not think can be very satisfactory to the State. Yet if we are to get this grant for the farmers, we have to pass this legislation, and most assuredly we do not feel justified in refusing to allow the farmers to get it. The Bill before the House is a necessary measure if the State is to share in the Federal grant for farmers' debts adjustment, and so, as I say, the State would not be justified in refusing to pass it. The Federal Act lays down certain conditions which must be complied with in State legislation before the fund can be released by the Commonwealth Government; so if there is anything to quarrel about in this legislation, all I have to say is that in the great majority of instances it is in conformity with the requirements of the Federal Government. The most far-reaching of the conditions is that embodied in what has been called the Abbott Amendment, which reads as follows:—

That no grant shall be made under this Act to a State until there is in force in the State legislation constituting an authority empowered on application being made to it, and at its discretion, to take action having the effect of suspending, wholly or in part, the rights of any secured or unsecured creditor of a farmer against the farmer.

The wording is somewhat involved, but the plain meaning of the section is that the State authority shall have power to suspend any debts of the farmer which may be, in the opinion of the State authority, beyond the capacity of the farmer to pay under ruling conditions. The Bill therefore proposes the appointment of three trustees to administer the fund and to act as the State authority empowered to suspend the debts of a farmer, at its discretion. Such a provision may be unpalatable to some members, but it must be observed that the Federal Act makes it compulsory if the State is to share in the fund. Other conditions laid down by the Federal Act are—

1. That no advance shall be made to a farmer unless he shall have, in the opinion of the trustees, a reasonable prospect of successfully carrying on farming operations.

So you see what is to be put on our shoulders.

The Premier: That's a nice responsibility to put on any Government!

The MINISTER FOR LANDS: One can see the Federal Government's shrewdness in putting this upon us. It means that the trustees will be able to say to most men, "You have no chance of getting through at all." Will members opposite hold me responsible if that happens?

Mr. Patrick: You do not decide that; you put it on to the three trustees.

The MINISTER FOR LANDS: Yes, that is compulsory, but I shall be told that I have appointed the wrong men.

Mr. Patrick: Well, you want to be careful.

The MINISTER FOR LANDS: And other members will say the interpretation is wrong.

Mr. Hawke: Put some of the members opposite on that board.

The MINISTER FOR LANDS: The next condition is as follows:—

2. That no advance shall be made to a farmer unless, in the opinion of the State authority, some discharge of his debts is necessary to enable him to carry on successfully.

Hon. P. D. Ferguson: We shall all come under that.

The MINISTER FOR LANDS: No, the hon. member will not. He could not come under it. It would be said of him, "You will get nothing, for you can carry on. You are not too heavily burdened, so there is nothing for you." A man in my office the other day wanted to discuss the Agricultural Bank. He said to me, "Well, you have given the commissioners power to write down. Where do I come in?" I asked, "What is the amount of your debt?" He replied, "Only £500 or £600." I then told him he did not come in at all, which he said was very unfair. I asked him how he could expect to get something to which he was not entitled, something he ought not to get. In this case before us I can also see trouble. The next conditions read:—

3. No debts due to a Government may share in any distribution made by means of an advance from the fund, and no portion of the fund may be used in meeting expenses incurred by the State.

4. Any repayments of advances by farmers may be re-applied by the State for the purposes of this Act.

They have given power to insist upon the suspending of State debts, and the State shall not share in any distribution from such fund, and they say also that we have to meet all expenses. It is very good of the Federal Government; there is no doubt about that. However, the money will do some good in the country, and so we must accept the legislation. I understand that certain bodies have passed resolutions declaring that this money is to be a gift.

Hon. P. D. Ferguson: Is not that also in the South Australian Act?

The MINISTER FOR LANDS: It is not in the New South Wales Act, nor in the Act provided for at the Canberra conference, where it was distinctly said that no one in the community had a right to expect gifts, that there would always be the obligation to pay back when they could pay back. They are not making any definite proposition in South Australia. In New South Wales the Act provides that the money must be paid back, and that the farmer must pay 2½ per cent. interest. That is in keeping with the requirements of the Canberra conference, which I attended. The main provisions in the Bill before members may be shortly stated as follows:—That the Federal grant for the adjustment of farmers' debts shall be kept in a special fund at the Treasury, to be called the Rural Relief Fund. That the fund shall be under the control of the trustees, one of whom shall be the director, and two others, to be appointed by the Governor-in-Council. That the trustees shall be paid such remuneration as may be fixed by the Governor, such remuneration to be a charge on Consolidated Revenue. That, if an applicant under the Farmers' Debts Adjustment Act has failed to obtain the approval of his creditors to a scheme for the writing down or other adjustment of his debts, he may apply to the trustees appointed under this Bill for the suspension of any of his debts or specified debts for a period not exceeding three years. Subject to certain conditions, the trustees may approve such an application and issue a stay order which may remain in force for the period of the suspension.

Sitting suspended from 6.15 to 7.30 p.m.

The MINISTER FOR LANDS: Before tea I was pointing out the main provisions of the Bill. Amongst other provisions is one setting out that if an applicant under the Farmers' Debts Adjustment Act has failed to obtain the approval of his creditors for a scheme of writing-down of his debts, he may apply to the trustees under the Bill for the suspension of any debts or specified debts for a period not exceeding three years. The trustees may approve, and may extend the operations of any stay order from year to year, but not beyond a total period of three years. The stay order shall continue in operation notwithstanding the death or lunacy of the farmer, provided that the trustees do not decide to cancel it. It is provided that when the debts are suspended, no interest shall be charged on such debts during the period of suspension. Section 11 of the Farmers' Debts Adjustment Act will be amended under the Bill to provide that the creditor as well as the farmer may propose a scheme of debt adjustment. To-day it is only the farmer who may propose a scheme of debt adjustment, but the Bill provides for a similar privilege to be extended to the creditor. All applications for debt relief or adjustment will come

before the director in the first place, and when the director has obtained the fullest possible information, he will submit the application to the trustees for their decision. Every applicant for advances from the fund must be scrutinised by the trustees, and approved by them before any advance from the fund can be made to finalise any composition. The machinery of the Farmers' Debts Adjustment Act will be utilised for the arrangement of meetings and compositions, but all decisions are reserved for the trustees. Under the Bill the trustees will have full discretionary power over the funds, except that they will be bound by the provisions of the Federal Act. That Act provides that the trustees shall make no advances to a farmer who, in their opinion, has not a reasonable prospect of successfully carrying on farming operations even when assisted under the Act. The trustees must take the responsibility for that. There is no escape from that, because it is in the Act. Under provision (b) the trustees shall not advance funds to any farmer who has shown by his past conduct that he is undeserving of assistance.

Mr. Stubbs: They have a big job.

The MINISTER FOR LANDS: It is not a very pleasant duty the Federal Government have imposed upon the trustees. They have to judge a farmer by his past conduct. If on his past conduct he is undeserving of assistance, the Federal law says he shall not get it, and the Federal law insists that they shall judge him on his past conduct. The trustees are not permitted to advance any money under the Federal law—and this Bill is consistent with that—unless in their opinion some relief from the farmer's indebtedness is necessary to ensure his being able to continue farming operations, and will give him a reasonable prospect of carrying on successfully. There is a further provision that there shall be no payment for any debt adjustment or the adjustment of a portion of a debt due to the Crown. There is one more provision which has been added by the State Government. I refer to that which lays down that no funds shall be made available for the payment of any debt or portion of a debt which is barred by the statute of limitations. That is the decision of the Government. It is further provided that any advance from the funds shall be repayable by instalments over a period of not less than 20 years, but that no instalment will be repayable during the first three years. Members will recall that the Primary Producers' Conference insisted that, as in South Australia, no repayments shall be provided. Under the New South Wales Farmers' Relief Act repayments are insisted upon, plus interest at 2½ per cent. In the case of South Australia I do not think they are insisted upon. We are providing that they shall be insisted upon in this State, but no farmer is expected to make any repayments during the first three years.

Hon. P. D. Ferguson: What about interest?

The MINISTER FOR LANDS: No interest is charged. That is in keeping with the intention of the Federal Government, not as contained in legislation, but as expressed at Canberra by the Acting Prime Minister on the occasion of the Premiers' Conference there. The Premier of New South Wales raised the point that it is not a good principle to give money to people without providing for its repayment. Although the money may never be repaid, I think we are right in adopting the New South Wales principle. It is very unwise to make advances of money to anyone saying, "Here is one grant, and when that is gone you will get another." I cannot help thinking such a principle would be demoralising to many people. After consideration the State Government thought that provision ought to be made, as the Federal Government desire it, for repayments, but such repayments will go into the fund, which would be a revolving fund. Out of the fund other farmers would receive assistance. Such payments as are made to the fund will not be passed on to the State or Federal Governments, but will be utilised in further assistance to farmers in connection with debt adjustments.

Mr. Patrick: That was the original intention.

The MINISTER FOR LANDS: It was the intention of the Canberra Conference, and was stressed by the Premier of New South Wales. The Government of New South Wales is a National Government and has passed legislation to that effect. The Government of South Australia has not done so. It is only a wise provision to insist upon repayment. When money is advanced for the composition of debts, farmers ought to understand that the

money must be repaid. All advances will be secured against all the assets of the farmer, including after-acquired assets by a mortgage or a charge in favour of the Minister. It is not proposed to charge any interest on the advances from the fund. The registration of any mortgage or security taken under the Act shall not be necessary, but a notification on the prescribed form shall be sent by the director to the Registrar of Titles, the Registrar of Deeds and the Registrar of the Supreme Court, who shall record the same in the prescribed manner. No fees will be charged for the registration of the mortgage. Every mortgage shall be kept in the office of the trustees, and shall be open for inspection by any persons on payment of the prescribed fee. People who want to view a mortgage, will have to pay a fee to do so. The trustees shall report to the Minister every year, and such report shall be presented to Parliament not later than July 14 in each year. For the purposes of the Act, the trustees may obtain evidence on oath, and call for the production of documents for their inspection in connection with any application made under the Act. There is nothing wrong with that. If the trustees are to have the powers to insist upon debt composition, they ought to be in possession of all the facts. A creditor has rights just as a farmer has. In this case the rights of the farmer are not being attacked, but the rights of the creditors. When an application is made for debt composition, it is reasonable that the trustees should have power to take evidence on oath and call for the production of all documents. Members cannot complain about that. The trustees will require nothing except what is fair and above board. These are the main provisions of the Bill. It has been suggested to me that we might lay down in this measure in detail the manner in which the debts might be adjusted. That would be very unwise. It would not be right to tie down the trustees to any specific form of adjustment. It has been suggested to me to make it 3s., 5s., or 6s. in the pound. That ought to be left to the trustees. for I am sure they would get the best debt adjustment possible. Since the trustees are to have extensive powers, as insisted upon in the Federal Act, we might delegate to them power to arrange the basis upon which the debt adjustment should be made. It may be of interest to members to know what has been done in other States in connection with this type of legislation. I will briefly refer to what has been done in New South Wales and South Australia, and what is proposed to be done in Victoria. As yet Queensland has passed no legislation on this subject. It appears as if the position of farmers in that State does not call for this type of Act. The conditions under which many of these farmers labour, and the political system in vogue there, suggest that they are fairly prosperous people. So that State has not yet passed such legislation as this. In fact, its Minister for Agriculture at the Canberra conference said the Queensland people were not badly off. In Tasmania a skeleton Bill was passed, which laid down that all the things to be done by the trustees were to be provided by regulation. I believe Tasmania is now bringing in a new measure which will be thoroughly comprehensive. In New South Wales there is a central board with power to issue stay orders and to condition debts; that is, to suspend any debts which in the opinion of the board appear to be excessive. A stay order in New South Wales is in the hands of the board and not, as is the case in Western Australia, in the hands of the creditors. This has the effect in New South Wales that the creditors have no say in the continuation or otherwise of the stay order. There, as is the case under our legislation, a stay order may operate for three years, or it may be discontinued, as determined by the board. For the most part New South Wales legislation is similar to that which is now before us.

Mr. Patrick: Are they using existing legislation in New South Wales?

The MINISTER FOR LANDS: No.

Mr. Patrick: Have they passed fresh legislation?

The MINISTER FOR LANDS: They have passed a new measure. That Act implements what is the intention of the Commonwealth scheme, but since 1932 the Farmers' Relief Board of New South Wales have had power to suspend debts compulsorily.

Mr. Stubbs: For any period?

The MINISTER FOR LANDS: For three years. I understand the power alluded to has been exercised. It is laid down in the New South Wales legislation that the

Farmers' Relief Board may write off, either wholly or in part, any debt due or owed by a farmer to the Rural Bank of New South Wales, but only in respect of any advance made by the bank for seasonal assistance under the Farmers' Relief Act. Such assistance is provided in Western Australia under the Industries Assistance Act. The Rural Bank Commissioners of New South Wales themselves have power to write down debts, similar to the power given to our Agricultural Bank Commissioners in the legislation passed in the previous session by this Parliament. I think I may say that our legislation is framed on the New South Wales legislation, except that we do not charge any interest on the advances made. South Australia has created a board to administer the legislation passed consequent upon the Federal Farmers' Relief Act. Prior legislation in South Australia included several Drought Relief Acts and a Farmers' Assistance Act, and the new Act there dresses up preceding legislation under the authority which will administer the Federal Relief Fund. The board have the power to grant a farmer protection which, for the sake of comparison, we may call a stay order. Protection is granted under the stay order pending consideration of the farmer's affairs; and the order lasts as long as the farmer is subject to the Act, or until the board otherwise determines—this being similar to New South Wales legislation. The board consider whether the farmer has a reasonable chance of success. A valuation of his assets is made on the assumption that the average amount realised for wheat at all material times will be 3s. per bushel at oversea shipping ports; but a peculiar feature of the South Australian legislation is that it provides that basis for wheatgrowers only. For it must be remembered that this fund has been provided for all farmers; and not only for all farmers, but for pastoralists and graziers as well. The fund has not been provided for wheatgrowers only. Any grazier or pastoralist or farmer can apply for relief under the measure. The debts of the farmers of Australia are said to be 151 million pounds for wheatgrowers alone. Pastoralists and graziers, as I have said, are entitled to come under this scheme, and their debts have never been calculated. I do not say very many of the pastoralists and graziers will make application under the Act; but if they do, the trustees will have some work to do.

Mr. Stubbs: They will. One will not be able to see the dividends.

The MINISTER FOR LANDS: The South Australian Act directs the board to endeavour to obtain an agreement between the creditors as to the adjustment of the debts of the farmer. In the event of an agreement not being arrived at, the board call a meeting, and formulate a scheme, and submit it to the meeting, for the adjustment of the farmer's debts. Some highly complicated provisions exist in the South Australian Act, setting out what the board can do in making schemes for the adjustment of farmers' debts. Such complicated provisions do not tend towards quick handling of affairs, and in my opinion it is best to leave it, as far as possible, to the discretion of the board to effect compositions and arrangements. The complicated provisions I have refered to are certainly not necessary in legislation of this character. If the machinery were made complicated, there would never be any settlement of the debts; it would take years to come to an agreement upon them. Our desire is that the trustees shall set to work and get the money out as soon as possible. Such relief as can be given, let it be given. Let the money get into circulation and do its job. Under the South Australian Act the vote is by unsecured creditors only, unless a secured creditor desires to value his security and vote on that amount of his debt which is in excess of his valuation of his security. A secured creditor in South Australia may have a mortgage for £5,000, and the value of the security may be £3,000; and then he may come in for the balance of £2,000 with the unsecured creditors. He declares the excess amount to be an unsecured debt, and he rests on his secured debt and takes his chance of what he can get from the bank for the balance. The South Australian Act provides that in order to bring a scheme into operation it must be assented to by a majority of the creditors in number and value. The Bill recently submitted to the Victorian Parliament provides for a board of three members to take over the functions of the present Farmers' Relief Board and to administer the Farmers' Debts Adjustment Act, as well as other relief Acts. It provides for conciliation officers to be appointed in country centres, and to these officers the farmer may apply for the adjustment of his debts. The conciliation

officer shall then issue a stay order and obtain a valuation of the farmer's assets, and assist the farmer to draw up a scheme for the adjustment of his debts. The scheme is submitted to a meeting and, if accepted by the creditors, is referred to the board for approval. If the board are not satisfied with the proposal, it is referred back to the conciliation officer for amendment, and again submitted to the creditors. It may then go to the board for final approval. The board may refuse to confirm any plan submitted, and may formulate, and transmit to the conciliation officer, a modified plan. I do not suggest that we adopt the Victorian method. It is an indeterminate method, going backwards and forwards, backwards and forwards, and getting nowhere. In my opinion the Victorian legislation is not good sense. The present Victorian Government intended to provide something particularly good; but what they have provided is not good, but purely humbug, and achieves no finality. Therefore I do not think we should imitate the Victorian Act at all. If we did, we should never reach finality. The creditor, naturally, is doing his utmost to get all he can from the farmer: and so there is no end to it. Hon. members are aware that the Farmers' Debts Adjustment Act of this State provides the machinery whereby a farmer may apply to the Director for a stay order and for a meeting of his creditors, at which the farmer may propose a scheme for carrying on, or for the adjustment of his debts, or both. It is provided that the creditors may do likewise. In connection with debt adjustment the scheme may be made effective if approved by four-fifths of the creditors in value. The machinery of the Farmers' Debts Adjustment Act will be used in preparing the information required by the trustees to enable them to give a decision in respect of any proposal which involves an advance from the fund. I regard that as extremely advisable. When the case has been prepared for the trustees, they will be able to give a decision in respect of any proposal which involves an advance from the fund for debt composition. The trustees may, of course, refer any unsatisfactory proposal back to the creditors. It is possible that a number of meetings may prove abortive because of failure to obtain the requisite majority, in which event the trustees will have power to suspend payment of debts until a composition is arrived at. The power of the trustees to suspend debts may be of great assistance to a deserving farmer who is endeavouring to effect a reasonable compromise and, as I explained previously, while debts are suspended they will not bear interest. Any advance made by the trustees will be spread over 20 years for repayment, but no repayment will be requested during the first three years. Subject to certain specified conditions laid down in the Federal Act, the trustees will have unfettered control of the fund, but no debt can be admitted if it is barred by any Statute of Limitations. So far as has been possible, I have explained the provisions of the Bill, and, having compared them with legislation existing in other States, I think it will be regarded as a reasonable and simple measure, which will make for speedy adjustments of debts. I believe it provides the necessary machinery to secure decisions, and that is what members desire. I can offer no objection to Opposition members moving such amendments as they may think fit. I do not suggest that the Government are infallible, but we have directed our efforts towards securing a measure from which results may be secured quickly and from which the farmers will get the relief that is possible in a speedy manner. The Bill does not provide for the compulsory writing-down of debts, nor does the Federal legislation provide for that. It should be observed that in no State of the Commonwealth has legislation been passed to allow the compulsory writing-down of debts. On the other hand, all States have provided that the adjustment of debts shall be purely on a voluntary basis. Notwithstanding that some members may think the writing-down should be compulsory, we are entitled to try voluntary measures first. Therefore, in keeping with what has been done by the Commonwealth Parliament and by the Parliaments of other States, the Bill has been framed on the basis of voluntary readjustments, and I commend it to the House. I move—

That the Bill be now read a second time.

On motion by Hon. P. D. Ferguson, debate adjourned.

BILL—FORESTS ACT AMENDMENT.

Second Reading.

THE PREMIER (Hon. P. Collier—Boulder) [8.5] in moving the second reading

said: This is one of the hardy annuals, with which we have been acquainted during the past four or five years. Under Section 41 of the Forests Act, 1918, it is provided that three-fifths of the revenue of the Forest Department shall go into a reforestation fund. In 1924 the revenue from sandalwood was excluded from the provisions of the Act of 1918. Provision was made in 1924 that ten per cent. of the next revenue from sandalwood or £5,000, whichever proved to be the greater, should be paid into a special sandalwood reforestation fund. That practice continued until 1930, when it was found that the amount placed to the credit of the fund for sandalwood reforestation was not required. Legislation was introduced later on providing that the whole of the revenue from that source should be paid into Consolidated Revenue, and that practice has been maintained since then. The object of the Bill is merely to continue the practice that has been followed since 1930. The balance in the fund is £700 odd. We are merely suggesting a continuance of the policy that has been pursued for years past, because our experience has proved there is no need for money to be placed to the credit of sandalwood reforestation. The whole matter is familiar to members because similar Bills are introduced annually, and I do not think it requires any further argument on my part to commend the measure to members. The pertinent facts and figures are available to everyone, and for the last four years at least both branches of the Legislature have agreed to similar measures. When in 1918 it was provided that three-fifths of the revenue of the Forests Department should be paid into the reforestation fund, it was never contemplated that such a large amount would be received in respect of sandalwood. With the development of the sandalwood export trade, the money from that source increased considerably, and I have already explained how in 1924 it was decided that a certain portion of the revenue received should be paid into a fund to promote the reforestation of sandalwood. Subsequently it was found that the money could not be usefully applied, and so it is that since 1930 the amounts appropriated under that heading have been paid into general revenue. I move—

That the Bill be now read a second time.

On motion by Mr. Stubbs, debate adjourned.

BILL — FREMANTLE (SKINNER STREET) DISUSED CEMETERY AMENDMENT.

Second Reading.

MR. SLEEMAN (Fremantle) [8.10] in moving the second reading said: The Bill is a small one that will not do any harm but it is of importance to the Fremantle City Council and the residents of Fremantle. The local authority and the residents are concerned owing to the state of disrepair into which this small unused cemetery has fallen. It has been a disgrace for some time past. Headstones have been broken; fences are down; gates are off their hinges. Graves have fallen in, and, generally speaking, the cemetery is not an attractive area. The Fremantle City Council are anxious to secure power to remove the headstones and make the area a respectable part of the city. I do not think I can do better than to read a report that was submitted to the Fremantle City Council by the Chief Health Inspector. It was as follows:—

An Act was passed on the 18th August, 1931, vesting the Skinner-street cemetery in the City of Fremantle as a Class A reserve for the purpose of public recreation. The council had an inventory of all the headstones made and, wherever possible, letters were sent to living relatives of the deceased. Notices and articles were printed in various papers drawing attention to the fact that the council were desirous of having all the headstones and remains transferred to the Fremantle Public Cemetery. The Fremantle Cemetery Board reduced their fees and allotted free graves for the erection of headstones and the re-interment of the remains. Since June, 1933, 34 graves were opened and the remains of 55 persons were re-interred in the Fremantle Public Cemetery . . . . When the inventory was taken there were 300 graves that could be identified. On making an inspection yesterday there were only 130 identifiable graves remaining, and a number of these headstones are getting broken and being scattered about the cemetery, that it will be very soon impossible to identify any of the graves. The surrounding stone wall is getting broken up, and one gate has been removed, and there is very little of the wooden fence left. Before the Governor can proclaim the cemetery as a Class A reserve, he must be satisfied that the Fremantle Council have removed all headstones and all identifiable remains. In the majority of cases when the remains were removed, the remains could be put into a small box and the greater part was dust. When the coffins were disturbed they crumbled into dust. It seems next to impossible to identify any of the remains.

The report proceeds to recommend amendments to the Act to enable the Fremantle

City Council to remove the headstones and so forth. I think that report speaks for itself. It will be much better to have the headstones removed and re-erected in the Fremantle Cemetery than to allow a continuance of the condition of affairs that has existed for the past few years. If something is not done within the next year or two, none of the headstones will be left intact. They are being disturbed by children, and cattle are allowed to run over the cemetery.

Mr. Marshall: Will the Fremantle City Council pay the cost of the removals?

Mr. SLEEMAN: Yes. I thought there might be some objection raised by religious bodies. I wrote to a number of them and they have replied stating that they have no objection to the proposed legislation. Therefore I have much pleasure in moving—

That the Bill be now read a second time.

On motion by the Minister for Justice, debate adjourned.

BILL—BUILDERS' REGISTRATION.

Council's Message.

Message from the Council received and read notifying that it had agreed to the Assembly's request to resume consideration of the Bill.

PAPERS—FREMANTLE BRIDGES.

MR. SLEEMAN (Fremantle) [8.15]: I move—

That all papers and files relating to the Fremantle railway bridge and the Fremantle traffic bridge be laid on the Table of the House.

I understand the Government are prepared to treat the motion as formal, and therefore will content myself with simply moving it.

THE MINISTER FOR RAILWAYS (Hon. J. C. Willcock—Geraldton) [8.16]: The Government have no objection to tabling the papers. The files extend over many years and contain many papers. The overhead bridge was built about 70 years ago and there has been a considerable accumulation of papers regarding it. The same applies to the railway bridge, which has been in existence for 50 years. Whatever papers are necessary for the hon. member's purpose will be tabled, but the files are in constant use by the departments. I understand that it is possible for permission to be granted in such a way that the files will not be tied up but may still be used by the departments. So long as officials can have access to the files and see them whenever required, the Government have no objection to the motion. In those circumstances, I agree to the motion.

Question put and passed.

MOTION—METROPOLITAN WHOLE MILK ACT.

To Disallow Regulations.

MR. NORTH (Claremont) [8.17]: I move—

That regulations Nos. 93 to 99, both inclusive (Part XVI., Limitation of sales) made under the Metropolitan Whole Milk Act, 1932-33, published in the "Government Gazette" of the 15th February, 1935, and laid upon the Table of the House on 6th August, 1935, be and are hereby disallowed.

I do not desire that the regulations be disallowed in their entirety. The idea is to bring under the notice of the House a few words contained in the regulations, which are not, so it is urged, in keeping with the spirit of the Act. Everyone desires that more milk be consumed and that the quality be improved. That is all I am aiming at in holding up the regulations. I wish to give the Minister an opportunity to consider the point of view of the wholesale and retail producers. In the Act, the word "quota" is defined, and while "quota" is not mentioned in the regulations, it is obviously referred to in the wording. "Quota" is thus defined in the Act—

"Quota" or "quota milk" means the average daily quantity of milk actually produced and marketed by a dairyman under a written contract during the months from March to May, both inclusive, in each year, or any other similar period of production which the board may from time to time determine.

The words I wish to stress are "in each year." In the regulations reference is made to the March-May period, 1933. That is the only question I desire to raise at this stage. It is alleged by those who have asked me to bring the matter forward that every year we have different dairies, different cattle and different conditions, and some producers might be able to produce more milk while others produce less milk, and some might be able to increase their orders while others find their orders reduced. It is not

advisable for the regulations to apply as for one year. It is contended that the maximum daily quantity should be established during the months from March to May in each year. If a producer can produce and market a certain quantity of milk during the lean period, he should be allowed the natural increase of his business by his own efforts. It is unreasonable to leave a matter of this kind in the hands of the board, and for the board to treat the industrious and energetic man on the same basis as the one who is not entitled to or deserving of the same treatment. By allowing the maximum daily quantity to be established by the dairyman during the lean period of each year, the true position of the market is established, whereas, on the other hand, percentage increases provided by Regulation 93 grant greater increases to many who perhaps have not the market for such increases, and others are restricted to a percentage increase considerably below that for which they have a market. Therefore the object of the Act is defeated. That is the contention. I admit that the regulations have been in force only a short time, and that presently the question of renewing the Act will be considered by Parliament. The present, however, appears to be the opportune time to raise the point.

Mr. Hegney interjected.

Mr. NORTH: The point at issue is if a certain situation prevailed in 1933, is that to be the rule for all time, or are we going to make the quota in the definition the basis for each year? I have had definite instances of producers having requested an increase in response to extra demands, and have been told to pour the milk into the ground.

Hon. P. D. Ferguson: That would not be so. They would send it to a butter factory.

Mr. NORTH: I have simply mentioned what I have been told. Any extra milk is being poured into the ground. The whole object is to increase the consumption and not have the milk thrown away. If it is possible for conditions in the industry to vary year by year, for some to get larger orders and others to get smaller orders, surely we should abide by the spirit of the Act and resolve that the regulations shall apply year by year. I understand that the regulations may not be amended; otherwise I would have asked for them to be amended to read "annually." Then the whole object of those concerned would have been achieved. There is no intention to upset the regulations. Producers are anxious to increase both the quantity and quality of the milk, but they do not desire to see successful producers handicapped while those who perhaps are getting fewer orders are forced to supply more than is required.

On motion by Mr. McLarty, debate adjourned.

House adjourned at 8.25 p.m.

Legislative Council,

Wednesday, 28th August, 1935.

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

QUESTION—STATE TRANSPORT CO-ORDINATION ACT.

Carriers' Licenses for Kojonup district.

Hon. A. THOMSON asked the Chief Secretary: As Section 10 of the State Transport Co-ordination Act provides that investigations and inquiries must be reported to the Minister, will he lay on the Table of the House the Transport Board's report, giving reasons for refusing licenses to carriers for the Kojonup district?

The CHIEF SECRETARY replied: The Board are required to report to the Minister only when general investigations and inquiries are made. No report has been made to the Minister as to the reasons for refusing to license vehicles to transport goods to and from Kojonup district. (See Sections 35, 36, and 37.)