paid a considerable amount for a lease, probably a valuable lease, that it should be forfeited for non-repairs which might be effected at a cost of £5; and had I jurisdiction to grant him relief I should not hesitate in doing so: but it seems clear that I have no such jurisdiction."

This judgment of the Chief Justice was affirmed on an appeal to the Full Court, and therefore I think I have established beyond a doubt the point I set out to make when I moved the second reading, namely, that it does not matter how trivial a breach there may be in connection with a covenant of a lease to repair premises, a most valuable lease, as the result of the most trivial breach of repairs to premises, may without any notice on the part of the lessor be terminated by re-entry. It is a condition of affairs that has been terminated by legislation in the Eastern States and New Zealand, and has been recognised by certain sections in the English Conveyancing Act, and I think it would be a great scandal after this judgment of the Supreme Court for the law of this State to remain in its present condition. I have no hesitation in thinking that if we pass this Bill we will see it on the statute-book, because another House will assuredly pass it.

Question put and passed.

Bill read a second time.

BILL—MONEY LENDERS.

Second Reading—Withdrawn.

Order of the Day for the second reading read.

Hon. M. L. MOSS: Knowing the condition of business in another place and that it would be simply waste of time to get this measure passed through this House, which it had already passed before, he asked leave to withdraw the Bill.

Leave given: Bill withdrawn.

House adjourned at 9.41 p.m.

Legislative Assembly,

Thursday, 25th November, 1909.

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

BILL—LAND ACT AMENDMENT.

Second Reading.

Debate resumed from the 23rd November.

Mr. BATH (Brown Hill): The measure which the Minister for Lands has brought down is a very difficult one to comprehend, and I would like to say that, considering the number of amendments contained therein, it would have been better to have allowed the measure to stand over until time was given to drafting a consolidating statute, instead of following this policy of bringing down amendments almost each year. There is the principal Act of 1898, an amending Act of 1902, one of 1904, another of 1905, and still another of 1906, and it seems to me that the multiplicity of amendments and the difficulty of comprehension will only drive clients of the department into the hands of the legal fraternity. Then, again, the explanation of the measure given by the Minister in no sense tended to elucidate the matters brought forward in the Bill. The Minister started at the beginning of the Bill, then got into the middle of it, and jumped around from clause to clause like, I was going to say, "Japhet in search of a father." It would have been better if he had dealt with the Bill in a workmanlike manner and had explained it to members. I recognise that it is a measure more for consideration in Committee than on the second reading, for, when we reach the Committee stage, the Minister in charge will be able to give an explanation on each clause as it comes up. A general explanation by the Minister as to the necessity of the amendments would, however, have assisted members to grasp the objects of the Bill. Take Clause 3 of

the Bill. There is no exception to be taken to the provision contained therein, unless it be that there must be no necessity for the measure. I cannot conceive of any circumstance which renders this clause necessary so far as my experience of the Act and the circumstances likely to arise under it are concerned. Perhaps the Minister in reply will elucidate this point. Clause 5 is, I understand, to provide that where portion of a timber lease is resumed, but where the lessees still continue to take timber from it after the selector has taken it up, they shall be made to pay the rental upon that area during the time they are securing the timber. But how is Clause 5 to arrive at that object? It provides that there shall be an amendment subject to Section 114 of the Act. Now Section 114 only provides for the time that the rent must be paid. Section 126 explicitly states that where the area has been reduced by resumption, even though there may be timber on it, the total rental for the timber lease is to be reduced to the extent of the area resumed. Section 114 does not effect that. I fail to see how it can be construed into a section which seeks to compel a lessee to continue to pay rent for an area resumed from his lease when he is still obtaining timber from it. In Clause 7 we have a provision by which a selector of land that has previously been forfeited is to be compelled to pay for improvements which may have been effected on that land. At the present time the Government secure all the advantages of those improvements, or the value of them, because they recover from the next settler to come in. I know of circumstances where men have taken up land and have effected improvements and been forced by circumstances, or by hard luck, ultimately to forfeit their holding. Power should be given to the Minister, or to some officer of the department, by which he could go into each of these cases on its merits. A selector who, having effected improvements and whose holding was afterwards forfeited, should be given a portion of the sum representing the value of the improvements he made, and which the incoming selector would be compelled to pay.

The Minister for Lands: That is often done now.

Mr. BATH: It can only be done as an act of grace. Power is given here to the Minister to secure the value of all improvements from the incoming settler. There are cases where men take up blocks, do a small amount of improvement, and hold them for years and years, purely with the idea of some day reaping a speculative value. There should be no consideration paid to individuals like those, but in cases such as I know of, where a selector has worked hard and found his means insufficient, or sickness or trouble has intervened, and he has been compelled to forfeit his holding, then he should be entitled, in some instances, to receive some portion of the value of the improvements. That power should be given under the Act, not as an act of grace, but as the deliberate will of this Assembly. It seems to me that Clause 9 is unnecessary. It really does not matter very much whether the words are in or out of the provision, and under the circumstances I fail to see the necessity of this amendment other than to make the reading of the Bill more complex than it is at present. To understand the Bill one needs to get all four measures and read them together, and unless an amendment is absolutely necessary we should not come down with these amending Bills. In regard to Clause 11 I think the Minister will find there has been some error in its drafting. In Subclause 2 it is stated where land held jointly is subject to conditions of residence it shall suffice if the condition is fulfilled by one of the joint proprietors in respect of each thousand acres. How can one man fulfil residential conditions for two blocks? He can only reside on one block. Surely it was intended to read "fulfilled by either of the two partners." It seems to be altogether impossible that one of the joint proprietors should fulfil the residential conditions of each of the 1,000-acre blocks. It would be a feat altogether impossible, and I will be glad to have the Minister's explanation as to how it can be accomplished. Under Clause 15 it is provided that all moneys expended by the Minister

out of loan funds for the acquisition of land for the purposes of selection shall be repaid to the lands improvement loan fund. I do not know of any provisions in the principal Act by which the Minister is authorised to use loan funds for the acquisition of land for selection. The only such Act I know of is the Agricultural Lands Purchase Act. In regard to the provision for improving and surveying land for which we are providing loan funds to be proposed in the Loan Estimates of this year, I am glad to see provision is to be made for the repayment of this money, as it is paid in by the purchasers, into a special fund for the recouping of the loan expenditure. Otherwise the policy of using loan moneys for surveys would be altogether inexcusable; in fact I do not think there is any justification on sound lines for the use as current revenues of the moneys derived from the sale of our lands. It is really the sale of our capital, and as such the money derived should be used as capital, and not as revenue. Evidently in this House we have to be thankful for small mercies, and the provision for the repayment of this loan fund is the only one which sound financial administration will justify. Clause 17 represents an attempt by the Minister to carry out a promise made on the hustings when last he stood for election as Minister, and to ensure that when the State is building a railway those who propose to send their produce over the line should make it a profitable proposition. But this clause will not have any effect on the worst offenders, while it may impose hardships on those who have taken up land recently, and who in their earlier years may have a very big struggle to get their holdings into a productive condition. At present when we construct a railway it is bound to go through land that has been previously held in an unimproved condition, and the objection, if any objection has been lodged, to some of our railway propositions is that our policy of railway construction has tended to give a speculative value to lands held unimproved. This clause will not effect any remedy in that respect. Those people will still be able to obtain speculative values as a result of the construction of the railway. But in the case of those who have recently selected land the Minister, by regulation, may prescribe additional improvements just at the time the selectors are having their hardest struggle. This seems to me a very vague attempt on the part of the Minister to remedy the obvious evil of our policy of railway construction which puts money into the pockets of those who have held land unimproved. To my mind, it is altogether inadequate for the purpose. The only remedy is through our general policy of land values taxation, or else, so far as individual railway propositions are concerned, the imposition of a betterment tax. The necessity for this has been brought home to the New Zealand Government, and Sir Joseph Ward has outlined the proposal for a betterment tax in his latest financial scheme. Possibly, when the Minister is replying he will be able to give us some idea of the object he hopes to accomplish by Clause 17. As I said before, it is essentially a Bill for Committee. It is a difficult one to understand, and I hope we will have the assistance of the Minister in elucidating it for hon. members during the discussion in Committee.

Mr. JACOBY (Swan): I agree with the member for Brown Hill that very largely the Bill can be better dealt with in Committee than at the second reading stage; but there are one or two principles involved in some of the clauses of this Bill in respect to which I would like to say a word or two. In Clause 12 it is provided that power be given to the Minister to make improvements on special settlement areas. It seems to me that if we are going to legislate in this direction it will be far better to give the Minister a general power to make improvements on any land that it may be advisable to improve. There is no reason why it should be confined to those particular areas that are going to be reserved or set aside for a particular class of settlement. We might decide to make available a piece of land in the South-Western district which might be eminently suitable for a certain class of intense culture, and to throw it open for general selection, and not necessarily under the conditions that

have been observed in connection with the special settlement scheme for civil servants and similar enterprises. In a case such as I have suggested it might be considered advisable to clear this country, which is heavily timbered. If the Government were to undertake the clearing of a large area in the South-West, they would probably be able to let contracts for clearing these large blocks at a sum considerably less than would be ultimately paid if each individual selector were to clear his own block; and it would pay the selector to take up land under these conditions and repay the Government for any expenditure undertaken in connection with the clearing. If it should be deemed advisable to go in for such a scheme, which I think would be a highly profitable one to the State, and which could be conducted without any loss by the Government, then it would be necessary, before such an enterprise could be undertaken, for the Government to devise some sort of special settlement scheme. I do not think we ought to restrict the Minister in the way proposed in the Bill. I would prefer to see an amendment made in the clause so as to give the Minister power to add improvements to land where circumstances warrant it. In any case Parliament would have full power over any expenditure of the sort, because the Minister would have to come to the House before he could undertake such expenditure. The only other provision in the Bill to which I wish to refer is the last one. There are one or two difficulties in connection with the principles attempted to be laid down in that clause. First of all, I find some difficulty in agreeing that the benefits to be derived from an agricultural railway should be paid for only by those settlers who came after the construction of the line. I fail to see why those people who already hold land in these districts should not also contribute equally to the cost of the line. The Minister is proposing to insist upon extra improvements on those blocks which will be taken up after the line is decided upon. Why should those who come afterwards, and who probably will have to put up with land not so good in quality as that held by those who had an earlier opportunity of selecting—why should they have their improvement conditions increased while the prior selector is let off scot free? The only equitable way by which we can get over the difficulty in which the Minister finds himself is to surcharge each acre of ground served by a railway whether the ground is selected before or after the building of the line. Some such scheme could be worked out which would mean but a very small charge per acre to provide the necessary interest and sinking fund for the building of the line. Each mile of line serves very nearly 20,000 acres inside a radius of 15 miles, and the small charge of a 1d. or a 1½d. per acre per annum on each acre so served would be more than sufficient to insure the interest and sinking fund, not only upon the construction of the line itself, but upon the provision and supply of water and necessary roads. If we are going into this question of making each district practically guarantee the financial success of the line, we shall have to go in for some more elaborate and equitable scheme than that proposed by the Minister. However, these are matters that can be thrashed out in Committee. I will support the second reading and I hope we may be able to effect some improvements in the Bill which will make one or two of the clauses a little more equitable than they are at present.

Mr. UNDERWOOD (Pilbara): Like the leader of the Opposition I object to having an annual Land Bill. It appears to me we might include in the Common Prayer Book, "Give us this year our annual Land Bill." I hold the Bill is not necessary to any great extent; and after listening carefully to the Minister's explanation I do not think the Minister has any idea of what it is needed for. This is a country that is encouraging the producer, and if we could possibly produce a draftsman it would be a great benefit to the State. I have read a number of Bills, but have never read one so badly drafted as this. It took me some time to understand it, and I have had a headache ever since. The amount of confusion contained in this small Bill of three pages is marvellous. Provision is made in regard to

improvements in three different parts of the Bill. It would only be reasonable to have them all put together. We find two different ways of collecting the survey fees, that is, there is a different way of collecting the cost of survey fees of land surveyed before selection from that adopted in the case of land surveyed after selection. It seems to me we could simplify this by saying that the man who takes up land before or after selection has to pay the survey fees, and it could be put in the one clause. Clause 8 is a most extraordinary one. I would like members to read it to get some idea of the verbal mire through which the officers of the department are paddling knee-deep. We have in the same clause Subsection 2 of paragraph (b.) of Section 8 of the Land Act, 1909, which amends the Land Act of 1905 which relates to the principal Act of 1898. By the time an officer has got through that and understands where he is he has no time to attend to any of the public requirements. I withdraw a good deal of my criticism of the Lands Department when I find the Acts they have to work under; and if the bookkeeping system is as confused as the Acts, they are marvels to get through as well as they do. I find in Clause 9 the department have gone to the trouble of inserting an amendment to strike out the words "so far as the same are applicable." It might have struck someone that a thing could not apply if it were not applicable; but seeing this passed the Assembly and—without any reflection on my part—got through the House of review, we should leave it. At least it does not need an amending Bill to strike it out. The House should reject this Bill. It is not wanted and will only further confuse the land laws of the State. When an amendment is brought down it should certainly be in a consolidating measure. I intend to vote against the Bill. However, provided the second reading is carried, I would suggest to the Minister for Lands the advisability of redrafting Clause 8. It must be possible to include the survey fees in the same rule whether the land is surveyed before or after selection. The money has to be paid and surely it can be paid in the one way. This is a most glaring matter. Paragraph (a.) gives power to collect fees in whatever manner is desired, but later on in the Bill other specifications for collecting fees are put in. If the Minister gives five minutes consideration to this clause he will decide to redraft it, and if he has no draftsman in his department, I will come down and help him in my spare time.

The MINISTER FOR LANDS (in reply): I agree with hon. members opposite that it is a pity it should be necessary to amend the Land Act so often, but this is a country where the conditions are ever changing and settlement is being pushed out so rapidly that it is necessary to keep the Act up to date, and it is necessary to have this amending Bill because there are two important principles contained in it. The first is in connection with surveys, and we take the power to make surveys out of loan funds. The second important principle is the one that relieves the selector in the early stages of settlement on the land. These two provisions justify us bringing down this amending Bill. Hon. members know that under the system of survey before selection a person selects land, more or less, according to its value. The leader of the Opposition who has already pointed out that this is really a Bill that should be considered carefully in Committee and not one that can be dealt with on the second reading, referred to Clause 7 and pointed out the hardship on settlers who are unable to continue on their holdings and find it necessary to forfeit; but the officers of the department always give relief to a selector when he strikes misfortune and has bad times, and protect him as a rule to the extent of the work already effected. The clause, however, really relates to improvements the Government have made before selection. It is necessary that these improvements should be paid for. Under the old Act they have been paid for within ten years, but in this Bill we provide for the repayment of moneys so expended over a period of twenty years. As we know improvements made by a selector by the aid of the Agricultural Bank are paid for over

thirty years, and I think hon. members will agree that we should extend the time for the repayment of improvements effected by the Lands Department. That is a relief we wish to give the selector in the early stages. Then the member for Pilbara objects to Clause 8. The hon. member objects to the method of paying for surveys. It is possible for us to survey under the most economical methods where the land is surveyed before selection and it is also possible to survey and cut up only the good land, but under the system of free selection a man may select in any part of the South-Western Division and it may happen that the selection will be made miles away from a surveyed block. There was a case a few months ago where a man wished to select 500 acres at Lake Monger. The survey of this block would have cost £20, but there was no possible chance of the man making a living on the 500 acres, and hon. members would not expect the department to spend £20 on that survey of a block which must result in disaster; it would be a loss to the department as well as to the selector. It was quite impossible for the selector to take up his residence on the block. We wish to have the power to deter people from taking up land in that way and we wish to do it by regulation. A regulation would be provided to compel the selector of an isolated block so far away from settlement to pay the full cost of survey. The Act provides that regulations may be made prescribing how the payments are to be made. I take it we should make the repayment as easy as possible. I have every desire to assist the selector to the fullest possible extent. Do hon. members suppose for a moment that I am going to penalise the free selector more than is necessary? I ask the House to give me the power under this clause to do a thing that is reasonable, and I promise hon. members we will do for selectors under free selection just as much as it is possible for us to do. The leader of the Opposition has referred to joint holdings. Under the old Act it was possible where a number of people selected land under Sections 55 and 56 for one person to fulfil the residence conditions; but the Premier decided before I took over the control of the Lands Department that this system should cease, and I consider he was quite right in doing so. This Bill now provides that where three people join together to select land they may select under non-residential conditions 3,000 acres and they may select under conditions of residence a further 3,000 acres, but if they do so they are compelled to reside there. We propose that notwithstanding they are joint-holders of the land they shall fulfil the conditions applying to the individual selector. It is necessary to have this amendment to bring the Act into line with the Agricultural Bank Act which says in effect that three selectors may concentrate their improvements. I think that is desirable. In any event this amendment is to prevent dummying. It compels selectors who take up land jointly to fulfil the residence conditions. Clause 15 is not intended to clash with the Agricultural Lands Purchase Act, but it sometimes happens that 40-acre blocks have been taken up in the past all over the country, probably to secure some water, well, or spring. In the course of survey before selection we came across some of these blocks, and it was advisable to secure them so as to give to the adjoining selectors the advantage of a sufficient water supply. We have secured several of these small areas quite recently in the subdivisions in the drier areas.

Mr. Bath: What provision gives that right in the principal Act?

The MINISTER FOR LANDS: This gives the power. I will explain it in Committee. At any rate we desire to secure these small blocks, and when we do so we want to charge the price we pay for them against the incoming selector. The leader of the Opposition omitted to refer to Clause 16 which, as I have explained, is designed to assist the selector in the early stages. I think members will agree it is a wise provision. The leader of the Opposition and also the member for Swan have some objections to Clause 17. It is quite true that adjacent to railways already selected one finds land which has been passed over by selectors, but it is

also equally true that we are building new railways, and these, especially the line from Dowerin eastward, are practically through virgin country. If 10 per cent. were cropped in the wheat area each year the line would pay, but we expect a great deal more than that to be done. All I desire is to have the opportunity where we build lines to impose some special conditions regarding improvements. I never anticipated though going beyond the amount to be advanced by the Agricultural Bank, and I never anticipated setting up improvement conditions that would work hardship on selectors. Will it be a hardship to say to the selector who secures a farm within four or five miles of the Dowerin extension, "We expect you to spend this money that we are prepared to lend within four years?" I do not think it will be a hardship. Hon. members will agree that if this policy of railway construction is to be followed, these lines must be made to pay. It seems to me that the system of compulsory improvement has a great many advantages over the system suggested by the leader of the Opposition, the betterment principle.

Mr. Underwood: The St. George's-terrace farmers work the land a lot.

The MINISTER FOR LANDS: They are working it to a great extent. At any rate we desire to provide interest and sinking fund on the cost of the railway and any provision that will bring about that desired effect should meet with the approval of the House. I am delighted to know that the criticism to this measure has been so favourable. I know that it is inadvisable to be constantly tinkering with the Land Act, and I admit frankly too that some of the amendments which have been passed have caused some trouble. Our literature goes far and wide, and the people who read it on the other side of the world expect to find those conditions prevailing when they come here, but now and again we are compelled to amend the Act, even though this may be done to the detriment of the incoming settler.

Question put and passed.

Bill read a second time.

In Committee.

Mr. Daglish in the Chair.

Clause 1—agreed to.

Clause 2—Amendment of 62 Victoria, No. 37, Sec. 15 and schedules:

Mr. SCADDAN: Would the Minister explain what the effect of the clause would be.

The MINISTER FOR LANDS: The desire was to protect the phosphatic deposits for the people, and it was proposed to add the words mentioned in the clause.

Clause passed.

Clause 3—Amendment of 62 Victoria, No. 37, S. 28:

Mr. UNDERWOOD: The Minister might explain the necessity for this clause.

The MINISTER FOR LANDS: It was desired to relieve the selector of the cost of survey of unnecessary lines. It might be possible under this system of selection that the lines surveyed under the present Act would total 10 miles, and if it was possible to do away with the survey of internal lines we might be doing something which was deserving, and save the selector unnecessary expense.

Mr. BATH: If land were taken up, say 500 acres, and the applicant applied for an additional block of 60 or 70 acres, he should have power to apply to amend the boundaries on condition that he paid the rent on the additional land from the time the first block was taken up, but under the Survey Act the date of survey would be the latest date on which he amended his boundary, with the result that the improvements on the whole block would only date from the time of survey. In this way he would be able to evade the conditions of improvements for a number of years. The new survey would constitute the external boundary.

The Minister for Lands: That is not so.

Mr. BATH: When the new block was taken in that constituted the new external boundary.

The MINISTER FOR LANDS: The clause referred to several holdings selected at the one time. It was put in to enable the Government, where land was sold under a grazing lease, to insist upon im-

provements being made. It was desired to have the power to enforce these improvements and to make the survey, and inflict the least possible cost upon the selector. That was desirable. It was advisable that the Minister should have power to impose these improvement conditions. It was only right that the selector should be put to the least possible cost. The department had 80 theodolites working, and it was difficult to keep pace with the work. We desired that the department should be given as little trouble as possible. This clause was designed to save the selector unnecessary expense.

Mr. WALKER: The clause seemed to present several difficulties. From the explanation of the Minister there was this feature. We had lands taken up; one block as first-class, another block as a grazing area, and a third block as a homestead lease. In the principal Act the conditions attached to each were dissimilar. Presuming a grazing lease of 5,000 acres was taken up, within that grazing lease there might be 100 acres of first-class land, and a little second-class land; were we to understand that a lease of that area with these little strips of first or second-class land was to be divided practically into three holdings, or would it still be designated a grazing lease? If under the new policy of the Minister a grazing lease was taken up and there was a little first-class land in that lease, would the Minister say, "You have 20 acres in that spot, you must pay the first-class rate for that and fulfil the first-class land conditions; you must consider it a separate holding and fulfil all the conditions pertaining to it"?

The Minister for Lands: Not 20 acres, but if it were 200 acres.

Mr. WALKER: If 200 acres why not 20? We were given to understand that this was a new policy of the Minister. If a grazing lease was taken up, though it had a few strips of good land thrown in, it still was a grazing area. But the Minister would say that if a continuous track of 50 to 100 acres of first-class land could be found within that grazing lease, it must be fenced separately. If a man applied for 500 acres of first-class land and 1,000 acres of a grazing lease, and a homestead lease, he could not get his external boundaries all in one. At present the department would cut out the homestead lease; they would survey it; cut out the conditional purchase from the block and survey it, and the remainder was the grazing lease. All these separate blocks had to be surveyed. The Bill created an inequity between those who had selected and those who would be selectors in the future. He (Mr. Walker) was in sympathy with the expressed motive of the Bill. If a man got an area consisting of three different classes of land or two adjoining blocks, and wished to fence all around, he should not be charged for the inner lines of demarcation, but he (Mr. Walker) was in doubt about it.

Mr. UNDERWOOD: The Minister having been four months in office knew a good deal about the land. We found many people coming from foreign parts who, having been in Australia for 10 minutes knew all about Australia including the Lands Department of Western Australia. The Minister had not answered the question which he (Mr. Underwood) asked. If we were pushed for surveyors, surely if a surveyor was sent on to a block to survey the external boundaries another lot of surveyors would not be sent to fill in the intermediate lines. It was almost impossible to get one block surrounding an inner block. One side of a block could not be surveyed without the other side being surveyed. The Minister should report progress so as to give the Committee and himself time to consider the Bill. The measure had only been introduced two days ago; it was a serious Bill and should not be put through Committee so soon. Members should have time to grasp its meaning. What was the meaning of the word "contiguous" as it appeared in the Bill, for the word had several meanings? Did it mean "adjoining"? And if it meant "adjoining," why not say adjoining? We had sufficient difficulty at present with Judges putting various constructions, warranted and unwarranted, on the wording of Acts of Parliament. We should put words in a Bill that had not double meanings. "Contiguous" also meant "adjacent,"

"neighbouring," "near"; it did not necessarily mean "adjoining."

The MINISTER FOR LANDS: If the clause were not passed the selector of a free homestead farm would be required to pay for a special survey of the 160 acres. Was that desirable? In a few days an area of 999 acres would be thrown open for selection, and no doubt within this area a homestead farm would be selected. Would it be desirable to send a surveyor to cut off the 160 acres? The clause was inserted to save unnecessary cost to the selector, and members surely would not insist on unnecessary and useless surveys. This provision relieved the settler of the necessity of paying the survey fee.

Mr. Underwood: A man cannot get a free homestead farm without paying the survey fee.

The MINISTER FOR LANDS: By the Bill a special survey would be unnecessary and the settler would only have to pay for the actual outside survey lines. This clause would relieve the settler from the necessity of external surveys. If a man had a free homestead farm in his block, he would be put to no additional cost for survey.

Mr. Angwin: This clause will not relieve him of the necessity.

The MINISTER FOR LANDS: The clause enabled the department to dispense with unnecessary surveys. Under the present laws the department were compelled to survey the boundaries of every block selected.

Mr. Scaddan: And this will not prevent it.

The MINISTER FOR LANDS: The clause was designed for that very purpose.

Mr. Holman: How will the purpose be accomplished?

The MINISTER FOR LANDS: The block would be enclosed by four straight lines instead of it being necessary to survey the internal lines as well.

Mr. Underwood: A man has to pay his survey fees when he makes his application.

The MINISTER FOR LANDS: The clause would obviate that as all a man would have to pay in future when making his application would be his rent.

Mr. W. PRICE: It was impossible to reconcile the amendment with the section of the Act, for one distinctly contradicted the other.

Mr. Walker: One is an extension of the other.

Mr. W. PRICE: One dealt with land not surveyed, and the other with land that was surveyed. If there was a free homestead farm inside the boundaries of a selection it was desired by the Minister to do away with the cost of surveying that farm. There were certain improvement conditions in connection with the free homestead farms. From what period would they date?

Mr. Butcher: From the date of survey.

Mr. W. PRICE: That might have been years previously. The more the matter was discussed the more confounded the confusion became. The Minister himself seemed unable to give a satisfactory explanation of the clause.

Mr. SCADDAN: The amendment seemed to be satisfactory from the standpoint of the man who wanted to pick the eyes out of the country. By the clause a man might take up a block of 200 acres, leave out some second-class land adjoining, then take up a block of 200 acres a little further on. Such a policy had been ruinous to the State already. The member for Williams had given an assurance that such was the case, and that all the settlers would have to pay for in the way of survey fees would be for four lines instead of twelve.

The Minister for Lands: Your interpretation of the amendment is entirely wrong.

Mr. SCADDAN: Well, what was the meaning of the clause? Apparently it was provided that if a man took up 100 acres, a portion of which was first-class land, a portion second-class, and a portion for a farm, he would have to survey six lines.

Mr. Butcher: No, he would not.

Mr. SCADDAN: Well that was what the member for Gascoyne had led him to believe. It was hard to know why it was

necessary to have a surveyed line across the centre of this selection.

Mr. Butcher: It is necessary under the present law.

Mr. SCADDAN: The whole thing seemed most confusing. The present amendment dealt with the question of date, and it was not a matter of fees at all. How would the amendment affect the surveying of cross lines. If the Minister wished to show which portion of the selection was taken up as a free farm why did not he make an amendment dealing with the point? Apparently there was more in the amendment than the Minister desired members to know. Let it be shown where the present Act was proving detrimental to settlers and possibly we might be able to understand whether an amendment was needed and in what direction. It was impossible for any member to read into the clause anything about survey fees. The whole question in the clause was one of dates and not of payments. The Minister had assured the Committee that the purport of the amendment was that the selector should not pay for more than the four survey lines enclosing his holding. As a matter of fact the only thing the clause did was to definitely fix the date on which these lines were completed. It appeared that the clause was merely a let-off for the large holders. The clause made no reference whatever to payment, but only to dates.

Mr. UNDERWOOD: In order to remove some of the ambiguity of the clause he moved an amenndment—

That the word "contiguous," in line 3, be struck out, and "adjoining" inserted in lieu.

Like the member for Ivanhoe he felt that there was something beneath the surface of the clause. As it stood it would allow men to take up blocks not actually adjoining, and get survey lines run round the external boundary to the exclusion of bona fide selectors. The provision was intended to assist a man in doing that sort of thing and to relieve him of the expense of so doing. To a large extent the practice prevailed in the pastoral areas of the North-West.

The MINISTER FOR LANDS: "Contiguous" and "adjoining" had the same meaning. "Contiguous" was the better word for the purposes of the clause.

Mr. SCADDAN: Perhaps the Minister would be prepared to amend the clause in the direction by making it provide that the four lines enclosing the one area should not be broken. As the clause stood the word "contiguous" was too risky.

The MINISTER FOR LANDS: According to the dictionary "contiguous" meant "touching or adjoining."

Mr. UNDERWOOD: According to Webster's dictionary "contiguous" means "not actually adjoining, but merely neighbouring." When they could get one word to definitely express the intended meaning it was better to take that word than to accept a word which meant many things. The difference between "contiguous" and "adjoining" provided many lawyers with a pretty fair living.

Mr. W. PRICE: Murray's dictionary gave the meaning of "contiguous" as being "in close proximity, though not in contact."

(Sitting suspended from 6.15 to 7.30 p.m.)

The MINISTER FOR LANDS accepted the amendment.

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

Clause 4—Amendment of 62 Vict., No. 37, Section 61:

Mr. HOLMAN asked for an explanation. Members had not had sufficient time to look through the various amendments. Was it intended to bring down a consolidating measure?

The MINISTER FOR LANDS: Under the amending Act of 1906 the area one man could hold was reduced to 2,000 acres, but by some oversight the words "three thousand" were allowed to remain in Section 61 of the principal Act, and it was thought advisable to amend the section in order to bring it into line with the other provision.

Clause put and passed.

Clause 5—Amendment of 62 Vict., No. 37, Section 126:

Mr. BATH: The object the Minister sought by the amendment was not secured. It was merely a repetition of the provision that the timber companies should pay their rent half yearly in advance, and would have no effect where areas resumed from timber leases were taken up by selectors, and the companies still insisted on their right to cut timber over the land resumed. If the clause meant to provide that the lease rent was to be paid for the area resumed that object was not secured. The clause said "subject to Section 114": but Section 114 provided that the rent should be paid half yearly in advance as prescribed by Section 126, and was to be at the rate of £20 per annum for each square mile or fraction of a square mile in the lease.

The MINISTER FOR LANDS: Under Secton 114 the timber lessee could take up any area, but the rent only abated when an area of 640 acres was resumed, there being no means of reducing the rent by less than £20. On the other hand Section 126, which gave the selector the right to take land from timber leases, said that the rent was to abate to the extent of the area taken from the timber lease; thus if 100 acres were taken the rent abated for that 100 acres. The desire was for the lease to remain as provided by Section 114, so that even if the portion resumed was less than a square mile, it was still proposed to charge the timber lessee the £20 rent prescribed for a square mile. The timber companies had the right to remove the timber for six months after land was selected, and there was no reason why the department should continue having the trouble of making a calculation as to the rent for each 100 acres resumed. The company should pay £20 for each fraction of a square mile resumed. The object of the amendment was to provide that no rent should abate unless the timber lease was reduced in size by at least 640 acres.

Mr. BATH: Section 126 gave the Minister power to resume portion of the lease with the limitation that the lessee had the exclusive right for six months to cut timber on the resumed area though at the same time the timber lessee's rent was reduced to the extent of the land excised. According to the Minister, under this clause the rent could only be reduced by £20 for every square mile or portion of a square mile. So the timber lessee would have the right, although paying £20 a mile less, to cut over that 640 acres. It was understood that the Minister wanted to provide that where a timber lessee continued to cut over the area, he should pay the ordinary rent, until he ceased to do so. The clause did not provide for that except in an area of less than 640 acres.

Mr. UNDERWOOD: The Minister ought to report progress. It seemed that the Committee were passing ridiculous legislation and he would like to have time to look over the clause. Members should read the Bill in conjunction with the Act and that could not be done in two minutes. As far as could be seen there seemed to be no connection whatever between the clause and the section in the Act which it was proposed to amend.

The PREMIER: By reporting progress no advantage could be gained. What was meant by the clause was: supposing a timber lessee held 8 square miles and 500 acres, he paid for 9 square miles. Under the clause if 100 acres were taken off he would pay for 100 acres less. Section 114 did not allow for any fractional part of a square mile being dealt with. In the interests of revenue the amendment should be passed inasmuch as unless it was brought down to the actual whole number no reduction was made. Section 126 provided that it should be proportionately reduced. Section 114 only dealt with a square mile irrespective of it. It meant that no reduction was made until it was brought down to a square mile instead of allowing, as under Section 126, a proportionate reduction. If 100 acres were taken off they got the advantage of these 100 acres at 8d. per acre. Under Section 114 they did not get any reduction at all. No notice was taken of anything excepting a whole number.

Mr. UNDERWOOD: Supposing there were 8 miles and 500 acres and 100 acres were taken from it, Section 114 would still remain and yet they had to pay on a mile or a fraction of a square mile. If

on the other hand they had 8 square miles and 100 acres and 150 acres were taken from it they would pay less than one square mile.

Mr. SCADDAN: The only thing that struck him in the event of the Government resuming the land, was that the reduction in the rent should be in accordance with Section 114 which only recognised a square mile and any fraction of it. Why was not the same provision made when a lessee himself surrendered a portion of his lease.

The Premier: Read the last portion of Section 123 which says: "Provided that unless in special cases, the area surrounded shall be less than 1,280 acres."

Mr. SCADDAN: That was worth nothing.

The Premier: It was two square miles.

Mr. SCADDAN: The Minister was the judge of special cases. The Government provided that the rent payable should be in accordance with Section 114; if it was over 8 miles they had to pay on 9. Why was it not so in the event of the lessee himself surrendering any portion of the lease?

The Minister for Lands: It is so.

Mr. SCADDAN: If it was so there was no need for the amendment.

The MINISTER FOR LANDS: The lessee could only surrender 1,280 acres, two square miles. If he went to the Minister and asked to be permitted to surrender, the Minister would say, very well, and Section 114 would apply. So long as the area held was a fraction of a mile over a certain number of square miles the rent would always be charged against that fraction as if it were a square mile, or £20 per acre. The result would be that the Treasury would get a little more money, and trouble would be saved in the office.

Clause put and passed.

Clause 6—Amendment of 62 Vict., No. 37, s. 136:

Mr. SCADDAN moved an amendment—

That in line 6 the word "may" be struck out and "shall" inserted in lieu.

There was no desire to give the Minister an opportunity of exempting his friends. If the Minister was sincere he would not object to the amendment.

The MINISTER FOR LANDS: There would be no objection on his part to the amendment. These people should pay for the surveys.

Amendment passed; the clause as amended agreed to.

Clause 7—Amendment of 62 Victoria, No. 37, s. 147; improvements on land to be paid for by conditional purchaser:

Mr. UNDERWOOD: How would this provision apply?

Mr. BATH: The Mnister was incorrect when he stated that the clause only applied to improvements effected by the Government, because according to a provision in the Land Act improvements effected by the original holder of the block would be included.

Mr. UNDERWOOD: How was the fair value of the improvements arrived at? A number of things could be considered improvements by the person on the land, but would not be regarded as improvements of any value to the ingoing tenant. What was the method of arriving at the fair value of improvements?

The MINISTER FOR LANDS: Improvements were usually inspected and the value set on them by the Agricultural Bank inspector and the inspector of the Lands Department. This clause was rendered necessary by reason of the fact that the Government were valuing improvements on the land which was about to be sold. Ringbarking had been done by the Government to the north of the goldfields line, and was charged up to the value of the land. By reason of the ringbarking being carried out it was of incalculable benefit to those settlers going on the land.

Clause passed.

Clause 8—Amendment of 5 Edward VII., No. 22, s. 8

Mr. UNDERWOOD: There were two or three ways of collecting the different survey fees. All survey fees should be collected in the same way, no matter whether the surveys were carried out before selection or afterwards. Paragraph (a) provided amply for collecting all survey fees, notwithstanding what

section the land was taken up under. We should make the Bill clear and as easy to work as possible.

The MINISTER FOR LANDS: The member approved of the method of collecting fees as provided for in paragraph (a). The second provision was in regard to land surveyed before selection. Under free selection a man took his land at the price set out in the Act, but in regard to selection before survey the land was surveyed and the cost added to the price of the land. It was more simple for the selector to have one amount to pay each half-year. The Minister should have some discretionary power. Under free selection it was possible for the selector to put the country to a great deal of cost in the survey of an isolated block. We should not make a law which would work against the Government of the country. If the clause was passed as printed the Government would be able to do for most selectors what was done in the case where land was surveyed before being selected.

Mr. UNDERWOOD: It was the duty of the Minister to prevent anyone taking up useless land. When land was thrown open the Government should know what the land was like. This was not a confidence trick department. The Government should be able to tell would-be selectors whether land was worth taking up or not. The Government should treat the men who selected land before survey in the same way as those who selected land after survey.

The PREMIER: In addition to the actual cost of the survey there was a big expense sometimes in running a tie line. For the sake of 160 acres, or 500 acres being taken up there would not only be the survey fee of £5, but in addition probably the Government would have to pay the cost of running a tie line at a cost of £2 13s. 4d. a mile. It would cost more for the survey than the actual value of the land. There had been instances in the past where people had come from all parts of the country and for £1 had taken up blocks of land. Before this land could be forfeited it was necessary for it to be surveyed, and in many cases all the revenue which the Government received was the £1, the cost of the homestead block; and the Government might have to run a tie line for 20 miles or 30 miles, and have to pay the contract surveyor for running that tie line to the boundary. Under this provision the Minister would have a discretionary power. If a tie line could be utilised on the boundary of a road the Minister might say that if the selector paid half the cost the Government would pay the other half.

Mr. GORDON: A surveyor might give a man £1 to take up a block, so that the work of running the survey would have to be carried out. He did not know that this had been done, but it could be done.

Mr. Scaddan: No discretionary power was given under the clause.

The PREMIER: Prescribed by regulations.

Mr. Scaddan: That would apply to all surveys. The Bill provided that the selector should pay the prescribed fee.

The PREMIER: That would be by regulation, and in a case of the kind he had quoted it could be provided that only half the fee should be charged.

Mr. SCADDAN: No discretion was given to the Minister. There was a prescribed fee to be paid for the survey, and that fee would be paid by all applicants. The 1905 Act provided that one-half the survey fee should be paid by the State, while the present clause provided that the applicant should pay all the survey fee. The Minister would be unable to take into consideration the claims of the various applicants. If the Government intended to give discretionary power to the Minister the clause must be amended.

The Premier: The Minister has discretionary power now.

Mr. SCADDAN: But he was robbed of it by the Bill.

The Premier: He makes his own regulations.

Mr. SCADDAN: He could not make regulations every time there was an application.

The Premier: He could make regulations to deal with special cases.

Mr. SCADDAN: The regulations would provide the prescribed cost, and no matter who the applicant was, he would have to pay it. The Minister might give an explanaton, and then progress should be reported so that members could consider what he said. The Minister apparently could explain the intention of the clause, but he could not put that intention into the Bill.

Mr. Bath: Why does not the Attorney General give an explanation?

Mr. SCADDAN: He should assist his colleague, but he was apparently looking after his profession. Work must be scarce in the legal profession now, and if the Bill were passed as printed there would be plenty of scope for legal contention.

The CHAIRMAN: The member was making a personal reflection.

Mr. SCADDAN withdrew. There was to be a prescribed fee, and that must be charged to each applicant.

The Premier: The Minister could make a regulation to say that in cases beyond 10 miles the fee should be only one-half.

Mr. SCADDAN: The applicant had to pay the cost of the survey as prescribed by regulation. If a regulation were made as suggested by the Premier the position would not be altered as the Minister would have no power to use discretion.

The Premier: He could make a regulation to give himself discretionary power.

Mr. SCADDAN: If so the clause was not worth the paper it was printed on. The clause should be redrafted.

The MINISTER FOR LANDS: The clause gave the Minister power to make regulations. Members knew that it cost more to survey in the South-West than in the drier parts, and it was possible that a regulation might be made for one charge for the South-West, and another for the dry parts of the State. The desire of the Government was to protect the public funds. If a man wished to select land where it would cost much more for the survey than he would pay in the first five or six years of his ownership, there should be power to compel him to pay the full amount of the survey. There should be a regulation to cover the cost of the survey within a certain distance of a railway. The further away the land was from the railway, the more the survey fee would be. It was not desired that the selector should be penalised, but the public funds of the State must not be wasted.

Mr. HOLMAN: The legal point involved in the clause should be explained by the Attorney General. What effect would the regulations have, and what were they going to be?

The Attorney General: I cannot tell you the effect of a regulation I have not yet seen.

Mr. HOLMAN: What fees would the applicants have to pay, and would the regulations override the Act when the latter came into operation? It was inadvisable to pass a measure giving such considerable powers to a Minister in the way of regulations. If radical amendments were to be made in the law they should be placed in the Bill, and the whole responsibility should not be left to a Minister who might make regulations that would be unworkable.

Mr. UNDERWOOD: The explanation given by the Minister was by no means satisfactory. We were told that we could make regulations providing for certain circumstances, for wet country on the one hand and for dry on the other. It would be impossible to prescribe conditions that would meet each varying case. If we had regulations the discretionary power of the Minister was gone, and if this power were taken away, why not treat all the selectors alike? One block to be surveyed might be right alongside a soak, while another might be 20 miles away from water; surely the same fees would not apply to the survey of those two blocks. If it were found that we could not make regulations providing for the selection of land before survey we should not allow selection before survey to take place. He would like to see the Bill pass, but not in its present form, and he would suggest that the Minister postpone the clause for further consideration.

The PREMIER: In a big State like Western Australia it was impossible to adhere rigidly to survey before selection;

consequently it was impossible to deal with survey fees on the same principle as would be followed where the blocks were surveyed before selection. In a case where a large subdivision was surveyed the cost of the survey per acre was not nearly so high as in the case of isolated blocks. In the case of such subdivision the total cost of survey was added, and divided amongst the various blocks, with the result that a considerable saving was made. In some cases a block was surveyed by reason of the two blocks adjoining it being surveyed; in which case the cost of the survey was divided amongst the three selectors. In respect to isolated surveys there were cases in which it would be very unprofitable indeed if the State had to pay the total costs of these surveys. Regulations must be framed fixing the cost of survey in accordance with the country in which the work was done. In the Eastern districts the surveys were made at £2 13s. 4d. a mile, whereas in the Darling Ranges an increase of 20 per cent, on this was generally allowed, and in country like that at Denmark the increase was as high as 40 per cent. It was necessary that the Minister should have power to make these regulations. In respect to isolated blocks there might be occasions when the Minister might consider it in the interests of the department that a block should be surveyed, providing it did not entail too great a cost. In a case where a track might be run in the direction of this particular block the Minister might consider it advisable to pay a certain proportion of the survey line, and the survey might be utilised for the purpose of some other connection. It was absolutely essential that the Minister should have this discretionary power in making regulations, and the clause would enable him to differentiate in regard to the prices to be paid for survey work in different classes of country.

Mr. BATH: To a certain extent the explanation of the Premier served to elucidate the provision. It seemed an excellent provision in so far as it contemplated extending the payments over a longer term than was provided at the present time. We should do just the same with the cost of survey as we proposed in a previous clause to do with the cost of improvements which might happen to be on the block; namely, to extend the payments over the term of the conditional purchase lease. Where men had to pay half the survey fee with their application for the land, and the other half within twelve months it served to limit their resources and compelled them to pay away money which they could with great advantage utilise in the improvement of their blocks. It would be desirable not only in regard to this, but other provisions of the Land Act if we could have them simplified into one clause; but so long as we had two systems of land selection we would have these intricate clauses. It would be a good investment on the part of the State to put on additional surveyors in order that a larger area of land might be surveyed, and pace thus kept with the demand for surveyed land. If this were done we could have but the one system of selection. He would like to see the extent of time over which it was proposed to distribute the payment of the survey fees stipulated in the clause. It should not be left to regulations. In addition to going through the Act one had to wade his way through regulations, and the task was an impossible one.

The PREMIER: The Minister had practically every licensed surveyor at work. Provision had recently been made to enable licensed surveyors to employ licensed assistants.

Mr. SCADDAN: The only difference between the amending Bill and the Act was the payment of the whole of the fees and extending the payment over a longer period, and that could have been done more easily than in the lengthy paragraph in the Bill. The Minister imagined that the total cost of the survey before selection would be added to the total cost of the selection and spread over 20 years, but the proposed subsection did nothing of the kind. The subsection said the cost was to be deemed an improvement within the meaning of Section 147 of the principal Act, but Section 147 of the principal Act prescribed that the selector

was to pay for any improvements in 10 half-yearly instalments. This meant five years, and not the 20 years the Minister thought the payments would be extended over. How could the Minister explain this?

[*Mr. Taylor took the Chair.*]

The MINISTER FOR LANDS: The proposed subsection provided that the survey before selection was to be deemed an improvement, and Clause 15 provided that the money spent in surveying and otherwise preparing the land should be repaid to the land improvement loan fund out of consolidated revenue in 40 half-yearly instalments.

Mr. BATH: That clause only dealt with payments by the Lands Department to the land improvement loan fund. The Lands Department could take the cost of survey in one sum and yet refund to the loan account by 40 half-yearly instalments.

Mr. SCADDAN: This was a most astounding explanation from the Minister, who had been continually referring members to the principal Act, and now referred them to another clause of the Bill. It was Section 147 of the principal Act that governed the matter of paying for improvements.

The Premier: Have you left paragraph (*a.*)

Mr. SCADDAN: Yes; if the Minister considered there was discretionary power given. Time would show whether that was the case; and probably next session there would be an amending Bill to give the Minister the power which it was pointed out to-night was not given by this amending paragraph. Certainly the part dealing with the instalments would need amending at once.

Mr. HOLMAN: Perhaps the Attorney General could explain the position instead of confusing matters by trying to give the explanation through the Minister? It was desired to know exactly what the effect of the amendment on the parent Act would be. The Minister had not been able to give any idea as to what the amendment meant. The Committee should report progress so that members might have an opportunity of getting the information.

The PREMIER: All that was asked under the clause was that the cost of survey should be added to the cost of the land in the same way that the cost of ringbarking, clearing roads, or of providing water was added. As far as selection after survey was concerned there was no provision made for survey. The only provision was, supposing that the surveys worked out at 1s. per acre—which they would not—if the original cost of the land was 10s.; the cost of ringbarking another 2s.; providing water, 6d.; survey, 6d.; or a total cost of 13s. per acre, that would be returned to the Treasury in 40 half-yearly payments, provided that for the first three years not more than 6d. per acre should be returned. So that to all intents and purposes no survey fees were paid other than that the cost of the survey was added to the actual improvements effected.

Mr. Collier: Where do you get the 40 half-yearly payments in the clause?

The PREMIER: Regulations provided under the Bill.

Mr. SCADDAN: There was no such provision in the Bill, but he was willing to give the Premier the opportunity of making such a provision. In order to make it clear, he would suggest the striking out of "147 of the principal Act" in order to insert "15 of this amending Act."

The Premier: That would not do it.

Mr. SCADDAN: Had the Minister read Section 147 of the principal Act? If so, would he inform the Committee what bearing it had on the clause? Then the difficulty would be got over at once.

The MINISTER FOR LANDS: All money expended on land whether by way of survey or improvement had to be added to the price of the land, and could only be collected in 40 equal instalments.

Mr. Scaddan: It does not say so in the Bill.

The MINISTER FOR LANDS: It was provided in the Bill in the concluding words of the clause the Committee were dealing with.

Mr. Scaddan: That says nothing about 40 half-yearly payments.

The MINISTER FOR LANDS: The land was sold on 20 years' terms.

Mr. UNDERWOOD: Was it in accordance with the Standing Orders to pass a clause which referred to a section in the Act which had been previously repealed by a preceding clause? The Committee had just repealed Section 147 of the principal Act, and now members were dealing with the clause which referred them back to that. Would the Chairman give his ruling as to whether the clause was in order?

The CHAIRMAN: Clause 7 had repealed Section 147 of the principal Act, and the clause had been inserted in lieu of that section. Now we came to Clause 8 which was perfectly in order.

Mr. COLLIER: Section 147 had been repealed and the Committee had inserted a clause in lieu thereof, but that which the Committee had inserted would not stand as Section 147. It would stand as a section of the Act of 1909 when the Bill became an Act. The Committee could not amend a section which was not in existence.

Mr. WALKER: The difficulty could be got over by omitting "147 of the principal Act" and inserting "the next preceding section."

The ATTORNEY GENERAL: Members would be ill-advised to make any alteration in the clause. When the Bill became law instead of having Section 147 as it appeared in the principal Act, we should have Section 147 as it appeared in Clause 7 of the Bill. Immediately the Bill became law we should refer back to Section 147 as it now stood and not as it appeared in the original Act. There could not possibly be any confusion.

Mr. Walker: We had just passed a clause which definitely stated what was intended.

The ATTORNEY GENERAL: It said, "the following shall be inserted in place thereof."

Mr. WALKER: It was Clause 7 of the Bill, and it would override all preceding legislation on the point. In express terms it repealed Section 147 of the original Act and in place of Section 147 of the principal Act there would be Section 7 of the Act of 1909. Let the Bill, instead of referring to the old Act, refer the reader to the next clause preceding. We were constantly referring to Acts that were repealed. He therefore moved—

That the words "Section 147 of the principal Act" be struck out, and the words, "the next preceding section of this Act" be inserted in lieu.

The PREMIER: There were two methods by which we could give effect to the wishes of the Committee; one was by adopting the amendment of the member for Kanowna, or we could say, "Under Section 147 of the principal Act as amended by this Act."

Mr. WALKER: We should get away from the constant reference to old Acts, especially in regard to land legislation. In order to understand any particular section, at present, one had to consult half-a-dozen Acts.

Mr. SCADDAN: The reference as contained in the Bill was all right. The amendment which had been made in Clause 7 would be inserted in the principal Act, and there was an Act of Parliament providing that the printer should, when he printed Acts of Parliament in which amendments had been made, include all amendments made in the Act.

The MINISTER FOR MINES: There would be greater confusion if the amendment of the member for Kanowna were carried. The Act when printed would contain the amendment of the original Act as contained in Clause 7.

Mr. WALKER: The amendment did not propose that when the statutes were reprinted Clause 7 should not appear as repealed. In any reprinting of the principal Act if this Bill became law Section 147 must be shown as repealed.

Mr. BOLTON: If the principal Act were reprinted would this clause be included, and would not this Bill disappear as a print in itself.

Mr. UNDERWOOD: Each Act stood by itself. If this clause were amended again Clause 7 of this measure would have to be amended, not Section 147 of the principal Act. The clause, if passed, could not be inserted in the original Act.

Mr. SCADDAN: The wording of the clause of an amending Bill, where it was

desired to repeal an existing section, was very different from the wording when it was merely desired that an existing section should be amended. There was no necessity to carry the amendment. When this Bill became law Section 147 of the original Act would disappear and this clause would take its place. It was provided in Clause 8 that Section 8 of the Land Act Amendment Act, 1905, was to be amended. As, however, this Bill was with the object of amending the Land Act, 1898, it was doubtful whether that clause was in order.

The CHAIRMAN: This Bill was to further amend the Land Act, 1898. Clause 8 read—"Section 8 of the Land Act Amendment Act, 1905, is amended as follows": As the 1905 Act was an amendment of the Act of 1898 the clause was in order.

Mr. SCADDAN: If the Land Act required to be amended, why was not a comprehensive amending Bill brought down? As the member for Kanowna had pointed out, why should we compel a person to carry round two volumes. Under the clause, however, the Committee would compel a man to carry round not two volumes but four volumes, the principal Act and the amending Acts of 1904, 1906, and 1909, and an index as well. The unfortunate individual would become hopelessly lost.

Amendment put and negatived.

Mr. SCADDAN: With regard to Subclause 2, if members would read it they would find the words "having regard to the relative position of the holdings." What was the intention of the Minister with regard to these words if it was not to take into consideration that one holding might be apart from another.

The MINISTER FOR LANDS: Contiguous holdings under the clause must adjoin; there could be no question about that. The object of the clause was to do away with unnecessary surveys.

The PREMIER: Part V. of the principal Act referred to conditional purchases; Part VI. referred to grazing leases, and Part VIII. referred to homestead farms. In the case where a selector took up a grazing lease and it was found that certain land within that grazing lease was first-class agricultural land, under the old Act it was necessary to make a separate survey, although the conditional purchase block was within the grazing area. That was to say, if a man held 1,250 acres of grazing lease, the department decided after inspection that 250 acres were of first-class land. He, therefore, got 1,000 acres as grazing lease, and 250 acres under conditional purchase. As the Act stood the man had to make a survey of the whole of that 1,250 acres, and then, also, a survey of the 250 acres. The clause provided that in the case where one individual held two classes of holdings it was not necessary to make an internal survey.

Mr. Walker: How would the department know that there were 250 acres of first-class land in the middle of the grazing lease unless they surveyed it?

The PREMIER: In the ordinary way by classification by the surveyor.

Mr. Walker: How would he know the acreage?

The PREMIER: If he did not know it he should not occupy the position of surveyor.

Mr. GEORGE: How was a man going to get his titles unless the pegs were put in. It seemed to him that this would leave an opening for fraud. As far as the survey was concerned it should be made as cheaply as possible; in fact, all preliminary costs should be made as low as possible. If the fees were to be assessed upon the area there would be a tremendous lot of survey work for which the State would not get adequate payment.

[*Mr. Daglish resumed the Chair.*]

The PREMIER: Many persons who did not hold any land, and who were therefore eligible, in the first instance, to take up a homestead block, would take up a block of 1,000 acres, a portion of which they would take as a homestead farm. Under the existing Act it was necessary to survey 160 acres, and the 840 acres which made up the total of 1,000 acres. This provision did away with the necessity for surveying both parcels.

Mr. Walker: Supposing he wants to get rid of his homestead farm?

The PREMIER: The settler could not get rid of it until he had complied with certain conditions, when it would be freehold and would have to be treated as such.

Mr. WALKER: To follow out the illustration given by the Premier: When the selector had fulfilled certain conditions the homestead farm would become his in fee. Now came the question—where was the homestead farm? It was somewhere within the four lines, but that was all that could be said for it. It was a difficulty that might crop up.

The PREMIER: A good many applications under similar conditions had come under his notice. Where all the land was of a similar character the applicant as a rule was not particular as to what part of it was set aside as the homestead farm. In such a case the homestead farm would be located in one angle of the total block, and would be marked off from the external boundaries, and duly described on the plan, where it would be shown in broken lines to indicate that the block had not been surveyed. This saved an expenditure of £2 13s. 4d. in survey fees and the cost of the posts. The idea was to save unnecessary work, while, at the same time the homestead farm was recorded on the plans of the department.

Mr. SCADDAN: The explanation was satisfactory as far as it went, but neither the Minister for Lands nor the Premier had given any reasons for the retention of the words "having regard to the relative positions of the holding." What object could there be for the Minister having regard to the relative positions of the holding?

The MINISTER FOR LANDS: It might so happen that a selector would take up three blocks, each of 100 chains square; and it might happen that they would be taken up in such a fashion that the boundaries only adjoined for 10 or 20 chains at one corner. In such a case there would be nothing gained by stopping 10 chains short of a complete survey around each block, and assuredly he (the Minister) would order a separate survey for each block.

Mr. SCADDAN: The Premier had given one explanation, and the Minister for Lands another.

The PREMIER: The two explanations were perfectly reconcilable as the hon. member would see from the diagram he (the Premier) had just completed.

Mr. Scaddan: That is satisfactory.

Clause put and passed.

Clauses 9 and 10—agreed to.

Clause 11—Amendment of 6 Edward VII., No. 29, S. 24:

Mr. BATH: Subclause 2 of the clause would need amending. It read as follows:—

> "Where land held jointly under this section is subject to the condition of residence it shall suffice if the residence condition is fulfilled by one of the joint proprietors in respect of each 1,000 acres or fractional part of 1,000 acres."

How could one joint proprietor fulfil the conditions on three separate blocks? One could understand what the Minister was aiming at. The Minister wanted to ensure that each of the joint proprietors should fulfil his residence conditions, but the clause did not provide that.

The MINISTER FOR LANDS: The proposed section was perfectly clear. It said that each joint holder could only fulfil the residence conditions in regard to a thousand acres. If there were three owners of a joint estate of 3,000 acres under residence conditions each of the three owners must fulfil the conditions. If there were 4,000 acres and only 1,000 acres under residence conditions only one joint owner need reside, but if there were 6,000 acres and 3,000 acres of it under residence conditions there must be three of the joint proprietors in residence. If joint owners exercised the privileges of individual owners they must fulfil all the conditions imposed on individual owners; and if more than 1,000 acres was held under residence conditions more than one joint owner would have to reside.

Mr. BATH: The object could be attained by providing that the residence

conditions should be fulfilled by each one of the joint proprietors.

The MINISTER FOR LANDS: That would mean that each one of the three joint proprietors would have to reside say on a 1,000-acre block.

Mr. BATH moved an amendment—

That "each" be inserted before "one" in line 3 of Subsection 2 of the proposed new section.

Mr. Walker: That would mean that each joint holder would need to live on each block.

Mr. UNDERWOOD: The wording of the proposed section was not clear. It was due to members that the sections should be made clear. There was no need to have slipshod grammar because the Minister did not have the time or the energy to draft the provision properly. It was the duty of the Government to make the Land Act so clear that any man could get an intelligent grasp of the meaning of the sections.

The ATTORNEY GENERAL: The clause was perfectly clear. The obscurity was only in the hon. member's mind. The proposed section provided that on each 1,000 acres of land there must be one of the joint-owners residing.

Mr. GORDON: If three persons took up 1,000 acres one could fulfil the conditions, but if three persons took up 3,000 acres there must be one of the joint holders residing on each 1,000 acres.

Amendment withdrawn.

Mr. BATH moved an amendment—

That in Subsection 2 of the proposed new section the words "one of the joint proprietors in respect of each one thousand acres or fractional part of a thousand acres" be struck out and the following inserted in lieu, "each one of the joint proprietors in respect of his proportion of the joint holding."

The PREMIER: Would the hon. member insist that if the joint holding did not amount to more than 1,000 acres each person must reside on his own block?

Mr. BATH: That was the Minister's intention, to have each man fulfilling the residence conditions.

The Premier: Only in respect to blocks of more than 1,000 acres.

Mr. KEENAN: It was very desirable to encourage settlement by those at present in other industries. Take the case of two miners who desired to take up land jointly. It was of considerable advantage to them that one should be able to continue to work as a miner while the other fulfilled the residential qualifications on the land and worked it. In that case the former would provide money in the early days of settlement. If that was intended by the clause he would support it, but the phraseology used made the clause open to another construction.

Mr. SCADDAN moved—

That progress be reported.

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

Ayes	.. .. ..	17
Noes	.. .. ..	18
Majority against	..	1

AYES.

Mr. Angwin	Mr. Scaddan
Mr. Bath	Mr. Swan
Mr. Bolton	Mr. Taylor
Mr. Collier	Mr. Underwood
Mr. Gill	Mr. Walker
Mr. Gourley	Mr. Ware
Mr. Heitmann	Mr. A. A. Wilson
Mr. Holman	Mr. W. Price
Mr. O'Loghlen	(*Teller*).

NOES.

Mr. Brown	Mr. Mitchell
Mr. Carson	Mr. N. J. Moore
Mr. Cowcher	Mr. S. F. Moore
Mr. Davies	Mr. Nanson
Mr. Draper	Mr. Piesse
Mr. George	Mr. J. Price
Mr. Gregory	Mr. F. Wilson
Mr. Jacoby	Mr. Gordon
Mr. Keenan	(*Teller*).
Mr. Male	

Motion thus negatived.

Mr. SCADDAN: Numbers of men on the goldfields had come to the conclusion that it was not desirable for them to secure holdings under the residential clauses, as to attempt to clear the land, unless they had considerable capital, was an act of madness. It was almost impossible for a man to give up constant employment, unless he had a large capital, to go on the land, and expect to clear it and make a success of his undertaking. Quite a number of men were now taking

up holdings jointly, and we should provide that where that was done one of them could fulfil the residential conditions. A man who could take up 1,000 acres could himself fulfil the residential conditions, but if two persons combined and had only capital enough to take up 500 acres both of them had to fulfil the residential conditions.

The Minister for Lands: If they took up 1,000 acres between them both men would not have to fulfil the residential conditions.

Mr. SCADDAN: If that were so it only applied to 1,000 acres, and if 1,001 acres were desired to be taken up by two men both would have to fulfil the conditions. Under the conditions proposed we were giving some encouragement to the working men who were willing to combine. It was his intention to support the Minister, but he wanted to see the clause so worded that there would be no difficulty about it afterwards. It should be the desire of the Committee to make the Bill a layman's Bill. Someone had said that it provided food for thought, but, in his opinion, it would provide food for the lawyers. Ministers so far had been able to explain their intentions with regard to the measure, yet they had not been able to put those explanations into the Bill. The subclause should be redrafted in order that the position might be made clear.

The MINISTER FOR LANDS: The desire was to make it imperative for every person holding 1,000 acres under residence conditions to fulfil the conditions of residence. The clause gave effect to the desire of the Government. It was clear that no two people could take up 2,000 acres under Section 55 unless both of them resided on their holding.

Mr. KEENAN: It was a matter of great importance that we should facilitate land settlement among our own people. It would be a matter almost of impossibility for men on the goldfields to take up land jointly under residential conditions if the law were enforced which required each 1,000 acres to have a settler resident on it. We had been told again and again that in certain parts of the State 1,000 acres was the smallest holding which it was advisable to take up. In very many cases two miners had taken up 1,000 acres each and entered into a partnership under which one went on the land and set about making improvements, while the other remained in the mine working for the wages with which his partner was to carry out the improvements on the joint holding. There was a danger that in guarding against the evil perceived by the Minister for Lands we would block that very excellent form of partnership settlement. If the clause were passed as printed it would be necessary that both of the miners in partnership should reside on the land. The existing Act gave the Minister a discretionary power in this respect, and it seemed that we were attempting to remove from our statute-book this provision which, taking into consideration the peculiar circumstances of our State, was an essentially wise one. We had a considerable mining industry which, of necessity, was a failing industry, and no better provision could be made for the men engaged in that industry than the settling of them on the land, while there was no better plan of settling them on the land than that of allowing them to form partnerships under the terms of which one went on the land straightaway while the other continued to work in the mine until sufficient improvements had been effected to warrant the undivided attention of both partners being given to the development of the holding.

Mr. COLLIER: It was to be hoped that the Committee would seriously consider the matter before agreeing to the clause. He knew of at least 20 persons in his electorate who had taken up land under the conditions described by the member for Kalgoorlie—conditions which the clause sought to abolish. Having regard to the wages earned by the partner who remained at work in the mine, he ventured to think that under the partnership plan more was being done for the land than if both men were on their holding. The present system worked very well and assisted materially in the settlement of our lands. Not only miners, but business people, formed these little partnerships.

and if the clause were passed it would compel the partner remaining in the town to sell up his business and join his partner upon the land.

The Premier: No; it will mean that one holding will be held under residence conditions and the other under non-residence conditions.

Mr. Walker: Then it will not be a joint holding.

Mr. COLLIER: If they did not both reside upon the land it would be necessary for them to effect double improvements.

The Minister for Lands: We find the money for them.

Mr. COLLIER: But it was better for the State and for the Government if the men themselves found the money. The Minister would make these partners both reside on the land and the result would be that they would not have nearly so much money with which to carry out their improvements. There was no necessity whatever for the proposed alteration which, indeed, would work considerable hardship.

Mr. WALKER: If we adopted this proposed new section, it would be inconsistent with the Act passed in 1906 which provided in Section 38 that an agent could fulfil the residence conditions and in Section 42 that a wife or child over 16 might be accepted in lieu of personal residence, while there was also further provision leaving it to the option of the Minister to suspend residential conditions.

The Premier: If there is conditional purchase land within a certain distance of the homestead.

Mr. WALKER: The point was we were getting all sorts of conditions. If two persons took up 2,000 acres one could hold under residential conditions, and the other under non-residential; but there was no longer a joint holding, there were separate conditions. However, the most important point was to bring our lands under cultivation as speedily as possible.

Mr. Collier: That is the point. It does not matter whether they are living on the land so long as it is cultivated.

Mr. WALKER: Often more cultivation was obtained by one man going on the land and another man earning money at some other employment. The answer to that was that they could take up the land under non-residential conditions, but why should we penalise a man endeavouring to earn money to put it into the land?

Mr. Scaddan: But look at the numbers who are dummying; that is the trouble.

Mr. WALKER: The object of the Minister was to make two men work where one was now working. Really it meant to put two to starve where one could work and make a success, while his mate earned money in some other direction. It was one of the encouraging signs of the future of the country that miners and others were prepared to do this. The Act should not be altered in this respect. The splendid principle of the parent measure was being departed from by the clause. It had been suggested that two men could take up 3,000 acres and one reside on the land, thus fulfilling the residential qualifications; but in such a case it was not a joint holding, for while the man who resided on the land had a certain area under the residential conditions his partner had the balance of the land only under the non-residential conditions.

Progress reported.

BILL — AGRICULTURAL LANDS PURCHASE.

Second Reading.

Order of the Day for resumption of second reading debate read.

On motion by Mr. Collier, further adjourned.

House adjourned at 11.19 p.m.