

country and with the money they obtained purchased tractors.

Mr. Latham: Quite possibly.

Mr. Hawke: The member for Canning is putting the Country Party members in the shade.

Mr. Latham: Then let him go.

Mr. CROSS: I do not anticipate that the Agricultural Bank will be closed down, because it is an institution essential for the progress of the State.

Opposition members: Hear, hear!

Mr. CROSS: I hope the operations of the Bank will be continued, and that the Royal Commission's drastic reflections upon the trustees will not be regarded too seriously by Parliament. Just prior to the Federal elections, in some of the Eastern States certain prominent members of the Country Party, in order to foster antagonism to the nationalisation of banking, held up our Agricultural Bank as a wonderful example; whereas everybody knows or should know that it is not a trading bank at all. I attended a public meeting in New South Wales at which this Commission's report was quoted as an example of what could happen under nationalisation of banking. But, as I say, it is generally known that the Agricultural Bank was never a trading bank at all, but was a bank instituted to finance development during the developmental stages of this State. I hope that the Bank, as such, will continue to carry on.

On motion by Mr. Ferguson, debate adjourned.

House adjourned at 9.2 p.m.

Legislative Council,

Wednesday, 26th September, 1934.

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

QUESTION—WHEAT.

Agricultural Bank Holdings.

Hon. A. THOMSON (for Hon. C. F. Baxter) asked the Chief Secretary: 1, What quantities of wheat are held by the Agricultural Bank on behalf of clients in—(a) Western Australian Wheat Pool; (b) Wheatgrowers' Wheat Pool? 2, What amount per bushel has been advanced on those quantities?

The CHIEF SECRETARY replied: 1, (a) Wheat Pool of W.A., 691,351 bushels; (b) Union Wheat Pool of W.A., 297,467 bushels. 2, Wheat Pool of W.A., 2s. 5d. less freight; Union Wheat Pool of W.A., 1s. 8d., net.

MOTION—STATE TRANSPORT CO-ORDINATION ACT.

To Disallow Regulation.

Debate resumed from the 14th August on the following motion by Hon. A. Thomson (South-East):—

That Regulation 48, made under the State Transport Co-ordination Act, 1933, as published in the "Government Gazette" on the 16th March, 1934, and laid on the Table of the House on the 7th August, 1934, be and is hereby disallowed.

THE HONORARY MINISTER (Hon. W. H. Nitson—West) [4.35]: The argument advanced for the disallowance of the regulation was mainly that appellants would be compelled to come to Perth in order to have their appeals heard. It is considered that the appeals should be heard by the one magistrate, because it is desirable that there

should be uniformity in the decisions arrived at. I am in a position to say to-day that there is probably no need for any further discussion of the matter, which has been the subject of negotiations between the parties concerned, and as a result an agreement has been arrived at, though it has not yet been finalised. By that I mean that all the signatures have not so far been obtained, but I understand there is no doubt that, in the next day or two, the agreement will be definitely finalised. That will obviate the necessity for any further action by this House.

Hon. G. W. Miles: What is the agreement?

The HONORARY MINISTER: The appellants are applying to withdraw their appeals and are being given an extension of time to operate on the routes applied for previously. I believe that in every instance they are satisfied. The reason why the agreement has not been finalised is that it has been necessary to forward the document through the solicitors of the appellants, and there has been some delay in getting the signatures.

Hon. G. W. Miles: What extension has been granted?

The HONORARY MINISTER: Until the end of the year.

HON. A. THOMSON (South-East—in reply) [4.38]: I hope the House will insist on the disallowance of the regulation. It is true that an agreement has been reached, but it has been reached in a manner that has placed the men desirous of appealing in a very difficult position. In future it may be necessary for someone to appeal against a decision of the board, and in my opinion we should still give an appellant the right to appeal to a local magistrate. There are 12 magistrates in the State. It may be desirable to have uniformity in the decisions, but that, in effect, means that the Transport Board desire that only one magistrate shall hear appeals, and if he decides against Smith, other carriers such as Brown, Robinson and Jones may as well stay at home and not submit their appeals. It would be in the interests of country districts and of those people who have built up businesses in accordance with the law of the land if a local magistrate with a knowledge of local conditions were enabled to hear appeals. I take strong exception to requiring country appellants to come to the city to have their appeals heard. I know of three carriers

who were desirous of appealing and who took steps to appeal through local solicitors, but they have been held up because the regulation under discussion provided that all appeals must be heard in Perth. I want members to realise that the regulation will place a country resident in a difficult position. Such a man might be in Perth once or twice a week, but he cannot go to the court the moment he arrives and leave just when he desires. He might have to miss a trip and waste a considerable amount of time before getting a hearing. It was the intention of the measure that appeals should be heard in the nearest court. If the Government had intimated that all appeals must be heard by a magistrate in Perth, I am sure this House would not have agreed to the proposal. The average carrier is not in a position to pay the expense of bringing witnesses to Perth. It has been calculated that to bring the necessary witnesses to Perth would cost approximately £80, and the average carrier is not in a position to find that amount. I hope the Transport Board will administer the Act in the country as they have done in the city. The Commissioner of Railways, in his report, pointed out that the Transport Board had determined and fixed the fares to be charged by the buses and taxis operating in the metropolitan area. So far as I can learn, not a bus or a taxi has been refused a renewal of license. When we come to the country, however, where men have built up businesses strictly in accordance with the law, they have been told that their licenses would not be renewed. The Honorary Minister said there was no need to carry the motion because, after negotiations, an agreement had been arrived at. Let me tell members how the agreement was arrived at. A carrier in the Katanning district telephoned me recently and asked what advice I could give him as to the course of action he should pursue. He said, "The Transport Board have refused to renew my license after the end of September and my appeal will not be heard by that time. If one may judge by indications, my license will not be renewed, and I still owe on my motor truck the sum of £200. If I cannot carry on my business after the end of September, I shall be in the unhappy position of having to return my truck to the company from whom I purchased it and of losing whatever I have paid on it. On the

other hand, the Transport Board offer me, provided I withdraw my appeal"—I want hon. members to notice that last phrase—"an extension of time to the end of the year, when I must go off the road." That is the agreement which has been entered into; and it savours of compulsion such as, I feel sure, neither the Government nor the House ever anticipated. There is the alternative. The man has withdrawn his appeal because by carrying on until the end of the year he will be enabled to pay for his truck and have something left over. I was desirous of merely having Regulation 48 altered, but unfortunately there is no power to do that. The rejection of Regulation 48 will affect other regulations, but there is nothing to prevent the Transport Board from submitting those other regulations afresh. If the objectionable regulation is dropped, I personally shall offer no objection to the others. The magistrate may travel if he so wishes, but we want to be certain that he will travel. The Transport Board's attitude in refusing to allow men to carry on until their appeals have been heard seems to me unfair. The Act definitely lays down that an appeal should be heard by a resident magistrate. In passing the measure the House never intended that every truck owner operating in the country should have to come to the city in order to have an appeal heard. If the Honorary Minister will cast back his mind to the discussion on the measure, he will recall a suggestion that the appeal should be to the Supreme Court, and that the consensus of opinion was that that method would be too costly for the individual. Accordingly the House accepted a section of the Victorian Act allowing appeal from the decision of the Transport Board to a court of petty sessions or a resident magistrate. If we do not disallow Regulation 48, we automatically override our Act and compel every truck owner living in the country to come to Perth for the hearing of his appeal by the magistrate. The regulation is unjustifiable, and I hope the House will disallow it. It is true that negotiations are taking place, but their nature reminds me of the story of a returned soldier who had been at work on the Fremantle wharf driving a crane. He was forced off the wharf by moral suasion. He had a crowd around him threatening to hit him on the jaw if he did not withdraw, and though no actual violence occurred he was justified in considering that a regard

for his personal safety should cause him to withdraw. That case is almost parallel to the attitude of the Transport Board in compelling truck owners to accept the board's decision. If they accept it, they will by grace of the board, and not by reason of the Act, be enabled to carry on until the end of December, though not later. In addition, in order to carry on until the end of the year they must forfeit their right of appeal; and to that I strongly object. I leave the matter to the wisdom of the House. The board have interpreted the Act in a way that I did not anticipate for a moment. I thought the board would adopt the same attitude to truck owners in the country as to omnibus owners in the metropolitan area. I thought they would fix a charge for the carriage of goods, which would have gone a long way towards eliminating that country competition of which the Railway Department have so much cause to complain. In view of the whole position, I must ask hon. members to disallow the regulation.

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

Ayes	12
Noes	8
Majority for	4

AYES.

Hon. E. H. Argello	Hon. J. Nicholson
Hon. L. B. Bolton	Hon. H. V. Piesse
Hon. C. G. Elliott	Hon. A. Thomson
Hon. J. M. Macfarlane	Hon. H. Tuckey
Hon. W. J. Mann	Hon. H. J. Yelland
Hon. R. G. Moore	Hon. C. H. Wittneoom (Teller.)

NOES.

Hon. L. Craig	Hon. W. H. Kitson
Hon. J. M. Drew	Hon. G. W. Miles
Hon. G. Fraser	Hon. H. Seddon
Hon. J. J. Holmes	Hon. H. S. W. Parker (Teller.)

Question thus passed.

BILL—SOLDIER LAND SETTLEMENT.

Second Reading.

Debate resumed from the 18th September.

HON. A. THOMSON (South-East) [4.58]: I am afraid I shall appear as if in opposition this afternoon.

The Honorary Minister: Why this afternoon?

Hon. A. THOMSON: Does the Honorary Minister think I am permanently in Opposition? Here we have a measure to ratify an

agreement between the Commonwealth and the Australian States in relation to soldier settlement. In moving the second reading the Chief Secretary dealt extensively with what is known as Mr. Justice Pike's report. I have tried to obtain a copy of that report in order to ascertain whether Western Australia had received equitable treatment from Mr. Justice Pike. Unfortunately the report is not available, and I am somewhat in the dark as to the reason why the learned judge granted Western Australia a comparatively small allowance. The Federal Government have derived considerable financial benefit from Western Australia by virtue of the fact that this State has had a much larger adult male population than any of the other States. If hon. members will cast their minds back to the early days of the war, when Mr. Gardiner was Treasurer of Western Australia, they will recall that he had a vital discussion with the then Federal Treasurer, Mr. Watt, on that aspect. Mr. Gardiner urged that in the matter of enlistment this State had, on a percentage basis, done more than any other State. At that stage the Commonwealth proposed to deduct the 25s. per capita payment which was being made at that time, and it was owing to the strenuous fight put up by Mr. Gardiner, that ultimately the Commonwealth Government agreed to allow us to have the amount to which we were entitled for the men who had enlisted. I noticed in a recent Press report of the Returned Soldiers' Conference that 5,000 soldiers had gone on the land, and that to-day on the Agricultural Bank there are only 2,000 left. I am not going to say that the other 3,000 have left their holdings. No doubt many of them met their commitments to the Agricultural Bank and transferred to the Associated Banks. But the point I should like to have discussed is whether Western Australia is receiving the equitable treatment we are entitled to. The Chief Secretary when introducing the Bill said that he had no doubt if the inquiry by Justice Pike had taken place at the present time we would have received greater consideration. We have quite a number of problems here as far as the returned soldier settlements are concerned. Many blocks were purchased and the price paid was thought to be sufficiently reasonable to allow the soldier settler to carry on. Unfortunately owing to the slump which has taken place many who are on repurchased estates are confronted with a difficult position. The Government therefore should not

be asked to bear the whole or a substantial proportion of the loss sustained. I notice that the agreement which constitutes the schedule to the Bill has been signed, and I do not know what the position would be if we in Western Australia refused to pass the Bill. If we do not ratify the agreement the Commonwealth Government will probably be justified in assuming that we are satisfied and therefore are not entitled to have the question re-opened. Still, it seems to me that it might be wise to give the question further consideration. As I have already indicated, not having been able to peruse a copy of Mr. Justice Pike's report, I am not in a position to say whether or not we are getting a fair deal. But judging by the remarks made at the Returned Soldiers' Conference this week it seems as if there is considerable amount of dissatisfaction in connection with the land settlement policy. We should be in a position to ask for the re-opening of the question in the hope of getting better consideration than the agreement proposes to give us. Clause 3 provides that the Bill we are considering shall be read with the Soldier Land Settlement Act, 1926, and with the Financial Agreement Act, 1928. I am given to understand that the Soldier Settlement Act, 1926, was never proclaimed, and therefore is not in existence. If members will turn to page 3 of the Bill they will find that the definition of "dependant" reads peculiarly. It says—

"Dependant" means a widow or mother or child (including an ex-nuptial child) of a deceased member of the forces who was wholly or in part dependent upon the earnings of or upon the members of the forces at any time during the period of 12 months prior to his becoming a member of the forces.

It seems that in the case of those soldiers who married say within nine months or six months prior to becoming members of the forces or who married after their return, if we take the interpretation of "dependant," the dependents can be debarred from deriving any benefits. I hope the Minister will be able to inform me what will be our position regarding the Bill if we refuse to ratify it. We find that the agreement has been signed by all the Premiers of the States interested in soldier land settlement. A small amendment to the Financial Agreement is made, but that I suppose was found necessary. If it is at all possible to secure a copy

of Justice Pike's report, it should be placed on the Table of the House so that members might have the opportunity of perusing it, and if necessary taking exception to it. At present we are, in effect, being asked to accept Justice Pike's findings in the dark.

THE CHIEF SECRETARY (Hon J. M. Drew—Central—in reply) [5.10]: I regret very much I am not able to supply any further information to the House. As a matter of fact no matter what information I might be able to furnish, the Bill could not be amended. The agreement has been entered into between the Commonwealth and the States. Mr. Justice Pike was appointed to determine the losses sustained by the different States in connection with soldier settlement. He assessed those losses and the States agreed to abide by his decision. That is the position, and it cannot be altered.

Hon. A. Thomson: The trouble is that we have never had an opportunity of judging whether the report was right or wrong.

The **CHIEF SECRETARY**: A copy of the report if it were available, would be very interesting, but it could not affect the position of the Bill we are now considering. If the Bill be rejected it might mean the forfeiture of the concessions made by Mr. Justice Pike. That would be serious for us. I have given to the House all the information that was supplied to me. We had no alternative but to submit the Bill for the approval of Parliament. All the other States have agreed to a similar measure and we can do nothing else no matter how we may feel in the matter. If we rejected the Bill, where would we stand?

Question put and passed.

Bill read a second time.

In Committee.

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

BILL—REDUCTION OF RENTS ACT CONTINUANCE.

In Committee.

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

As to Third Reading.

THE HONORARY MINISTER (Hon. W. H. Kitson—West) [5.16]: I move—

That the third reading of the Bill be made an order of the day for the next sitting of the House.

HON. J. NICHOLSON (Metropolitan) [5.17]: Will the Honorary Minister give an assurance that the third reading will be held over until the Financial Emergency Act comes forward, so that all these emergency measures may be dealt with at the one time? I think Mr. Holmes referred to this matter by interjection during the debate on one of the other Bills.

THE HONORARY MINISTER (Hon. W. H. Kitson—West—in reply) [5.18]: I am not in a position to give the assurance asked for, and do not think I should have been asked for it. These measures are of the utmost importance to large numbers of people who are entitled to know where they stand.

Hon. J. Nicholson: But what about the Financial Emergency Act?

The **HONORARY MINISTER**: That will come along in due course. It is neither right nor fair that the House should adopt the attitude it is suggested should be adopted of suspending these Bills.

Hon. G. W. Miles: They are in operation until the end of the year.

The **HONORARY MINISTER**: Yes. If the House is not prepared to pass the Bills, the people who are affected should be given ample time in which to make other arrangements. It is highly desirable that these measures should be dealt with as early as possible.

The **PRESIDENT**: I would point out that the debate has now closed, as the mover of the motion has replied.

Hon. J. J. Holmes: Mr. Nicholson has spoken, and the Honorary Minister has also done so.

The **PRESIDENT**: The mover of the motion has replied, and consequently the debate is closed.

Question put and passed.

**BILL—TENANTS, PURCHASERS, AND
MORTGAGORS' RELIEF ACT
AMENDMENT.**

Second Reading.

Debate resumed from the previous day.

HON. J. NICHOLSON (Metropolitan)
[5.20]: The Bill comes within the category of the financial emergency measures. In asking the Honorary Minister for an assurance as to postponing the third reading of the Bill we have just dealt with, I felt I was only pursuing the right course. I regard all these Bills as being measures that are inter-related. Suppose the Financial Emergency Act were not continued! We would find ourselves in a very unfair position, one set of Bills having been passed by this House before another very important measure, the Financial Emergency Act, had also been passed. We should deal with all these Bills as a whole. I hope that between now and the third reading stage of the Bill that has just been passed through Committee, the Honorary Minister will see reason in the suggestion which has been made. It is not made with the intention of blocking the Bills. I have already expressed the view that these measures should receive further consideration, and that instead of merely continuing this type of legislation we should review it. Mr. Seddon has advanced the same argument. What applies to the Mortgagees' Rights Restriction Act Amendment Bill applies with equal force to this one. In dealing with this particular Bill, we must realise that the obligation is cast upon the tenant or the persons who come within the definition of tenant to apply to the court for relief, whereas under the Mortgagees' Rights Restriction Act Amendment Bill the obligation is cast upon the mortgagees to move the court to do certain things. It is the person who is suffering who should in all these cases make the motion before the court. I hope the Honorary Minister will see his way to meeting the request that we should deal with these matters at the one time, after the Financial Emergency Act has been dealt with.

On motion by Hon. H. Seddon, debate adjourned.

**BILL—ADMINISTRATION ACT (ES-
TATE AND SUCCESSION DUTIES)
AMENDMENT.**

Second Reading.

Debate resumed from the previous day.

HON. H. V. PIESSE (South-East)
[5.28]: I intend to support the Bill. Like Mr. Nicholson, I think it should be referred to a select committee, preferably a joint select committee. It contains many points which the average member as a layman cannot deal with. It is purely a legal Bill. Evidence should be furnished by trustee companies, insurance companies, lawyers, and executors of wills. In my opinion that would be of distinct advantage to members in assisting them to reach a determination on many of the clauses. When the Minister in another place moved the second reading of the Bill, he referred to life insurance agents going around the country districts, inviting people to take out joint policies to avoid the payment of probate duty. As an old insurance agent, I must admit to having written over £1,000,000 worth of insurance, and one of the greatest advantages I had in travelling round the country areas was the fact that I could offer people joint policies under which the payment of probate duty could be avoided, and the amount covered made available promptly. It is but just and right that men who endeavour to protect their wives and families should be able to make provision that would enable the amount of the insurance to be made available promptly after their death. Under the joint policies, the money was made available on the production of the death certificate.

Hon. J. Nicholson: Made available under the joint policy to whichever party survived.

Hon. H. V. PIESSE: Yes. The policy then became the ordinary simple one. The main object I have in view is not the evasion of the payment of probate duty, but the payment of the money as soon as possible, so that there may be prompt settlement when the man dies. The majority of men who effect insurances wish to know that the money will be made available promptly after their death. I have one particular instance in mind regarding a policy I wrote for a man who was 40 years of age. It took me three years to persuade him to take out the policy, and two days before his death, he sent for me and said, "When you insured me, you

promised the money would be paid over on the production of my death certificate." I wrote to my company and before that man was buried, £1,000, plus bonuses, had been paid to his widow. It is prompt business we want, but under the Bill it will be necessary to get the permission of the Commissioner of Taxation before such money can be paid out.

Hon. J. Nicholson: You must have the Commissioner's certificate of approval.

Hon. H. V. PIESSE: Yes. Business men make provision for the payment of probate duty and under what are known as probate policies, the duty is paid on those policies. Promptitude is what is required regarding such payments. I am not worrying about the amount of probate duty payable on the average life policy, but when we come to the consideration of Clause 54 it will be noticed that it affects small amounts that are essential for people who have not a large proportion of the world's wealth to leave when they die. Clause 21 provides that settlement under which any trust can be created must be registered with the Commissioner of Taxation within three months. That period is not sufficient. An executor may be appointed and a trust created under a will. That trust must be registered within the three months, otherwise it cannot be completed; the life interest of, perhaps, a daughter, will be null and void, and the estate will go to other beneficiaries. I can speak of such an instance personally because under my father's will he left a trust to my sister. As I am the sole executor, I might do a fraudulent act for which I could be brought to book, but I could conveniently forget properly to deal with the trust, and the remaining beneficiaries in the estate would gain correspondingly. There would be no recourse for my sister at all. While I do not pretend to have the knowledge of a lawyer regarding such matters, I think that clause should be considered carefully. Clause 40 provides for the refunding within two years of probate duty overpaid. Here again, as the executor of several estates, I realise careful attention is required for this provision. I know of one instance where 20 odd years ago a guarantee had been given by a deceased person. The estate was worth something in the vicinity of £30,000, but the guarantee was for £56,000. Twenty years later, the institution holding the guarantee lodged their claim. By mutual arrangement, a compromise was

effected under which £25,000 had to be paid by the executor in satisfaction of the guarantee. In that instance there was a surplus of £5,000 capital on which the original amount of probate had been paid. On making application to the Commissioner of Taxation for a refund, we found we had no recourse whatever. I claim that such cases should be treated on their merits. In my opinion, two years is not sufficient, for that is a very short period in the administration of an estate. If a select committee were to give consideration to the Bill, evidence could be produced regarding instances such as I have referred to, and it would enable members to reach a decision as to the fairness of some of the clauses. The thanks of members are due to Mr. Nicholson for the excellent speech he delivered on the Bill last evening, and for the legal information he furnished. I feel sure that if he moves to refer the Bill to a joint select committee, his proposal will have the unanimous support of members.

Hon. G. W. Miles: Why refer it to a joint select committee?

Hon. H. V. PIESSE: The Bill must go back to the Legislative Assembly.

Hon. G. W. Miles: They have dealt with the Bill there.

Hon. H. V. PIESSE: It was stated in that House that the Bill was a non-party one, and it is an essential measure.

Hon. A. Thomson: The Government refused to allow it to go to a select committee in another place.

Hon. H. V. PIESSE: On many occasions the Assembly have altered their attitude when resolutions have been sent to them from this Chamber.

Hon. L. B. Bolton: But on very many more occasions they have not done so.

Hon. H. V. PIESSE: If the Bill were referred to a joint select committee, it would save a lot of discussion. It is essential to pass this legislation in order to protect the interests of Western Australia. That was made clear in the instance quoted by the Minister regarding Swan Brewery shares and other dealings. The position should be rectified in the interests of the State. Clause 54 requires returns to be furnished by life assurance companies, and I propose to ask the House to amend it. It requires returns to be furnished respecting payments of over £100 and I propose

to ask members to increase that amount to £200. Most of the policies that will be affected come under the industrial section of insurance. Perhaps members do not know how the industrial insurance section operates.

Hon. H. Seddon: Don't we!

Hon. H. V. PIESSE: Under that section of insurance, payments of 1s., 2s., or some multiple, are made weekly to collectors and in the aggregate the amount is not great. It is a means of saving, and very often the payments are made by wives out of their housekeeping money for the protection of their children or husbands. By that means, small amounts become available for funeral expenses or for carrying on the home. In my opinion, it would not be too much to ask the Government to exempt policies up to £200 from the requirement to furnish returns to the Commissioner. As the clause stands, until the return is furnished, payment of the money has to be delayed. That is the point I wish to stress. The money is supposed to be available promptly, and we should avoid delays. If I had my way, I would provide an exemption up to £500. Section 61 of the Life Assurance Act of 1889 makes provision for £200, and I hope the Chief Secretary will agree to my amendment. I have a further amendment to the clause. If a person should happen to be living in Western Australia at the time of his death, he is regarded as resident here, although he might be merely on a visit. I shall ask members to agree to the deletion of the reference to "resident." I hope the Chief Secretary will agree to that amendment, because without it hardship will be occasioned. Then in Clause 55 I suggest that the amount of £100 should be increased to £200. As for the share business which Mr. Nicholson brought before us last night, we ought to take warning and guard the investment of capital in Western Australia. We want to get as much capital as possible invested here, and if we make it difficult for people resident outside the State, if they will have to pay double probate duty, naturally it will restrict their investment of capital in Western Australia. I certainly think further evidence is required before we definitely deal with this. I will support the Bill, but also I will support Mr. Nicholson if he moves that the Bill be referred to a select committee.

HON. J. J. HOLMES (North) [5.47]: This has been referred to as a legal Bill, and I think rightly so. To my mind a legal training is necessary for the following of its intricate clauses. To make amendments here and there without the Bill having first been submitted to a select committee who would co-ordinate all amendments, would be a mistake. If ever there has been before the House a Bill that should go to a select committee, it is this one. We have to thank Mr. Nicholson for the enlightenment he afforded us on the subject yesterday, and for having showed the difficulties that exist and what we have to guard against. I am not going to say anything further on the legal aspect of the Bill, for it is really too much for me; but I propose to discuss it from the practical standpoint and show the effect a measure like this may have on the development of the country and the investment of capital. Surely if we are going to impose another probate duty upon probate duties imposed elsewhere, it must have the effect of limiting the investment of capital in this State. The worst feature of the whole thing is that all Treasurers seem to be imbued with the one idea of getting money out of profitable employment into the Treasury. That is the effect of all legislation such as this, to take money out of profitable employment, where it is being used for the development of the country, and get it into the Treasury to be spent, in many instances, recklessly. It does not follow that when a man dies his estate comes to an end. In many instances it has to be carried on. Yet we have the Federal Treasurer and the State Treasurer fleecing such estates and invariably coming down on the liquid assets, with the result that there is no money left with which to carry on the property. To illustrate what I mean by extravagant expenditure: I think I am within the mark in saying that during the last five years, apart from what successive Treasurers of this State have extracted from the people in taxation, they have borrowed and spent £15 millions of money; and even assuming the money was borrowed at 4 per cent., it has increased our interest bill by £600,000 per annum. And, as the net result of the expenditure of that 15 millions, we find that the revenue has fallen by at least 1½ millions. So much money has been taken from the taxpayers in the one instance, and borrowed in the other instance, and the net result is a reduced rev-

enue. I meet all classes of people in this country and talk with them without respect to persons, and I get much more sense out of some of them than I do out of others. Only the other day I was carrying on a discussion with a man of the same nationality as Mr. Nicholson, a shearing expert who had been travelling through the shearing sheds as an extra overseer, to make sure that the sheep were properly shorn and the wool properly classified. As a result of his experience of the shearing sheds, he told me that no encouragement was given the men in those sheds to save anything for their old age. They seemed to think the best thing they could hope for was to rear a family and acquire a small cottage and perhaps £1,000. But they argued that if they were to save that £1,000, at the present rate of interest it would be worth only £50 per annum, and therefore they thought that, while young enough to enjoy life, it was better for them to spend the £1,000 and ultimately come under the old age pension scheme; because if they had the £1,000 they could not get the old age pension which would be of greater value than the interest on £1,000. So members will see what is working in the minds of the community, and that those people are encouraged to spend instead of being encouraged to save. It is so apt an illustration that I thought it worth repeating to the House so that members might see exactly where we are getting to.

The Honorary Minister: Do you suggest the abolition of the old age pension?

Hon. J. J. HOLMES: No; I suggest that we should encourage people to attain a position in which they will not require the old age pension. As for the necessity for the Bill, I have seen it coming for years past and have warned people that, sooner or later, they would be unable to do what in the past they have been doing within the four corners of the existing Act. Here I should like to clear up a misapprehension in Mr. Nicholson's mind. When, the other day, the Chief Secretary referred to the grip the legal fraternity had of the Administration Act, I remarked that some of them had a better grip of that Act than they had of the Constitution Act; and last night Mr. Nicholson implied that I had been casting a reflection on the legal fraternity. I did not mean anything of the sort. It is merely that they have

studied the Act and have rightly taken advantage of its provisions.

Hon. H. S. W. Parker: It is not the lawyer, but the client, who takes advantage of the Act.

Hon. J. J. HOLMES: Without expressing any opinion on the intricate clauses of the Bill, I must say it seems to me clear that, one probate having been paid, another probate should not be payable soon afterwards. I have very often noticed that husband and wife, when getting up in years, frequently die within a short time of each other. If, on the husband dying first, probate has to be paid, and if it has to be paid again when the wife dies a few months later, the whole of the liquid assets will have been consumed and there will be nothing left for the younger generation to carry on the business. I know of a concrete instance in this State: A man having two sons, established the elder in the pastoral industry, but that son died just as he was getting on his feet and the property passed to the second son. The father had to find the money for probate in the case of the first son, and when shortly afterwards the second son died, the father had to provide probate again. It seems to me that in such a case, when the probate is paid, the estate ought not to be subject to probate again until some substantial period of time has elapsed; it ought not to follow that because several deaths occur in one family, the whole of the estate should be frittered away and nothing left for the younger generation.

Hon. J. Nicholson: During the war that ruined many estates.

Hon. J. J. HOLMES: With two deaths within 12 months, there would be two Federal probate duties and two State probate duties to be paid. With four probate duties to be paid within 12 months, in most instances there would be very little left for the carrying on of the business. All said and done the business of the individual is the business of the country, and we have to do all in our power to help in the development of the country. Apart from that aspect and the effect that legislation of this kind will have on the development of this State—if there is any part of Australia that stands in need of development, it is Western Australia—I give general support to the Bill on the understanding that a select committee will be ap-

pointed and that this very intricate measure will be framed in a manner that is equitable and that can be understood.

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

House adjourned at 6.2 p.m.

Legislative Assembly,

Wednesday, 26th September, 1934.

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

QUESTION—RABBIT PEST.

Mr. J. H. SMITH asked the Minister for Lands:—1, Is he aware of the dreadful plague of rabbits West and South of Manjimup and also in other parts of the district? 2, Is it not a fact that road board and other bodies, also bank inspectors in the district concerned, have urgently stressed that immediate action be taken? 3, Will he arrange to send an officer down to combat this awful menace, as stock are dying every day, thus creating a great national loss?

The MINISTER FOR LANDS replied: 1 and 2, Yes, the Bank inspectors have reported regarding the prevalence of rabbits, and the local authorities have probably

communicated with the Department of Agriculture. 3, This is a matter for the Department of Agriculture, under whose control the Vermin Act is administered.

BILL—FORESTS ACT AMENDMENT.

Returned from the Council without amendment.

BILL—TIMBER WORKERS.

Introduced by the Minister for Works, and read a first time.

LEAVE OF ABSENCE.

On motion by Mr. North, leave of absence for the remainder of the session granted to the member for North Perth (Mr. J. MacCallum Smith) on the ground of urgent public business.

BILL—WESTERN AUSTRALIAN AGED SAILORS AND SOLDIERS' RELIEF FUND AMENDMENT.

Second Reading.

MR. WARNER (Mt. Marshall) [4.35] in moving the second reading said: This is an amendment to the Act from which the Bill takes its name for the establishment of a relief fund for aged sailors and soldiers. The Returned Soldiers and Sailors' League of Australia is the only recognised member in the Commonwealth of the British Empire League. Membership of the association is confined solely to sailors and soldiers who fought in the Great War or earlier Empire wars. It is the organisation we look to for the preservation of the Poppy Day Appeal for the league alone. There is a fear that some other organisation may step in and sell poppies on Anzac Day, which would be a serious blow to the league. Our Poppy Day Appeal provides the opportunity for the sale of an imitation of the poppy, which is recognised as a suitable emblem for the occasion. The appeal throughout the British Empire is carried out on the same day in the year, and that day is the only one in the year that the league in this State has always sought as the day for the sale of the poppies. It is desired that the league shall be given the sole right to sell poppies on