

PAIRS.

NOES.

AYES.		NOES.
Mr. Collier	:	Sir James Mitchell
Mr. Cunningham	:	Mr. H. W. Mann
Mr. Nulsen	:	Mr. Piesse
Mr. Munsie	:	Mr. Keenan
Mr. Raphael	:	Mr. J. M. Smith
Mr. Millington	:	Mr. J. H. Smith

Amendment thus negatived.

Clause put and passed.

Title—agreed to.

Bill reported without amendment, and the report adopted.

House adjourned at 11.26 p.m.

Legislative Council,

Tuesday, 1st November, 1932.

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

ASSENT TO BILLS.

Message from the Governor received and read, notifying assent to the under-mentioned Bills:—

1. Industries Assistance Act Continuance.
2. Factories and Shops Act Amendment.
3. Fruit Cases Act Amendment.
4. State Trading Concerns Act Amendment.

BULK HANDLING BILL—SELECT COMMITTEE.

Extension of Time.

On motion by Hon. V. Hamersley, the time for bringing up the select committee's report was extended to Tuesday, the 15th November.

QUESTION—RAILWAYS, COAL CONSUMPTION.

Hon. W. J. MANN asked the Chief Secretary: 1, What was the quantity of coal used by the Western Australian Government Railways per year for each of the last five years? 2, Where was such coal obtained? 3, What price was paid per ton for—(a) Colliie coal, (b) coal of other origin?

The CHIEF SECRETARY replied:

(1)—		Tons.	
Year ended June, 1928	Native,	295,102	Imported,
" " " 1929	"	304,126	10,151
" " " 1930	"	296,664	14,824
" " " 1931	"	289,549	9,348
" " " 1932	"	234,888	4,807
			30,974

(2)—	Native,	Imported.
Colliie	13,478	(Great Britain, Balance N.S.W.)

(3)—(a) Colliie coal—		
Average cost per ton on truck at Colliie—	s.	d.
Year ended June, 1928	18	4.9
" " " 1929	18	4.6
" " " 1930	18	4.2
" " " 1931	18	4.4
" " " 1932	16	8.066

(b) Other coal--		s.	d.
Average cost per ton ex store --			
Year ended June, 1928...	...	50	9
" " " 1929...	...	44	6
" " " 1930...	...	44	11
" " " 1931...	...	46	3
" " " 1932...	...	37	2.2

BILL—HEALTH ACT AMENDMENT.

Recommittal.

On motion by Hon. A. Thomson, Bill re-committed for the purpose of further considering Clauses 2, 8, 9, 26, 31, and 38.

In Committee.

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

Clause 2—Amendment of Section 3:

Hon. J. J. HOLMES: Paragraph (a) of this clause substitutes "and" for "or" in a provision imposing certain conditions on lodging houses, thereby extend-

ing those conditions to boarding houses. By substituting "and" for "or" we shall link both up together. It may have a very far-reaching effect, and I should like to hear from the Minister what is the idea in linking the two together.

The CHIEF SECRETARY: In the parent Act it reads "lodged or boarded." Now it is to be "lodged and boarded." It makes all the difference.

Hon. V. HAMERSLEY: It makes a very considerable difference. It means that lodgers have also to receive their board, or else the place cannot be termed a boarding house. In the parent Act we find that a lodging house is a house in which persons are harboured or lodged. It is now provided that they shall now be both harboured and boarded. It will put further difficulties on many of those houses, in that they must provide their lodgers with meals as well as with lodgings.

The CHIEF SECRETARY: It means lodged and boarded. Prior to the amendment people could be boarded only, which is not desirable. Now they will have to be both lodged and boarded.

Clause put and passed.

Clause 8—Amendment of Section 43:

Hon. A. THOMSON: I wish to safeguard the ratepayers who may have to find the money for the construction of a sewer or other work and give them opportunity to protest against any proposed expenditure by a health authority. I move an amendment—

That in line 1, "Section 43" be deleted and the following inserted:—"Every local authority may with the approval of the Governor from time to time under the borrowing powers conferred by the Local Government Act raise a special loan for any of the purposes of the Act."

Then will follow the amendment I moved on the 19th October, which appears on page 72 of the minutes. We are extending the powers of the health authorities, and there is no protection for the ratepayers. The department argue that Subsection 2 of Section 53 of the Act protects the ratepayer, but as I read that provision and Section 35 of the Act it is not for an appeal against any public work, but merely for an appeal against any order imposed by the

health authority on a ratepayer, such as thoroughly to cleanse his premises. So the local authority may proceed to construct a sewer out of revenue at an estimated cost of £500 or £600, and, after starting the work, may find that the estimate is far below the real cost. If any ratepayer should be able to see that the work must cost considerably more than the estimate, he cannot appeal straight away, but must wait until the work is completed, when he may appeal under Section 35 of the Health Act. So we are giving to local authorities power to construct a sewer to be of benefit only to portion of the district, notwithstanding that every ratepayer within the district would be liable to be rated for the work. My sole desire is to protect the ratepayer.

The CHIEF SECRETARY: The clause merely gives health authorities power to borrow up to one-third of the annual value. It does not authorise them to spend the money in any given direction. As a matter of fact, there is grave doubt whether the health rates should be included in the general rates. However, this clause does not affect it. The question is whether we are to allow a health authority to borrow on the lines laid down in the Road Districts Act. I cannot see how it would influence them in spending money on large contracts. The clause is merely an authorisation to approach the bank and get an overdraft, as they do in respect of their ordinary rates. There is authority already to borrow up to a third of the annual revenue. There is nothing wrong with that.

The CHAIRMAN: If the amendment is lost there will be no need to embody the whole of it in the Minutes again, as it has already appeared. Of course if the amendment is carried it will have to appear.

Hon. A. THOMSON: I am sorry that I have not been able to convince the Minister that there is necessity for this amendment. I am desirous of protecting the ratepayers of a local authority who come under the provisions of the Health Act and who may desire to construct, for instance, a sewer, without submitting plans and specifications and without giving the estimated cost of the expenditure. My only desire is to safeguard the interests of those who have to foot the bill.

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

Ayes	..	..	..	11
Noes	..	..	..	11
				—
A tie	..	..	..	0
				—

AVES.

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

NOES.

Hon. C. F. Baxter	Hon. T. Moore
Hon. J. M. Drew	Hon. H. Seddon
Hon. J. Ewing	Hon. Sir E. Wittenoom
Hon. E. H. Harris	Hon. H. J. Yelland
Hon. J. M. Macfarlane	Hon. E. Rose
Hon. W. J. Mann	(Teller.)

The CHAIRMAN: The voting being equal, the question passes in the negative.

Clause put and passed.

Clause 26—Amendment of Section 147:

Hon. W. H. KITSON: Mr. Fraser desires to move an amendment to this clause, but for the moment he is out of the Chamber. On his behalf I move—

That after "two" in the second line of the clause, the words "and four" be inserted.

It is also Mr. Fraser's intention to submit a further amendment in line 4 of the clause. The sentence reads—"Where any animal is so kept as to cause dust or noise or so as to be offensive or injurious to health." It is desired that after the word "animal" the words "or bird or poultry" be inserted. Then at the end of the clause it is suggested that this paragraph be added: "Where any house or premises are dilapidated or are in such a state as to be a nuisance or injurious to health." I cannot give any specific instances to which the amendment would apply, but I assume there have been times when action was necessary, and the health authorities had no power to intervene. Birds and poultry may be just as great a nuisance as animals and just as injurious to health.

The CHIEF SECRETARY: I object to the amendment. All that Mr. Fraser seeks to gain by the amendment is to include the word "dilapidated" in the section of the Act.

The CHAIRMAN: I would remind the Committee that if the amendment be nega-

tived, it will dispose of the new subclause that Mr. Fraser desires to have inserted, but the second part of the amendment relating to birds and poultry will not be affected.

The CHIEF SECRETARY: At present the Act provides power to deal with houses or premises that are in "such a state as to be a nuisance or injurious or dangerous to health." That surely covers premises that are dilapidated.

Hon. G. FRASER: Notwithstanding what the Minister has said, the health authorities have not power to deal with premises that are dilapidated. At present houses are let when their condition is not satisfactory from the health standpoint, and the department can do nothing. A window cord may be broken, and that means the window cannot be raised, with the result that ventilation is interfered with to the detriment of the occupier. A window frame may be in such a condition as to allow water to gain entrance and dampen the walls. Stoves may be out of order, rendering cooking impossible. In each instance the health of the occupier is likely to be affected, but the health authorities have no power to step in and require an alteration.

Hon. J. Nicholson: Have you considered Section 116, which refers to premises that are unfit for human habitation?

Hon. G. FRASER: The matters I have referred to cannot be regarded as major considerations that would render premises unfit for human habitation, but they interfere with the health of the people.

Hon. J. Nicholson: If premises are dilapidated to such an extent as to warrant interference by the health authorities, it would have to be to an extent that would be covered by Section 116.

Hon. G. FRASER: Perhaps I place a construction on the meaning of the term different from that adopted by Mr. Nicholson. I think the health authorities should have power to remedy the conditions I have indicated.

The CHAIRMAN: The question is as to whether dilapidation is a nuisance that brings it within the scope of the subsection.

Hon. G. FRASER: I should say so. The position is serious enough to warrant the consideration of hon. members.

The CHIEF SECRETARY: Can it be said that a house is dilapidated because a window cord is broken, a window frame is out of order, or a stove requires repairs? Surely Mr. Fraser's arguments cannot apply, and if we agree to the amendment, it may be a serious matter.

Hon. J. Nicholson: It might be construed to mean that houses in that condition were unfit for human habitation.

The CHIEF SECRETARY: Yes. The subsection I have referred to covers the position adequately.

Amendment put and negatived.

Hon. G. FRASER: I move an amendment—

That in line 1 of proposed new paragraph (2), after "animal" the words "or bird or poultry" be inserted.

I understand the Minister is prepared to accept the amendment.

The CHIEF SECRETARY: Yes. The only difficulty I see is that it may lead to trouble between neighbours in future.

Hon. J. J. HOLMES: The amendment will have a far-reaching effect. This takes me back to my youthful days at Fremantle. Going home in the small hours of the morning, boys of the village used to crow, and within a few minutes all the roosters in Fremantle were crowing in full blast. If the amendment be agreed to, a rooster that crows will be considered a nuisance, and it must be remembered that the Bill applies to road board areas as well as to municipalities.

Hon. Sir EDWARD WITTENOOM: I have had a good deal of trouble regarding poultry. There happened to be a fowl-yard within 10 yards of my bedroom, and at one time my neighbour kept a rooster that generally commenced crowing at about 4 a.m. As soon as I objected, my neighbour got rid of the bird. I recognise the advantage of having poultry for the provision of fresh eggs and so forth, but from what I know of fowls, it is not always necessary to have a rooster in the yard. I shall support the amendment. Have we yet come to the provision regarding dogs and aeroplanes?

The 'CHAIRMAN: Dogs come under the heading of "animal," but if the hon. member so desires he can move an amendment dealing with aeroplanes.

Hon. Sir EDWARD WITTENOOM: I think we should deal with aeroplanes and motor bicycles, for I regard the former as a thundering curse. They are flown on Sunday afternoons between 3 and 4 o'clock, just when people are endeavouring to have a rest. The 'planes fly within 100 yards of the house and disturb people. Why should they be allowed to disturb a whole city merely for the sake of the 5s. that is charged for a flight? Motor bikes should also be subjected to some supervision. Dogs are delightful animals, but I have narrowly escaped being bitten twice when going along the street. There should be some protection against dangerous dogs. I admit that people are being considerably pestered by begging men; that is why a good many people keep dangerous dogs. Six or seven men call daily at my home begging for money or food; they say they cannot get anything under the dole, and I can understand defenceless people keeping a dog to protect themselves. Still, many such dogs are dangerous.

Hon. J. M. MACFARLANE: I support the amendment. Members will probably have read of a doctor in Brisbane who was trying to rear a fancy breed of poultry. An invalid living next door was greatly upset by the noise of the birds. It took a long time to secure an amendment of the Act in order that a prosecution might be launched and then, as evidence that the poultry constituted a nuisance, a record of the noise had to be obtained. The reproduction of the noise in the court was the talk of Brisbane. The complainant eventually secured a verdict. I offended once by holding turkeys in my backyard for trade purposes. Neighbours protested and I realised that the birds were creating a nuisance. People in my line of business often pester neighbours. Some of them buy large numbers of poultry on market days and hold them in their backyards. Neighbours are disturbed and the health of womenfolk has been affected.

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

Clause 38—New section:

Hon. Sir EDWARD WITTENOOM: I suggest that after "health centre" the words "and St. John Ambulance First Aid" be inserted. Several local authorities recog-

nise the usefulness of the institution and subsidise it indirectly out of the three per cents. It would be well to include the institution as one to which local authorities may contribute without securing the endorsement of the Commissioner.

The CHAIRMAN: Mr. Thomson's amendment previously passed will necessitate no more than 10 per cent. of the revenue being divided amongst three institutions, instead of two as formerly. Sir Edward Wittenoom's suggested amendment will increase the number to four.

The CHIEF SECRETARY: The Health Act is designed to prevent disease. St. John Ambulance does not come within that category; it is to transport patients. I cannot accept the amendment. The local health boards cannot be expected to find money to support additional institutions.

Hon. Sir EDWARD WITTENOOM: Why have some of the local authorities subsidised it already? Provision should be made so that the permission of the Commissioner will not be necessary in each case.

Hon. W. H. KITSON: I move an amendment:—

That after the words "as follows" in line 2, the following be inserted:—"Every local authority may subsidise any infant health centre, and, with the approval of the commissioner, any other scheme having for its object the prevention of disease or the preservation of health, including the St. John Ambulance First Aid Association, and for such purposes may expend such amounts of its ordinary revenue under this Act as it thinks fit."

If we include further objects in Section 272 of the Act, we shall probably be taking away from other deserving organisations something they cannot well do without. We should amend the Act as I have suggested and not limit the contributions to 10 per cent.

The CHAIRMAN: In effect, the hon. member wants to re-insert the words already struck out, with the addition of the reference to the St. John Ambulance Association.

Hon. J. J. Holmes: Does that mean that the 10 per cent. maximum will be struck out? Evidently the hon. member wants the local authorities to spend as much as they like.

Hon. W. H. KITSON: The local health authorities have the right to subsidise any district nursing scheme or hospital to the

extent of a maximum of 10 per cent. of their ordinary revenue. I also want them to have the right to subsidise infant health centres.

Hon. E. H. Harris: Another 10 per cent?

Hon. W. H. KITSON: There is no need to limit the amount. The local authorities are the best judges as to what to do with their revenue under the Act, and should be given a free hand. Infant health centres have filled a long felt want, and are doing excellent work.

Hon. J. J. Holmes: Are not these health centres subsidised with the consent of the commissioner?

Hon. W. H. KITSON: It has to be done by means of a subterfuge.

Hon. V. Hamersley: We have already put that into the Bill.

Hon. W. H. KITSON: We have said that local authorities cannot go beyond the 10 per cent., no matter what organisations they desire to subsidise.

Hon. E. H. HARRIS: The hon. member does not want to limit the local authorities to 10 per cent. He should, therefore, move to strike out that figure with a view to inserting some other figure.

The CHAIRMAN: I would not accept an amendment to increase the amount of expenditure under the parent Act, but I would accept an amendment to limit the amount that could be spent under this Bill.

Hon. E. H. HARRIS: Apparently the hon. member is prepared to leave to the discretion of the local authority the amount that will be spent. We are not warranted in giving unlimited power to these authorities to subsidise whatever institution they may think fit to support.

Hon. A. THOMSON: I hope the words will not be reinstated. In some centres it may be necessary to assist local hospitals or nursing schemes. Under Mr. Kitson's proposal, the local authority may, after expending its 10 per cent., set about subsidising some other organisation to any extent desired. If that be so, we should have the right to demand a special 10 per cent. for our infant health centre, and a similar claim might be made on behalf of the St. John Ambulance Association. This would mean the imposition of additional rates. It is not right that further burdens should be imposed upon the people in

these times. The tendency nowadays is to take still more responsibility from the individual, and place it upon Government or semi-Government institutions. That is one of the reasons for our present financial condition. If people could be taught to rely more upon themselves, it would be so much the better for the State. I cannot support Mr. Kitson's amendment.

Hon. W. H. KITSON: The word is "may," not "shall."

Hon. A. THOMSON: But "may" sometimes becomes "shall."

The CHIEF SECRETARY: Health authorities are appointed to prevent disease and promote health. They are now told they may control their districts, but not their finances. In the absence of this provision the health authorities have no power to raise money for those purposes beyond the limit of 10 per cent., except with the Commissioner's approval.

Hon. J. J. HOLMES: Limitations will be found at every turn in the principal Act, and prevention is better than cure. If 10 per cent. of the income of a municipality or road district is granted to the health authorities, and other 10 per cents. are dispersed here and there, no revenue will remain for general purposes. Any attempt to encroach beyond 10 per cent. should be resisted.

Hon. E. H. GRAY: Take the case of the East Fremantle Municipal Council. They are absolutely tied up now, and under the amendment they will not be able to obtain as much money as they got previously. Infant health centres are as beneficial as an inspector going around instructing people to keep their backyards clean. The position should not be made worse than it was before. Duly elected representatives of ratepayers may be trusted not to indulge in extravagance. The trouble is not over-expenditure but the obtaining of indispensable funds.

Hon. J. M. MACFARLANE: Health authorities take notice of the various needs of their locality before making allocations for the year. I object, however, to empowering these authorities to tax ratepayers beyond the 10 per cent. now authorised. If additional funds are required, let the authorities apply to the Government. Infant Health Centres are not the only body doing good work, nor the only body doing that particular kind of good work.

Hon. G. FRASER: There is a maximum rate at which ratepayers can be taxed for

health purposes; consequently there is no danger in granting increased power, as proposed, to health authorities. Every hospital wants more than any local governing body is prepared to donate to it. Many phases of sickness do not fall within the scope of health legislation.

The CHIEF SECRETARY: The point of most importance is that extra money is required for preventing the spread of disease. The provision which has been deleted is needed for sudden outbreak of disease. Moreover, schemes might be brought forward to prevent outbreaks. Under the amendment there would be power to find money for any special scheme, with the Commissioner's approval.

Hon. A. THOMSON: Section 266, Subsection 10, provides that one-half of such expenses shall be borne by the Government.

Hon. Sir Edward Wittenoom: The Government want to shift their responsibility.

Hon. A. THOMSON: That is what I am afraid of, and the amendment seems to me the thin end of the wedge.

The CHAIRMAN: To me it seems that the principal Act falls short in that regard; otherwise the Government would not have this proposal in the Bill.

Hon. A. THOMSON: The desire of the Government is to provide that local authorities shall not spend money on schemes without the Commissioner's approval.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. J. J. HOLMES: I hope we shall stand by the amendment we put in the Bill the other night. The first duty of a Government is to look after the health of the people. Only a year or so ago the Government said they could not afford to do it, but that if we were to pass a hospital tax they would then have sufficient money for the purpose. We passed the Bill and the Government imposed a tax on every wage-earner, the understanding being that everybody more or less would be entitled to free treatment at hospitals. But the Government came along afterwards with an amendment providing that although a man was taxed he could not go into a hospital unless it was proved that he had not the money to pay for treatment at a private hospital. In that way they made the hospital tax a revenue tax. We have ruined our industries by taxation, and some seem to think the proper thing to do is to go on adding

to that taxation. Bad as are the prices for our commodities in the world's markets, if we were relieved from the burden of taxation from which we are suffering, we could get along better than most other countries. The people of Australia are called upon to pay a million pounds a week interest on the cost of past Governments' extravagance. What a drag that is on the community! And at every opportunity additional taxation is proposed, chiefly to assist in ruining industry. The only way out of our difficulties is to increase production and reduce the cost thereof. Every penalty we impose on the people is creating difficulties in the way of reducing the cost of production. Only this morning I returned from Esperance, where I had been to see what the fishing was like. I would suggest to the Government that there might be some little revenue obtained by imposing a tax on fishing rods and anglers. Probably it would be a good thing for Esperance, but a bad thing for the rest of the State. Seriously we have gone far enough. I can imagine a member of a health board—of which there are over a thousand in this State; for they all want to join local authorities as a stepping-stone to Parliament—with an election coming on. He proposes the allocation of £25 from the board's funds to an infant health centre or some scheme for the prevention of disease. In self-defence everybody else has to vote for it. I think that when we allow 10 per cent. we are going as far as we should do.

Hon. E. H. HARRIS: I will support the 10 per cent. I have looked up the original debate in this House on that very 10 per cent. I find that the late Hon. C. Sommers and the Hon. V. Hamersley and the Colonial Secretary of the day had an animated discussion over the 10 per cent. An amendment was made to fix it at 5 per cent., but in the wisdom of the Council it was decided, by 15 votes to 3, to retain it at 10 per cent. I think we would be wise to limit it to 10 per cent. as was done in those days.

The CHIEF SECRETARY: The position is entirely altered since those days. Indeed, during the last fortnight, we have added the infant health centres to the bodies eligible to participate in the 10 per cent. There might be some scheme put forward to meet an outbreak of infectious disease or to prevent disease, and the health boards would be called upon to assist. The

power given here is subject to the approval of the Commissioner of Health. It does not mean increased taxation, for there is a limit on the taxing ability of the local authorities. The position is sufficiently safeguarded.

Hon. W. H. KITSON: In view of the Minister's explanation and request, I will withdraw my amendment.

Amendment, by leave, withdrawn.

The CHAIRMAN: The Minister's proposed amendment must take the form of a new clause, which necessitates a further re-committal of the Bill.

Clause, as previously amended, agreed to.

Bill again reported with further amendments.

BILLS (2)—FIRST READING.

- 1, Financial Emergency Tax Assessment.
- 2, Financial Emergency Tax.

Received from the Assembly.

BILL—LAND TAX AND INCOME TAX.

Second Reading.

THE CHIEF SECRETARY (Hon. C. F. Baxter—East) [8.3] in moving the second reading said: In presenting this Bill for an Act to impose a Land Tax and an Income Tax it is only necessary to state that the purpose is to re-enact the taxation measure of last year, without alteration. In the year 1929-30, the total receipts from taxation amounted to £1,452,793, of which amount land tax represented £219,066, income tax £340,501, and dividend duty £410,615, a total of £970,182 from these three items, the balance being probate duty, stamp duty, etc. In 1930-31 the total receipts were £1,134,385 and included land tax £16,579, income tax £246,650 and dividend duty £277,343, a total of £692,572. Last year the total receipts amounted to only £1,006,917 the returns from the three taxes previously mentioned being—

	£
Land tax	132,368
Income tax	260,253
Dividend duty	178,187
Total	<u>£570,808</u>

These figures show a total decline of £399,374 on these three items within a space

of three years. For this current year taxation receipts are estimated to return £1,216,650, but this sum includes an amount of £300,000, expected to be received from a proposed emergency tax, the Bill for which I shall be presenting later. Land tax is expected to show a slight improvement this year owing to the expected payment of arrears and is estimated to return £180,000.

Hon. T. Moore: You are an optimist.

The CHIEF SECRETARY: Income tax, however, is expected to show a further decline to £180,000, and dividend duty also will be less at £150,000. Ordinary taxation therefore is expected to show a decline on last year's figures of £90,267. The policy of the Government has been to avoid increasing the burden of taxation, but owing to the fall in the world price of commodities, and the consequent reduced income of our population, revenue receipts have fallen so greatly and deficits have been mounting at such an alarming rate, that some further taxation has become urgently necessary. This year, owing to the Loan Council limiting the amount of accommodation to meet the estimated deficit, to an amount of £765,000, the Government has been forced to submit legislation to provide for further taxation. It is hoped, however, that that will be only a temporary measure and therefore the present Bill is not being altered and the further taxation is being provided for by emergency legislation. I move—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

In Committee.

Bill passed through Committee without debate, reported without amendment and the report adopted.

BILL—MORTGAGEES' RIGHTS RESTRICTION ACT CONTINUANCE.

In Committee.

Bill passed through Committee without debate, reported without amendment and the report adopted.

BILL—DEBTORS ACT AMENDMENT.

In Committee.

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

Clauses 1, 2—agreed to.

Clause 3—Amendment of Section 3 of Victoria 21:

Hon. J. NICHOLSON: I move an amendment—

That in line 6 of Subclause 2 after "debt" the following words be added:—"or debt or instalment payable under any order of the court and costs in connection with any steps or proceedings under this Act."

The words are added so that the clause will be in accord with the earlier part of Subclause 1 of Clause 3, which states, "Where any person makes default in the payment of any debt or instalment of any debt due from him, etc.," and also to cover what I think is most essential and only fair, that if the creditor is taken to court in connection with the enforcement of a claim, then, seeing that the debtor has received the benefit of the debt which has been sued for and recovered under a judgment and not paid, those costs should be added. The words I propose to add will make it more equitable.

The CHIEF SECRETARY: I have no objection to the amendment.

Amendment put and passed.

Hon. J. NICHOLSON: I move an amendment—

That in line 11 of Subclause 2, "shall" be struck out, and the words "may adjourn or" inserted in lieu.

If the clause be agreed to as it stands, it may mean that from information received the debtor has received money since the judgment was obtained and is able to liquidate his indebtedness, a judgment creditor may take action in the court, but may fail to adduce evidence to warrant the making of an order. In the circumstances, the court would have no discretion, because the subclause is mandatory, and the summons would be dismissed. On the other hand, if we leave the matter to the judgment of the court, justice will be done.

The CHIEF SECRETARY: If the amendment be agreed to, it will defeat the object of the Bill, which is to safeguard the interests of harassed debtors. The subclause provides that if the court considers that the

evidence adduced does not warrant the making of an order against the judgment debtor, the summons shall be dismissed. The courts have fallen into an erroneous procedure which the Bill seeks to remedy, but the amendment will have the effect of defeating that object, and unfortunate debtors will continue to be harassed.

Hon. J. NICHOLSON: The Minister says that the Bill is for the protection of harassed debtors, but that is not its purpose at all. The Debtors Act was passed to enable creditors to have certain remedies whereby they could recover debts owing to them. A judgment creditor is compelled to show the court why an order should be granted against a debtor, and at times the only way of securing information desired is to have the debtor before the court for the purpose of cross-examination. It would be unfair to say the object of the Bill was in accordance with the intimation of the Minister, which would import something entirely new into the procedure. Who is entitled to protection? Surely it is the man who advances money or goods to a debtor. If we do not accord that protection, we will interfere with the basis upon which trade and commerce are carried on.

Hon. G. W. Miles: There is no need for the Bill at all.

Hon. J. NICHOLSON: We should leave it to the good sense and judgment of the court to say whether, in the circumstances disclosed, an application should be adjourned or dismissed.

Hon. J. M. DREW: It is not a question of harassing but of justice. The amendment is most necessary. A judgment creditor is summoned to court to undergo cross-examination, and he may make certain statements that the judgment creditor is satisfied he can refute. If the subclause remains without amendment, he will have no opportunity, because there will be no adjournment and the summons will be dismissed. Often adjournments are considered necessary, especially where there is a suspicion that the debtor has made a false statement. The subclause is generous as it stands because, if the debtor can show that he is owing money to others, no order will be made against him. In the interests of honesty, some protection should be accorded a judgment creditor.

Amendment put and passed.

Hon. J. NICHOLSON: I move an amendment—

That at the end of Subclause 2, the following words be added:—"but in the event of any summons being dismissed, the person entitled to enforce the judgment or order of the court may issue at any time or times a further summons for examination of the debtor as aforesaid."

The CHIEF SECRETARY: I have no objection to the amendment.

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

Clause 4—agreed to.

Title—agreed to.

Bill reported with amendments.

BILL—LOCAL COURTS ACT AMENDMENT.

In Committee.

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

Clauses 1, 2—agreed to.

Clause 3—Section 130 repealed, new provisions substituted:

Hon. J. NICHOLSON: I have amendments to the same effect as those moved to the Debtors Act Amendment Bill. I move an amendment—

That after "debt" in line 6 of Subclause 2 the words "or money payable under any order of the court and costs in connection with any steps or proceedings under this Act" be inserted.

The CHIEF SECRETARY: I have no objection to the amendment, but I should like the hon. member to make it read, "under this subsection" instead of "under this Act."

Hon. J. NICHOLSON: I am agreeable to making it read, "under this section."

The Chief Secretary: Very well.

The CHAIRMAN: Then I will alter the amendment accordingly.

Amendment put and passed.

On motions by Hon. J. Nicholson, subclause 2 further amended by striking out of line 11 "shall" and inserting "may adjourn or" in lieu, and by adding the following words at the end of the subclause, "but in the event of any summons being dismissed, the person entitled

to enforce the judgment or order of the court may issue at any time or times a further summons for examination of the debtor as aforesaid."

Hon. Sir EDWARD WITTENOOM: I move an amendment—

That Subclause 6 be struck out.

All classes of people are running up debts, some because they are hard up and others because they know they will not suffer any penalty by so doing. It would be unwise to exclude anyone from imprisonment. That is what is feared more than anything else.

Hon. G. W. MILES: I wish to refer to Subclause 5. Surely the creditor should not be put to the additional expense of a further examination. The Bill will kill all credit. The creditor has already given credit and on him will fall the further liability to recover the debt. This Bill and the previous one should have been rejected. It is legislation to protect debtors. The onus of proving inability to pay should rest on the debtor.

The CHIEF SECRETARY: If the hon. member reads Subclause 5 I think he will find it is drastic enough. It requires the debtor to prove that failure to comply with an order has arisen through circumstances beyond his control, and the punishment for contempt is imprisonment.

Hon. G. W. MILES: I object to the creditor having to pay the costs. Many good honest workers require accommodation, but no creditor will give them accommodation if such legislation be passed. The creditor would have to employ counsel in order to collect a just debt.

Hon. J. NICHOLSON: While I agree with Mr. Miles, I point out that Subclause 5 gives the debtor a final opportunity to show that fortuitous circumstances have been responsible for his failure to comply with the order; otherwise he is liable to be committed for contempt of court.

Hon. G. W. Miles: At the expense of the creditor.

Hon. J. NICHOLSON: The hon. member should move to add that all costs incurred by the judgment creditor shall be added to the debt payable by the debtor.

Hon. Sir Charles Nathan: And he would take it out in gaol.

Hon. Sir Edward Wittenoom: What about Subclause 6?

Hon. J. NICHOLSON: That is the very provision which should be retained. It provides for committal to prison as punishment for contempt and does not release the debtor from payment of the debt. A debtor might be lucky enough to come in for money and there is no reason why he should not pay the costs.

Hon. J. J. HOLMES: Under the existing law an order may be made in favour of a creditor, and that order must be obeyed by the debtor. If the debtor fails to comply with the order, the Bill provides for the debtor incurring further expense to enforce the order. Surely it should be for the debtor to go to the court at his own expense, and ask for relief from an order with which he cannot comply. The whole responsibility, however, is put upon the creditor. Mr. Drew wants wages protected. The storekeeper is also a wages man in that his profits are his wages. The Act as it stands is quite inequitable.

The CHIEF SECRETARY: This refers to imprisonment for contempt of court. If a debtor defaults he may be summoned.

Hon. G. W. Miles: Why does not the court do that?

The CHIEF SECRETARY: The debtor may be sued for contempt of court, for not complying with an order made against him.

Hon. H. SEDDON: I move an amendment—

That Subclause 5 be struck out.

If the debtor makes default and commits contempt of court, the creditor has to enforce the authority of the court. Why should the creditor be put to that expense? It is the business of the tribunal to see that the order is carried out.

Hon. A. THOMSON: The responsibility should be thrown upon the magistrate to cause the debtor to give reasons why he should not be committed to prison for contempt of court. The subclause should be re-enacted.

The CHAIRMAN: A little while ago the Committee passed a similar subclause without any discussion.

Hon. A. THOMSON: I am afraid I was relying more upon Mr. Nicholson's opinion than upon my own.

Hon. J. NICHOLSON: This subclause is the stage we reach after a judgment has been obtained, a judgment summons has

been issued, and an order has been made. If the debt is not paid, the judgment creditor may issue a judgment summons. If he proves that the debtor could have paid, the court may make an order committing him to prison up to six weeks. It is usually stated that so long as the debtor pays a certain amount per week the order for imprisonment will be suspended. If the debtor then makes default he may be sent to prison. Under subclause 2 a summons is issued to bring the debtor up for examination. If it is proved that the debtor has means to pay, an order may be made for payment by instalments. There must be a prosecuting authority in all litigation, and he initiates and conducts the proceedings.

Hon. G. W. Miles: Why cannot the debtor prove to the court that he cannot pay, instead of the creditor having to take the proceedings?

Hon. J. NICHOLSON: After an order has been made for the payment of the debt by instalments, the debtor is given the opportunity to prove, under Subclause 3, that he has not the means with which to pay. There is an opportunity given for the court to intervene on behalf of either the debtor or the creditor. If we eliminated the subclause, or altered it as suggested, the whole machinery of the Bill would be destroyed. It is a vital subclause, giving power to order imprisonment if the debtor proves obdurate. One object of the Bill is to keep the debtor out of prison, so that he may have an opportunity of earning money and paying the debt.

Hon. G. W. MILES: I would like to read a legal statement dealing with this matter. It is to the effect that Subclause 5, which requires the debtor to be again examined, should be altered to provide that the debtor may apply to have the order varied.

Hon. J. Nicholson: That could not be done; it would be quite impossible.

Hon. G. W. MILES: But surely the creditor should not be put to the extra expense of a further summons. When the creditor has obtained his order and the debtor cannot pay, the debtor should be forced to show cause why he cannot pay. Subclause 6 should be amended also. When a debtor has once been imprisoned, although the debt itself is not extinguished he cannot again be ordered imprisonment under the same judgment; a creditor has no right to bring the debtor up again on the same judgment.

According to experience, in the majority of cases no harm is inflicted on the judgment debtor.

The CHAIRMAN: The hon. member is straying somewhat beyond the subclause before the Chair.

The CHIEF SECRETARY: If the debtor makes wilful default and the creditor has proof of that, and as a consequence proceeds against the debtor for contempt of court there is this penal subclause. In the absence of this subclause there would be no penalty. What am I to report progress on? Apparently some members advocate that the Crown should prosecute some of these cases; but that is impossible.

Hon. J. J. HOLMES: I suggest to the Chief Secretary that progress be reported on this clause.

Hon. H. SEDDON: I ask leave to withdraw my amendment, in order to allow Mr. Thomson to move an amendment.

Amendment, by leave, withdrawn.

Hon. A. THOMSON: I move an amendment—

That in Subclause 5 the words "the person entitled to enforce the judgment or order may summon the debtor in accordance with the rules of the court to appear before the magistrate" be struck out, and "the magistrate may call on the debtor" inserted in lieu.

The CHIEF SECRETARY: I hope the Committee will realise the danger lurking in Mr. Thomson's amendment. In order to allow time for consideration, I move—

That progress be reported.

Progress reported.

BILL—ROAD DISTRICTS ACT AMENDMENT.

Second Reading.

Debate resumed from the 20th October.

THE CHIEF SECRETARY (Hon. C. F. Baxter—East—in reply) [9.0]: Mr. Harris questions the effect of the addition of Clause 43 to Section 225 of the parent Act. This clause has been inserted in order to make it clear that if a board adopts the valuations of the Commissioner for Taxation, such board shall, if the Commissioner reduces his valuation, automatically follow suit without it being necessary for the owner of the

property to appeal to the road board for a reduction. The word "shall" in line 30 was inserted in lieu of the word "may" when the Bill was before another place and the parliamentary draftsman will automatically respond by substituting the word "shall" for the word "may" in the margin. In reference to the hon. member's remarks on Clause 28 of the Bill, I take it he refers more particularly to this clause as affected by Clause 31. This amendment was inserted in answer to a request by the Swan Road Board. It appears that certain private land owners, comprising five or six grape growers, own lands which are at times flooded. The Land Drainage Act provides for the draining of lands for agricultural purposes, but when the works are carried out under the provisions of that Act a district must be proclaimed, and a drainage board when constituted has power to borrow money and levy rates to cover interest, sinking fund and maintenance charges. The Swan Road Board does not want to borrow money and yet they desire to drain lands privately owned.

The hon. member also referred to lighting plants and cooling chambers. This clause was inserted as the result of resolutions carried at road board conferences. It is now possible with the consent of the Governor for a road board to borrow money for any purpose other than the purposes that are set out in the Act and, in fact, boards have been authorised to borrow money to instal electric lighting schemes. Is there any good reason why a road board should not erect or acquire a lighting plant or cooling chamber? As a matter of fact, Section 160 subclause 8 of the present Act gives power to acquire by purchase or otherwise, but it does not give a board the right to erect a lighting plant. In respect to the employment of Government auditors, at the present time there are three Government inspectors engaged in the supervision of road board accounts and it is not possible for them to do all that is required with the result that the work is getting into arrears and the road boards generally are demanding better service. In many instances it is impossible for country road boards to secure the services of competent local auditors. In one case recently brought to notice, although the ratepayers' auditor had been elected, he had not audited the

books for two years and as the result of an inspection of the books by a Government auditor it was found that the business over that period had been badly conducted, so much so that the secretary has been retired.

It may interest members to know that the department has no record of any ratepayers' auditor having discovered any irregularity in an officer's cash transactions for a period of several years. During that same period, however, Government inspectors have discovered and reported shortages in 18 cases. In another case one of the largest boards in the State sought the department's advice as to the board's power over the ratepayers' auditor, stating that the work was seriously in arrears notwithstanding repeated requests to the auditor to bring it up-to-date. In another case the ratepayers' auditor did not commence his audit for the year until after the Government inspector had completed his report. Another case has just been reported in which a ratepayers' auditor was nominated and elected for the years 1930 and 1931 respectively. When this auditor was requested by the secretary to the board to attend to his audit, he replied that he considered it was a waste of time and ratepayers' money to do the audit, as the books had been correct on all his previous inspections. In a letter dated 1st September, 1932, this gentleman admitted this and added: "As my general business will not permit me to give much time, and as all your accounts were in order I thought it was a waste of time and ratepayers' money to do so."

Such instances as those just quoted prove how necessary it is that a more efficient system should be introduced, as such laxity is a tacit invitation to members and officers of a board to become irresponsible, if not actually dishonest. It must be remembered that the Government inspectors not only audit accounts but really coach many secretaries, and generally see that the provisions of the Act are complied with. A ratepayer's auditor usually does nothing beyond checking cash transactions. Government inspectors' duties in addition to their work as auditors consist of inquiring into valuations, elections and general administration. They also have to audit the account books of vermin boards, health boards, hospital boards, cemetery boards, and water boards

when administered by a road board. The time has now arrived when one of two things must be done: sufficient staff be made available to function properly, or we abolish supervision by Government auditors. It is provided that if a road board desires to elect its own auditor and notifies the department it will not be required to pay the proportion of the cost of Government auditors. The proposed charges will be based on the amount of regular revenue, plus health, vermin, electric light and other general receipts received by the boards. Such Government inspectors will be classified civil servants and will come under the provisions of the Public Service Act.

Mr. Thomson referred to the proposed insertion of the word "tenant" in Clause 2. The effect of this clause will be to make the lessee or tenant of public endowment lands the "owner" of such land for rateable purposes. The added words will not affect Section 35, subclauses (2) and (3) of the Act, which provide that an occupier may claim the right to vote. In regard to roads, the present definition leaves it open to doubt whether roads provided on Crown lands are roads within the meaning of the Act. This amendment is designed to remove that doubt. With reference to roads on subdivided land, it is time speculators who purchase and subdivide land, particularly in the metropolitan area, should be compelled to provide roads at their own expense before such land can be offered for sale. A few houses may be erected in a big estate and in an isolated part of it and immediately a demand is made upon the local authority to provide a road. I am pleased to hear that the hon. member is in accord with the proposal to establish an indemnity fund. The Road Boards Association have been pressing for this amendment for years past. The provision in regard to quarries is inserted to enable a road board to open up and quarry stone. The clause does not give a board permission to trade, but it could of course sell surplus stone just in the same way as it could sell surplus plant or anything else.

As to the hon. member's remarks in respect of hoardings, I would point out that these provisions are exactly the same as those in the Municipal Act. Take the metropolitan area for instance, why should not a road board like that of Nedlands have the

same authority as that given to the Claremont Municipal Council? If the Act is amended it is proposed to draft uniform by-laws which will apply to the metropolitan area and they can then be adopted, with necessary amendments, in any town controlled by a road board. The hon. member thinks that under Clause 39, dealing with the erection of wooden houses, too much power is given to the Minister. Certain persons may be able to build a wooden house, but could not afford the extra expense that a building of brick or stone would entail. A Minister would not be likely to authorise an area to be set apart for wooden homes if the road board could advance good reasons why such action should not be taken. The hon. member also took exception to the clauses relating to resident owners in connection with borrowing powers. I feel sure he does not appreciate how many absentee own lands in many districts. These absentee owners are scattered all over Australia and any enterprising person could gather in such votes for or against a proposition. These amendments propose only to alter the requirements to a majority of those who vote. The original Act provides that resident rate-payers only shall be permitted to vote and the Bill does not alter that.

Question put and passed.

Bill read a second time.

In Committee.

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

Clause 1—agreed to.

Clause 2—Amendment of Section 5:

Hon. A. THOMSON: If we agree to paragraph (b) we shall be giving the tenant the same right to vote as the owner. I move an amendment—

That paragraph (b) be struck out.

The CHIEF SECRETARY: The University Endowment Act provides that endowment lands shall become rateable when leased. Under the Road Districts Act, when land is leased by the trustees, the trustees become liable for the rates. Paragraph (b) makes it clear that the lessee, not the trustee, is liable for the rates.

Amendment put and negatived.

Clause put and passed.

Clauses 3 to 8 agreed to.

Clause 9—Amendment of Section 68:

Hon. G. W. MILES: I move an amendment—

That the following proviso be added to the clause:—“Provided that in districts situated wholly or partly north of the 28th parallel of South latitude the nomination day shall be the 28th day next preceding the day so appointed for the election.”

In the vast areas of the North ratepayers who live some distance from the centre of the district should have an opportunity of recording their votes. I understand there is no objection to the amendment.

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

Clauses 10 to 14—agreed to

Clause 15—Amendment of Section 128:

Hon. J. NICHOLSON: I intend to ask the Committee to vote against this and the next clause. Section 128 of the principal Act refers to the appointment and removal of officers of the boards and it provides for those officers furnishing a security or bond and the renewal of those securities. The question that occurred to me was whether it could be said to be a wise thing for a board or a number of boards to enter into an arrangement to establish such a fund as is proposed. It is set out that if such a fund were established it would be possible for a number of boards combining together to have a guarantee at a lower rate than would be possible under existing circumstances. But what has to be looked at in a matter such as this is the measure of security and the prospect of obtaining some compensation for the loss a board may happen to sustain. Assume that several boards combined to establish a fund such as this. The fund would take some considerable time to create and it would require to be left in the hands of somebody. There have been instances of defalcations and one that I am aware of ran into something like £7,000. The question arises whether it would be possible for a number of boards to create a fund of sufficient magnitude to meet big defalcations. For their own benefit the boards should look at the matter from a different standpoint. They surely do not want to pay into a fund from which they cannot get the money

out. I hope the Committee will reject this and the next clause.

The CHIEF SECRETARY: This clause was not in the original Bill. It was inserted by way of amendment in another place. I am entirely in the hands of the Committee.

Clause put and negatived.

Clause 16—negatived.

Clause 17—Amendment of Section 129:

Hon. A. THOMSON: I move an amendment—

That the following be added to stand as paragraph (c):—“(c) Any Board or Boards acting with the approval of the Governor, and, subject to regulations, may establish and maintain a superannuation fund for the benefit of their employees; contributions to be made by each employee and each local authority; the Minister for Works to act as trustee.”

Members will agree that it should be possible to have some form of compulsory insurance so that when a man by reason of his physical incapacity or age has to retire, he should be paid some form of pension. What I am proposing is that the ratepayers and the employees combined shall build up a fund. At present the men employed by some road boards conduct a voluntary superannuation fund, which has proved helpful.

The CHAIRMAN: I hold that the amendment is not in order. The section to be amended deals with the granting of gratuities, and I do not think an amendment dealing with a superannuation scheme can be included. I suggest that Mr. Thomson withdraw his amendment and submit it later as a new clause to deal specifically with superannuation matters.

Hon. A. THOMSON: I ask leave to withdraw my amendment.

Amendment, by leave, withdrawn.

Clause put and passed.

Clauses 18 to 25—agreed to.

Clause 26—Amendment of Section 155:

Hon. A. THOMSON: I do not think it advisable to load people up with additional charges in connection with subdivisions. There is a possibility that paragraph (c) may be regarded as retrospective and may be applied to subdivisions already ap-

proved, and not confined wholly to new subdivisions.

The CHAIRMAN: Sir Edward Wittenoom has submitted an amendment to an earlier part of the clause, and it reads—"That at the end of proposed new Subsection 3 the following proviso be added:—'Provided that nothing in this subsection shall apply to any land outside a town site.'"

Hon. Sir EDWARD WITTENOOM: I believe members have received a circular indicating the damage that may be done if the clause be agreed to. Having heard Mr. Thomson's amendment, however, I agree with him that it would be better to strike out the paragraph, and I shall support his amendment.

Hon. V. HAMERSLEY: I had intended to move a proviso much along the same lines, but mine would have gone further, because I intended to add a proviso to the effect that new Subsections 3 and 4 should not apply to any land situated outside the boundaries of any townsite or municipality.

Hon. L. B. BOLTON: That would apply to proposed new Subsection 4 but not to Subsection 3.

The CHAIRMAN: If hon. members desire to amend any paragraph they should do so rather than wait till they come to the major question as to whether the clause as a whole shall be agreed to.

Hon. H. SEDDON: There is another point of view. A person may buy a block and live on it, but may find himself in a wilderness because no suitable access has been provided to his block. Adjoining him there may be a block bought by a person who is living elsewhere. It strikes me that the clause will ensure that people so situated receive suitable assistance, and in the circumstances the clause is justified.

The CHIEF SECRETARY: It has been suggested that the clause be amended to apply to townsites and municipalities. Big subdivisions are taking place in road districts. Are they to be allowed to continue at tremendous profit to the vendors, while the local governing bodies have to provide the roads? In other words, the ratepayers have to provide the roads while speculators make money. When a subdivision is made roads should be provided. I appeal to members to support the clause.

Hon. Sir EDWARD WITTENOOM: It would be unfair to many people who cut up their land to oblige them to make roads and effect all sorts of improvements. I hope the clause will be deleted.

Hon. A. THOMSON: I move an amendment—

That the following proviso be added to paragraph (a):—"Provided that paragraph (a) shall not apply to any land outside any townsite."

Members have received circulars from the Midland Railway Company who are subdividing land. New land subdivided by the Government would not come under the measure, but the Midland Company would be compelled to comply with paragraph (a). Members would be wise to support the proviso in the event of the clause being retained.

Hon. H. SEDDON: If the Midland Company subdivided land, the expense of roads would be thrown on the local authority. Members have not raised any substantial objection to the clause.

Hon. T. MOORE: The clause deals with town lands, not with country lands. The Midland Railway Company wish to make doubly sure that they will not be subject to the measure. The Minister does not intend that they should be.

Hon. J. Nicholson: It is not what the Minister intends but what the measure says.

Hon. T. MOORE: The clause is reasonable. A local authority in the country would not worry about any subdivision. When the Midland Company settled their land, they would have roads constructed so that settlers could get their produce to the railway. The proviso should be inserted to ensure that the paragraph does not refer to country lands.

Hon. V. HAMERSLEY: Road boards in the country know what is required in their areas, and it is ridiculous to place them in the same category as a municipality. Why the Town Planning Board should be brought into the picture, I do not know. Taxation is necessitating the cutting up of land, and any one who desires to subdivide his land will be penalised by having to refer to the Town Planning Board. The proviso should be inserted.

Hon. J. M. MACFARLANE: The clause should be retained, but rural lands should be

excluded. Subclause 4 will be of advantage to road boards in the metropolitan area. The Road Boards Association have asked for the provision. Areas have been cut up and lots sold under a promise from the vendors that facilities would be provided, and the promise has not been fulfilled.

Hon. Sir Edward Wittenoom: Why should road boards be subject to town planning?

Hon. J. M. MACFARLANE: I am not dealing with that. At present, when land sales are stagnant, it is opportune to introduce such legislation. New subdivisions in the metropolitan area should come under the clause.

Hon. J. J. HOLMES: It would be absurd to apply the clause to the whole State, though it might be just to apply it to the metropolitan area. Speculators have already done the damage. People who have purchased blocks in subdivisions in the metropolitan area will not be able to re-sell them unless someone constructs a road, and it is not clear whether the road is to be constructed by the individual or by the community.

Hon. G. FRASER: On the second reading I expressed opposition to the clause, but the arguments to-night have left me in a quandary. Members have referred to areas outside town sites, but that is just the land to which the provision should apply. Go-getters have been operating in this State for many years. Whilst I was opposed to the inclusion of this provision in the Bill, I now think something of the kind is necessary. Most of the metropolitan area is in a better position with regard to roads than is the case with subdivisions in the country, which may often be far removed from road communication. These provisions should apply to the whole State.

Hon. A. THOMSON: A public road means any part of the State. It is, therefore, necessary to have this proviso inserted. If this is passed without amendment, we shall be giving undue power to the local authority. Most of the land in the metropolitan area has already been subdivided, and roads have been constructed, and the cost of these has been added to the cost of the land. If the local authority has a right to insist upon expensive roads being constructed, the community may be severely penalised.

The CHIEF SECRETARY: The best thing to do is to throw out the clause, because practically all subdivisions are now outside municipal areas and town sites. The Belmont Road Board, for instance, is not a townsite, nor is the Melville Road Board. Are we going to allow subdivisions to be made in the way they have been made in the past? I hope the amendment will not be agreed to.

Hon. E. H. H. HALL: I support the Minister in his remarks. Could he not provide that this clause shall not apply to any land cut up or subdivided for agricultural purposes?

The Chief Secretary: It is not intended that it should apply to agricultural lands.

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

Ayes	..	..	..	..	15
Noes	..	..	..	..	10

Majority for .. 5

AYES.

Hon. L. B. Bolton	Hon. T. Moore
Hon. A. M. Clydesdale	Hon. J. Nicholson
Hon. J. M. Drew	Hon. H. V. Piesse
Hon. J. Ewing	Hon. E. Rose
Hon. E. H. Gray	Hon. Sir E. Wittenoom
Hon. V. Hamersley	Hon. C. H. Wittenoom
Hon. J. J. Holmes	Hon. A. Thomson
Hon. G. W. Miles	(Teller.)

NOES.

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

Amendment thus passed.

Mr. THOMSON: I move an amendment—

That paragraph (c) be struck out.

The time is not opportune for a provision such as this to be applied. I am also opposed to its being made retrospective, which is a possibility, and to such great powers being given to a road board.

The CHIEF SECRETARY: I hope the amendment will not be carried. Are we going to throw the onus upon the road board? Is it conceivable that men who comprise a road board are going to hamper their district in the way suggested? Local governing bodies should be placed in a position to ensure that people who are subdividing

land, and selling the blocks at a huge profit, should be compelled to construct the necessary roads. Tremendous profits have been made.

Hon. V. Hamersley: And tremendous losses.

The CHIEF SECRETARY: Tremendous losses by unfortunate purchasers.

Hon. Sir EDWARD WITTENOOM: Anyone who subdivides an area would, under this paragraph, have to spend no end of money in making roads and supplying conveniences. In the circumstances, the people concerned having circulated their views all around the Chamber, I have come to the conclusion that it would cost so much to subdivide an estate under this provision that nobody could undertake it. I feel inclined to do away with the whole clause.

Hon. Sir CHARLES NATHAN: I can conceive a set of circumstances where an estate has been cut up and lots have been sold, and possibly some of the blocks built on. According to my reading of the paragraph I, having built on one of the blocks, could not re-sell it; which is most unjust. I agree with Sir Edward Wittenoom that our only course is to strike out paragraph (c).

Hon. H. V. PIESSE: I shall vote against the paragraph. Many people have subdivided land during the past few years, and the Town Planning Act will force those who have a few blocks left to re-build roads at heavy cost in order to sell those blocks in areas already cut up.

Hon. J. M. MACFARLANE: I would have liked the Minister to reply to Sir Charles Nathan. The intention of the paragraph should be retained; but it should not apply to land already subdivided, as this would cause much hardship. I agree that roads should be constructed; but in the circumstances drainage might prove waste work, owing to different levels being required for it.

The CHIEF SECRETARY: Drainage would be carried out on plans approved by the local authority. Sir Charles Nathan's view is right.

Hon. E. H. HARRIS: The paragraph provides that until such time as a road has been constructed, the land cannot be sold. Take the case of city roads: would a per-

son be prohibited from doing anything with a city block in an undeveloped area opposite a developed area?

Hon. E. ROSE: This paragraph applies to the whole State.

The CHAIRMAN: Where the Act applies, the paragraph applies.

Hon. E. ROSE: The Act will be proclaimed, and therefore will apply to the whole of Western Australia.

Hon. J. J. HOLMES: The amendment already made should satisfy the Town Planning Commissioner and the road boards. The paragraph does not get the people who do the subdividing: the purchasers are to be penalised. Earlier in the evening we were told about the Government shifting their responsibility on to road boards: here we have the road boards shifting their responsibility on to individuals. The paragraph is aimed at subdivided land.

Hon. J. M. DREW: Mr. Holmes has expressed my views. The amendment seems designed to catch present owners. The original subdivider of the land was under an obligation to construct roads, but did not do so. He sold the blocks, and the purchasers took possession and built homes for themselves. Now, according to my reading, if such an owner wishes to sell his property, he must construct a road.

The CHIEF SECRETARY: I am sure the department never intended the paragraph to operate as has been suggested. I must see exactly what the position is, and therefore I move—

That progress be reported.

Motion put and passed.

House adjourned at 10.29 p.m.