Premier withdrew a similar clause because it knocked out his argument for State insurance, seeing that insurance under the Workers' Compensation Act was compulsory. Why has the clause been reintroduced?

The Premier: It is very necessary.

Mr. DAVY: If it is necessary, then, seeing that insurance is compulsory, the argument that the State must provide facilities for insurance goes by the board.

The Premier: No insurance company in the world would consider it fair to be bound to take everything offering.

Mr. DAVY: I quite agree, but the Premier must admit that his previous argument that the State must provide for insurance, seeing that insurance is compulsory, goes by the board.

The Premier: No, because last year we were dealing only with compensation, and I should say that having made compensation compulsory we should take every offer of business; but this Bill provides for all kinds of insurance, and we should not be compelled to take the risk on any old tumbledown shanty, or anything else.

Mr. DAVY: Then, to be logical, the Premier should insert after the word "refuse" the words "except in cases of workers' compensation risk."

The Premier: But we do not intend to refuse that.

Mr. DAVY: The Premier has placed himself on the horns of a dilemma.

The Premier: No fear.

Mr. DAVY: If he wishes to acquire a reputation for being logical, he must insert the words I have suggested. He ought really to make an exception also in favour of persons running motor buses. It may be that they will have to go out of business, because no one will accept the risk.

The Premier: We will take it.

Schedule put and passed.

Title—agreed to.

Bill reported with amendments.

BILL—INDUSTRIES ASSISTANCE ACT CONTINUANCE.

Returned from the Council without amendment.

House adjourned at 10.13 p.m.

Legislative Council,

Tuesday, 8th November, 1927.

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

BILL—RACING RESTRICTION.

On motion by Hon. Sir William Lathlain, report of Committee adopted.

BILL—LOAN AND INSCRIBED STOCK (SINKING FUND).

In Committee.

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

Clause 1—agreed to.

Clause 2—Authority to suspend contributions to sinking fund:

The CHIEF SECRETARY: In his second reading speech Mr. Seddon asked for certain information, which I promised to supply in Committee. He is desirous of knowing what the Government intend to do with the £11,580 which will be saved to revenue when contributions to the sinking fund of this loan cease under the Bill. As was the case with the Coolgardie water supply surplus, it will go into revenue. There is no other way of dealing with the position. Having gone into revenue it will afterwards be appropriated, with the authority of Parliament, for some public purpose. It is quite true that 19 millions of our Loan indebtedness carries no sinking fund. The reason is that local inscribed stock and other inscribed stock and Treasury bills are shortdated, or for other reasons do not qualify for the sinking fund; nor do the advances for soldier settlement, which are to be gradually repaid by the soldiers, the loan being met from the proceeds. It must be remembered that the whole position of State finance is wrapped up in the proposed finan-

cial agreement; and the Treasury consider that it would be unwise to make further excess contributions to sinking fund pending the consideration of the financial agreement, as there is provision in the agreement that the whole of our net indebtedness should be covered by it, and it is desirable that we should get the benefit of the Commonwealth sinking fund contribution on the whole of our net liabilities. That will be the case; on the whole of our liabilities, including the deficit and Treasury bills and inscribed stock, a sinking fund will be provided under the financial agreement.

Hon. A. LOVEKIN: As a matter of principle this money should go back to revenue. Where did it come from? From revenue; and, obviously, the revenue has overpaid, and the proper place for the refund is the place whence the money came.

Hon. H. SEDDON: I thank the Minister for the information he has given. The point I raised was with regard to the amount of money not carrying sinking fund, some £3,300,000. The Auditor General's report points out that the amount, although apparently funded, is not carrying sinking fund. This amount, I thought, might be appropriated to that purpose. The whole question is, of course, in a state of indecision owing to the Federal Government's financial proposal. That matter, I take it, will have to be decided in another debate.

Clause put and passed.

Preamble, Title—agreed to.

Bill reported without amendment, and the report adopted.

BILL—MENTAL TREATMENT.

Assembly's Amendments.

A message having been received from the Assembly, notifying that it had agreed to the Bill subject to a schedule of amendments, the message was now considered.

In Committee.

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

No. 1, Clause 4—Make Subclause 2 a portion of Subclause 1 by striking out the figure "2" in line 12.

The CHIEF SECRETARY: I move—

That the amendment be agreed to.

There was some difference of opinion in another place as to whether Subclause 1 should be read conjointly with Subclause 2. If it were not read conjointly, it would mean that a justice, if it were proved to his satisfaction that a person was suffering from mental or nervous disorder, would have power to commit him to the reception house; whereas if the two clauses were read conjointly, the justice would require as proof that the person was suffering from mental or nervous disorder a certificate signed by two medical practitioners, and in the absence of such certificate the evidence of two medical practitioners. I think the two subclauses must be read conjointly, and to avoid any misunderstanding it is proposed to make the two subclauses one subclause. It will then be clear to the justice that he must have either two medical certificates or the evidence of two medical practitioners. That has been the intention all along.

Hon. H. SEDDON: A difficulty I see is as to what will be the position in country districts where, perhaps, there is only one medical officer available within a radius of hundreds of miles.

Hon. J. Nicholson: That is provided for in the next amendment.

The CHIEF SECRETARY: It is just as well that the two subclauses should be made one, for we must not forget that, under the provision as it stands, an inexperienced justice in a country district might interpret it to mean that he has the power in himself to commit a person to the reception house without two medical certificates.

Question put and passed: the Assembly's amendment agreed to.

No. 2, Clause 4—Add the following proviso to the end of new Subclause 1: "Provided that if in any part of the State it is impracticable to obtain the certificate of two medical practitioners, an order may be made on the certificate of one medical practitioner subject to the expressed condition that the certificate of another medical practitioner must be indorsed on the order within fourteen days after the patient is received into the hospital or reception house":

The CHIEF SECRETARY: I move—

That the amendment be agreed to.

This meets the point raised by Mr. Seddon. Unless some such amendment were made, the Bill would be inoperative in the North-West

and also in many country districts where it is almost impossible to secure two medical practitioners.

Question put and passed; the Assembly's amendment agreed to.

On motions by the Chief Secretary, the following amendments made by the Assembly were agreed to:—

No. 3, Clause 4—Strike out "may" in the proviso to Subclause 6 and insert "shall."

No. 4, Clause 4—Insert after the word "practitioner" in line 3 of the proviso to Subcause 6, the words "who is not a Government officer."

Resolutions reported, the report adopted, and a message accordingly returned to the Assembly.

BILL—ELECTORAL ACT AMENDMENT.

Third Reading—Negatived.

THE CHIEF SECRETARY (Hon. J. M. Drew—Central) [4.56]: I move—

That the Bill be now read a third time.

HON. A. BURVILL (South) [4.57]: I am going to move as an amendment—

That the Bill be read this day six months.

My reason is that the Bill will mean altogether too much overlapping. This joint roll business will be quite unworkable, because of the overlapping. I do not see that we shall lose a great deal if we wait till the Redistribution of Seats Bill is brought down and the boundaries of the Assembly electorates amended so that they will more nearly coincide with the Federal divisions. Until that is done, Assembly elections under this Bill will lead to a great deal of confusion.

The PRESIDENT: The hon. member, of course, can use his own discretion as to what he shall do, but since the Bill constitutes an amendment of the Constitution, the purpose he has in view will be achieved by his refraining from moving the amendment, and voting against the third reading. Our Standing Orders provide that when a Bill deals with an amendment of the Constitution, if it is not carried by an absolute majority of the members of the Council the Bill shall forthwith be laid aside without question and shall not be revived during the same session. Does the hon. member wish to proceed with his amendment?

Members: Withdraw!

The PRESIDENT: Since I have not put the hon. member's amendment, there is no need for him to withdraw it.

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

Ayes	..	..	9
Noes	..	..	12
Majority against	..		3

AYES.

Hon. J. Cornell	Hon. A. Lovekin
Hon. J. E. Dodd	Hon. W. J. Mann
Hon. J. M. Drew	Hon. J. Nicholson
Hon. E. H. Gray	Hon. W. H. Kitson
Hon. J. W. Hickey	*(Teller.)*

NOES.

Hon. C. F. Baxter	Hon. E. Rose
Hon. V. Hamersley	Hon. H. Seddon
Hon. E. H. Harris	Hon. H. A. Stephenson
Hon. Sir W. Lathlain	Hon. Sir E. Wittenoom
Hon. J. M Macfarlane	Hon. H. J. Yelland
Hon. G. W. Miles	Hon. A. Burvill
	(Teller.)

Question thus negatived.

BILL—CLOSER SETTLEMENT.

In Committee.

Resumed from the 3rd November; Hon. J. Cornell in the Chair; the Chief Secretary in charge of the Bill.

Clause 4—Board to report to Minister: (Partly considered.)

The CHAIRMAN: Progress was reported on Clause 4 as amended, to which a further amendment had been moved to strike out Subclause 3 and insert—"The Board shall forthwith supply a copy of the report, as submitted to the Minister, to any person having an estate or interest in the land."

The CHIEF SECRETARY: I cannot accept the amendment, because the Government in such circumstances could not serve a notice. Mr. Nicholson intends to move an amendment which appears to be correct from the legal standpoint. The amendment under discussion would mean that there might be a private agreement between different parties and not registered, and it would be impossible for the Government to carry out their decision in such circumstances.

Hon. J. NICHOLSON: Probably the difficulty could be overcome by qualifying the word "person" or inserting "appearing from the public registers who have." In Subclause 1 reference is made to the public registers at the office of titles. Perhaps after the subclause has been struck out the Committee might accept my suggestion.

Amendment (to strike out Subclause 3) put and passed.

Hon. J. NICHOLSON: I move an amendment—

That the amendment be amended by striking out "any person having," and inserting in lieu "every person appearing to have."

The amendment will then read—"The Board shall forthwith supply a copy of the report as submitted to the Minister, to every person appearing in the public registers to have an estate or interest in the land."

Hon. A. Lovekin: Is there a definition of "public registers"?

Hon. J. NICHOLSON: It is referred to in the proviso of Subclause 1 of the same clause.

Amendment put and passed.

Hon. V. HAMERSLEY: I move a further amendment—

That the following new subclause be added to stand as Subclause (4):—"Within 30 days after the receipt of a copy of such report any such person shall be entitled to appeal to a Judge of the Supreme Court, who may either confirm the report of the Board or make such other order as he may think fit. The decision of the Judge shall be final."

This will give the people concerned 30 days in which to consider their position. They may feel that their case has been prejudiced and it will give them the right on behalf of their family and those who may have been working for many years, to put up a case to an independent tribunal.

Hon. Sir WILLIAM LATHLAIN: The opinion of members seems to be that there should be some form of appeal provided, and should the amendment be agreed to it will mean an appeal that people interested will have the right to make to the Supreme Court additional to that which they can make to the Appeal Board. It would be difficult to have included both forms of appeal.

The CHIEF SECRETARY: I oppose the amendment. When a Closer Settlement Bill was before the Committee on a former occasion I approached the then Minister for Lands and he was opposed to an appeal to the Supreme Court. Since the present Bill has been before members, I have discussed the matter with the present Minister for Lands and he offers similar opposition. He argues that the board will be composed of experienced men and that their recommendations will be subject to review by Cabinet, while, in addition, before land can be resumed the approval of the Executive Council must be obtained. Already one appeal is provided for in Clause 8 in respect of the subdivision of land. Should the amendment be agreed to, there will be two sets of appeals to the Supreme Court.

Hon. J. Nicholson: But on different points.

The CHIEF SECRETARY: That is so, but if the amendment is agreed to the Bill will be overloaded with appeal provisions.

Hon. V. HAMERSLEY: The appeal referred to by the Minister relates to the subdivision of land, whereas the appeal I suggest is a more general one. If a property is sought to be resumed, it may mean that the life's work of a man and his family may be taken away from them, although they may know better how to secure the best results from the land than the members of the board could possibly know.

Hon. E. H. Gray: If they have worked the land in that way, it will not be taken away from them by the board.

Hon. V. HAMERSLEY: The board may be prejudiced, for instance, in favour of wheat growing, but the owner may have tried that and have been dissatisfied with the results, leading him to the belief that better results could be obtained by devoting the land to some other form of production. In such circumstances the owner should have the right of appeal against the decision of the board.

Hon. Sir EDWARD WITTENOOM: The question the Committee have to decide is whether we consider the right of appeal should be included, and which proposed form of appeal is the better, that suggested by Mr. Hamersley or that outlined in an amendment on the Notice Paper by Mr. Baxter. I do not think there will be many appeals, but I am in favour of the appeals being taken before a judge of the Supreme Court.

Hon. A. LOVEKIN: I also think it would be better to have an appeal to a judge of the Supreme Court. I suggest to Mr. Hamersley, however, that he should alter his

amendment to enable the judge to review the whole question and hear evidence, and make such order as he may think fit. I believe such an appeal would be better than that to be proposed by Mr. Baxter who suggests the creation of an appeal board to consist of three persons, one to be a judge of the Supreme Court or a resident magistrate, another to be appointed by the Governor, and the third to be appointed by mutual agreement between the owner and the person or persons having an interest in the land as legal or equitable mortgagee. The constitution of the board suggested by Mr. Baxter is indefinite.

Hon. Sir Edward Wittenoom: And it would be a board reviewing the decisions of another board.

Hon. A. LOVEKIN: That is not desirable. In order to place the matter in order, I move an amendment on the amendment—

That after "who," in line 5, the words "may review such report, hear evidence, and" be inserted.

Hon. C. F. BAXTER: I find myself in an awkward position because, if the amendment on the amendment and the amendment itself be lost, we shall get no right of appeal. I do not agree with Mr. Lovekin or Sir Edward Wittenoom, who consider that an appeal to a judge would be quite satisfactory. Some of us have had experience of Government officials and we know they lean towards the policy of the Government of the day. To appoint a judge of the Supreme Court would be like appealing from Caesar to Caesar.

Hon. V. Hamersley: Oh no!

Hon. C. F. BAXTER: The case would be presented to the judge, but the predominating influence would be the board's report. I desire protection for the man whose property is likely to be taken from him.

Hon. A. LOVEKIN: I appreciate Mr. Baxter's difficulty. I suggest that we perfect this amendment and if, at a later stage of the Bill, he wishes to substitute his proposal, he can do so and we shall then be sure of getting one or the other.

Hon. H. A. STEPHENSON: I support the amendment on the amendment, which is all we require. The owner should have the right of appeal against the board's decision.

Amendment on amendment put and passed.

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

Ayes	14
Noes	5
Majority for	9

AYES.

Hon. C. F. Baxter	Hon. G. W. Miles
Hon. A. Burvill	Hon. J. Nicholson
Hon. E. H. Harris	Hon. E. Rose
Hon. Sir W. Lathlain	Hon. H. A. Stephenson
Hon. A. Lovekin	Hon. Sir E. Wittenoom
Hon. J. M. Macfarlane	Hon. H. J. Yelland
Hon. W. J. Mann	Hon. V. Hamersley (*Teller.*)

NOES.

Hon. J. M. Drew	Hon. W. H. Kitson
Hon. E. H. Gray	Hon. H. Seddon
Hon. J. W. Hickey	(*Teller.*)

Amendment, as amended, thus passed; the clause, as amended, agreed to.

Clause 5—Land may be declared subject to this Act:

Hon. J. NICHOLSON: In view of the amendment just passed, it will be necessary to amend the clause, making action by the Governor subject to the appeal. Otherwise the Governor would be free to proceed to declare the land subject to the measure. I move an amendment—

That after "board," in line 2, the words "and subject to any appeal therefrom being confirmed" be inserted.

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

Clause 6—Notice to owner:

Hon. J. NICHOLSON: I move an amendment—

That in Subclause (3) the word "three" be struck out, and the word "six" inserted in lieu.

Members will probably agree that three months' notice is too short, and that six months would be a more reasonable time.

The CHIEF SECRETARY: The amendment is not a reasonable one. Why should the owner of land require six months in which to decide whether or not he will subdivide his property? I shall oppose the amendment.

Hon. J. NICHOLSON: The landowner may be busy putting in crops and developing his property. He may have committed himself to certain clearing contracts or some other work. He may be in a better position

in six months than in three months to determine the question of subdivision.

Amendment put and negatived.

Hon. W. J. MANN: I move an amendment—

That Subclause (3) be struck out, and the following inserted in lieu:—"(a) Within four months after the service of such notice by the Board, the owner may notify the Board that he is willing within 12 months to make substantial progress to the satisfaction of the Board in carrying out what, in the opinion of the Board, is the reasonable use to which the land should be put; or

"(b) To subdivide the land, and offer the subdivisions for sale.

"3A. Upon service of the notice set forth in paragraph (a) of Subsection (3) of this section, the powers of the Board shall be suspended for a period of 12 months, but if at the end of that period the Board is of opinion that not sufficient progress has been made, the provisions of this Act shall apply as if the land had at such last-mentioned period been declared subject to this Act.

This will prevent any injustice being done to the landowner.

The CHIEF SECRETARY: I was inclined not to offer any objection to this amendment, but I do not like the alteration from three months to four months. It means that land will be hung up for 16 months, although the owner will have had two years in which to put his land to reasonable use. I have been unable to get a decision upon this amendment. Seeing that eventually the land will be put to reasonable use under this amendment, and our object will be accomplished, I do not propose to offer any objection at this stage.

Hon. E. H. HARRIS: The two years' provision contained in the Bill should be ample, and the hon. member is not justified in extending the period for another 12 months. We might as well provide for a three years' notice in the Bill as agree to this new suggestion.

Hon. W. J. MANN: Apparently Mr. Harris would penalise a man who was making a legitimate attempt to develop his property, merely because some unscrupulous person might take advantage of the Act and do nothing for the entire period. Once a property has been reported upon the owner would certainly do his best to carry out the provisions of the Act.

Hon. Sir WILLIAM LATHLAIN: I am opposed to the amendment. The Bill already gives an owner 2½ years in which to make up his mind what to do with his land. That should be sufficient.

Hon. A. LOVEKIN: A person can now hold land for 20 years and do nothing with it. The board then finds that for two years past he has not put his land to proper use. If Mr. Mann's amendment is not carried, the owner will have very little time allowed him in which to bring his land into proper use. The extension of time is not for three years, but only for 12 months, because we cannot expect this provision to date back for two years. That is all the time he will have after the passing of the Act to do what is required of him, and it is not too much to give.

Hon. J. M. MACFARLANE: I agree with the amendment. The matter should be taken into consideration as from the day the measure passes. I well recollect how frantically previous Governments endeavoured to get people to take up land. Officials frequently urged a man to take 1,000 acres for himself, and 1,000 acres for his wife, and 1,000 acres for his son. Perhaps the man said, "I have not the necessary funds," whereupon he would be told, "You can get the money from the Agricultural Bank." I know such cases exist, and I sympathise with them.

Hon. C. F. BAXTER: Three months may seem sufficient, but one has to take into consideration what was done with the land during the preceding two years. The owner has firstly to decide what he can do to improve the land, and secondly—which is of more importance—how he is to finance the improvements he has decided upon. Sometimes it takes six months to obtain the requisite advance even on a property not in danger of being resumed. Formerly people were strongly urged to take up our lands and improve them. Were it not for that class of people Western Australia would not be enjoying its present prosperity. Only this morning I visited the Lands Department on behalf of a young Victorian who came here with money in his hand, and who has been trying for three months to take up land, but has been told that a block he desires is not one on which the Agricultural Bank will advance money. The block is in the immediate neighbourhood of land that has produced 21 bushels per acre. Holders should be given a fair opportunity to improve their lands and to live up to the standard set by the law. Six months is by no means too long.

Amendment put and passed.

Hon. J. NICHOLSON: I move an amendment—

That in Subclause (4), after "owner," in line 1, there be inserted "mortgagee or other person having a registered charge over or interest in the land."

Hon. A. LOVEKIN: What right would a person having a charge over the land have to offer to subdivide it for sale? Such a person has no power over the land. The words will not, in my opinion, meet the case.

Hon. J. NICHOLSON: The mortgagee should have notice of what is going to be done. Under the corresponding legislation of other States, I believe, no subdivision of mortgaged land can be made without the consent of the mortgagee, who has a vitally important interest in the property. Probably he has advanced a large proportion of the purchase money: his interest may be actually greater than that of the owner or nominal owner. My amendment perhaps is not as wide as it should be, and on recommittal I may move for express power to the mortgagee, after a certain lapse of time, to aid the board where the owner himself does not subdivide or give notice of subdivision. In the meantime the Chief Secretary might give the point his consideration.

The CHIEF SECRETARY: The amendment would confer tremendous power upon mortgagees and other persons having an interest in land. Such things as the Bill contemplates are surely outside a mortgagee's power.

Hon. J. Nicholson: I quite admit that the matter requires a little more thinking out.

Hon. Sir Edward Wittenoom: Suppose the owner and the mortgagee do not agree about the matter, what then?

Amendment put and negatived.

Clause, as previously amended, put and passed.

Clause 7—Acquisition of land:

Hon. W. J. MANN: I move an amendment—

That in Subclause 1 before "subsection," in line 3, the words "paragraph (a) or (b) of" be inserted, and that after "intention," in line 4, the words "to himself put the land to reasonable use, or" be inserted.

This is really a consequential amendment.

The Chief Secretary: That is so.

Amendment put and passed.

Hon. J. NICHOLSON: I move a amendment—

That in Subclause (3) the following provisos be inserted immediately after the first proviso:—"Provided that in cases where such price is fixed by arbitration, and where the owner acquires the land by purchase for money consideration or value, the amount to be fixed or awarded under any such arbitration shall not be less than the money consideration or value at which the owner acquired the land taken under this Act: Provided further that in cases where money has been bona fide lent or advanced on the security by way of mortgage, charge, or other encumbrance effected over land acquired under this Act, no lesser sum shall (without the consent of the mortgagee or encumbrancee) be paid or awarded as the price of such land than the amount of the money so lent or advanced and remaining unpaid at the time of so acquiring the land, together with all interest remaining due and unpaid thereon and computed up to time of repayment of the moneys lent or advanced."

Hon. A. Lovekin: Should not there be some safeguards to those provisos?

Sitting suspended from 6.15 to 7.30 p.m.

Hon. J. NICHOLSON: All that I desire to accomplish is to safeguard the position firstly of the bona fide purchaser. I am thinking of the man who acquires land bona fide, not a speculator——

Hon. Sir William Lathlain: How are you going to discriminate between them?

Hon. J. NICHOLSON: I will endeavour to show. It is only fair that the bona fide purchaser of land should be protected. Land values often fluctuate, sometimes soaring very high; then again they are affected adversely during bad seasons. If the land proposed to be taken happens to be in a district suffering a succession of droughts, the values must fall. But it may happen that land of equal quality in the vicinity has been sold at the end of that drought period at a price very much below what the owner paid for the land when values were high. The board might determine to take some particular block of land. The owner has bona fide paid £5 or £6 per acre for it when land values were high. Evidence will be adduced before the board that, following on a period of drought, land in the vicinity has been bought at a lower price than the owner of the block to be resumed—feeling that when the good seasons return he will recoup his

position—has asked for his land. My amendment is not novel. We have an instance of it in South Australia. In drafting the amendment I have followed the lines of the provision in Section 173 of the South Australian Crown Lands Act of 1915, which deals also with closer settlement.

The Chief Secretary: They have not a Closer Settlement Act in South Australia yet.

Hon. J. NICHOLSON: Well, I have here the South Australian Crown Lands Act of 1915. Part 10 deals with closer settlement. The Act does not deal exclusively with Crown lands, for this provision relates entirely to private land to be resumed. My amendment is almost identical with the provision in Section 173 of that Act. So it will be seen that I am not introducing anything novel. I do not wish that this amendment shall open the door to some man attempting to defeat the purposes of the Act. If in the opinion of the Chief Secretary it would strengthen the amendment, I would add a further proviso, something to this effect:—Provided that in any case in which the arbitrator shall be of opinion that any land has not been bona fide acquired by an owner, or has been transferred to such owner with the object of preventing or delaying the taking of the land under this Act, the foregoing proviso shall not apply.

Hon. A. Lovekin: That will not cover it.

Hon. J. NICHOLSON: I think it will. At any rate it can be considered later. It shows what I have in mind. If that does not meet the case, let us draft something that will. The second part of my amendment also has been taken from Section 173 of the South Australian Act, with which it is almost identical. I want the Chief Secretary to realise that this has been put into practice in another State. How it was worked I cannot say, but at all events it is fair to protect the bona fide purchaser of land, as well as the bona fide mortgagee. Unless we do provide some protection of this nature the clause will affect country securities, and if we are going to have country securities affected they will not bear the value that we should all like to see attach to them. The clause is of vital importance and is worthy of the closest consideration. The Chief Secretary will give me credit for seeking to protect securities in the country and trying to bring about the object I have outlined. That is to protect only the bona fide owner or mortgagee.

Hon. A. Lovekin: But what about the scoundrels?

Hon. J. NICHOLSON: I am seeking to guard against such people. The court will inquire into their bona fides. If a man contended he had purchased the land for a grossly extravagant sum, surely the court would, in view of the proviso, have the fullest power to inquire into the position. It would be part of the court's duty to investigate the matter. I am not moving to try to defeat the Act; I want to protect and maintain the value of country lands. It is our duty to see what we can do in that respect—to maintain the lands that are suitable for investment.

Hon. A. LOVEKIN: Whilst we all desire to see that a man gets a fair deal, we have no desire to open the door to frauds. It seems to me that the hon. member's suggestion will open the door to the grossest of frauds, and therefore I cannot support the amendment in the form in which it stands. I do not see exactly how the arbitrators can arrive at the values, but are we not sufficiently protected by the Act of 1895. The method prescribed by that Act will be the method adopted here. That Act gives all the facilities for fixing what is fair and equitable compensation. What more than that do we require? We certainly do not want to open the door to frauds, and it will be possible to perpetrate frauds under the hon. member's proposal.

Hon. J. NICHOLSON: The hon. member was not in the Chamber when I pointed out certain facts. He declared that it was not his desire to open the door to fraud. Neither is it mine. My desire is to guard against frauds to the fullest extent. The hon. member referred to the Arbitration Act of 1895, but in my opinion that does not afford protection. When we go to arbitration to determine the value of land, the values are arrived at by the price prevailing and at which the lands in the immediate neighbourhood have been sold. It might so happen that the hon. member, or someone else, purchased a property at a particular time when the seasons were good and when values were high. We have such instances at the present time. We know of cases where land a few years ago was sold at from £1 to £3 an acre, and has since been sold at more than double those figures. The prices being paid to-day have been affected by the good seasons. I contend that if we should be visited at some time or other by bad seasons, and if

some particular land the board wishes to take happens to be land that was bought when prices were at their highest, it might be found that if the board resumed that land after one or two bad seasons, naturally the price would be affected. A particular owner might not want to sell his land; he might be depending on a succession of good seasons for an increase in the value. My desire is solely to protect the bona fide person. The hon. member's view is wrong. The amount that will be paid as compensation would not be the price the owner paid for the land.

Hon. A. Lovekin: It would be the bona fide price.

Hon. J. NICHOLSON: It would be the price prevailing at the date of resumption or the taking of the land. The price that would be paid would be the price that would be determined by the values in the immediate vicinity at that time. The bona fide price would not be the bona fide purchase price: it would be the price determined by good or bad seasons. A man might have bought land at a time when values had reached their zenith. There may have been a succession of bad seasons and naturally they would affect the price of the land.

Hon. Sir Edward Wittenoom: Would the board resume land of that description?

Hon. J. NICHOLSON: I am assuming they would resume land when seasons were beginning to improve.

Hon. A. Burvill: The Bill is intended to deal with the resumption of land that is not properly utilised.

Hon. J. NICHOLSON: The hon. member will probably find that the Bill will be used for more than that, and land that may be utilised will be taken as well. I seek to protect country securities and therefore desire the insertion of the amendment.

Hon. A. Lovekin: But it may open the door to fraud.

Hon. J. NICHOLSON: I have endeavoured to avoid the possibility of fraud, but if between now and the stage at which we can recommit the Bill, some additional provision for tightening it up can be suggested, let us tighten it up by all means.

Hon. A. Lovekin: Why not redraft the clause completely, and deal with it as a whole rather than piecemeal?

Hon. J. NICHOLSON: I have already drafted an addition which I have handed to the Chairman.

The CHIEF SECRETARY: It would be impossible to safely operate this legislation if Mr. Nicholson's amendment were included. The Government would never know just what they would have to pay for an estate, and it would leave the door open to fraud, not perhaps straight away but after a little while. When sales were contemplated, there would be an agreement between the parties as to the price to be paid, but a fictitious figure might be inserted in the agreement by unscrupulous people. A person might agree to acquire an unimproved estate from another and they might agree upon £10,000 as the price. The purchaser might suggest that as the land was unimproved and as he intended to run sheep on it and did not wish to carry out many improvements, they should include in the agreement the price as £15,000. That is what would occur. The second proviso is even worse.

Hon. J. Nicholson: They must surely have had some experience in South Australia to warrant their passing such a provision.

The CHIEF SECRETARY: In what Act?

Hon. J. Nicholson: The Crown Lands Act of 1915, which was for closer settlement purposes.

The CHIEF SECRETARY: There is no legislation in South Australia empowering the Government to resume land for agricultural purposes, unless that legislation has been passed within the last 12 months. When I introduced the Bill I read extracts from the report of a Royal Commission appointed last year to deal with this question of the compulsory resumption of land. In view of that, I cannot agree that there is a Closer Settlement Act in operation in South Australia, for if there were, it seems to me that it would have been ridiculous to appoint a Royal Commission to inquire into the advisability of introducing such legislation. Under the additional proviso, a person might have a genuine mortgage of £10,000 over his property that might be worth £15,000. Then he might proceed to secure a second mortgage for another £10,000, and that second mortgage might be an absolutely bogus one. Mr. Nicholson has not made any provision for punishment for fraud such as that, yet it could be perpetrated under his proposal. There is no machinery in the Bill to deal with any such development.

Hon. J. Nicholson: Go to the Criminal Code for that.

The CHIEF SECRETARY: So far as I have been able to discover, the Criminal Code contains no machinery to meet such a position. I hope the amendment will not be pressed. Under the Public Works Act of 1902 the principle that was adopted by the State 25 years ago as being a sound one, is followed and, should the State Government wish to resume land for public purposes in the city, notice of resumption is given to the owner and, should an agreement not be arrived at, the matter goes to arbitration. Under that legislation there is provision for a mortgage being a first charge against compensation awarded in respect of the land resumed. That is only fair. Under Mr. Nicholson's amendment, however, a mortgage could be loaded up fictitiously, but the Government would be called upon to discharge the bogus mortgage before the land could be resumed.

Hon. J. Nicholson: Tighten the proviso up as much as you please.

Hon. Sir EDWARD WITTENOOM: I agree with Mr. Nicholson that the clause is important, but his amendment is far-reaching and important too. While I give him credit for endeavouring to improve the Bill, his amendment will not have that effect. The first portion may lead to frauds and consequent unfairness where the Government are concerned in land resumption. An individual might purchase a property and allow it to depreciate. Yet if the board desired to resume the land, it would be useless pointing out the extent to which the property had depreciated in value because, under the amendment, the board would have to pay what the owner had paid for the property. That would make the Bill unworkable. The board will not be composed of men who will involve the State in all sorts of disastrous purchases, and their recommendations will be subject to review by Cabinet and endorsement by the Governor-in-Council. Cabinet will not consider the resumption of land that does not come within the scope of the Bill. I oppose the amendment but if the proviso be accepted, an additional precaution should be taken by providing that the mortgage must have been taken out at least six months prior to the resumption of the property.

Hon. A. LOVEKIN: Mr. Nicholson's intentions are well-meant, but the amendment will not improve the Bill; it will wreck it. The Bill already provides that if compensation is not agreed upon between the owner or any mortgagee or person having an interest in the land and the board, the amount shall be determined by arbitration under the Arbitration Act, 1895. That Act contains in the Schedule ample protection for persons concerned. The arbitrator must do what is just and right.

Hon. J. Nicholson: You have the experience once and then you will know that you are wrong.

Hon. J. J. HOLMES: Mr. Nicholson will be wise if he does not press the amendment. It seems to imply that so long as the owner of the land gets what he paid for it, the Government will be entitled to take it at that price. I hope that was not the intention, but rather that what was intended was that the owner should be paid what the land was worth. The danger I see in Mr. Nicholson's amendment is that under it an owner will be entitled to what he paid for the land and no more.

Hon. J. Nicholson: It would be not less than that amount.

Amendment put and negatived.

Clause, as previously amended, agreed to.

Clauses 8, 9—agreed to.

Clause 10—Owner may require the whole to be taken:

Hon. E. H. HARRIS: On behalf of Mr. Kempton I move an amendment—

That the following be inserted to stand as Subclause (2):—"If any land taken under this Act, or the bulk thereof is first-class land, and the owner of the land taken is also the owner of second or third-class land, which he is working in conjunction with the land to be taken (whether adjoining or not the land taken), which can be sold more advantageously, if sold together with the land taken (whether as a whole or in subdivisions respectively), the owner shall have the right to require such second or third-class land to be taken."

I understand that many men are holding land in coastal areas and far removed from their farms and that they use them for the grazing of stock. Such areas would be of no use to them if their good land were taken.

The CHIEF SECRETARY: I recognise that an amendment of the kind is necessary, because many farmers, especially those running sheep, find it necessary to have grazing country, perhaps sandplain, some

distance from their farms. The amendment, however, is too sweeping. The grazing land might be situated miles away. There should be some limitation.

Hon. C. F. Baxter: Would you leave a man with the rough coastal country useful only for grazing?

The CHIEF SECRETARY: I suggest that further consideration of the clause be postponed.

Hon. E. H. HARRIS: Mr. Kempton indicated some land in the Midland district, that the amendment would cover. How far distant the coastal land would be, I do not know. I agree that there should be some limit.

Hon. V. HAMERSLEY: I support the amendment. If it can be improved so much the better. Since the early days farmers have held areas on the coast, and those areas would be useless without the inland clay country. In the Katanning district are several people who have grazing land on the coast between Albany and Nornalup. Provision should be made to meet such cases.

The Chief Secretary: What distance would you suggest?

Hon. V. HAMERSLEY: Mr. Kempton said a ten-mile limit would satisfy him, but it would not meet many cases. Still, there should be some limit.

Hon. J. M. MACFARLANE: During the week-end I visited Bridgetown and Manjimup, and met farmers who shortly will be shifting their stock to coastal properties, in some instances as much as 68 miles distant.

Hon. A. BURVILL: I know men who for years have shifted sheep from Katanning and Broomehill to the Denmark district, probably 100 miles away. If the sheep land were taken, the coast land would be useless.

Hon. J. J. HOLMES: The amendment is an important one. It is no innovation to shift stock to the coast. If cattle, horses and sheep are not given a change of country, they become what is called "coasty." If the rich agricultural land be taken for wheat growing, we shall still require meat. Surely the small land owners will require coastal land as well, so that by resuming both lots the two will fit in. I have yet to learn how all the small people, spoon-fed by the Government, will make anything like the success that the big men are achieving.

Hon. Sir WILLIAM LATHLAIN: I know of sheep being transferred from Jerrymungup to Doubtful Island, and both properties are run conjointly.

Hon. C. F. Baxter: But Doubtful Island would be leased.

Hon. Sir WILLIAM LATHLAIN: Anyhow, some safeguard should be provided. If good land is resumed, too much poor land should not be foisted on the Government.

Hon. V. Hamersley: Why should the Government have the pick of it?

Hon. Sir WILLIAM LATHLAIN: The proportions should be preserved.

The CHIEF SECRETARY: I move—

That further consideration of this clause be postponed.

Motion put and passed.

Clauses 11 to 14—agreed to.

Clause 15—Regulations:

Hon. Sir EDWARD WITTENOOM: Is it understood that these regulations will be laid on the Table of the House and may be disallowed within the statutory period?

The CHAIRMAN: That is provided for in the Interpretation Act.

Clause put and passed.

Clause 16—agreed to.

Clause 17—Interpretation:

Hon. H. A. STEPHENSON: I move an amendment—

That the words "or under any conditional purchase" be struck out, and the following inserted in lieu:—"and land held under any conditional purchase lease, the lessee of which is in default in carrying out the improvement conditions of his lease."

I desire to protect the interests of the owners of C.P. lands, who are complying with the conditions under which they acquired those lands. Under the Bill the board may take possession of these properties although the settlers may be carrying out the necessary provisions.

Hon. J. J. Holmes: You are taking freehold land in cases where all the conditions have been fulfilled.

Hon. H. A. STEPHENSON: I do not think any member would favour a repudiation of a contract, for that is what it would be in the case of the resumption of C.P. lands.

Hon. J. J. Holmes: The whole Bill is a repudiation of contract.

Hon. H. A. STEPHENSON: No Government should have the right to dispossess a man of his C.P. holding provided he was carrying out his obligations with regard to it.

The CHIEF SECRETARY: The Government have been doing their best to meet the wishes of the Council in connection with this Bill. I remember a discussion in this House on the first Closer Settlement Bill. Towards the end of the session a select committee was appointed to consider it. Just before the select committee had prepared their report the session came to an end, but the report was subsequently submitted to the Mitchell Government. One of the recommendations was that C.P. leases should be included on the ground that if they were not resumable the Bill would not be a success.

Hon. A. BURVILL: According to the Act if a person takes up land under C.P. conditions he is given 20 years in which to effect certain improvements. It is a contract between him and the Crown. Surely if the Government resumed such land the action must be ultra vires.

The CHIEF SECRETARY: A man has a greater right to his land if he possesses the title deeds of it, and yet under this Bill we can deprive him of it. The Government already resume C.P. land for public purposes, such as schools. I cannot see why the board should want to resume C.P. land. If the settlers are not carrying out the conditions, they forfeit their holdings. C.P. lands were previously excluded to obviate the necessity of the Government, when resuming a big estate comprising freehold and C.P., being forced to take the C.P. as well as the other land.

Hon. V. HAMERSLEY: If C.P. lands had not been brought into line with freehold land an anomaly would have been created. In one case known to me an owner was not carrying out all the improvements, but had quite a sufficient grasp on the land to prevent any applications from getting through. He was holding the land up from development, and at the time he was in Fremantle gaol and his children were being kept by the State. His ability to hold up the land was due to its being under C.P. conditions, which are much better than the conditions under which any other settlers ever obtained land since the foundation of Western Australia. I heard of another man who, having held C.P. land for five years, proposed to abandon it because rents became due then, and further proposed to apply for the same country again with slightly different boundaries. Many C.P. holders will not go to the Titles Office to lift their titles, although they have complied with all the conditions imposed by the Lands Department; and thus they will remain exempt. In fact, C.P. land can be held up for 25 years. Unless the clause passes as printed, many holders will escape altogether.

Amendment put and negatived.

Clause put and passed.

Progress reported.

BILL—LAND TAX AND INCOME TAX.

Assembly's Further Message.

Message from the Assembly received and read notifying the Council that the Speaker had ruled in affirmation of the illegality of further consideration of the requests made by the Council, and returning the Bill and desiring the Council's concurrence therein.

The PRESIDENT: With reference to the message I have just read, I wish to say that it comes as a complete surprise. It is opposed to the Constitution; it does not conform to the Standing Orders; and it is at variance with both practice and precedent. Such being the case, I suggest that the Chief Secretary postpone its consideration to a future sitting.

The CHIEF SECRETARY: I move—

That consideration of the Assembly's message be made an Order of the Day for Thursday next.

Motion put and passed.

BILL—HOSPITALS.

Recommittal.

Consideration resumed from the 3rd November; Hon. J. Cornell in the Chair, the Honorary Minister in charge of the Bill.

Clause 28—Power to construct hospitals for benefit of two or more districts:

Hon. H. J. YELLAND: This clause will be altogether too stringent in its operation. Under it the Minister could, for instance, construct a hospital according to his own designs and then ask the local authorities to pay for it. Such power should not be vested

in the Governor-in-Council, or the Minister, notwithstanding the safeguard requiring the approval of a two-thirds majority of ratepayers. I shall vote against the clause.

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

Ayes	4
Noes	14
Majority against ..	10

AYES.

Hon. J. M. Drew	Hon. W. H. Kitson
Hon. J. W. Hickey	Hon. E. H. Gray (*Teller.*)

NOES.

Hon. C. F. Baxter	Hon. J. Nicholson
Hon. A. Burvill	Hon. E. Rose
Hon. V. Hamersley	Hon. H. Seddon
Hon. E. H. Harris	Hon. H. A. Stephenson
Hon. J. J. Holmes	Hon. Sir E. Wittenoom
Hon. Sir W. F. Lathlain	Hon. H. J. Yelland
Hon. W. J. Mann	Hon. J. M. Macfarlane (*Teller.*)

PAIR.

AYE.	NO.
Hon. J. R. Brown	Hon. H. Stewart

Clause thus negatived.

Clause 31—Qualifications of person for admission to hospital:

Hon. H. J. YELLAND: I have not so much objection to this clause. Subclause 1 with its proviso is satisfactory. Subclause 2 means the cutting-out of the person who is able to pay for medical attendance in a particular case. The two provisions are somewhat contradictory.

Hon. Sir EDWARD WITTENOOM: The clause is a reasonable one. People who can pay, ought to pay, although I understand many of them do not pay. It is said that people make too much of a convenience of public hospitals, and do not patronise the private hospitals.

Hon. E. H. Gray: They know where they will get the better treatment.

Hon. Sir EDWARD WITTENOOM: I do not think so. I have had good service in private hospitals. City people should be discouraged from going to public hospitals when there are good private hospitals available. The implication in Subclause 2 is that those who cannot pay the fees of medical practitioners shall go into hospital wards where the work is done largely by an honorary staff. I will support the clause.

The HONORARY MINISTER: The practice has always been to admit patients to public hospitals when they cannot pay medical practitioners. In the clause ample provision is made to safeguard the hospitals. Not everybody is admitted to public hospitals. No member of Parliament would be admitted, except under certain regulations. I can see no reasonable objection to the clause.

Hon. V. HAMERSLEY: I doubt if the Committee are fully seized of the meaning of Subclause 2. A man paying £100 per annum in rates for the upkeep of hospitals will be debarred from entering a public hospital because he is thought to be affluent. Yet he may be borrowing money to pay his rates and may not be in a position to pay ordinarly medical fees. The provision is not equitable.

Hon. A. LOVEKIN: Before we finish I will ask the Honorary Minister to consider whether we should not under this clause limit the medical practitioners' fees.

Hon. V. Hamersley: Hear, hear!

Hon. A. LOVEKIN: Under the Workers' Compensation Act the fees charged are an absolute scandal. When we get the amending Bill from another place I shall be able to give some figures to show that a mean advantage has been taken of that £100 provision. The same thing may occur under this clause. I think we should have a limitation to the fees that doctors may charge, so that people shall not be fleeced as they have been under the Workers' Compensation Act.

The HONORARY MINISTER: I appreciate the hon. member's suggestion and may take it into consideration with a view to seeing if anything can be done. Since Clause 27 was so drastically dealt with at the instigation of Mr. Yelland I have had communications showing that certain road boards in my own electorate are desirous of subsidising hospitals. Mr. Yelland would deprive road boards in his electorate from following that good impulse.

Clause put and passed.

Clause 32—Hospitals for paying patients:

Hon. A. LOVEKIN: I move an amendment—

That in line 2 the words "establish public hospitals or" be struck out.

Already we have a good many State enterprises, and I have no desire to add to them.

This would allow the Minister to establish public hospitals, which to all intents and purposes would be private hospitals run by the Government. It would be bad to have State interference in hospitals, as in so many other things. My amendment will still allow of the Minister setting apart wards in certain hospitals for special purposes.

The HONORARY MINISTER: I hope the amendment will not be agreed to. Public hospitals are for those who cannot afford to pay private hospitals or doctors' fees. For those people and others who can pay a little, something in the nature of an intermediate hospital is required in the metropolitan area. To give opportunity to put this idea into operation this clause has been inserted in the Bill. I think it will meet with the approval of most sections of the community.

Hon. Sir WILLIAM LATHLAIN: At last we have found the nigger in the woodpile. This is another attempt by the Government to set up some more State enterprises.

The Honorary Minister: To do more good by stealth.

Hon. Sir WILLIAM LATHLAIN: Already we have intermediate hospitals, such as St. John of God.

Hon. E. H. Gray: If all hospitals were like that one the position would be perfectly satisfactory.

Hon. Sir WILLIAM LATHLAIN: I will support the amendment, for we do not want any more State enterprises.

Hon. Sir EDWARD WITTENOOM: How will it be possible for the Government to run hospitals any cheaper than private people can conduct them? Will the Government be able to get nurses at a cheaper rate or equipment at a lower cost? If the Government run hospitals at a price that will not pay, I suppose the Consolidated Revenue will be asked to go to the rescue.

Hon. E. H. GRAY: I am surprised at Mr. Lovekin moving such an amendment, considering that he has always taken a stand against the high fees of doctors and others. It is a striking tribute to the efficiency of the public hospitals of Perth and Fremantle that the demand has grown up for treatment in those institutions by people who at one time would not go near them. The best equipment and the best treatment can be obtained now in the public hospitals.

Hon. Sir WILLIAM LATHLAIN: The appliances in the public hospitals to which reference has been made have been donated in many instances by the generous public.

Hon. E. H. Gray: The people are prepared to pay for the use of them.

Hon. Sir WILLIAM LATHLAIN: The Government are going to establish another enterprise and they will find that the expense of equipping the hospitals will be considerable because the generous public will not again subscribe to what is to be a trading concern. The question of assistance to hospitals has received considerable attention at the hands of business people because of the demands that have been made upon them. Those demands are regarded as an unfair burden.

Hon. E. H. Gray: They pass it on.

Hon. Sir WILLIAM LATHLAIN: The generous people subscribe all the time and they do not get any opportunity to pass it on. People who derive the greatest benefit from the hospitals are those who subscribe least in proportion to the requirements of the hospital.

Hon. W. J. MANN: I cannot see the necessity for the Government to establish public hospitals. Those who have had experience know how difficult it is to get money out of the Government for hospital equipment. That equipment is usually provided by the people either by straight out contribution or by means of entertainments. At Busselton a plant was secured for the hospital at a cost of between £300 and £400 and all that money was raised by the people because it was felt that the facilities that were required had to be provided and because an appeal to the Government failed to secure a response. Now another electrical appliance is required and efforts are being made to raise the necessary money. The Government should see to it that the hospitals they do control are up to date. I intend to support the amendment.

The HONORARY MINISTER: The clause does not affect country hospitals and I am surprised at the opposition that has been shown to it. What object could the Government have in establishing what Sir William Lathlain termed another trading concern? That remark shows the trend of thought of some hon. members.

Hon. E. H. GRAY: The Fremantle hospital has done very good work and the community has subscribed a considerable sum of money towards equipping that institution. The people of Perth have done likewise with excellent results.

Hon. J. J. Holmes: This will not prevent a continuance of that good work being done.

Hon. E. H. GRAY: There is a desire at Fremantle for an intermediate hospital for those people who are willing to pay full fees, and it is hoped that in this hospital there shall be up-to-date appliances and equipment.

Hon. J. J. Holmes: The amendment will not stop that.

Hon. E. H. GRAY: That is what it means.

Hon. Sir WILLIAM LATHLAIN: Evidently Mr. Gray has not read the clause because the amendment will not do any harm to either the Perth or Fremantle hospitals. It will, however, prevent the Government from starting another enterprise—I will call it that since the hon. member does not like the term "trading concern."

Hon. W. H. KITSON: I hardly believe that anyone would think for a moment that the Government intended to start public hospitals in the form of trading concerns.

Hon. A. Lovekin: Do they want to scab on the private hospitals at the expense of the taxpayer?

Hon. W. H. KITSON: There is a great demand on the part of people in a position to pay what might be looked upon as a fair thing for medical and hospital treatment; but there is not sufficient room in the public hospitals for the treatment of those people. The argument seems to be quite illogical, because if there is no objection to setting apart wards in a hospital for the reception and treatment of patients able to pay the fees for treatment and so on, what objection can there be to giving the Government power to establish hospitals for a similar purpose.

Hon. Sir William Lathlain: Because you would have to provide all the necessary equipment for the hospital.

Hon. W. H. KITSON: If there are many people desirous of availing themselves of such a provision and a portion of a ward were set aside in, say, the Fremantle Hospital, the probability would be that other people, who could not afford to pay, would not be able to receive the attention that should be extended to them. In other words, our hospitals are not big enough to admit all the people who require attention. I hope careful consideration will be given to the clause because there is a big demand for accommodation of this description.

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

Ayes	.. .. ..	12
Noes	.. .. ..	6
Majority for	..	6

AYES.

Hon. A. Burvill	Hon. J. Nicholson
Hon. V. Hamersley	Hon. E. Rose
Hon. J. J. Holmes	Hon. H. A. Stephenson
Hon. A. Lovekin	Hon. Sir E. Wittenoom
Hon. J. M. Macfarlane	Hon. H. J. Yelland
Hon. W. J. Mann	Hon. Sir W. Lathlain
	(Teller.)

NOES.

Hon. J. M. Drew	Hon. W. H. Kitson
Hon. E. H. Harris	Hon. H. Seddon
Hon. J. W. Hickey	Hon. E. H. Gray
	(Teller.)

PAIR.

AYE.	No.
Hon. H. Stewart	Hon. J. R. Brown

Amendment thus passed.

Clause, as previously amended, agreed to.

Clause 34—Homes for aged or infirm people:

Hon. A. LOVEKIN: I ask the Committee to vote against the clause altogether. It provides that the Governor may declare that any home for aged or infirm people shall be placed under the control of the Minister, and any such home dealt with in that way shall remain subject to his control and management until the Governor otherwise directs. That means that the Home of Peace, the Anglican Orphanages and such institutions can be taken over.

Hon. E. H. Gray: Is that likely?

Hon. A. LOVEKIN: If such things are unlikely, then we should not provide the power. Strong objection has been raised by the governors of various institutions to this particular clause.

The HONORARY MINISTER: Until now, I have not heard of any objection raised against the clause. To date no statutory authority is provided for the Government to exercise any power regarding homes such as the Old Men's Home and the Old

Women's Home at Fremantle. The Minister had no idea when framing the clause that any such opposition would be raised. The Bill has been before Parliament for some time and yet no objection has been voiced to the proposal until now. It was thought desirable that power should be obtained to frame regulations to control the institutions I have mentioned and in respect of which we have no control at present.

Hon. Sir EDWARD WITTENOOM: The Honorary Minister calmly informed us that the clause would provide the Government with a certain amount of power, but I consider the power sought is absolute. Under Subclause 1 the Minister can assume control of the Home of Peace, the various orphanages, the Silver Chain and so forth. Those organisations do not want the Minister to interfere with them. Mr. Gray suggested that the Minister would not interfere, but if that is the position, why the inclusion of such a provision in the Bill? Subclause 3 will enable the Minister to frame by-laws to control and manage the homes that may be covered by the whole clause, while under Subclause 4 homes that may be brought under the control of the Minister are to be deemed to be public hospitals and the Minister is to be the board in control! In spite of what the Honorary Minister has stated, that is altogether too far-reaching and I intend to vote against the clause.

Clause put and negatived.

Clause 38—Regulations:

Hon. A. LOVEKIN: I move an amendment—

That Subclause 2 be struck out.

I wish to draw attention to the conflict set up between Subclauses 2 and 3. The former sets out that a board may, and shall if the Minister so directs, adopt any model by-laws formulated under the measure, whereas Subclause 3 sets out that a board may, of its own motion, by resolution adopt the whole or any portion of such by-laws. In order to make the position clearer, we should strike out Subclause 2.

The CHAIRMAN: I direct the attention of the Committee to paragraph (b) of Subclause 1 under which the Principal Medical Officer will be empowered to transfer patients or inmates of homes for aged or infirm people from any hospital or home to another hospital or home having special facilities and so on, for treating the patients or inmates. Hon. members should compare that with Clause 34 that has been struck out.

Hon. A. LOVEKIN: I do not think that can do any harm. If there are such places to which the Principal Medical Officer may transfer patients or inmates, that will not be harmful.

The HONORARY MINISTER: I cannot see the object of the amendment. It is quite reasonable that the board may, and shall if the Minister so directs, adopt model by-laws, and may of its own motion adopt the whole or any portion of such by-laws.

Hon. Sir Edward Wittenoom: Why not leave it in the hands of the board?

The HONORARY MINISTER: Very well, if that is the wish of members, but I do not think that is the intention of Mr. Lovekin.

Hon. A. LOVEKIN: Subclause 2 provides that the board shall adopt by-laws if the Minister so directs, and the next subclause says that the board may of its own motion adopt them. The two subclauses are inconsistent. It would be better to allow the board to adopt them.

Hon. J. NICHOLSON: If Subclause 2 be struck out, I think it will be necessary to strike out the two succeeding subclauses.

Hon. A. Lovekin: No, because Subclause 3 will then refer to paragraph (a) of Subclause 1.

Hon. Sir Edward Wittenoom: What is the difference between model by-laws and any other by-laws?

Hon. J. NICHOLSON: Apparently Mr. Lovekin's contention is correct.

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

Title—agreed to.

Bill again reported with further amendments.

House adjourned at 9.50 p.m.