

The Minister for Mines: And to only Assembly rolls at that.

The MINISTER FOR JUSTICE: That is so. Many duties that are statutory are put upon the shoulders of the Chief Electoral Officer. The Commonwealth officials will have nothing to do with our elections. All that this Bill relates to is the compilation of the roll.

Hon. G. Taylor: And any proceedings under this legislation will be instituted by the Chief Electoral Officer.

The MINISTER FOR JUSTICE: Offences will be dealt with by the people responsible for the rolls, namely, the Commonwealth officers, but this will not prevent our electoral officers doing the same thing if the occasion arises.

Mr. Mann: Without reference to the Commonwealth officials?

The MINISTER FOR JUSTICE: That is so.

Mr. Latham: Surely we are not going to make it possible for a man to be prosecuted under both the Commonwealth and the State law?

The MINISTER FOR JUSTICE: There will be only one prosecution.

Clause put and passed.

Clause 8—Power of Governor-in-Council as to subdivision of districts:

Hon. Sir JAMES MITCHELL: This is an important clause. Where the electoral boundaries are coterminous we can divide our electoral districts into a couple of divisions. In that case will they not have to carry the names of the electorates?

The Minister for Justice: Yes.

Hon. Sir JAMES MITCHELL: That simplifies the matter. I think the Minister said that it would be impossible to make our boundaries fit the Commonwealth boundaries.

The Minister for Justice: We will simply take cognisance of them. We can do what suits us best.

Hon. Sir JAMES MITCHELL: I suggest that the Commonwealth authorities should make their boundaries conform to ours. They have only five divisions, while we have many.

The Minister for Mines: It is nearly time they adopted the names of the present electorates.

Hon. Sir JAMES MITCHELL: I suggest we wipe them out altogether and make a fresh start.

The Minister for Mines: It would not be a bad idea to wipe out the Commonwealth altogether.

Hon. Sir JAMES MITCHELL: There would then be no confusion. We must conserve our own boundaries as seems best to us. This overcomes the trouble.

The Minister for Justice: Yes.

Clause put and passed.

Progress reported.

### ADJOURNMENT—SPECIAL.

THE PREMIER (Hon. P. Collier—Boulder) [6.14]: I move—

That the House at its rising adjourn until Tuesday, the 13th September.

Question put and passed.

*House adjourned at 6.15 p.m.*

---

## Legislative Council,

*Tuesday, 6th September, 1927.*

	PAGE
Address-in-reply, presentation ... ..	686
Assent to Bill ... ..	687
BMI: Mental Treatment, 1B. ... ..	687
Adjournment, special ... ..	687

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

### ADDRESS-IN-REPLY. PRESENTATION.

The PRESIDENT: I desire to inform hon. members that in accordance with their resolution I presented to His Excellency the Governor the Address-in-reply passed by this House on the 17th August last, and received from His Excellency the following acknowledgment:—

Mr. President and hon. members of the Legislative Council, I thank you for your ex-

pressions of loyalty to His Most Gracious Majesty the King, and for your Address-in-reply to the Speech with which I opened Parliament. (Sgd.) W. R. Campion, Governor.

**ASSENT TO BILL.**

Message from the Governor received and read notifying assent to Supply Bill No. 1 (£1,913,500).

**BILL—MENTAL TREATMENT.**

Introduced by the Chief Secretary and read a first time.

**ADJOURNMENT—SPECIAL.**

**THE CHIEF SECRETARY** (Hon. J. M. Drew—Central) [4.37]: I move—

That the House at its rising adjourn until Tuesday, 13th September.

Question put and passed.

*House adjourned at 4.38 p.m.*

---

**Legislative Council,**

*Tuesday, 13th September, 1927.*

	PAGE
Paper, Financial Agreement ... ..	687
Bills: Trustees Act Amendment, 2R. ... ..	687
Judges' Salaries Act Amendment, 1R. ... ..	688
Land Tax and Income Tax, 1R. ... ..	688
Agricultural Lands Purchase Act Amendment, 1R. ... ..	688
Northam Municipal Ice Works Act Amendment, 1R. ... ..	688
Permanent Reserve, 1R. ... ..	688
Supply (No. 2) £831,000, all stages ... ..	688
Mental Treatment, 2R. ... ..	689

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

**PAPER—FINANCIAL AGREEMENT.**

Hon. A. LOVEKIN: I desire to present certain tables constructed on figures contained in the draft Financial Agreement dated 16th June, 1927, and entered into between the Commonwealth and the States.

On motion by Hon. A. Lovekin, ordered to be printed and laid upon the Table of the House.

**BILL—TRUSTEES ACT AMENDMENT.**

*Second Reading.*

**THE CHIEF SECRETARY** (Hon. J. M. Drew—Central) [4.36] in moving the second reading said: This Bill seeks to remedy a defect in the Trustees Act, 1900. Owing to that defect an administrator of the estate of a deceased person, when acting in the ordinary course of administration, cannot obtain the leave of the Supreme Court to carry on a business that the deceased carried on during his life, or raise money for that purpose until he has cleared off the debts due by the deceased, and holds the net balance in trust for the beneficiaries. One can easily realise what this would mean in certain circumstances. It may be highly desirable not only in the interests of the next of kin, but also of the creditors, to keep the business going before the debts are cleared off. Indeed, to close down the business would, in some cases, have a disastrous effect on its ultimate sale. If it were a drapery establishment, a grocery store, a butcher's shop, or in fact, almost anything, a cessation of business would mean the destruction of goodwill and, it may be a serious loss of assets. That is what would occur here in Western Australia under the present law, unless the administrator were prepared to take risks he was not justified in taking. The defect in the Act of 1900 is due to the failure of the interpretation of the words "trust" and "trustee" to go as far as the interpretation in the Imperial Act on which our existing Act is based. The following words have been left out in the definition of "trust" and "trustee": "the duties incidental to the office of the personal representative of a deceased person." These words appear not only in the Imperial Act, but in the Acts of New South Wales, Victoria, South Australia, and Queensland. Under this Bill an administrator will be able, with the consent of the Supreme Court, to do all the things set forth in Section 45 of the Trustees Act, 1900. That section reads as follows:—

45. (1) The court may, on the application of any trustee, make such orders as to it may seem meet in all or any of the following matters:—(i) The improvement or repair of any

part of the trust estate. (ii) The conduct and management of any business forming part of the trust estate. (iii) The leasing for any term of any part of the trust estate. (iv) The sale or exchange or mortgage of any part of the trust estate. (v) The purchase of any land for the protection or improvement of the trust estate. (vi) All questions arising in connection with the administration of the trust, the control or management of the trust estate, and the construction of the instrument creating the trusts, including the right of all beneficiaries under the trust.

Before the administrator can secure the power to do any of these things, he must approach the Supreme Court when, no doubt, the court will go fully into the matter and arrive at a conclusion as to whether it would be wise or unwise to grant him those powers. I move—

That the Bill be now read a second time.

On motion by Hon. A. Lovekin, debate adjourned.

#### BILLS (5)—FIRST READING.

- 1, Judges' Salaries Act Amendment.
- 2, Land Tax and Income Tax.
- 3, Agricultural Lands Purchase Act Amendment.
- 4, Northam Municipal Ice Works Act Amendment.
- 5, Permanent Reserve.

Received from the Assembly and read a first time.

#### BILL—SUPPLY (No. 2), £831,000.

*Standing Orders Suspension.*

**THE CHIEF SECRETARY** (Hon. J. M. Drew—Central) [4.49]: I move—

That so much of the Standing Orders be suspended as is necessary to enable Supply Bill No. 2 to pass through all its stages at the one sitting.

There should be no need to stress the urgency of this matter. We have had authorisation only to the end of August and we are now carrying on without any authority, due largely to the fact that the Council was adjourned and that messages from another place could not be received.

Question put and passed.

#### *First Reading.*

Bill received from the Assembly and read a first time.

#### *Second Reading.*

**THE CHIEF SECRETARY** (Hon. J. M. Drew—Central) [4.50] in moving the second reading said: The amount asked for under this Bill is drawn as follows:—

	£
Consolidated Revenue Fund ..	450,000
General Loan Fund .. ..	375,000
Government Property Sales Fund ..	5,000
Land Improvement Loan Fund ..	1,000
Total ..	£831,000

This is the same amount that was granted at this time last year. The amount now being asked for is two months' Supply, which will carry us on till the end of October. It is the intention of the Treasurer to present the Budget within a brief period. There has been delay owing to the Treasurer having been called away on public duty. The returns to date do not vary to any great extent from those of last year. The revenue has been fairly buoyant. Since last June the railway receipts have been £53,885 above those of 1926-27. Public Utilities, as a whole, show an increased collection of £67,571. Income tax returns have fallen, as a result of the concession granted last year. Dividend duty, however, shows a slight increase. As compared with last year, expenditure shows a decrease of £8,599. Administration increase is £5,296, and domestic increase is £7,531. The latter includes Gaols, Lunacy, Medical, Health, Police, State Children and Education. The expenditure under Public Utilities has grown only by £26,776. This compares favourably with the increase of £67,571 under revenue.

Hon. Sir Edward Wittenoom: Is this the second Bill during the current session?

**THE CHIEF SECRETARY:** Yes.

Hon. Sir Edward Wittenoom: I was afraid so.

**THE CHIEF SECRETARY:** I move—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

#### *In Committee, etc.*

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

*Third Reading.*

**THE CHIEF SECRETARY** (Hon. J. M. Drew—Central) [4.55]: I move—

That the Bill be now read a third time.

**HON. A. LOVEKIN** (Metropolitan) [4.56]: Clause 2 of the Bill says "The said sums shall be available to satisfy the warrants under the provisions of the law now in force, in respect of any services voted by the Legislative Assembly during the financial year." Should not these sums be voted by Parliament? I did not notice this before. It seems to me we are putting into the hands of the Legislative Assembly the right to vote these moneys without the sanction of the other constitutional House. I merely draw attention to this matter. \*

**THE CHIEF SECRETARY** (Hon. J. M. Drew—Central—in reply) [4.57]: From time immemorial the clauses in the Supply Bill have been much the same. The House of Commons votes Supply.

Hon. A. Lovekin: That is a different position.

**THE CHIEF SECRETARY**: The position is exactly the same here, where the Legislative Assembly grants Supply. There has been no amendment of the procedure by the present Government, so far as I know.

Hon. J. Nicholson: The clause was no different in the previous Bill.

**THE CHIEF SECRETARY**: It has appeared in every Bill, so far as I can recollect.

Hon. A. Lovekin: I can raise the question when the main Bill comes before us.

Question put and passed.

Bill read a third time and passed.

**BILL—MENTAL TREATMENT.**

*As to Second Reading.*

Order of the Day read for the moving of the second reading.

Hon. Sir Edward Wittenoom: There are no copies of this Bill before us.

**THE CHIEF SECRETARY** (Hon. J. M. Drew—Central) [4.58]: I regret that no copies of this Bill have as yet been distributed. That has never been my respon-

sibility; at any rate they are not here. I therefore move—

That the consideration of the Order of the Day be postponed until the next sitting.

Motion put and passed.

*House adjourned at 5 p.m.*

---

**Legislative Assembly,**

*Tuesday, 13th September, 1927.*

---

Questions: Water supply, Edjudina dam ... ..	689
Land selection, Ravensthorpe district ... ..	689
Bills: Forests Act Amendment, 1B. ... ..	690
Inflammable Liquid, 2A. ... ..	690
Closer Settlement, Com. ... ..	695

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

**QUESTION—WATER SUPPLY,  
EDJUDINA DAM.**

Hon. G. TAYLOR asked the Hon. J. Cunningham (Honorary Minister): Is it his intention to lay upon the Table the papers dealing with the leasing of the Edjudina dam?

Hon. J. CUNNINGHAM replied: Yes, if the papers are moved for in the usual way.

**QUESTION—LAND SELECTION,  
RAVENSTHORPE DISTRICT.**

Mr. MARSHALL (for Mr. Corboy) asked the Minister for Lands: 1, How many blocks have been applied for in the Ravensthorpe district during the last 12 months? 2, How many of such blocks are awaiting survey, etc., before approval? 3, Can he indicate when it will be possible for such approvals to issue? 4, As settlers are waiting to proceed with development, will it be possible to expedite this work?

The **MINISTER FOR LANDS** replied: 1, Seventy-three. 2, Thirty-one, but in 19 cases applicants have not yet paid survey fee asked for and in six cases the land has