

House that this cap was registered throughout the States of the Commonwealth.

The Minister for Health: I said nothing of the sort.

Mr. RAPHAEL: Yes, you rammed it down my throat that they were registered in South Australia. However, we have a number of South Australian nurses in this State, and I have a statutory declaration from some of them that not the cap, but only the A.T.N.A. badge on the cap, is registered. Also I have a letter from a doctor in South Australia to exactly the same effect. By my amendment I think that not only the objective of the Minister, but that of the nurses also will be realised. The Minister desires to protect the nurses within the precincts of a hospital. In some institutions the girl is arrayed as a nurse and addressed as "Nurse" from the day she enters the place. I realise that the registered nurses are seeking protection, but as other women have been acting the part for the last 15 or 20 years they also are entitled to some protection.

Progress reported.

House adjourned at 11.2 p.m.

Legislative Council.

Tuesday, 12th October, 1937.

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

AUDITOR GENERAL'S REPORT.

The PRESIDENT: I desire to report that I have received a copy of the Auditor General's report for the financial year ended

the 30th June, 1937, and will lay it on the Table of the House.

QUESTION—DENMARK-NORNALUP RAILWAY.

As to Pemberton Extension.

Hon. H. V. PIESSE asked the Chief Secretary: 1, By whom was the money provided for the construction of the Denmark-Nornalup railway? 2, Was it provided on any special conditions? 3, Was one of the conditions that the line be extended to Pemberton? 4, What was the loss for last financial year on the Denmark-Nornalup railway? 5, Would it be possible for the State Transport Board or the Treasury to subsidise this route as necessary transport service?

The CHIEF SECRETARY replied: 1, Under agreement by the Imperial, Commonwealth, and State Governments. 2, Yes. Interest at the rate of 1 per cent. the first five years, 1½ per cent. the second five years, and at full rates after ten years. 3, No. 4, £7,945. 5, This matter is now under consideration.

BILL—STATE TRANSPORT CO-ORDINATION ACT AMENDMENT (No. 2).

Introduced by Hon. A. Thomson and read a first time.

BILL—FAIR RENTS.

Second Reading—Defeated.

Debate resumed from the 5th October.

HON. E. M. HEENAN (North-East) [4.36]: The Bill is almost identical with a measure that was before the House last year. I spoke in favour of that measure and I intend to support the second reading of this Bill. I see nothing wrong in legislation that has for its purpose the control of rents. During the course of the debate some members have expressed sentiments to indicate that there was something immoral in legislation of this kind. With that point of view I entirely disagree. The Minister, in moving the second reading, stated that similar legislation already existed in certain Australian States, in New Zealand, in England, in the Irish Free State and in South Africa. I venture to submit that in not one of those places could as strong a case be made out for legis-

lation as the case that can be made out for certain parts of Western Australia. I refer particularly to the goldfields, and as a member representing a goldfields province I have been particularly interested in this Bill. At the same time I have been particularly disappointed at the unsympathetic attitude that seems to have been adopted by a majority of members towards the Bill. So much has been said and written regarding the conditions existing on the goldfields that I do not intend to enter into a lengthy discourse on facts or figures. Members, I think, must agree that conditions on the goldfields are very bad. It has been proved beyond doubt that the housing problem there is very acute. Furthermore it has been proved that there is a great shortage of suitable dwelling houses.

Hon. L. Craig: It does not pay to build them there.

Hon. E. M. HEENAN: I shall come to that point later. I think it has also been proved that exorbitant rents are being charged in many instances.

Hon. J. Nicholson: Where?

Hon. E. M. HEENAN: On the goldfields. Reasoning from those premises, I consider that such a state of affairs should not be permitted to continue. As further evidence that there is an acute shortage of houses, I shall quote one set of figures. An investigation made early in the year revealed that in 850 instances houses were occupied by more than one family. To propose a simple solution to the problem is very difficult. The view has been advanced by some members that more workers' homes should be built, and in that view I entirely concur. I realise that the Government are short of money, and that is probably the only reason why they are not attempting such an obvious solution of the problem. If more workers' homes were built the problem would undoubtedly be solved to some extent. The building of workers' homes on the goldfields would provide employment in a number of directions, for not only would there be employment for the workmen who would erect the houses, but most of the materials used would be such as would be procured or manufactured in the State. However, I do not agree that the building of workers' homes would dispense with the necessity for legislation of this kind. Quite a number of people have no alternative to paying rent. During the course of the de-

bate one member wanted to know why the miner residents of the goldfields did not build homes for themselves. I believe I can answer that question. We have been told that a number of miners earn very high wages. I grant that, but what applies to them applies to prospectors. Quite a number of men are out prospecting, and we hear of the ones who make rich finds, but we do not hear of the poor individuals who are struggling and enduring hardships and getting little or nothing. That state of affairs exists also in the mining industry. Undoubtedly many miners do earn high rates of pay. They have to work very hard. They are fortunate in some respects; but, on the other hand, the great majority of them earn only enough to keep themselves. That is the class of man who cannot purchase a home for himself, being never in a position to do so. His employment is not always continuous. Often there is sickness or accident with half pay. Sometimes a man is unemployed for long stretches. Then there is the case of the man with a wife and a large family to support.

Hon. E. H. Angelo: What about the impecunious landlord? Does not he suffer from want of payment of rent in those conditions?

Hon. E. M. HEENAN: I have heard no complaints of that kind on the goldfields.

Hon. H. S. W. Parker: The Bill applies all over the State.

Hon. E. M. HEENAN: I have no sympathy whatever with a dishonest tenant who fails to pay his rent. I do not think he should receive any consideration at all. I do believe, however, that the dishonest tenant represents an infinitesimal quota of the tenants who do pay their rent.

Hon. E. H. Angelo: Why should the impecunious landlord have to find a house for the unfortunate individual who cannot pay his rent?

Hon. E. M. HEENAN: I understand that under a clause of the Bill such a tenant can be ejected.

Hon. J. Nicholson: Look at Clause 14. You will see how many days' notice a weekly tenant gets. He gets 28 days.

Hon. E. M. HEENAN: I do not maintain that the Bill has every virtue and merit. There are certain aspects of it which, in my opinion, should be amended in Committee. I hope, however, that simply because of one or two minor defects the entire Bill will not be rejected. It is an obvious weakness

in the measure that some allowance is not made for losses through defaulting tenants, or through the house not being occupied. Those are reasonable matters for rectification in Committee. I trust I am not making too pitiful a speech regarding conditions on the goldfields, but I have come to the conclusion that in some respects the position there could and should be remedied. My opinion is that it would be remedied by the building of more houses. The Government should extend the operation of the Workers' Compensation Act. That, however, would be merely a partial remedy. There will always be a large number of persons compelled to pay rent. There will always be a number of persons not having enough money to build homes for themselves. There will always be a number of men whose work is of a temporary nature, and who have to pass from place to place as work offers. There would be nothing immoral in passing legislation to protect that class from the unscrupulous landlord who takes advantage of their position. We do not consider it immoral to pass legislation to protect people from money-lenders, who no doubt exist for the benefit of a number of persons. At the same time, we realise that money-lenders should not be permitted to extort unreasonable rates of interest from borrowers. Extending that principle, I maintain that simply because there is a shortage of houses in Kalgoorlie, simply because numerous families live there and require roofs over their heads, landlords ought not to expect rentals which are obviously beyond a fair thing. I do not think any member of the Chamber would have much respect for a landlord who was approached by half-a-dozen persons seeking the one house and who exacted the highest possible rental. In many cases houses return as much as 30 and 35 per cent. on capital values computed on a fairly liberal scale. That is not fair, and should not be permitted to exist any longer. I admit that the measure has certain shortcomings. About the position in Perth and its suburbs I do not know enough to speak, but I understand from what has been stated in this Chamber that the position here is not acute. A reasonable house in the metropolitan area of a capital value of £700 or £800 can, I understand, be rented for £1 or 25s. per week. I do not think anyone would cavil at that. I know of cases in Kalgoorlie where houses, fairly attractive looking, have been erected for £350. About three of them

are put on one block of land, and they are rented at as high as £2 per week each. To my way of thinking, that is not a state of affairs which should be tolerated.

Hon. H. S. W. Parker: Why do not more speculators do that, if it is so profitable?

Hon. E. M. HEENAN: Quite a number of them have done it. I am merely taking the position as it is.

Hon. J. Nicholson: Are you interested in any of these houses?

Hon. E. M. HEENAN: No.

Hon. J. Nicholson: Would you be?

Hon. E. M. HEENAN: No. I am not interested. I do hope that something will be done to relieve the position existing in Kalgoorlie. The passing of the Bill will secure some degree of relief.

HON. J. NICHOLSON (Metropolitan) [4.55]: The response Mr. Heenan made to the question I put to him probably indicates precisely the true position with regard to the difficulties which have been experienced in providing the housing accommodation which is sought for and required on the goldfields. However, it does not give any reason whatever—nor does anything that has been said in this House give any reason—for the application of such a Bill as this to the metropolitan area. One highly important phase has been overlooked in the introduction of the measure—the law of supply and demand. We all know that the cost of articles, commodities and conveniences is regulated by that law.

Hon. G. Fraser: But that should not give anyone the right to profiteer.

Hon. J. NICHOLSON: If we bear that law in mind, we realise that the Bill defeats its very purpose. If there is a lack of accommodation for people on the goldfields, one way to overcome the difficulty is to offer inducements to people who are prepared to risk their savings by investing them in house property on the goldfields. Mr. Heenan, himself a representative of that portion of the goldfields, says that he has not made any investments there, although he declares that houses can be built there for £350 each and that they will produce a revenue of something like £2 per week. What an excellent opportunity for the hon. member to come forward, as a goldfields representative, and prove to builders that he can put up houses

at that cheap rate and let them at £1 per week! By setting such a good example he would be able to establish confidence, shall I say, in our great mining centres.

Hon. G. Fraser: You are assuming that the hon. member is a lord of finance.

Hon. J. NICHOLSON: I have said that the Bill will defeat the very purpose it has in view. One does not need to examine the Bill very closely to realise that that will be the inevitable result. If we want to get over a difficulty, or provide that which is required in any district, we must not place obstacles in the way of those who may be prepared to hazard their savings in such a district. We must look at the position which obtains in certain goldfields areas. We all know from past experience that many goldfields centres have been of such a nature that though their growth has been rapid, they have vanished with almost equal rapidity. There is a great uncertainty in the minds of people, which was evidenced by the reply given by Mr. Heenan to a question just now, about making investments in a district where there is a liability to a sudden fall. That is unfortunately the position with regard to the goldfields. For the benefit of the whole State we do not want to see an established town like Kalgoorlie, which has risen to a high position, deteriorate. We want to see such a town grow in prosperity, because such growth is to the advantage of the State as a whole. But we are not here to assist in passing legislation which we may think will be detrimental to the State. The Bill contemplates applying the provisions of a Fair Rents Act not merely to the goldfields but to other parts of the State. Mr. Heenan himself, when speaking on this measure on a previous occasion, regretted that it was not limited to the goldfields. If we wish to overcome the difficulty, there are two methods whereby we may do so. One is by giving an inducement to private investors to erect the necessary accommodation for the people. We should not try to stultify them by a Bill such as this. The other method is that suggested by Mr. Heenan, and that is that the Government should come forward with a proper housing scheme. If there is present a difficulty of the sort which has been mentioned, it is the duty of the Government to assist. It is certainly not the duty of the Government to introduce a Bill such as this which

would have a detrimental effect and would stop people from investing their savings in buildings in these centres. Were the Bill to pass in its present form, so that it applied to the whole State, no one would undertake an extension of buildings of the class to which the Bill applies, in any centre whatever. Speculative building would be at an end, and the accommodation being provided by the investment of moneys would no longer be available, on account of the grossly restricted returns which would be available on the money so invested, as a result of the provisions of the Bill. The Bill would be harmful in the extreme, and a direct negation to accomplishing the very purpose that is intended. That sort of legislation is extremely unwise and I am surprised at the Government introducing it. I will certainly vote against it. I do so for the reason that if such a law were passed, and imposed on the landlord—the man who will venture his money into a building scheme—a restriction on his investments, he is entitled to turn round to the Government and say, "Why not impose a restriction on the investments or the profits made by a man who invests his money in, say, gold shares, or some other form of investment?" Suppose a man placed his money in some gold mine.

Hon. C. B. Williams: Would he put it into one of de Bernaldes's mines?

Hon. J. NICHOLSON: I am not going to say where.

Hon. C. B. Williams: Oh, but you want a good investment.

Hon. J. NICHOLSON: Suppose money were invested in a gold mine and the returns from that far exceeded a man's expectations. No one here would suggest he was not entitled to what he received as profit, that is to say, if he came out quickly enough. But because a man invests in a form of investment which is taxable not only from the one source of income but is also taxable from the source of land tax, and is a means of revenue to the Government, this particular individual, who hazards his savings in this particular direction, is to be restricted. I think it is most unjust.

Hon. E. M. Heenan: There is no analogy.

Hon. C. B. Williams: There is no analogy—that is from one lawyer to another.

Hon. J. NICHOLSON: I am sorry the hon. member does not see the analogy.

Hon. C. B. Williams: That was from one of your own profession.

The PRESIDENT: Order!

Hon. J. NICHOLSON: Clause 8 dealing with the return which a landlord may receive has been referred to by previous speakers, who have pointed out various items which should be taken into account in arriving at a true return for those investing money in the direction indicated by the Bill. It has been pointed out that although certain items are specified in the Bill, there has been the omission of what is a fair and proper charge, namely, agents' charge. There is another item which I contend should have been taken into account, in view of the fact that the clause provides that the court shall determine the fair rent at a rate not less than $1\frac{1}{2}$ per cent. above the rate of interest which is for the time being charged upon overdrafts by the Commonwealth Bank on the capital value of dwelling houses, plus allowance for other items set out in the Bill. There should have been included in those other items an item by way of depreciation.

Hon. G. Fraser: That is provided for already.

Hon. J. NICHOLSON: The depreciation to which I am going to refer is not the depreciation provided for in the Bill. The depreciation provided for in the Bill is the annual depreciation in value of the dwelling house, but that means the annual depreciation in wear and tear, by way of repairs that have to be effected. But there is another form of depreciation which might be called obsolescence or amortisation. There should be an allowance made for inability to let a house in a particular centre wherein there has been a decline of population. The reason higher rents have to be paid, apart from the fact of scarcity of houses, is that in such centres as those to which I have referred there is a risk involved of loss of capital. We have had instances during certain periods on the goldfields of people who erected houses in the more fortunate early days and subsequently when, through stress of times, they had to vacate those premises, they had to sell the houses for a mere song, houses that probably cost many hundreds of pounds to build. Can we, in fairness, expect any man to erect a building in a centre where there is an obvious risk of loss in that way without being compensated in some way or other? The very reason

persons who are drawing big wages in the goldfields centres do not venture to build houses for themselves is that they fear that they might lose their capital.

Hon. G. Fraser: Or their job.

Hon. J. NICHOLSON: Because of the risks that are involved in the permanency or otherwise of the particular mine at which they may be employed. They are running a risk in that connection and there is only one method of overcoming the difficulty, and that is by meeting the position in one or other of the ways I have suggested. Mr. Heenan said, "We consider it in no way immoral to restrict the moneylender in the charges he makes." If the hon. member will be good enough to examine the return provided for in the Bill, he will see that the landlord will not even get the return allowed to the moneylender under the Money Lenders Act.

Hon. G. Fraser: Save us from that!

Hon. T. Moore: Sixty per cent.!

Hon. J. NICHOLSON: The moneylender's actions are regulated by Act of Parliament, and there is probably some reason for that. But the two cases are certainly not analogous. In one case the man is allowed by law to get a far greater return than the landlord would get by risking his money. What is wanted is encouragement to build. Let the builders see that there is every indication of permanency, and they will be fortified in their desire to try to meet the demand for houses that has arisen. The Bill is wrongly conceived and, if passed, will have a detrimental effect in every centre of the State. Instead of doing good, it will do very much harm. For example, under the Bill, the landlord must prove the values, or even depreciation by wear and tear that may be suffered, and for this purpose, it would be necessary to obtain expert evidence, probably that of an architect or builder or valuer. The evidence of the owner himself with regard to the amount of depreciation would not be accepted, nor would his evidence be accepted in the court in respect of any claim that might be made for maintenance and renewals that might be necessary. Look at Clause 7. It says, "No costs shall be allowed in any proceedings under this Act." Thus the whole burden is thrown upon the landlord of finding the evidence and paying for it in order to prove the amount he shall receive, and then he will get only $1\frac{1}{2}$ per cent. above Commonwealth

Bank rates. Take that rate now at 5 per cent. He would thus receive $6\frac{1}{2}$ per cent., out of which he would require to defray the amounts not allowed for.

Hon. G. FRASER: Which is higher than that received by the building societies.

Hon. J. NICHOLSON: It is neither just nor fair. There is scarcely a builder in any part of the State, and particularly a speculative builder, who would be able to carry on his particular calling without the help of people prepared to advance money on mortgage. If such a Bill as this passed, I for one would be reluctant to advise any man to invest one penny by way of mortgage on houses because I could not fail to see that that investor or mortgagee would suffer loss. Is that good law? If we are to pass such a law, we shall do something harmful to the State. I hope sincerely the Government will reconsider the whole measure and look at its provisions a little more closely, including the clause to which I called attention by way of interjection, Clause 14. Right throughout, the Bill is in favour of the tenant. In fact, no consideration is given to those more vitally concerned in the property. Who is the party most seriously and fully interested in the investment? The owner, of course. He has invested his money in it and, under Clause 14, it will not be possible to determine the tenancy without giving 28 days previous notice to quit. Suppose I let a property on a weekly tenancy. If the Bill passes, it automatically becomes a monthly tenancy, and you will have to allow 28 days after notice is given. In many other respects the measure is not likely to achieve the purpose intended. This will only increase the difficulty. In the circumstances, as I feel that the Bill will be detrimental to the interests of the State, I shall vote against the second reading.

HON. G. FRASER (West) [5.23]: Listening to the speeches of members opposing the Bill, one would think that unless unrestricted returns are permitted to people who invest in house building, no investors will in the future embark in this type of enterprise. To me that is entirely wrong. I am convinced that the average investor, whether it be in building or anything else, is satisfied with a fair return, and that is what the Bill seeks to give. If Mr. Nicholson, or any other member, considers that the margin allowed in the Bill is not sufficient to pro-

vide an adequate return, surely that is no reason for defeating the measure. Have we never heard in this House of a Bill being amended? Cannot this Bill be amended to provide what members consider a fair return? Is it not only fair and just that where capital is invested in house property, some protection should be afforded the people who occupy the houses? That is what the Bill seeks to do. If members consider that the margin for investors is not sufficient, they have power to amend it. No one will deny, however, that the tenant also has a right as well as the owner. But as things are now, the owner has the only right, and the tenant has none. All we seek to do is to give the tenant an equal right to say whether the rent being paid is fair and just. We compel the worker to submit to the court evidence in connection with his living, and after laying bare all the facts, the court will say, "This is a fair wage."

Hon. L. CRAIG: No, you say a fair minimum wage.

Hon. G. FRASER: In 99 cases out of a hundred, the minimum is the maximum.

Hon. L. B. BOLTON: Oh, no!

Hon. G. FRASER: After an investigation is made, the court decides what is a fair and reasonable wage. Therefore if it is fair for a worker to have to do that, is it not fair that the investor in household property should also go to the court, which would see that he got a fair rent. There is also the phase that the Bill does not compel everyone to go to the court so that it might be determined whether the rent is fair or otherwise. I am satisfied that only in exceptional cases would the aid of the court be invoked. Most hon. members who have spoken emphasised the fact that their opinion was that the only place where the measure should apply was the goldfields. Have they been going about with their eyes closed? There has been an agitation in the metropolitan area for a Bill of this description for the last ten years. It has been called for by workers throughout the metropolitan area, and it was started by them long before there was any shortage of houses on the goldfields. I should like to ask country members, and some metropolitan members also, what they know about housing conditions in the metropolitan industrial areas. And without that knowledge, they say the Bill is not justified. The housing conditions in the metropolitan industrial areas are absolutely shocking. There is more

rent-racking in the metropolitan area than one who is not connected with the subject would believe.

Hon. W. J. Mann: This will not improve the position.

Hon. G. FRASER: At any rate, the hon. member might give it a chance. All we ask is that we be given the opportunity to improve the position. Right through the industrial areas the housing conditions are a disgrace to the State. We find that even one of the civic bodies proposes to make an investigation into the position. And the same conditions applying here apply to all the industrial centres in the metropolitan area. It would do members a lot of good if they made a tour of the industrial areas, and saw the conditions under which people had to live and the houses for which they paid rent. Members have spoken of the number of houses that have been built in the metropolitan area during the last 12 or 18 months, but that is not the type of house about which we are mainly concerned. Most of them have been built by people for the housing of themselves. There is a shortage of dwellings in the industrial areas of the type which workers in those localities require.

Hon. L. Craig: Does this not suggest that it does not pay, as an investment, to put up that kind of house?

Hon. G. FRASER: Not at all. In the settled industrial areas very little land is now available for cottages. People will not build there, where land is available, because many of the old cottages are allowed to remain there, bringing in rent to the owners. In most industrial areas at least 50 per cent. of the places for which people pay rent do not possess those necessities that are commonly associated with an ordinary home.

Hon. J. Nicholson: Does not that suggest the establishment of a housing scheme by some public authority? We cannot do these things by a law of this kind.

Hon. G. FRASER: People have to put up with the accommodation that is provided.

Hon. J. Nicholson: You know what is being done in the Old Country by way of a housing scheme.

Hon. G. FRASER: I know all about that. Possibly something along those lines would be beneficial to the State, but it does not overcome the present trouble. The houses I speak of lack the necessary conveniences. Fully 50 per cent. of these places have not

even a bath, let alone any other convenience, and yet for such premises a rent far above what represents a fair return on the value of the properties is extorted from the tenants. Knowing these conditions we require this legislation. I know of a property in one industrial area that was recently bought for £60, and the rent is 17s. 6d. per week; and yet members say a Bill of this kind is not necessary.

Hon. J. Nicholson: What was the mortgage on it?

Hon. G. FRASER: There was no mortgage. But for a health officer being able to condemn the place that is the rent which would have been paid.

Hon. H. S. W. Parker: A rent of 17s. 6d., but a rent you cannot get?

Hon. G. FRASER: The tenant was waiting to occupy the place, and would have done so but for the health inspector. An expenditure of a few pounds would bring in a return of 17s. 6d. a week.

Hon. H. S. W. Parker: There are many houses in North Fremantle bringing in only a small rental.

Hon. G. FRASER: I could mention a number of cases in the Mosman Park area.

Hon. L. Craig: I can sell you a property in Fremantle which cost £2,000, for several hundreds less, and it is in the main street of the city.

Hon. G. FRASER: I am dealing with the actual position in the industrial areas. Members can see for themselves the shocking conditions that exist, and ascertain the rentals that are extorted from the tenants for these places. It has been suggested that the Health Act will cover the position. That Act cannot be made to do everything.

Hon. H. S. W. Parker: You say that rents are extorted? People are not compelled to live in those houses.

Hon. G. FRASER: They are compelled to do so, because the only places available to them are these particular houses. That is the type of house which has been erected in the industrial areas.

Hon. H. S. W. Parker: Whose fault is that?

Hon. G. FRASER: I do not know. I am dealing with the actual position. The type of house required in these areas is one costing £400 or £500. The most that people can afford to pay by way of rent is one day's pay per week. There are places which should not be bringing in half the amount of rent that is charged for them to-day. I

hope that members who have previously voted against the Fair Rents Bill will reconsider their views. If they are not satisfied with the margins laid down in this measure, let them, in Committee, amend the Bill along the lines considered to be most just. I hope the second reading will be passed, so that we may have an opportunity to deal with and remedy this acute position.

Hon. J. Nicholson: Why not follow the New Zealand Act?

Hon. G. FRASER: Some amelioration of the situation is long overdue.

HON. W. J. MANN (South-West) [5.35]: After listening to Mr. Fraser I feel constrained—

Hon. H. V. Piesse: To sit down and vote the Bill out.

Hon. W. J. MANN: To refer to a remark that was made when the Bill was being dealt with in another place. One member is reported to have said that the Bill was mere kite-flying and that he knew it would be thrown out in another place. He said that the Government would take its rejection lying down, as the measure was only intended to throw dust in the eyes of the electors of Kalgoorlie. I will not go so far as to endorse those remarks, for I think the member in question was drawing the long bow. I have yet to hear a good case for the Bill. All the vigour of Mr. Fraser did not impress me.

Hon. G. Fraser: I only want you to see things for yourself.

Hon. W. J. MANN: I look upon this Bill as a most ill-conceived and one-sided measure. I agree with those who have said that if it became law it would ultimately defeat the object for which it is alleged to be designed. I have endeavoured to satisfy myself concerning the types of people who pay rent, and have divided them into three sections. The first of these comprise people who through adversity or other causes have been unable to secure a home for themselves by purchase. They represent a fair percentage of the community. A larger section of the community is made up of those who through lack of thrift and unwillingness have failed to impose upon themselves that measure of sacrifice which is incumbent if they desire to purchase a dwelling. There are many who decline to take their social positions quite as seriously as they should. They believe no matter what

happens, that God or the Government will look after them.

Hon. J. J. Holmes: Mostly the Government.

Hon. W. J. MANN: I believe the Almighty helps those who help themselves. The best man in the country is he who looks least to the Government for assistance. The third section comprises people who believe it is cheaper to pay rent. Frequently they decline to purchase a home of their own, because they deem it unwise to assume the responsibilities of a property owner. That section is of not much use in building up the country. The only section that can by any stretch of the imagination justify any assistance such as a Bill like this could give comprises those who have suffered adversity, and are unable to purchase a home for themselves. If this measure is passed, however, I believe that the last state of the first section to which I have referred will be worse than the first state.

The Honorary Minister: Why?

Hon. W. J. MANN: There will be fewer houses, and people will not build houses for letting. I doubt if the Honorary Minister would be prepared to invest his money in such dwellings. It is, however, open for him to take the initiative and provide a good example, Men with savings who look for some form of permanent investment, and who in the past have put their capital into one or two cottages, and have received a reasonable rent for them, will hesitate to going any further in that direction, and others will follow their example. I do not understand why the Bill is confined to one section of the community. It is confined to those who rent dwellings bringing in up to £156 a year. The class it is designed to assist is not likely to pay rent of anything like that figure. If the figure were 30s. a week the Bill might be said to apply with more reason. If we are to have a fair rents measure I do not see why all rentals should not be covered. Why are small shops not included, and why are not boarding houses and lodging houses not brought into the measure? Many people make a living by renting premises and subletting them as apartments and lodgings. Such people may have an equal claim for consideration with those who are provided for in the Bill. The measure seems to

follow the line that quite a lot of legislation that has been brought down to this Chamber follows, and provide for one section of the community only. I object to that distinction. If we are going to have a fair rents law let us have one that will cover everything. Mr. Fraser, whose knowledge is most profound, said that if members were not satisfied they could when in Committee raise the return allotted to the landlord. I am not sufficiently versed in the powers of this House to determine the point, and I wish to ask whether we can increase that particular figure. I know we can reduce the financial burden, but I do not know that we can increase the amount of the return to the landlord. Perhaps the Minister when he replies will be able to throw some light on that point.

The Chief Secretary: I see no reason why you should not.

Hon. G. Fraser: We can get over that difficulty.

Hon. W. J. MANN: Some people can always find a way out of a difficulty. That has been shown by the present Government. On the other hand, we should not pass legislation and then, once it finds a place on the statute-book, throw the responsibility upon the Government to find some means by which it can be made effective. Until I hear the Minister in reply, I can only add that I feel inclined to vote against the second reading of the Bill.

HON. E. H. H. HALL (Central) [5.46]: I listened to Mr. Nicholson talking about the law of supply and demand. So far as that affects the Bill, it does not sway me very much. The law of supply and demand is almost as old as the world itself, and conditions are changing so rapidly these days that that old principle badly requires bringing up to date. It is being altered now, and will continue to be altered because people will not continue to suffer the inexorable conditions imposed upon them by that old law of supply and demand. Ways and means will be found to overcome it, despite the mirth displayed by Mr. Seddon. At any rate, that is my opinion. The Bill is evidence of the Government's desire to overcome that ancient and sometimes unjust law. I realise quite well that the speculator requires to be protected. In this State we must encourage men who have capital with which to speculate, because the

expenditure of that money will give additional employment.

Hon. J. Nicholson: And this is how you propose to do it!

Hon. E. H. H. HALL: Without employment, a man cannot provide his wife and family with the wherewithal to procure the necessities of life. In dealing with that phase, Mr. Nicholson referred to the interests of speculators or investors. On the other hand, I think it my duty to consider also the interests of those who are not quite so well off as the speculators. When Mr. Fraser said he knew of many homes that did not provide even the convenience of a bathroom, he merely confirmed what my experience has taught me. I know that statement to be absolutely true, and it is astonishing to think that in these days people have to put up with that sort of thing. One hon. member interjected and asked why they had to put up with such conditions. Obviously they have to live in houses. I am not speaking of the goldfields at the moment when I say that some people are forced to live in houses without any conveniences at all. There are no bathrooms, wash houses, wash troughs or many other conveniences that women folk should have.

Hon. H. S. W. Parker: And do you say this Bill will provide them with those conveniences?

Hon. E. H. H. HALL: I must ask Mr. Parker to keep quiet for a little while. We should endeavour to assist the people to whom I have referred. I consider it my duty to point out defects in the policy of the Government as well as in the actions of anyone else. I emphasise the fact that all Governments have made mistakes. The Government in this instance are perhaps more blameworthy than their predecessors because they claim credit for having placed on the statute-book the Workers' Homes Act. Having done so, they appear to have gone cold on the proposition.

Hon. G. Fraser: No fear; they have spent a lot of money in providing homes.

Hon. E. H. H. HALL: I repeat that they have gone cold on it.

Hon. G. Fraser: Not at all.

Hon. E. H. H. HALL: Will Mr. Fraser please keep quiet? We have been told that the Government had no further funds with which to build workers' homes.

Hon. G. Fraser: Is that not so?

The PRESIDENT: Order! I must ask the hon. member to allow Mr. Hall to proceed with his speech without interruption.

Hon. E. H. H. HALL: I made a special point of keeping quiet while Mr. Fraser was speaking and I ask him to return the compliment. The Government set out to provide workers with homes. We know what the term "worker" signifies. The Government desire to assist and protect the interests of that section of the community. They set out to provide homes for the section that most required homes. It was not very long before we were told in my province that the Government had no further funds available for that purpose. I have been told that repeatedly by the Workers' Homes Board. I well remember that when Mr. Cornell some time back introduced a measure to authorise specifically the provision of workers' homes on the goldfields, the former Premier, Mr. Collier, turned it down flat. It was not very long afterwards that the goldfields people told Mr. Collier that their need for homes was urgent and that unless he, as Minister controlling the Workers' Homes Board, issued instructions for homes to be built there, he would hear further about the subject. Mr. Collier issued the necessary instructions. So much for what we have been told about the Workers' Homes Board not being under political control. That incident proved conclusively that when people wake up and take concerted action, they can secure the attention—at any rate if their claims are legitimate—that they deserve. That eased the position on the goldfields. Mr. Fraser got in before me and threw down the gauntlet. Mr. Nicholson is concerned about the investors. I am with him in that we should encourage those people to spend their money here and we should not treat them unfairly. On the other hand, we should not unfairly treat those who are most deserving of assistance and require the provision of homes. It is an obligation upon the Government all the time to look after the interests of every section of the community. I believe the Government have endeavoured to do something in that direction, but they have not gone far enough. As indicating how difficult the question is, the Premier said, strange to say, that the people for whom the Workers' Homes Board was set up in order to provide them with homes, would not accept the cheaper type of dwell-

ing house. That simply serves to show that the position is not quite so easy as would appear from a mere superficial glance. I am concerned about the interests of the people in view of the Government's assurance that they are not able to find the money necessary to permit them to cater for the wants of the people. Although there are families living in homes that are without proper conveniences, there is no law at present that enables them to avail themselves of an approach to the court in order to have determined the fair rental for their premises. I think it is time that such people were given that right. It has been suggested to me that we should deal with that phase in Committee, but a member who has had much longer experience in this Chamber than I have has informed me that under the Standing Orders we have not power to amend the Bill in the direction I desire. Under the Constitution Act the powers of the Council are restricted and Subsection 3 of Section 46 reads—

The Legislative Council may not amend any Bill so as to increase any proposed charge or burden on the people.

I do not think that will prevent us from doing what Mr. Fraser has suggested, and I think that offers a way out of the difficulty. By that means, we shall be able to protect the interests of the speculator.

Hon. H. S. W. Parker: Not under this Bill.

Hon. E. H. H. HALL: By that means we can protect the people it is intended to protect. If, as Mr. Heenan said, there are people on the goldfields who are receiving from 20 to 30 per cent. on their investments, then I think, despite the fact that we know the life of some goldfields towns has not been long, that return is not justifiable. Although I do not favour the Bill in its entirety, there are many clauses that can be amended so as to fall more into line with the views of members of this Chamber. That is my justification for voting for the second reading of the Bill, for it will enable us to deal out even-handed justice to all sections of the community.

HON. L. B. BOLTON (Metropolitan) [6.0]: This Bill is very similar to the measure introduced during last session. On that occasion I saw no virtue in the Bill and I voted against the second reading. On this occasion also I see no improvement, and so I

intend once more to vote against the second reading. During the debate we have heard quite a lot regarding the need of capital and the needs of the speculator and the investor, but it seems to me that in many instances where a man is inclined to invest capital in any industry or enterprise, he is immediately surrounded by so many rules and restrictions that he gets deeper into the mire and in the end is sorry that he ever opened his cheque book. The Bill seems to be another interference, one that is unwanted by the community in general, unless it may be we have heard of the need for some improvement in the position on the goldfields. I have a lot of sympathy with those suffering from the position on the goldfields, but it has to be remembered that in the past there have been many thousands of pounds invested that not only returned no interest on the capital, but actually the principal also was entirely lost. Now that there has been a change of affairs, a resuscitation up there, surely the investor who has put so much money into property is entitled to some consideration. The Bill does not appeal to me in any sense whatever, and so I will vote against the second reading.

THE CHIEF SECRETARY (Hon. W. H. Kitson—West—in reply) [6.2]: In view of past experience, when measures similar to this have been introduced into this Chamber, I certainly expected that this Bill would not meet with what I might describe as a welcoming reception at the hands of members.

Hon. T. Moore: Some of them.

The **CHIEF SECRETARY**: But I certainly did not think the objections to the Bill would take the very wide range and the contradictory quality that some arguments used against it have evidenced. Quite a number of members have said that they still believe there may be some justification for the Bill on the goldfields, but that to their own knowledge there is no justification for it outside of the goldfields. Yet almost without exception those members have said that they are going to vote against the Bill. One could quote statements and arguments used by members which to my thinking are quite contradictory. For instance, Mr. Baxter said that further consideration of the Bill would show that the effect of its application would be to increase rents, not reduce them. Then Mr. Holmes said that if we were going to penalise those people who are building

houses there would be no more building going on, other than under the scheme. To my thinking those two statements are directly opposed to each other. One member says the property owner will receive increased rents if the Bill be agreed to, and he used that as an argument why the Bill should be defeated; while the other member said that people will not build houses, because of the fact that the Bill will prevent them from getting a fair return on the investment of their money.

Hon. J. J. Holmes: That was an occasion when two great minds thought alike.

The **CHIEF SECRETARY**: But they did not think alike.

Hon. T. Moore: Yet they are both alike.

The **CHIEF SECRETARY**: Yes, in regard to their determination to defeat the Bill. Notwithstanding that so many members have said there may be justification for the Bill on the goldfields, and that members representing the goldfields say there is necessity for the Bill, it seems to me there is not much logic behind the arguments of those members who say that they are going to vote against the Bill and thus prevent the people on the goldfields who are being exploited—and that is a mild term in some cases—getting any redress as the result of applications to a court to assess the fair rent of dwellings. Then Mr. Nicholson went considerably farther than would have expected him to go; because I cannot imagine that he has not read the Bill and if he has read it I assume that as a legal man he understands it; and has placed on certain clauses of the Bill interpretations which I submit will not bear examination. One of the points I would place in that category is his statement that the Bill will limit the return of the property owner to 6½ per cent. of the capital value plus certain other considerations such as rates, repairs and depreciation. And he is not alone in making that statement, for other members have made it also. There is nothing in the Bill to say that that shall be the return to the property owner. The Bill says the return shall be not less than 6 per cent.

Hon. J. Nicholson: And the minimum tends to become the maximum.

The **CHIEF SECRETARY**: The hon. member has not very much reliance on the courts when he makes a statement of this kind; because in any court where an appl

cation is made for an assessment of the rent of premises, that court will take into consideration the circumstances surrounding the application, the particular area in which the premises are situated, and the possibility of the owner of those premises receiving a return commensurate with the risk he has taken.

Hon. J. Nicholson: It will be 6½ per cent. plus so much.

The CHIEF SECRETARY: What does the hon. member mean by "so much"?

Hon. J. Nicholson: What is stated in the Bill.

The CHIEF SECRETARY: Again I say that the hon. member, who has had considerable experience of the courts of this State, is not paying them a high compliment. One can imagine entirely different circumstances surrounding an application in Kalgoorlie as compared with an application in the metropolitan area. There is a very big difference indeed, and I find that as the result of information supplied to me by the Statistician's Department, while the average rental on the goldfields is fixed at 27s. 6d. by the Government Statistician, in numerous cases as much as £2 per week is being paid at present by working class families for very poor accommodation on the goldfields. That means that those people are paying 12s. 6d. per week more than the amount allowed for in the compilation of the basic wage, and are thus compelled to reduce their standard of living by that amount of 12s. 6d., equivalent to approximately 20 per cent. While I say there are numerous cases coming within that category, there are other cases where the exploitation is worse still. However, I do not propose to quote isolated cases, but propose to argue at the moment that there can be no ground to oppose the right of persons who feel that they are being exploited in the rent they are called upon to pay, to have opportunity to apply to a court in order to have a fair rent determined. That is the principle underlying the Bill, and while some members cannot agree with that principle. I say it is a principle with which every reasonable individual can agree. While some may not be prepared to agree to every clause in the Bill, is that any reason why the House should not consider the making of amendments to bring the Bill more within the ideas of those recalcitrant members? Because the Bill does not meet with the ap-

proval of a certain number, is that any reason why it should be used as a justification for the continuation of the existing state of affairs, when we know definitely that families are being exploited? What is the use of saying that the Government, through the Workers' Homes Board, should alter the situation by building a larger number of houses than they have built in the past. We know that the Government have not the money for the purpose, but even if they had, how is that going to alter the position? Is it sufficient justification to say that a property owner should have the right to demand extortionate rents? There are certain principles regarding rents laid down by the Arbitration Court, rents payable by workers working on wages fixed by the Arbitration Court. While there are hundreds of cases where the workers are being called upon to pay considerably increased amounts, I say those people should have opportunity to present their case to the court provided for in the Bill, so that they could be assisted, as was originally intended that they should be assisted, by application of the basic wage with the usual margins for skill, to live up to a certain standard, which I do not think any member of the Chamber would willingly reduce. Yet, judging by the attitude of members, that in effect is what they are doing. I am not exaggerating when I say that the arguments used by Mr. Nicholson, who said that the law of supply and demand had been overlooked, and by other members who said it was necessary for us to take into consideration that very old law of supply and demand—I am not exaggerating when I say that that is no justification whatever for a continuation of the conditions as we know them to be in certain districts in Western Australia.

Sitting suspended from 6.15 to 7.30 p.m.

The CHIEF SECRETARY: In reply to the criticism of members I have endeavoured to emphasise the principle underlying the Bill. It is the principle that matters at the present moment, rather than the actual details of the Bill. Notwithstanding some of the hostile criticism the measure has received, I claim that the principle is one with which we might all agree. There may be room for considerable difference of opinion regarding the particular margin that the owner should be entitled to receive as rent for his

premises, but I think that the provision giving the court the right to determine the fair rent on the basis laid down is something with which we ought to agree. It does not say that the court shall definitely fix any particular margin, but it does state the minimum that the court shall consider. Like all other tribunals of the kind, we can hardly imagine the court coming to a decision without having regard to all the factors. Mr. Mann was rather drastic in his opposition to the Bill. He commenced by claiming that the Bill would defeat the object for which it was designed. I cannot understand an argument of that kind. If extortionate rents are being charged and an application is made to the court and the court gives a decision, the object of the Bill, instead of having been defeated, would have been achieved.

Hon. W. J. Mann: Ultimately defeated.

The CHIEF SECRETARY: Even with that qualification, the same set of circumstances would prevail, provided the measure was in operation. If the tenant is dissatisfied, or if the property owner is dissatisfied, application can be made to the court with a view to obtaining satisfaction. The analysis made by the hon. member was rather interesting. The only inference was that the only section that would come within the category of estimable gentlemen would be property owners. I do not agree with the hon. member. There are thousands of people in this State who are estimable citizens and who, through no fault of their own, have experienced extreme difficulty in recent years to obtain employment. There are others in large numbers who, as a result of the depression period, found themselves in a worse position than ever before in their lives. Many have had to seek fresh avenues of employment; they have had to leave the district in which they had lived for years in order to obtain employment.

Hon. T. Moore: They have had to leave their homes.

The CHIEF SECRETARY: They have had to leave homes built up over a long period and have had to move into a strange district, in many instances into a mining district. A few years ago there was no demand for houses in mining districts, but people have gone there in such large numbers that an extreme shortage of houses prevails, and, because of that shortage, unscrupulous landlords—I do not include all of them in that category—have exploited the position to such an extent that the worker is being called

upon to pay far too large a proportion of his earnings in the way of rent. As to the suggestion that the people we desire to protect by this legislation should be prepared to build or purchase homes of their own, that may appear to be all right, but quite a large proportion of those people have no reason whatever to endeavour to build homes for themselves. For this there are two particular reasons. One is that the money they earn is only sufficient to enable them to pay a reasonable rent, and they certainly have no money with which to pay the principal on a home of their own. Again we must remember that many people, by virtue of their occupation, have no security of tenure in such a district. I am not referring to the men earning high wages, but I wish it to be understood that not all of those engaged in the mining industry are earning high wages. Only a small percentage of them are so fortunate. Many of those people realise that while they are earning but a small margin over the basic wage, the probabilities are that within six months or 12 months they will have to move to some other district in order to earn a livelihood. Consequently they are not in a position, nor is there any incentive, for them to own homes of their own. We can cite thousands of men who have gone to the country and goldfields areas as a result of relief work provided by the Government. Those people may continue in those districts for six months, 12 months or longer periods, but we can hardly expect them to be desirous of building or purchasing homes in those districts. Many of them have arrived in those districts with practically nothing, some of them with a load of debt around their necks, and it has taken them all their time to live in reasonable comfort and provide a little towards liquidating their liabilities. Where those people have families, it is necessary that they should be able to get a house at a reasonable rent. That is all this Bill provides for.

Hon. W. J. Mann: You want landlords to build houses for them.

The CHIEF SECRETARY: We are not asking anyone to build houses that does not desire to build.

Hon. W. J. Mann: How can relief workers get homes in the country?

The CHIEF SECRETARY: We are merely asking that owners who let properties to tenants shall not exploit the situation, as some of them are doing to-day.

Hon. W. J. Mann: Why quote relief workers going to the country? It is absurd.

The CHIEF SECRETARY: It is not so absurd as the hon. member would lead members to believe. A large number of relief workers who went into country districts have found other employment, and they are not now engaged on relief work.

Hon. A. Thomson: The Government do not provide very decent accommodation for men on relief work.

The CHIEF SECRETARY: I do not know whether the hon. member intends that as a compliment. I believe the accommodation could be considered quite satisfactory for the men, but would the hon. member like to take his wife and family into the same accommodation?

Hon. A. Thomson: I would not.

The CHIEF SECRETARY: Many of the relief workers had to provide homes for themselves in the country and maintain homes for wife and family in the metropolitan area.

Hon. A. Thomson: You are inconsistent in your argument. What applies to the private employer should apply to the Government.

The CHIEF SECRETARY: The same thing does apply to the Government. It is the principle underlying the Bill that we should consider at the moment. If members are not satisfied with the provisions of the Bill, they can express their views in Committee, and get the Committee to insert what is considered to be a fair thing. That is all I ask. Mr. Bolton's remarks were confined almost entirely to the statement that he could see no virtue in the Bill. I am sorry the hon. member took that point of view. I felt sure that he, as a metropolitan member, would have known that within two miles of this Chamber many instances may be found of two and even three families living in one house.

Hon. G. Fraser: Within a mile of here.

The CHIEF SECRETARY: I am taking a larger area. From investigations made I understand there are many instances of more than one family occupying a house built for one family.

Hon. A. Thomson: I think you will find that prevails all over the world.

The CHIEF SECRETARY: I quite agree.

Hon. G. Fraser: That is no excuse for its happening here.

The CHIEF SECRETARY: This Bill will not remedy that to any extent.

Hon. A. Thomson: It will make it worse.

The PRESIDENT: Order!

The CHIEF SECRETARY: As a result, higher rents are being charged because of the premises being occupied by more than one family. The situation is being exploited by certain landlords because families have found it necessary to join forces, so to speak, in order to keep a roof over their heads. Mr. Nicholson referred to Clause 14 as though it was one without any merit at all, something that should not appear in a Bill of this nature. The clause provides that 28 days' notice shall be given where it is desired that a tenant shall leave certain premises. Mr. Nicholson appears to think that that is something which should not find a place in the measure. I suggest to the hon. member that if he reads the clause carefully he will see that it provides that if a lessee duly pays the rent of a dwelling-house leased by him and otherwise performs the conditions of his lease, the lessor shall not be entitled to determine the lease without giving the lessee at least 28 days' notice to quit. What is wrong with that? How frequently do we find that when notice is served upon a tenant, he experiences extraordinary difficulty in securing other premises to which to remove!

Hon. J. J. Holmes: The landlord would lose four weeks' rent in a case of that kind.

The CHIEF SECRETARY: The landlord would lose no rent whatever. The clause definitely states that providing the rent is paid and all other conditions of the lease are complied with, the landlord shall not be able to evict the tenant, or compel him to leave the premises, without giving 28 days' notice.

Hon. J. Nicholson: Notwithstanding that the tenancy agreement is a weekly one?

The CHIEF SECRETARY: Notwithstanding anything contained in any other Act or any contract or agreement. The hon. member has the right to object to that or any other clause. I suggest to him that if the principle underlying the Bill is right, he should agree to the second reading, and then, if a clause does not meet with his approval, he should let us know just what he thinks should be there or whether the clause should be deleted. Let him endeavour to get the Committee to agree with him. Another question was raised in regard to capital values. In that respect the

Bill is especially clear. It lays down how capital value shall be determined.

Hon. J. J. Holmes: By whom?

The CHIEF SECRETARY: It does not say by whom, excepting the court.

Hon. J. J. Holmes: At the landlord's expense.

The CHIEF SECRETARY: The landlord will not have much difficulty in getting the value of the property estimated without any expense. The case quoted by Mr. Thomson does not apply under the Bill, if I understood his remarks correctly. They were as follows—

If I buy a house for £40, and sell it for £550, that being its improved market value, the purchaser is entitled, presumably, to a rental based on the larger amount, whilst I am only entitled to a rental on the basis contained in the Bill.

I would like to ask the hon. member what is the difference between a rental on the basis contained in the Bill and a rental based upon the improved market value which is provided for in the measure.

Hon. A. Thomson: Provided the owner sells.

The CHIEF SECRETARY: We cannot get away from present-day values. So long as the basis on which the value is arrived at is a fair one—and nobody asks for what is otherwise than fair—

Hon. A. Thomson: The reason I quoted that case was that Mr. Williams mentioned the goldfields, where houses were bought for £40.

The CHIEF SECRETARY: Even in those cases, houses bought for £40, if they were sold to-day, would bring much larger sums. Those sums represent the market value of those houses at the present time, and constitute the basis on which rent would be calculated. The hon. member cannot get away from the wording of the Bill, which sets out clearly that the capital value shall be the value at the present time—not the value of the property when originally bought.

Hon. C. F. Baxter: There is no indication as to how that is to be arrived at, or by whom.

The CHIEF SECRETARY: Subclause (5) of Clause 5 provides for taking evidence on declaration. Subclause (1) of Clause 3 defines the capital value as the capital sum which the fee simple of the property comprising dwelling-house and land occupied therewith might be expected to realise if

offered for sale upon such reasonable terms and conditions as a bona-fide seller would require. The court, which after all is to be the determining factor, will not be satisfied unless it has evidence, and satisfactory evidence at that, of values in the particular district.

Hon. C. F. Baxter: Expert evidence?

The CHIEF SECRETARY: Expert evidence if the hon. member likes.

Hon. C. F. Baxter: Who is going to pay the cost of that evidence?

The CHIEF SECRETARY: There will be very little cost associated with it.

Hon. C. F. Baxter: You will not get any expert to go into court unless you pay him handsomely.

The CHIEF SECRETARY: According to my experience, that evidence can easily be obtained at very little cost for any property. In fact, accurate values can be obtained from municipalities at no cost. I see no particular difficulty in that regard. It is rather interesting to note what the hon. member said on that aspect—

There is much justification for doing something to relieve the position that has prevailed on the goldfields for several years.

There he admits that there is something that needs altering. He proceeds—

I believe that something should be done to protect the unfortunate people who cannot get a roof over their heads . . . If I thought the Bill would relieve tenants on the goldfields from paying excessive rents, I would view it more sympathetically.

Therefore I contend that if the hon. member was sincere in his remarks, he should at least vote for the second reading.

Hon. C. F. Baxter: I told you in my speech that I did not believe the Bill would do any good.

The CHIEF SECRETARY: The hon. member would have an opportunity of moulding the Bill to suit his ideas in the Committee stage. Anyway, it would not matter if we debated the subject for hours. There is no getting away from the fact that there is undoubted necessity for some legislation which will prevent the exploitation of people who find it extremely difficult to obtain houses in various districts of the State. It is necessary that something be done to give the people on the goldfields in particular an opportunity to secure houses at reasonable rentals. In the metropolitan area there are many cases which could be quoted, and which

I have no doubt would be dealt with by the court if the Bill became law. It may be perfectly true to say that there is only a small percentage of such cases. If there are only one or two cases of the kind, we should not deny to the people concerned the protection this Bill would give them. On the details of the measure I do not propose to spend any more time. After all, the principle underlying the Bill is the main thing for us to deal with at the second-reading stage. While many members have expressed themselves as definitely opposed to this Bill or any similar measure, I do hope they will change their minds and vote for the second reading, so that there may be some legislation giving a certain amount of protection to numerous persons who, without a measure of this kind, are simply at the mercy of unscrupulous landlords and property-owners.

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

Ayes	9
Noes	14
Majority against				5

AYES.

Hon. A. M. Clydesdale
Hon. J. M. Drew
Hon. C. G. Elliott
Hon. G. Fraser
Hon. E. H. Gray

Hon. E. M. Heenan
Hon. W. H. Kitson
Hon. C. B. Williams
Hon. T. Moore
(Teller.)

NOES.

Hon. E. H. Angelo
Hon. C. F. Baxter
Hon. J. T. Franklin
Hon. V. Hamersley
Hon. J. J. Holmes
Hon. W. J. Mann
Hon. J. Nicholson

Hon. H. V. Piesse
Hon. H. Seddon
Hon. A. Thomson
Hon. H. Tuckey
Hon. C. H. Wittenoom
Hon. G. B. Wood
Hon. G. W. Miles
(Teller.)

PAIRS

AYES.

Hon. E. H. H. Hall
Hon. J. Cornell

NOES.

Hon. L. B. Bolton
Hon. H. S. W. Parker

Question thus negatived; the Bill defeated.

BILL—MUNICIPAL CORPORATIONS ACT AMENDMENT (No. 2).

Received from the Assembly and read a first time.

BILL—LEGAL PRACTITIONERS ACT AMENDMENT.

Second Reading.

HON. G. FRASER (West) [8.1] in moving the second reading said: Like most of the legislation that has been introduced this

session, this measure is no stranger to the Chamber. While a slightly different attitude has been adopted towards some of the legislation considered so far, from the attitude adopted in the past, I am hoping that this measure will also receive different treatment from that which it has received in previous years. The amendments outlined in the Bill are not drastic; at any rate they are not points about which any great argument could be raised. The Bill merely seeks to amend certain sections in order to make the Act more workable and more beneficial to the community as a whole. It is proposed to amend Section 10 by inserting after the word "time" in the fourth line the words "nor take or ask any premium nor any consideration in the nature of a premium in respect of any articulated clerk." It seeks to delete from the Act the clause which permits lawyers to charge a premium so that a young lad may become articulated. I see no reason why this premium should be permitted to be charged. There are quite a lot of professions in which a premium is not required before one enters them and I cannot see why this particular profession should not have that advantage. It acts against the young lad who may be a brilliant student, but because of the financial position of his parents, who may be merely basic wage earners, is not in a position to put up a premium. Because of that he is debarred from entering the profession. I cannot see any justification for the retention of the premium, and I hope that hon. members will agree to delete it from the present Act.

Hon. J. J. Holmes: Is not the premium reimbursed to the articulated clerk?

Hon. G. FRASER: I suppose the hon. member means that the articulated clerk would have the premium returned by way of wages. That was the old method adopted in the early days before a youth could become apprenticed to any trade such as plumbing or carpentering, but that has gone by the board. Youths now go into trades without paying any premium and they receive certain wages according to the number of years of their apprenticeship. All the Bill seeks to do is to place the person entering the legal profession in the same position as the apprentice to the carpentering, plumbing or other trades. Another amendment that also seeks to remove a disadvantage under which the person who is not financial is placed, is to Section 13 of the principal Act, which de-

bars an articled clerk, without the written permission of the Barristers' Board, from earning anything outside the position of an articled clerk. The amendment was sought to be made before, but this Chamber did not agree to the alteration. In that connection we are lagging behind quite a number of other countries which also had this provision at one time but have deleted it from their Acts. There are several States in the Commonwealth where an articled clerk is permitted to earn wages outside of those he receives as an articled clerk. It may be said, and it has been said at different times, that the board in this State have never refused permission to an articled clerk to earn money outside. I believe that is true, but this is the position: A lad who cannot carry on as an articled clerk without earning something else does, prior to entering as a clerk, make application to the Barristers' Board to find out whether that body will, if he is articled, grant permission to him to earn something outside in order that he may continue. I understand that in almost all instances that permission is refused. The reason the application is made before entering the profession as an articled clerk is that when the application is made to the board a fee of 12 guineas has to be put up. This means that should a man become an articled clerk and pay 12 guineas and make application for the required permission and the application is then refused, he loses the 12 guineas because he would not be able to continue as an articled clerk. That is why application is made prior to a man becoming articled. He does it to find out whether the board will permit him, after being articled, to have some other means of livelihood. It is in these circumstances that the board have refused permission. When a person has become articled and then made application I understand there has been no refusal of permission, but quite a large number of those who would enter the profession cannot enter it and then take the risk of losing 12 guineas. The Bill seeks to delete from the original Act Section 13 dealing with that application to the board for permission to earn money outside of the profession. Further sections also deal with articled clerks. Clause 4 deals with an amendment of Section 14 of the principal Act as follows:—

(1) By adding after the word "standing" in the third line of paragraph (a) the words "and actually and bona fide serves for the

term of two years under articles of clerkship to a practitioner as required by this Act or has so served under articles of clerkship to a solicitor in England and Ireland for at least two years"; (2) By deleting the words "or may be" in the fourth line of subparagraph (ii) of paragraph (d).

I understand that the position has been that quite a number of young men have gone to England for educational purposes and whilst in England they have studied law and have been admitted to the Bar in England as barristers. In England they can be admitted as barristers but must qualify separately as solicitors. In this State the two are combined. Here application is made and a man is admitted as a barrister and solicitor. The young men who have gone to England, studied law and then been admitted as barristers have not been required before becoming barristers to serve two years as articled clerks. Following a period in England they have returned to this State and, after certain residential qualifications have been complied with, have made application to the board and have been admitted as barristers and solicitors without at any stage of their career having served as articled clerks. The amendment seeks to place those people in exactly the same position as those people who stay here and make their application in the first place to the board in this State. Subclause (2), which seeks to delete the words "or may be," makes it mandatory that any person under that heading must submit himself for and pass an examination. As the Act reads at present, it gives the board discretion as to whether the man shall or shall not pass an examination, but the amendment seeks to make it mandatory. A further alteration is sought to Section 37 by deleting the proviso. The proviso deals with a practice that is permitted to-day, regarding accounts. In the case of an account being submitted by a practitioner and the person not being satisfied, he asks that the costs be taxed. The Act permits the solicitor, once that application has been made, to withdraw the account he has submitted and he may add up to 25 per cent. to the amount. Then the taxing master is called in to decide the actual amount owing. That appears to be a rather peculiar procedure. It seems wrong that a man should be able to withdraw a disputed account, add something to it and submit it afresh. I would be pleased

to hear our legal friends justify an action of that description, if they can. The taxing master then assesses what he considers the actual cost, not on the original bill as submitted, but on the amended bill. The amendment seeks to take away the right that the practitioners have to-day of submitting amended bills. Clause 6 seeks to amend Section 39. Where an application is made for the taxing of costs, the taxing master investigates the account. If he considers there is an overcharge, and reduces the amount by one-sixth, the practitioner is called upon to pay the cost of that taxing. The amendment seeks to alter the one-sixth to one-tenth, and I think that is only reasonable. If a man submits a bill and it is proved to be unfair, whether it be one-sixth or one-tenth, he should be called upon to foot the account as far as the taxing is concerned. The clause still gives him protection but the protection will be to the extent of one-tenth instead of one-sixth. Even if one-tenth is overcharged it is reasonable to assume that he should pay the cost of taxing. That is all that the Bill seeks to do. First of all, there is the question of the premium, in order to become articulated, secondly the placing of all applicants on the same footing in regard to serving articles whether they are admitted here or in England, and, thirdly, the matter of taxing the costs to which I have just referred. They are not very serious points but are necessary so that the Act may be placed on a proper footing. I move—

That the Bill be now read a second time.

On motion by Hon. C. F. Baxter, debate adjourned.

BILL—MINING ACT AMENDMENT (No. 2).

Second Reading.

HON. C. B. WILLIAMS (South) [8.18] in moving the second reading said: This measure has been brought forward in another place on a couple of occasions in the last two or three years. Recently it was practically unanimously carried—the second reading was passed on the voices—in the Assembly. It deals with Section 297 of the principal Act referring to reservations. Those who represent mining constituencies are conversant with the evils that exist in connection with reservations. As a matter of fact, the party to which I belong do not believe in monopoly, but it is a strange thing that it has been carried on to a con-

siderable extent in respect of mining reservations. I do not intend to quote anything from the debates that have taken place in the Assembly, because members who have been before the public for a considerable time are aware that they can read them for themselves. It will be sufficient for me to indicate the pages of "Hansard" on which those debates can be found. They are in Volume 90, page 797, of 1933, Volume 93 of 1934, page 929, and Volume 95, page 741, of 1935. Again on page 1145 of the same Volume there will be found a full discussion on this very question. In Volume 96, page 2031, there is also the report of a lengthy debate in another place, and again within the last few weeks members can read for themselves what occurred in the Assembly. I will first quote a letter which appeared in the "West Australian" of the 9th inst. written by Mr. de Bernales to the "Financial Times" in which he criticised the legislation with which I am now dealing. Mr. de Bernales wrote—

Other countries desirous of opening up their mineral resources offer every kind of inducement to capital. Supposed supporters of capitalist interest for the sake of securing a fancied political advantage are supporting a few members on the Government benches to force through legislation which can only be harmful to Western Australia. Messrs. Agnew, Robinson, and Guggenheim and I have spent over £5,000,000 to discover gold-bearing ore bodies. Land covered by reservation is always abandoned. It is no use to the average prospector as it requires testing by diamond drills, and other heavy capital expenditure. An inducement like granting reservations is essential to inspire capital to take the risk of testing unknown ground. If the Western Australian Parliament wishes to curtail the freedom of the Minister for Mines, it would be fairer to require the Minister to submit to Parliament towards the close of the financial year a complete list of reservations any or all of which could be refused renewal at the discretion of Parliament.

Mr. de Bernales is a business man and I do not blame him if he can get concessions such as those that have been granted to him within the past few years for the intended purpose, of course, of opening up the wealth of this country. Unfortunately, however, 50 per cent., and in some cases perhaps 70 per cent., of the money that he raised was not devoted to putting a pick into the country or to turning over a stone, but was put into his own pocket, money that should have gone into the reservations given to him by an easy-going Minister for

Mines. It is all very well for Mr. de Bernales to talk about spending five millions in opening up the country, but fortunately members of Parliament know that Mr. de Bernales did not have five bob let alone five millions until he got those huge reservations, and then succeeded in inducing the investing public in England to subscribe the millions to which he has referred. The Minister for Mines tried to justify his attitude in granting the reservations or in endorsing their granting where they were granted as he stated by a previous Minister for Mines. In to-night's paper he refers to other matters while dealing with this question, and it appears to me that he is looking for a nice soft place on which to fall. The member for Murchison (Mr. Marshall) introduced this Bill in another place and members there unanimously carried it, and not for any political advantage, either. Miles and miles of auriferous country in Western Australia have been tied up to allow a confidence trickster to go to England and put it over the investing public of England and the Continent that he had so many square miles of country. The result of all this is that none of the reservations has produced 100 ozs. of gold. That is a fact. All the mines that have been discovered, and which were floated, were discovered during the boom by prospectors. Yellowdine was discovered by a man who had been a sustenance worker, and he was lucky to strike the reef there. The same applies to Cox's Find, another good mine north of Laverton. That was discovered by prospectors, and not on any reservation either. Again at Grant's Patch the discovery was made by a prospector, and again at Marble Bar a prospector was responsible for unearthing the valuable Comet mine. I do not intend to go much further into that. Members can read the Minister's reply to the second reading debate in another place. It appears in "Hansard." He tried to justify the granting of the reservation to the then holders of the Big Bell mine by saying that the lodes went either east or west or north or south—I do not remember which now—but they dipped out of the Big Bell leases and so the reservation became necessary in order that protection might be afforded to holders of the leases, and in that way no one else could peg the areas. That is probably quite sound, but if it is sound, is it just for the Minister to refuse to adopt a similar course at Norseman for the Norseman Gold

Mines? As a matter of fact, down there he did the very reverse. The Norseman Gold Mines took over a property from another company that had not done everything it should have done. They took it over as a profitable mine and eventually developed it. They are now employing between 300 and 400 men. They were in a position similar to that of the Big Bell at Cue in that their lodes at about 2,100 feet were going out of their ground. They pegged the area, and then put in their application. I have some correspondence here that I intend to read. I was at Norseman at the starting of some machinery installed by the Norseman Gold Mines. You, Sir, and other members of Parliament were also there. In conversation with the managing director, surprise was expressed that the Minister should have refused to grant the company's request. I asked the managing director to give me the full particulars, and he undertook to do so. I said that if I did not get satisfaction I would bring the matter up before the Party to see whether they would stand for what was nothing less than a mining ramp, which had been assisted by the Minister for Mines. The managing director wrote to me in February. As a matter of fact, I was going to help the company by pegging the leases for them. I got the particulars from the company. We all know that politicians tell lies, and we all understand the game, but when one tries to put something over at point-blank range and wilfully says that something was never said, well, I do not know where it will end. So I brought this matter to Parliament House, where I met the Minister for Mines (Mr. Mansie). We proceeded to have a friendly yarn. He said to me, "There is no need to bother any further about that," and added that the Western Mining Corporation were buying a substantial interest in the Norseman Gold Mines. Those were his words—"There is no need to bother any further about that." My reply was that it would save me a lot of trouble. I then immediately wrote to the director in Adelaide and told him what I had been informed. Really I roused him for putting me to all this bother when there was actually no need for it. His reply to me was that my information was wrong, and that as far as he knew the Western Mining Corporation had made no overtures to acquire an interest in the Norseman Gold Mines. Of course it may be that the Minister told me something that possibly got to Adelaide before it should have reached

there, and the deal may have fallen through. Anyway, I wrote to him as follows:—

G. C. Campbell, Esq., B.A., LL.B.,
43-4 Albion House,
Waymouth-street, Adelaide.

Dear Sir,

Your letter of the 11th inst. to hand. Many thanks for full information. I had a talk some time ago with the Minister for Mines who informed me—or I understood it that way—that the Western Mining Company had bought a substantial interest in your company, and that all other business was then satisfactorily settled.

According to your letter I have been misinformed. However, the Minister leaves for Norseman to-day to attend the official opening of the water scheme there. I will have another talk to him.

With kind regards, and wishing you well.
Faithfully yours, C. B. Williams.

When I saw the Minister again I said to him, "What is this you told me?" So that when I say that politicians lie, it causes you worry if the other chap says that he did not say it. I had argued with him and definitely tried to pin him down. I tried to pin him down with regard to the Western Mining Corporation buying a substantial interest in the Norseman company. I believed him in the finish, and agreed to myself that it must have been another of my dreams. At the Workers' Hall at Boulder some seven weeks ago when I was discussing this matter, the member for Kanowna (Mr. Nulsen) came along and admitted to me and others who were present that the Minister had told him the same thing.

Hon. E. H. H. Hall: He woke up then.

Hon. C. B. WILLIAMS: The Minister told me deliberately there was no need for me to bother any more and that the matter would be adjusted as between the Western Mining Corporation and the Norseman Gold Mines. Then he denied what he said. One is led to believe that all is not what the Minister for Mines would have us believe. Some of these letters or minutes are initialled by the gentleman who was then Under Secretary for Mines. I understand he was also a warden of the goldfields under the Mining Act. He recently left the employment of the State on a good pension and immediately went over as director to the De Bernaldes companies. I do not know that one can suggest anything by reason of that, but apparently there is something wrong, or there was, with the administration of the Mines Department, or there has been something wrong under the bossing of the Minister for Mines.

We have been told a deliberate lie by the Minister for Mines.

The PRESIDENT: Order! The hon. member must not reflect upon any member of either House. I ask him to withdraw that remark.

Hon. C. B. WILLIAMS: I withdraw it. After being misled, and after having made a misleading statement myself to the gentleman connected with this company in Adelaide, and after being told that I had been misled, and that I had dreamed the whole thing, and then to be backed up by the member for Kanowna (Mr. Nulsen) I could only come to the conclusion that I had been misrepresented. I am putting this on record now. The Norseman Gold Mines people are pretty progressive. They are prepared to spend money on developing their leases. The Minister for Mines said that the Western Mining Corporation had spent 1½ millions, when they took up a big reservation around a producing gold mine, which was paying dividends. If that is correct as applied to the reservation, it is a good thing the member for Murchison (Mr. Marshall) brought down this Bill. I consulted you, Sir, about this matter. In company with the manager of the Norseman Gold Mines (Mr. Cant) we approached the Minister for Mines early this year. Some of the reservations were falling due at the end of June. There were two prospectors, Arnold and another man, who had two leases under option to the Western Mining Corporation, one for £1,000 and the other for £2,000. They could see that nothing was being done by the Corporation, and that the mining boom was going off. They then asked the Norseman Gold Mines to take over the leases. The manager declined to do that. He said, "If you are through with the Western Mining Corporation, all right, but we are not having any truck as between one company and another." At the time we went to the Minister, the Western Mining Corporation decided not to take the leases from Arnold and the other man at the price offered. Mr. Cant then decided to give the prospectors £100 deposit on both the leases. We went to the Minister, and the manager put his cards on the table. I thought he was wrong in doing so. He pointed out that the reservations were coming to an end in June of this year, and that Norseman Gold Mines wanted to form a subsidiary company in Adelaide to work the leases in conjunction with the present com-

pany, enlarge the plant, and put on 28 men to get the leases ready for development. The Minister advised him not to do that until he was satisfied that he would not grant a renewal of the reservation in the following June. We were all satisfied from what the Minister said that the reservations surrounding the two leases would be cancelled. The Western Mining Corporation had held the area for three years and had done nothing with it. They had hung up the two prospectors and had not spent a penny on the areas they were holding. The Minister for Mines promised us an answer, but we did not get it. I telegraphed the Minister, who was unfortunately ill. Later on I received a telegram from Mr. Calanchini, stating that the reservations had been renewed. That was within a month of the reservation falling in. No work had been done, and the two prospectors had been held up all that time. They had also been told that the Western Mining Corporation did not want their leases. The Norseman Gold Mines were not foolish enough to buy two leases for £3,000, only to find that the lodes were dipping out of the leases into the reservations held by the Western Mining Corporation. After Mr. Cant had gone to the Eastern States, we received a letter stating that the reservations had been renewed. The Minister for Mines promised us faithfully that he had enough influence with these people—anyhow he ought to have had enough—to have the leases cancelled, and to stop all this business of tying up two genuine prospectors for three years. Those two men were hemmed in by the reservations, and the Western Mining Corporation had only to wait long enough to get the leases for nothing. That is what the Minister for Mines did. The memorandum I have here includes the opinion of Hon. N. Keenan, K.C., and Mr. H. P. Downing, K.C. The memorandum reads:—

On 15th November, 1934, the managing director of Norseman Gold Mines, No Liability, inspected at the office of the Mining Registrar, Coolgardie, the records of the area lying to the east of the Norseman mine. The records showed that there were no leases or other tenements registered over this area. The two leases, Nos. 1419 and 1420, were accordingly pegged, and application duly lodged for the grant of these leases. Within the time limited for giving notice of objection the Norseman company was given notice that the Western Mining Corporation objected to the grant of the above leases on the grounds (a) that the ground applied for was not Crown land, (b)

that the corporation held an exclusive reservation which included the ground applied for.

This reservation is around a gold mine which is producing gold, and was producing it before the Western Mining Corporation had spent their £20 in the old Mararoa mine, which was purchased from Mr. Nicholson.

On the application coming before the warden for hearing on the 11th February, 1935, the following facts were established:—(a) That all necessary formalities with regard to the application had been duly complied with. (2) That there was in existence a reservation made under Section 297 of the Mining Act, 1904, originally granted in September, 1933, and extended for periods of six months in March and September, 1934. (3) That also under Section 297 the Minister had in September, 1933, authorised the Western Mining Corporation to occupy such reserve, and such authorisation had been extended for six months in March, 1934, but (obviously through an oversight) not extended after September, 1934. (4) That owing to some departmental blunder the transactions embodied in (2) and (3) above had not been registered at the Coolgardie Registry, although they should have been at the time the Norseman company's managing director made his search.

It may be that the reservations were granted at the right time, and it may be that there was an unsigned document to be signed at any time that it was required to be signed. I understand that now the ex-Under Secretary for Mines has gone to de Bernalles company.

It was argued before the warden that the Mining Act provided for two different kinds of reserve. (a) Under Sections 29 and 30 a reserve which a person may be authorised to occupy for mining, which authority could only be granted after due notice to the world, and (b) Under Section 297 a reserve which a person may be authorised to occupy for other than mining purposes, and which could be a reserve by the Minister without notice in the "Gazette"; that in fact the reserve created by the Minister expressly under Section 297 was not a reserve within a meaning of the Act (Section 3), and that in consequence the area of which leases were applied for was in fact Crown land (Section 3). The warden declined to embark on a consideration of these legal arguments, and merely said that there was the reserve, and that therefore the land in question was not Crown land, and therefore not available for leasing, and declined to recommend the granting of leases on this ground. At the hearing evidence was available to show that nothing had been done by the Western Mining Company on leases 1419 and 1420 for at least two years immediately prior to the hearing, and that the granting of leases 1419 and 1420 was vital to the life of the applicant company's mine, and in a great measure to the town of Norseman.

Would the Norseman Gold Mines have been likely to work their mine to the depth where the underlay went out of the leases into the reservations which had been granted to the other company, whilst that other company sat down and waited for the leases to be developed? There are two lodes, one of which would pass into the reservation at a certain depth and the other at a slightly lower depth. All that ground has been hung up for three or four years, and is likely now to be held up for another five or six years, through the Minister for Mines granting a reservation in a manner directly opposite to the manner in which the reservation was granted at Cue. At Cue he granted a reservation so that the local company would get the benefit of the lode as it passed out of the original lease. In the Norseman case he allowed the Western Mining Corporation to take other people's ground after it had been proved.

The above is a very brief summary of the facts of the case. Further relevant details are as under: As regards Gold Mining Leases 1419 and 1420 the Western Mining Corporation claimed (1) That the ground applied for was not Crown land. (2) That it held an exclusive reservation, No. 739H, which included the land applied for. On the 1st November, 1933, the Minister for Mines, with the approval of the Governor in Council, purported in pursuance of Section 297 of the Mining Act, 1904, to reserve an area of about 2,080 acres around the Norseman Gold Mines property—That was around a dividend paying mine. The reservation is supposed to be in unproved country, or in abandoned country, as the Minister says.

—and to authorise the Western Mining Corporation, Limited, to occupy this reserve for a period of six months from the 1st October, 1933, on payment of a fee of £5 5s. for the purpose of mining for gold and minerals.

Any other poor devil who takes up a mining lease has to pay, after he has worked it for a little while, £1 per acre, and these people were able to get 2,800 acres around a dividend paying mine for £5 5s. And that, too, was granted by a Minister for Mines in a Labour Government, a man who belongs to a party whose platform demands, "No monopoly." In doing that for this company he has done goldmining a lot of harm, and the Labour movement a lot of harm too.

The right of occupancy approved of by the Governor in Council expired on the 31st March, 1934.

That paragraph shows that the Minister for Mines definitely stated what was a—I just

stopped on time, Mr. President, so I shall not add what I was going to say but will claim that the Minister made another misstatement in "Hansard" when he said that at no time had he granted a reservation without the concurrence of the Governor-in-Council. He made that statement wilfully and deliberately in reply to the member for Murchison (Mr. Marshall) in the Legislative Assembly, and that appears in "Hansard."

The PRESIDENT: I think the hon. member is going too far. He should withdraw his assertion that the Minister made a misstatement wilfully and deliberately. I ask the hon. member to withdraw that statement.

Hon. C. B. WILLIAMS: I will have to bow to your judgment, Mr. President, because I do not know of any other particular form in which I could say what I wish. I suppose I will have to give the Minister the benefit of the doubt, but no, Mr. President, I will withdraw unreservedly, but naturally that is only in deference to you.

The PRESIDENT: I understand that the hon. member withdraws his remark unreservedly.

Hon. C. B. WILLIAMS: Oh, yes, I withdraw unreservedly. It is easier to say that and so comply with your wishes. I have withdrawn my statement about what the Minister said deliberately in the other House. It looks as if he made a mistake, but perhaps "Hansard" made the mistake. Anyway, the Minister's statement appears in "Hansard" in which he said that he had never done this sort of thing without the consent of the Governor-in-Council. On the 2nd October, 1933, in the Legislative Assembly, "Hansard" shows that the Minister made the statement—

No reservation has been granted in Western Australia by me or by my predecessor in office that was not first submitted to the Executive Council for approval. I do not know if the hon. member wants anything more than that.

Then the then Premier (Mr. Collier) interjected—

That governs the whole section.

Then the Minister for Mines continued—

That is so, and that is all that has been done. I am not the least bit worried about the legal aspect of the reservation.

Then Mr. Doney talked to the Minister for a while and it was all very interesting.

Now we have this statement in the file from which I have quoted—

The right of occupancy approved of by the Governor in Council expired on the 31st March, 1934.

The Minister has already said in "Hansard" that he did not do those things. Again I quote from the file—

On the 20th April, 1934, the Minister for Mines, without the approval of the Governor, extended the right of occupancy of the Western Mining Corporation for a reserve for a further period of six months.

It would seem that the Minister is very hard to follow. Not hard to believe, Mr. President, but hard to follow—

It is to be observed that in the original reservation for occupation made in November, 1933, no time was fixed for the duration of such reservation.

Section 297 provides that the Minister may temporarily reserve from occupation. "Temporarily" means: "For some period of time or possibly for a short period of time as distinguished from some period which is permanent." It is therefore submitted that the original exemption from occupation was void as not being within Section 297, and also that the two extensions granted by the Minister were void, because—

- (1) The approval of the Governor was not obtained.
- (2) The right to occupy was not granted for any term.
- (3) The conduct of the Minister was not reasonable.

The Minister says that at no time did that occur. You will not allow me to express my opinion, Mr. President, as I wish, but probably "Hansard" is wrong.

Hon. G. W. Miles: Was that not after the Minister delivered his speech?

Hon. C. B. WILLIAMS: I do not care whether it was before or after. I have quoted what occurred in 1935, and this leads up to it. Here it is stated on the file that the conduct of the Minister was not reasonable. Neither was it from that standpoint, nor so far as the company or the Labour Party were concerned.

Copy of a plan of the Norseman field ac-companies this. The new leases applied for by the Norseman company on the 23rd September, 1934, are edged in red. Both the Norseman and the Mildura reefs dip at an approximate angle of 45 degrees into these latter areas.

So hon. members can see the depth at which the reefs dip into the country over which the Western Mining Corporation had

secured a reservation, and paid £5 5s. for their 2,800 acres.

The following are the minutes relating to the granting of the reservation objected to:—

Minute Paper for the Executive Council.

Approved in accordance with Section 297 of the Mining Act, 1904, Temporary Reserve No. 739H, situated one mile east of Norseman townsite, Dundas goldfields, as shown hachured in colour red on lithographic plan at page 7 of Mines file 2000/33, and to authorise the Western Mining Corporation, Limited, to occupy the said reserve for a period of six months from the first day of October, 1933, upon payment of the fee of £5 5s. for the purpose of mining for gold and minerals, subject to the following conditions:—

They can get the reservation more cheaply than a prospector can secure a prospecting area, or at least almost as cheaply. Certainly they do not have to keep working the property as prospectors are required to do.

1. Subject to the excision of any existing title granted under the provisions of the Land Act, 1899, or the Mining Act, 1904.

2. Subject to bona fide prospecting operations being carried on to the satisfaction of the Minister for Mines—

Wonderful! Is it not?

—and that the occupant shall furnish the Minister for Mines with a monthly report applicable to prospecting work done and prospecting work proposed to be done for each of the following months during the term of occupancy.

3. That the Minister for Mines may upon six months' notice being given to the Western Mining Corporation, Limited, require it to comply with the provisions of the Mining Act, 1904, and bring part or the whole of the reservation under mining tenements as provided by the Act.

4. No person other than a British subject, and no company other than a company incorporated under the law of Great Britain, Ireland, or a British possession shall have or acquire any interest whatsoever in the said authority to occupy.

5. No transfer of this authority to occupy will be permitted without the approval of the Minister for Mines first obtained.

6. That the Minister for Mines may cancel forthwith the right of occupancy on being satisfied that the whole or any of the conditions are not being or have not been fulfilled.

That minute is signed by S. W. Munsie, Minister for Mines. I have already pointed out to hon. members that for over two years the company had not done a tap on these leases around this dividend-paying mine. Then the file has this note—

Approved by His Excellency in Council, and entered on the Minutes of the Executive Coun-

oil accordingly. Clerk of the Council, 1st November, 1933.

That was signed on the 1st November, 1933, and I have quoted from "Hansard" the Minister's statement, made in 1935, which was two years later. To proceed with the file—

Hon. Minister: Application appears hereunder from the Western Mining Corporation, Limited, for the extension of the right of occupancy of Norseman Temporary Reserve 739H for a further period of six months from the 1st instant (1st April, 1934). This corporation is very actively engaged in prospecting and mining operations, and is spending a large sum of money on the same. I have therefore no objection in recommending the required extension.

Under Secretary for Mines.

Approved, S. W. Munsie, Minister for Mines. 20-4-34.

I do not doubt that the Corporation were spending a lot of money in Norseman. They spent it on the Mararoa and in diamond drilling. On the other hand, the leases were a long way from where the money was being spent. Any man with a knowledge of mining knows what the position would be. If a man pegged out a lease around a mine whose lode dipped out of the mine at an angle of 45 degrees, he merely had to sit down long enough to allow the company operating the mine to cut out the lode until it entered his reservation and then he could walk in and buy the property cheaply. Then he would have a going concern to proceed with the working of his own proposition. However, the file continues—

Hon. Minister: The Western Mining Corporation, Limited, applies hereunder for an extension of Temporary Reserve 739H at Norseman for a further six months from the 1st October next. The company is carrying out an extensive development programme in the Phoenix Mine and at other options within the area. In view of the work done to date, I would recommend extension.

Under Secretary for Mines.

Approved, S. W. Munsie, Minister for Mines, 30th August, 1934.

On the 1st March, 1935, Mr. H. P. Downing, K.C., of Perth, gave the following opinion on the case:—

By Section 42 of the Mining Act, 1904, the Governor is empowered to grant a lease of any Crown land—not exempted by Section 43—for mining for gold, and such purposes as are incidental thereto. "Crown land" is defined by Section 3 to be (inter alia) all land of the Crown which has not been dedicated to any public purpose or reserved.

Applications for leases are, by Section 70, to be heard by the warden in open court, and by Section 75 the warden must, as soon as practicable after the hearing, transmit to the Minister his report recommending the granting or refusal of the lease, and by Section 76 (1) the granting of the lease shall be in the absolute discretion of the Governor.

On the hearing of the application by the Norseman Gold Mines for the granting of two leases on the eastern boundaries of two of its existing leases, the warden decided that he could not consider the application because the area applied for was comprised in Crown land which had been temporarily reserved from occupation by the Minister under the provisions of Section 297 of the Act, and which the Western Mining Corporation Ltd. had been authorised to temporarily occupy.

It is difficult to gather from the Act what the reason was for giving the Minister power to temporarily reserve Crown land from occupation. I am inclined to the opinion that it was meant as a protective measure only in order to conserve the rights of the Crown itself, and to preserve land for public purposes, or possibly land which might contain alluvial gold, etc. I agree that it was never intended that the power should be exercised for the benefit of corporations or persons so as to enable such corporations or persons to carry out prospecting, etc., and so decide whether leases of such land should be ultimately acquired for mining purposes. If therefore temporary reserve No. 739H was so reserved under Section 297 for the benefit of the Western Mining Corporation Ltd., it was, in my opinion, an abuse of the power thereby conferred.

In other words, the Minister had no right to grant it.

I cannot, however, see upon what principle the motives of a Minister can be brought into question. The land has been temporarily reserved, and such reservation has been approved by the Governor in Council. That seems to me to be an end of the matter, because, once the land is exempted from occupation under the Act, it ceases to fall within the definition of Crown land, and no lease of any portion of it can therefore be applied for under Section 242.

In the same month (March, 1935) Messrs. Abbott, Abbott, Andrews and Robinson wrote to the Under Secretary for Mines, Perth, on behalf of the Norseman company asking that goldmining leases 1419 and 1420 should be excised from the Reserve No. 739H in the event of the Western Mining Corporation having no further right of occupancy from the 31st March, 1935. This request was refused by Mr. Calanchini on the 20th of that month (File No. 2000/33).

It requires no demonstration for the importance of the eastern leases to be appreciated. Were these leases now the property of the Norseman company, it would be undoubtedly working the Mildura reef (see map), but there is no incentive at the present time to do so because the reef passes out of the Norseman company's property at a comparatively shallow depth. Instead, therefore, of there being a

hundred or so men employed on the Mildura as would be the case if the underlay leases were preserved to them, nothing is being done at all with this mine.

In considering this number, it should be borne in mind that there is nothing to suggest that the Mildura is less valuable than the Norseman, on which the Norseman company is employing over 300 men now. There has been no attempt whatever for four years at least by the Western Mining Corporation to do any mining work on the area comprised in these eastern leases, and it is most doubtful if that corporation will ever do any work there.

Certainly it will not put down a shaft 2,300 feet to strike the Norseman reef which it is estimated will pass out of the Norseman company's leases at that depth. It is suggested that there is ample evidence of a failure to carry out the condition of a reservation, but the Norseman company feels that in view of the past attitude of the Minister it would be useless to try to acquire the leases by means of legal proceedings. In the Legislative Assembly on the 15th August, 1935, Mr. Norbert Keenan made the following observations on the Address-in-reply, which are quoted from the "Kalgoorlie Miner" of the following day:—

The authority vested in the Minister to create temporary reservations seriously affected the prospector. He appreciated the desire of the Minister to attract capital, both local and overseas, by special inducement and there could be no doubt that the creating of temporary reservations acted as a special inducement; but he doubted the authority of the Minister to create reservations on the basis used in the past, namely, to permit mining to be conducted in a reserve created. The Governor, and the Governor alone, could throw open for mining any Crown land declared as a reserve. The facts should then be declared in the "Government Gazette." Further, the land should be open to any person and not to any one person or corporation. I do not question the Minister's good faith or expediency of attracting capital, but these reservations are far too numerous and far too extensive to meet the requirements of the industry. Also, they have placed the ordinary prospector at such a severe disadvantage as to make his task well-nigh impossible. The practice was also sometimes a blow to the working of mines. Mr. Keenan proceeded. For instance, two leases were being worked at Norseman when it was found that one lode was dipping into surrounding land which was held under concession. The effect was that developmental work on the leases benefited those holding the concession. Such a happening was a great deterrent to those eager to engage in real mining. He viewed with grave alarm the wholesale creation of reservations. My opinion, he added, is that there is no authority for granting exclusively the privilege of mining on reservations. Apart from that, those responsible have gone too far in spite of these difficulties. However, it is indeed pleasing to record that the mining industry of this State is prospering exceedingly and

it is the one bright spot amongst our main primary industries.

It is submitted that it is common policy throughout every mining community to preserve so far as possible to every mining company the benefit of its deep levels. In addition it is also noteworthy that the Minister's notes on the activities of the Western Mining Corporation are applicable with much greater force to those of the Norseman company. There is the case, in Norseman, in my own electorate. In the interview we had with the Minister he said he would see to it that the reservations were not increased; but still he encouraged them and once again increased their reservation at the beginning of this year. The prospector has no chance where there is a reservation. One prospector found a reef and tried to sell it to Mr. Agnew, who agreed to pay £6,000 for it, but a few days later he repudiated the deal because he said the show was on a reservation. There was a similar case in Mr. Miles's electorate, an even more glaring case, where some gentleman, an aide-de-camp or an ambassador named Urquhart or some agent of de Bernales, also went along and promised a chap £9,000 for his lease. But after a month or three months' time it was found that de Bernales had a reservation surrounding the show. It must be that the Minister for Mines is getting too old to continue carrying out his job: otherwise he could not do these things. When anybody at all comes along the Minister grants a reservation. The truth is that he allowed the ex-Under Secretary for Mines to do the job for him and that official did it in his own way, knowing the reward that there would be for him. I defy the Minister for Mines or anybody else to say where a mine has been found by means of a reservation. We know too that nothing is ever done on a reservation. de Bernales said that his lease had been prospected by the company. What nonsense! They have only one way of prospecting a mine and that is by putting down a drill 300 or 400 feet. It will only prove the existence of a lode, and a prospector does not need a drill to prove the existence of a lode. Of course de Bernales talks like this to please the nanny-goats in England who found him a million pounds with which to build "The London Caught." There was panic in the de Bernales camp when they put down that drill at Yellowdine and it bored out of the ore. Then to allay the panic

they put down another bore right alongside the lode and this proved the existence of valuable ore. That was what was put over the London public. The Minister for Mines is proud of his reservations as having brought money into the country but I say that they have brought poverty to some people who invested capital in the companies holding the reservations. Now de Bernaldes is looking for some place to fall upon. He talks of the better conditions in other countries. We know that South Africa takes 60 per cent. of the profits of some of the mines there, over one-half. If this House is genuine it should stick to what has brought this State ahead of all other gold-producing countries, namely, the 24-acre leases. The whole of the Golden Mile was developed by 24-acre leases. There has never been a single mine found on a reservation, because it is not possible for prospectors to go on to a reservation when they know they are surrounded by sharks waiting for them to find a single speck of gold. It will be for the Minister for Mines to make his explanations at the next elections, and even at the next selection ballot at Kalgoorlie. He will have to justify these things on that occasion because I shall be there to see that he does. I hope this House proves just as unanimous as did another place in passing the Bill. No Minister of the Crown ought to be allowed to give away huge tracts of country for some sharp person to take Home to England and say, "I have here a thousand acres of rich gold-bearing country." I move—

That the Bill be now read a second time.

On motion by Chief Secretary, debate adjourned.

BILL — FREMANTLE MUNICIPAL TRAMWAYS AND ELECTRIC LIGHTING ACT AMENDMENT.

Second Reading.

HON. G. FRASER (West) [9.12] in moving the second reading said: The Bill seeks to amend the parent Act of 1903 in two of its provisions. In the first place it seeks to add to the powers of the Board by amending Section 19 of the principal Act, giving power to the Board to join a superannuation scheme. Then Clause 3 seeks to amend Section 21 of the principal Act to provide the finance to join the scheme. The

reason of it all is that in 1931 the employees of the Tramway Board inaugurated a superannuation scheme of their own and have ever since conducted and are still conducting it. By that method of superannuation they contribute to a unit of value of a shilling per week per unit. So since 1931 those employees have contributed to that fund. I have here a copy of the scheme if any member cares to peruse it. Now the Bill seeks to give to the Tramway Board power to contribute to that superannuation fund.

Hon. C. F. Baxter: They have contributed nothing to it so far.

Hon. G. FRASER: No, they have not had power to do so. Up to date the fund has been run by the employees themselves.

Hon. J. J. Holmes: What does the fund amount to?

Hon. G. FRASER: I do not know the total amount, but it is all in units of 1s. and the board desire to contribute to the fund to the maximum of one unit per week for each employee. Seeing that the employees started the fund and have carried it on for so many years, and considering the financial position of the board, we might well agree to the Bill. We are proud of the financial position of the board.

Hon. G. W. Miles: Is this Bill introduced at the board's request?

Hon. G. FRASER: Yes. The employees were prepared to carry on as in the past but the board appreciates the benefit of the scheme and desires to contribute. The fund is properly safeguarded. The benefits are clearly set out according to the service of the employees and the scheme is quite sound. So far it has been rather a savings club than a superannuation fund, but with the passing of the Bill it will partake more of the nature of a superannuation fund. The board is anxious to assist the employees and has the finance to do it. Next year the board will be in the fortunate position of having repaid the whole of its loan indebtedness and will be in possession of capital assets valued at about £300,000.

Hon. G. W. Miles: The Fremantle trams must be better run by private enterprise than are those run by the Government.

Hon. G. FRASER: The Fremantle Tramway Board is a municipal authority.

Hon. G. W. Miles: Evidently it runs its trams better than the Government trams are run.

Hon. G. FRASER: The board is elected on a fairly democratic vote and its financial position is probably unique.

Hon. J. J. Holmes: Who is responsible for the board?

Hon. G. FRASER: I commend the Bill to the favourable consideration of members.

Hon. C. F. Baxter: The only thing is that the amount is too small.

Hon. G. FRASER: It is small and I regret that fact, but big things often grow from small beginnings. With co-operation between employers and employees, the fund should grow and should be an example for other organisations to follow. I do not anticipate that the measure will provoke any opposition. I move—

That the Bill be now read a second time.

On motion by Hon. J. J. Holmes, debate adjourned.

House adjourned at 9.20 p.m.

Legislative Assembly.

Tuesday, 12th October, 1937.

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

AUDITOR GENERAL'S REPORT.

Mr. SPEAKER: I have received a copy of the Auditor General's report, which I shall lay on the Table.

BILL—COLLIE HOSPITAL AGREEMENT.

Introduced by the Minister for Health and read a first time.

BILL—MUNICIPAL CORPORATIONS ACT AMENDMENT (No. 2).

Read a third time and transmitted to the Council.

BILL—AIR NAVIGATION.

Report of Committee adopted.

BILL—JURY ACT AMENDMENT (No. 2).

Second Reading.

THE MINISTER FOR JUSTICE (Hon. F. C. L. Smith—Brownbill-Ivanhoe) [4.35] in moving the second reading said: This is a short Bill to amend Section 8 of the Jury Act and extend the exemptions under that particular section. Parliament has already agreed to exemptions from service on a jury to persons whose avocations are of such a nature that they are not readily replaceable, or of such a nature that it would perhaps be inconvenient to those to whom they render service if they were called upon to act upon a jury. Under that section doctors and chemists, and people engaged in transport generally, are exempt from service on juries. This Bill seeks to modernise these provisions. It proposes that there shall be added to the exemptions already provided commercial pilots of class B, namely those engaged in public air transport, navigators engaged in air transport, and radio operators, both radio-telegraph operators and radio-telephone operators, who are licensed as such, and are employed as such as members of aircraft used or engaged in public air transport for the carriage of mails and passengers. It is essential that the members of crews, who are highly skilled in their respective vocations and cannot readily be replaced, should be available for their particular class of work in accordance with their rosters. Many of the air services are subsidised by the Commonwealth Government. The aircraft associated with these services are required to fly to schedule times in carrying mails. Passengers are also frequently carried. To ensure the safety of all concerned, it is considered desirable that the