

in the schools deliberately to stimulate thinking and classroom discussion on the cause and extent of poverty, the reasons for war, the difficulties in the way of peace, the meaning of liberty, and what justification, if any, there is for a system under which ten million are unemployed because they are alleged to have produced too much.

3. Such education is only possible when we select teachers as if they were members of the holiest profession, and then give them freedom both as teachers and citizens, to serve the great cause of truth. We may demand of teachers that they do not seek to hypnotise young minds into accepting their own dogmas. We may not demand of teachers of the rising generation a slavish obedience to expediency or the dominant prejudices of the local powers that be. Finally, if we are to train our children to face controversial issues, we must let them have some experience in being citizens and not merely subjects in the schools. We learn by doing. No wonder we turn out such bad citizens from our schools when students are so often penalised for non-conformity and so generally deprived of any voice in discussing the issues of their own world. No one is more aware than I of the difficulties in the way of carrying out this modest programme. They are not insuperable if those workers with hand and brain, who must make the world of to-morrow, recognise that only frank and fearless facing of facts and dealing with them intelligently will enable us to control the giant machinery of our times for life, and not for death.

It was my intention to give the Committee only a few quotations from the article which I have just read, but it is so full of sound sense that I decided to quote it in toto. I am in agreement with the ideas expressed, and I now leave the subject to the reflection of members.

Progress reported.

House adjourned at 11.12 p.m.

Legislative Council,

Wednesday, 25th October, 1933.

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

BILLS (4)—THIRD READING.

- 1, Feeding Stuffs Act Amendment.
- 2, Fruit Cases Act Amendment.
- 3, Plant Diseases Act Amendment.
- 4, Police Act Amendment.

Passed.

BILL—FIRE BRIGADES ACT AMENDMENT.

Received from the Assembly and read a first time.

BILL—LAND.

Second Reading.

THE HONORARY MINISTER (Hon. W. H. Kitson—West) [4.42] in moving the second reading said: This is a measure which is long overdue. Many of the Western Australian statutes have been amended from time to time and consolidated, but I do not think any of our laws require consolidation so urgently as do at the present time the Acts dealing with land. The absolute necessity for the simplification of the laws relating to the disposal of Crown lands has been recognised for many years past. Session after session amending measures dealing with difficulties and proposals which have cropped up in connection with our land legislation have been passed. These measures have not only amended sections, but in many cases have superseded, wholly or in part, sections which have not been repealed. As a consequence this legislation is now in such a chaotic state that it is extremely difficult for people to understand just what the law is. Those difficulties affect many sections of the community. They affect the general pub-

lic, the Lands Department, and also the law courts. The Bill which has been prepared and presented to Parliament is a consolidation of the necessary portions of the various Acts embodying the principles of our existing land legislation, together with a few new clauses covering necessary features. For the convenience of hon. members these new provisions are printed in italics. That, I think, is a good idea, and one which might be followed more frequently in Bills of a comprehensive character such as this measure. The Bill being a consolidating measure, it will be realised how much easier it should be in future to follow our land legislation once the Bill becomes an Act.

Hon. J. J. Holmes: I suppose it repeals quite a number of Acts.

The HONORARY MINISTER: Schedule I. contains a list of enactments which are to be repealed by the Bill. There are 33 which will be entirely repealed, while Section 2 of the Act of 1928 also will be repealed. So we can understand the necessity for the Bill. The repeal of the existing Acts will not affect any rights, titles, interests or liabilities already created, existing or incurred. The Bill lends itself to discussion in Committee rather than on the second reading, and, since there are quite a number of amendments, some of them of a minor character, necessitated as the result of the repealing of the various Acts, I do not propose to deal with all of them at this stage, although I do propose to mention the principal amendments involved in the Bill. When the Bill is in Committee I shall be only too pleased to place before members whatever information I may have. The workings of the Agricultural Land Purchase Act and of the Permanent Reserves Act are so closely bound up with the Land Acts that it has been decided to amalgamate them in the Bill and repeal those Acts as they stand. The Bill itself is divided into nine parts. Part I includes the introductory and general provisions, and comprises Clauses 1 to 27. The principal new feature in this part is to be found in Clause 6, in which it is provided that the Minister for Lands shall be a body corporate. It has been found essential that the Minister shall have power to sign documents in his official capacity instead of in his private capacity, as required in the existing Act. This is necessary be-

cause documents such as mortgages connected with activities apart from the operations of the Land Act, as for instance the supplying of rabbit-proof netting under the Commonwealth scheme, have to be signed by the Minister in his personal capacity. This necessitates documents in connection with discharges, etc., being sent to him for his personal signature, even after he has vacated office. That is scarcely desirable, and I am advised that very great difficulties will arise if this clause be not passed.

Hon. J. Nicholson: Which clause is that?

The HONORARY MINISTER: Clause 6. One can understand that there would be difficulties if the Minister were to pass on, and his signature was required. We all agree that Ministers will at some time or other pass on, and so it is necessary to safeguard the interests of those people who, under the existing legislation, require his signature to discharge their documents. Part II of the Bill contains Clause 28, and deals only with the divisions of the State. There is no alteration in that. Part III comprises Clauses 29 to 37, and deals with reserves. No important alteration is made in that part, except the including in it of the Permanent Reserves Act, which is a separate Act at present. Part IV. comprises Clauses 38 to 45, and deals with the sale of town lots. There is no alteration whatever in that part. Part V. comprises Clauses 46 to 89, and is a very important part, since it deals with the alienation of agricultural and grazing lands. Generally speaking, with the exception of one or two major alterations the principles herein contained are the same as in the old legislation. The main alteration is as to the maximum area of first-class land which can be held by one person. Previous Acts have laid it down that one person can hold 2,000 acres of cultivable land, or its equivalent of non-cultivable land, or mixed land, or a maximum of 5,000 acres; and that if a man be married, his wife shall be entitled to an additional 1,000 acres of cultivable land or 2,500 acres of non-cultivable land, or its equivalent in mixed proportions. That is entirely altered under the Bill. At one time there was a distinction made between grazing land and agricultural land, but we have got away from those definitions and now we use the terms "cultivable" and "non-cultivable." The Bill

still maintains the same equivalent as previously, five acres of grazing land being the equivalent of two acres of cultivable land. But when it comes to the area which one person may hold, there has been a considerable alteration from the existing Act. The area under the existing Act is considered too large, and in 1922 a ministerial ruling was issued to the effect that the maximum area to be granted to any one person was 1,000 acres of cultivable land and 2,500 acres of non-cultivable land, or a maximum of 5,000 acres of non-cultivable land, and "person" to include a man and his wife. In short, it means that no person shall be entitled to hold more than 1,000 acres of cultivable land or its equivalent.

Hon. J. Cornell: The difficulty has been with the first-class land.

The HONORARY MINISTER: Yes, that has been the difficulty. The Bill is put into legal form in such a way as to give effect to what has already been laid down by successive Ministers for Lands during the last ten years or so. It is also provided that a homestead farm shall comprise 160 acres of cultivable land or its equivalent of non-cultivable land. In the existing Acts a homestead farm comprises 160 acres, no matter what the quality of the land may be. In some districts that would be quite unfair. Even if it were only sandplain, there was no legal authority to grant a homestead farm of a larger area than 160 acres. Opportunity has been taken in the Bill to make it possible for a person to be granted a homestead farm of a larger area, but being only the equivalent of 160 acres of cultivable land. There is also in the Bill a provision for a lease under conditional purchase to include the equivalent of a homestead farm, the rent of the area being proportionately reduced to cover the area of the homestead farm. This is to enable the applicant to obtain the benefit of a homestead farm without the disadvantage of having two separate leases, as at present. That also is a step in the right direction. Should the block including a homestead farm be transferred to a person not eligible to hold a homestead farm, the rent is automatically increased to the original conditional purchase price. That provision also will obviate the necessity for two documents, and so will prove a saving to the settler. Part VI., which comprises Clauses 90 to 115, deals with pastoral leases. The 1932 Act and the present Bill provide for

leases being granted until 1982 in lieu of 1948, and for the holders of existing leases to make application for fresh leases to the later date. I understand that practically all existing leases have been granted until 1948. They were approved at a rental fixed by a board of appraisers, and are subject to re-assessment at the end of 15 years, and the rental which is then fixed is to continue until the expiration of the lease. In 1931, in order to assist lessees in their financial troubles, it was provided that the rents of all leases in the Kimberley Division used chiefly for cattle were to be reduced, by 20 per cent. in West Kimberley and 40 per cent. in East Kimberley. The leases were to be reappraised this year, and if a lessee does not make application for a fresh lease under the Bill, the rent is to continue until the end of the term. If he does make application under the present Bill, the leases will be re-appraised in 1948 and every 15 years afterwards. The rents on pastoral leases, used chiefly for sheep in the Kimberley division, and pastoral leases in all other divisions were to be based on the price of greasy wool below or above 1s. per lb. This was to carry on until 1942 before reappraisal, and if the lessee did not apply for a fresh lease under the Bill, the rent would remain until the end of the term of the lease, but if the lessee applied for a new lease, the rental would be appraised thereafter every 15 years. Fresh leases under the Bill will be approved at a rental to be assessed by the Appraisal Board, and this rental will be re-assessed every 15 years until the end of the term of the lease. Those are the main alterations in that particular part of the Bill. Then we come to Part VII. comprising Clauses 116 to 118, which deal with special leases and licenses. No additions have been made to this part. Part VIII., covering Clauses 119 to 134, deals with agricultural lands purchase. Owing to the fact that the provisions of the Agricultural Lands Purchase Act were so bound up with those of the Land Act itself, it was considered advisable to include its provisions in the Bill now before us and action has been taken accordingly. A great many of the sections as they appear in the compilation are now unnecessary, not being any longer required. These are principally the sections which dealt with the acquisition of land for returned soldiers.

Adequate power is still retained, should it be required, in the clauses appearing in the Bill, and in the Discharged Soldiers Settlement Act and the Agricultural Bank Act to cover any case that may arise in the future. There are one or two provisions which were considered necessary. One extends the leases issued under the Act to 40 years. Previously the period was 30 years, and there is provision that for the first five years of the term of the lease the rent shall be fixed at an amount not to exceed such sum as will yield interest on the selling price of the land, thus bringing the leases on the same level as those issued under the Land Act itself. This will be of considerable value to the people concerned. Part IX. covers Clauses 135 to 171. This part contains the machinery provisions of the Bill and also the provisions for lodging mortgages, covenants, etc. The principal addition is contained in Clause 141 which deals with the right of free resumption of one-twentieth contained in Crown grants. It is proposed to cancel this right after a period of five years unless the work for which the resumption is made materially increases the value of the particular piece of land from which the resumption is made. Members will agree that it is highly desirable that there should be a consolidation of the existing Acts and I am hopeful that the House will agree to the amendments proposed and which have been found to be necessary as a result of experience in the last few years. I have quite a lot of detailed information in my possession in regard to most of the clauses in the Bill. As I have already said, it is a Bill which lends itself to discussion in Committee more than on the second reading. If members desire information on any particular clause I hope they will ask for it and I shall be only too pleased to supply it.

Hon. J. Cornell: Is it a fact that Mr. Sayer is mainly responsible for this good work of consolidation?

The HONORARY MINISTER: I believe it is true that Mr. Sayer is the gentleman responsible. I am given to understand that he made a close study of this consolidating measure.

Hon. C. F. Baxter: And in an honorary capacity.

The HONORARY MINISTER: I understand from the Chief Secretary that that is correct.

Hon. J. Nicholson: He deserves great credit.

The HONORARY MINISTER: He does, and I think the House will be appreciative of the fact that at this stage of his life he should have given up so much of his time to this matter, which is of such great importance to all sections of the community.

Members: Hear, hear!

The HONORARY MINISTER: I am pleased indeed that Mr. Cornell mentioned Mr. Sayer's name, and on behalf of the Government I can add that we appreciate the great assistance Mr. Sayer has rendered the State in this connection.

Hon. C. F. Baxter: The State is heavily indebted to him.

The HONORARY MINISTER: I am hopeful that members will not be too pressing with new amendments other than those that have already been put forward, and which are absolutely necessary.

Hon. A. Thomson: Is there any provision in the Bill for reducing the present price of re-purchased estates?

The HONORARY MINISTER: There is provision dealing with repurchased estates, that is, with regard to payment for them: it is a provision which I believe will be of advantage to the settlers. I have a good deal of information which I shall be prepared to give to the hon. members in Committee.

Hon. J. J. Holmes: It extends the period of payment from 30 to 40 years.

The HONORARY MINISTER: That is one thing that has been done. I do not want it to be thought that I have not endeavoured to explain all the provisions; I have referred to the most important. I move—

That the Bill be now read a second time.

HON. SIR EDWARD WITTENOOM (North) [5.10]: I congratulate the Government on bringing down this consolidation of the Land Acts. It is considerably overdue and has been asked for from time to time for many years past. I was under the impression that there were 20 or 30 Acts dealing with the lands of the State, and I have often advocated that those Acts should be consolidated in such a way that the average man would be able to understand them. At the present time, I do not think anyone knows where he stands in respect of land legislation. Last night I went carefully through the Bill we are now discussing and

arrived at the conclusion that in framing it the draftsman had given it very careful thought. I am a great believer in the consolidation of statutes. I think it was in 1898, or at about that time, that the late Mr. J. C. H. James undertook to consolidate all the then existing statutes.

Hon. J. Nicholson: It was about 1925.

Hon. Sir EDWARD WITTENOOM: All the statutes to that period were compiled, and with such an example before me, I frequently agitated that the different Governments should undertake the consolidation of other Acts of Parliament. The only point to which I wish to draw attention is in Clause 113 and which I will refer to more fully when the Bill is in Committee. I intend to submit an amendment and will ask for its careful consideration at the hands of members. Clause 113 deals with the limitation of the area of a leasehold to 1,000,000 acres. Superficially I agree, and we all agree, that 1,000,000 acres is quite sufficient for any individual or company. I was one of those who supported that when it was before the House on a previous occasion. Since that time, however, circumstances have arisen as the result of which an alteration might now be made. Owing to this limitation to 1,000,000 acres, capital, which otherwise would have been invested here, has gone out of the country. The remedy would be to insert a clause to the effect that any person or company who improved their million acres to such an extent that they could not do anything more with the area, and still had capital available to acquire another property, should be allowed to do so. I know of a couple of instances where other properties might have been taken up in Western Australia and money spent on them had it been possible for the areas to be taken up. Again I congratulate the Minister on the manner in which he presented the Bill to the House. He did not worry us with too much detail, but gave us sufficient information all of which was interesting. I have much pleasure in supporting the second reading of the Bill.

HON. J. CORNELL (North) [5.14]: I too congratulate the Honorary Minister on the manner in which he presented the Bill. It is essentially a Committee measure, but I cannot allow the opportunity to pass without adding my small meed of praise for the excellent work that has been done by Mr. Sayer in drafting the consolidation. The

State is indeed fortunate to have a man like Mr. Sayer to do work of this kind as thoroughly as he has done it. It has been an established fact for many years that no litigant was game enough to take on the Lands Department because of the multiplicity of Acts that had to be interpreted in a court of law. Mr. Sayer has succeeded in reducing all those Acts of Parliament to a comparatively small measure. This is the second consolidating Bill that has been brought down this session. It is a tribute to Mr. Sayer's industry that he also dealt with the consolidation of the Road Districts Act, which was so long overdue for treatment in that way. Mr. Sayer has made the interpretation of the Land Act much easier than it has been for many years, and I hope he will long be spared to the State to enable him to continue his work of consolidating the various Acts.

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

ADJOURNMENT—SPECIAL.

THE CHIEF SECRETARY (Hon. J. M. Drew—Central) [4.16]: I move—

That the House at its rising adjourn until Tuesday, 31st October, at 4.30 p.m.

Question put and passed.

House adjourned at 5.17 p.m.

Legislative Assembly.

Wednesday, 25th October, 1933.

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