Legislative Council

Wednesday, 14th April, 1954.

CONTENTS.

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

QUESTIONS.

QUEEN'S CORONATION ROBES.

As to Displaying on Goldfields.

Hon. G. BENNETTS asked the Chief Secretary:

In view of the fact that the Queen's coronation robes are being displayed in the various cities of Australia, will he endeavour to make arrangements for them to be displayed in the town hall at either Boulder or Kalgoorlie?

The CHIEF SECRETARY replied:

In view of the limited time for which the coronation robes are available, it has only been possible to display them in the capital cities throughout Australia.

DRAINAGE.

As to Expenditure and Work on Wilson Scheme.

Hon. J. McI. THOMSON asked the Chief Secretary:

(1) What is the amount spent on the Wilson drainage scheme to date?

(2) What is the total acreage served by this project?

(3) In view of the importance of an early completion of this work to the settlers within the area, can he inform the House—

(a) When will the drag-line be returning to the area to continue the work;

(b) does the Government expect to complete the drainage at Lake Sadie end by the end of the year;

(c) if not, can the Government give some indication when this is expected to be completed?

The CHIEF SECRETARY replied:

(1) £153,415 (expenditure since 1947).

(2) The area which will come under "general benefits" is 41,600 acres.

(3) (a) Arrangements are in hand to start work immediately.

(b) No.

(c) No. Time to complete will depend on availability of loan funds.

RAILWAYS.

As to Barracks for Train Crews, Piawaning, etc.

Hon. A. R. JONES asked the Chief Secretary:

Is it a fact that owing to lack of facilities in the Piawaning railwaymen's barracks, crews operating trains to that siding have had to run an additional 25 miles to Miling so that they could be housed at night? If such is the case will he inform the House—

(a) What circumstances caused this state of affairs;

(b) if the trains so run set down or pick up any goods between Piawaning and Miling?

The CHIEF SECRETARY replied:

Yes.

(a) Owing to heavy traffic on the Wongan Hills line, the equipment was transferred temporarily to Wongan Hills barracks on the 31st October, 1953, to relieve the position at that centre. It was returned on the 2nd February, 1954.

(b) Yes, although the main purpose of the running was brought about by the absence of barracks facilities at Piawaning.

INDUSTRIAL.

As to M.V. "Manoora's" Undischarged Cargo.

Hon. A. R. JONES asked the Minister for Shipping:

(1) Is the report appearing in a recent issue of "The West Australian" that the m.v. "Manoora" left Fremantle with 800 tons of cargo in its hold which should have been discharged at Fremantle, correct?

(2) If the answer to No. (1) is "yes," what types of goods were undischarged and carried back to the Eastern States?

(3) If cargo was carried back, will any additional cost be placed upon such goods over and above normal freight and charges owing to their having to be transported the additional distance?

The CHIEF SECRETARY (for the Minister for Shipping) replied:

(1) Yes. The overcarried cargo is is estimated to be about 826 tons.

(2) This is difficult to say, but it included groceries, drapery, machinery, paint and other general cargo.

(3) No. Consignors and consignees will not be faced with any additional cost. All losses will have to be borne by the shipping company.

BETTING.

As to Taxation and Fines Collected.

Hon. J. McI. THOMSON asked the Chief Secretary:

(1) What is the amount collected by way of winning bets tax for the current financial year to date?

(2) Has the Government considered any methods whereby revenue could benefit by taxing starting-price betting?

(3) What is the amount collected by way of fines of starting-price bookmakers for the current financial year?

The CHIEF SECRETARY replied:

(1) Winning bets tax collections from the 1st July, 1953, to the 31st March, 1954, £118,801.

(2) Yes.

(3) No record is kept in the financial books of the types of offences for which fines are imposed.

BILL—RENTS AND TENANCIES EMERGENCY PROVISIONS ACT AMENDMENT.

Third Reading.

THE CHIEF SECRETARY (Hon. G. Fraser—West) [4.35] in moving the third reading said: I feel that, in view of one or two incidents that occurred yesterday and the report that appeared in the Press this morning, I should have a few words to say in moving the third reading of the Bill. First of all, I consider that the report in "The West Australian" was amongst the most one-sided I have read of any debate in either House. If members look at the report, they will find that, with the exception of two or three lines attributed to Mr. Heenan, no report was given of the Government's case. In speaking as I am at present, my reason is not that the newspaper did not report the Chief Secretary as having said anything.

The paper can leave out my name altogether, but I put before the Chamber the case on behalf of the Government, and at no stage of the report was the Government's case even mentioned. I consider that to be a most lopsided way for any newspaper to give the news to the people of the State. Apart from the report of the opposition to the Bill, nothing of its merits or demerits was mentioned, and so the public is left to judge what the contents of the measure were from the remarks of those who were opposed to it.

Hon. N. E. Baxter: I would not say that. A report was given of the Government's case in another place.

The CHIEF SECRETARY: I am speaking of the debate in this Chamber. The opposition to the Bill had been published previously, and the newspaper saw fit to publish it again on this occasion. I do not know that there is any great difference between the opposition to the Bill published previously and the opposition published this morning. I regret the necessity for having to make these remarks, but I feel that in the interests of justice, I am compelled to do so because, when one examines the report, one finds that at every stage the worst side from the Government's point of view has been put.

During the course of the debate, we had the experience of Mr. Watson's replying to me about some names that I had supplied to him in answer to a question. He alleged that I gave some wrong information in my reply to his question. "The West Australian" did not report my interjection to Mr. Watson that he was giving the owner's side while I was supplying information given to us by the tenant. I again checked up on the source of the information I gave, and I repeat that it was voluntarily supplied to the officers of my department at their office. While Mr. Watson said that he had received a letter from the owner, Mr. J. J. Plunkett, the tenant, in advising us, stated that it was the son of the owner who had given the intimation. And so, while he may have been technically correct, the information about the increase in the rents, as supplied by the tenants, was what they were advised by the son of the owner.

Although I do not like doing such a thing, when one's honesty of purpose is doubted in a matter of this kind, one must defend oneself. I would remind the hon. member that this matter can be linked up with the fact that a year or two ago the same individual unsuccessfully applied to the court for an increase in rent on another lot of flats—an increase from about £2 odd to £6 odd per week.

Hon. H. K. Watson: What did he apply for in the case of these flats?

The CHIEF SECRETARY: So far as I know, he had not applied, but the action alleged by the tenants now is similar to the action this individual took some years ago in order to have rents increased and so I say there is some verification of the action alleged here.

I might add that we have had complaints in our office about other flats, where the tenants have been advised regarding increases in rents of flats owned by the same individual. Therefore the complaint that I gave to the House was given only because of the question asked by the hon. member and I would remind him that the same attitude and the same action has been taken in connection with a number of other flats although not to the same extent as in the instance quoted. In one other case I believe the increase in rent was from £1 odd to £4 10s. per week. Similar action has been taken by this owner in different parts of the metropolitan area.

The whole report appearing in "The West Australian" hinged on the comments of Mr. Watson to the effect that the Chief Secretary had given wrong information. It supplied Mr. Watson's version but not that of the Chief Secretary. That is a very unfair attitude for the Press to take up and I hope there will not be a repetition of it.

In that connection I might say that this is not the first occasion upon which I could have complained of being slighted by that newspaper. At the time of Her Majesty's visit that journal not only slighted me but gave a long report of what had occurred. The report said that when Her Majesty visited the Fremantle Oval she left her car and approached the Mayor and apologised for being late, and according to what was published there were no presentations, whereas the fact was that Mrs. Fraser and I met Her Majesty and introduced the Mayor and Mayoress of Fremantle. Following that, a letter appeared in the Press complaining of the slighting of the Mayoress and "The West Australian" apologised for the slighting but did not mention the fact that it had also slighted the Chief Secretary and his wife on that occasion.

Further, in the last week or so, when I supplied information in this Chamber with regard to the polio. scare, certain phases of that information, quite valuable from the public point of view, were not reported, but the fact that the Government had spent £12,000 to instal a permanent bath was given publicity. That was linked up with a report which said that the polio. scare was dying out, making it an obvious question for anyone to ask why the Government should spend £12,000 on something that was practically finished. The answer, of course, to that latter portion was that the permanent fixture was being installed to deal with patients suffering from arthritis and similar complaints. The distortion met with in cases such as this leads one to make some complaint.

Still further, in the debate—I was rather surprised because at no time during the debate did I mention names when quoting cases—Mr. Watson referred to a case at South Perth and gave the name of the individual concerned. I regret that that phase of the matter was brought into the debate but was not surprised when informed of what actually happened, because not only did the hon. member mention the names but did so for obvious reasons. Possibly if the individual concerned had not been a candidate in a forthcoming election, the name would not have been mentioned.

During the last few days, however, a Liberal Party organiser has visited a tenant in order to try to get some further information, with the idea of damning this person in the eyes of the electors. Unfortunately for the organiser, the tenants gave the information that they were entirely satisfied with everything that had occurred. I have been supplied with the information but would not have given it here had not the question been raised and certain information given to this House.

I will now give details of the true position. The house in South Perth purchased by Mrs. R. F. Hutchison has since had more than £2,000 spent upon it in converting it to two self-contained flats. The following gives some idea of what was done—

> Interior remodelled; all walls and ceilings completely relined; the whole premises sewered; the water system renewed; electrically re-wired throughout; two bathrooms built and fittings installed; new laundry built plus copper and troughs; new lavatory built; front verandah louvred; new fireplace built; two new stoves installed; two sinks installed; cement paths constructed; both flats fully furnished; complete floor coverings of feltex and lino; a radio and piano in one flat; rental of £3 a week for one flat, this being the lawful charge; no rental charge for second flat at any time over the past two years.

Hon. H. K. Watson: What about the last four years?

The CHIEF SECRETARY: I am dealing with the last two years. The hon. member may expand on that subject later if he so desires. I regret that this phase of the matter was raised during the debate and I tried to steer clear of these things when introducing the measure and in my reply to the debate on the second reading. However, as the matter was raised I felt it my duty to make a complaint to the House, firstly in regard to the one-sided way in which the matter was reported to the Press and then with regard to the portion of the debate to which I have referred. I move—

> That the Bill be now read a third time.

HON. H. K. WATSON (Metropolitan) [4.48]: The Chief Secretary's remarks about the Press cannot be allowed to go unchallenged because I would say that if

ever the daily Press gave the Government full publicity and a run for its money, it has been in regard to this rents and tenancies legislation. Not only from the introduction of the Bill but, as I said yesterday, also in trying to prepare a build-up to get members of this House to accept the Bill, the Press has given the Government a good run. In "The West Australian" of Saturday, the 30th March, practically the whole letterpress of one page was devoted to a statement by the Chief Secretary preparing the ground for the Bill and giving his reasons why it should be introduced, a statement by the Under Secretary of the Chief Secretary's Department, Mr. H. E. Stitfold, who was also pushing it along for all it was worth, and a statement by a Perth valuator.

There is a whole mass of letterpress on the Government's case set out on that page with not one word of opposition to it. Again, on Friday the 9th April, 1954, similar articles appear on page 4 of "The West Australian". Practically the whole of the letterpress on this page is devoted to what the rents and tenancies Bill provided. It sets forth in complete detail the whole of the Government's case on the Bill. That is a most unusual procedure for the Press to follow because generally such matters are only covered by a precis. In this instance, however, the Press went to remarkable length to present the Government's case ad lib and to present it very forcibly to the people. I am rather astonished, therefore, that the Chief Secretary should have made the remarks he expressed this afternoon about the action of the Press in this instance.

Hon. A. R. Jones: What about the "Sunday Times," too?

Hon. H. K. WATSON: Yes, the week-end Press has been the same. Both the daily and the week-end Press have supported the Government and have certainly allowed it to present its case more fully than I have seen any case presented for many years past. As to anyone complaining that this Bill has not had a good Press, the Chief Secretary should be the last one to complain. If he considers that he has not been justly treated by the Press, he is pretty hard to please. In fact, I was most concerned at the one-sided publicity given to the Government's case and the Chief Secretary is certainly the last one that should complain because the Government has had its side of the case presented not once, but three or four times, and it has been more extensively put than any case submitted by the Opposition.

I will now deal with the matter of the property in Brandon-st., South Perth, to which I referred yesterday and regarding which the Chief Secretary has made further reference today. He has not refuted the remarks I made yesterday, namely, that in 1950 or thereabouts each of the two halves of this property was being let at £3 a week. That is an income of £156 a year for each half of the house, and the rent inspector made a substantial reduction in the rent.

Hon. A. R. Jones: Did that follow a court case?

Hon. H. K. WATSON: I do not know, but I understand that was the position. Following the rent being reduced by the rent inspector, an appeal was made to the court, as a result of which the rent was increased, but it was still below the original figure of £3 a week. Further, after an application had been made to the rent inspector by the tenant, he was ultimately asked to vacate the premises. That is the reason why since then only one-half of the house has been let at £3 a week to an outside tenant. The other half has been let to a relative of the owner and I understand that the rent for those premises is also £3 a week.

The main reason why I rose to my feet was to refute the statement made by the Chief Secretary that he has not had a fair Press on this Bill. On the contrary, I suggest he has had an extremely fair Press. If the measure, as amended by this House, becomes law, I only hope that the Press will give the legislation full publicity and make it clear that it is fair to both the tenant and the landlord. It should also make it extremely plain that the rent cannot be increased unless the tenant agrees. Of course, if the tenant has been enjoying a low racketeering rent—that is, racketeering by the tenant on the landlord—he would be wise to agree to a reasonable increase. However, he does not have to agree, and then the owner cannot increase the rent unless he goes to the court. The Press should also make it clear that if the owner gives the tenant notice, he cannot increase the rent unless he goes to the court.

Hon. L. A. Logan: And it can be decreased by the court.

Hon. H. K. WATSON: Yes, the owner even runs the risk, if he approaches the court, of having the rent decreased. The Press should give full publicity to those facts. To date I cannot help feeling that the Press has joined with the Government in trying to create a scare about endless evictions taking place on the 1st May.

Question put and passed.

Bill read a third time and returned to the Assembly with amendments.

ADDRESS-IN-REPLY.

Fourth Day—Conclusion.

Debate resumed from the 8th April.

HON. L. A. LOGAN (Midland) [4.57]: I take this opportunity of thanking the electors of the Midland Province for the confidence they have shown in returning

me as their representative in this House for a further term. I assure them that I will give the same attention to my duties as I have done in the past seven years. There are one or two matters I would like to raise in supporting this motion for the adoption of the Address-in-reply.

Members who have already spoken have referred with gratitude to the recent visit of Her Majesty the Queen and His Highness the Duke of Edinburgh. They have also referred in eulogistic terms to those people who were responsible for the tour. With those sentiments I agree, but only so far as the tour went. There are two features of the Royal tour to which I would like to refer. The first is the unpardonable and unforgivable error of excluding Geraldton or any portion of the country north of Perth from the itinerary of the Royal couple.

One could almost believe that the powers that be have such a narrow vision that they think that the northern boundary of Western Australia is just north of Midland Junction; that is, except when they want some money or revenue and they visit those parts to obtain it. But I will refer to that later. From those people who, of their own accord, have spoken to me about the treatment meted out to the north, it would appear that the only persons who did not recognise the needs or the merits of the north, and Geraldton in particular, were the Government and the tour director, because everyone else who has spoken to me on the subject has said, "Les, Geraldton should have been included."

Anyone looking at the map of Western Australia must obviously be convinced that some portion of the North-West should have been included in the itinerary. I understand that Mr. Doig has been instructed to prepare a report on the Royal tour which will be placed in the archives. Although recriminations may not appear necessary, yet when a child does something wrong, generally an endeavour is made to put that child on the right track so that it will not make the same mistake again. I therefore ask the Minister to make sure that Mr. Doig refers to the serious omission of Geraldton and the northern portion of Western Australia in the report, so as to avoid the same mistake being made in the future.

The other phase of the Royal tour to which I shall refer is the preclusion of many thousands of people from being given the opportunity of seeing the Royal couple, because of lack of authoritative statements to counter reports published in the Press from day to day. In this regard I am speaking of the parents and citizens' associations and the teachers in country areas. Almost daily there were reports of parents & citizens' associations in outback areas disallowing any child from entering certain areas. In my opinion these groups of people have no authority to make such statements, but because no authoritative pronouncements were made by those in authority, similar action was taken in other areas.

Some headmasters and teachers of country schools also made such statements. On a few occasions they assembled the children and told them that if any child went into a locality in which the Royal couple travelled, the child would not be able to return to the school for a fortnight. Even when the teachers realised they were overstepping their powers, they still advised the children not to go to see the Royal couple.

Thousands of adults and children were debarred from seeing the Royal couple as a result of propaganda by the people I mentioned. This was mainly because of the lack of guidance from those in authority. When Dr. Robertson did make a statement that after attending the Royal tour children would not be prevented from going back to school for a fortnight, it was published in a paragraph with other material which more than 70 per cent. of the people would not read. No headline was made of that fact.

Another matter I want to refer to relates to starting-price betting. During this session and the previous session I attempted to find out the policy governing prosecutions from the Minister, from the Commissioner of Police, as well as from inspectors and sergeants, and tried to discover the authority responsible for laying down that policy. Despite the fact that I asked seven or eight questions, I received no satisfactory reply. I want to know what that policy really is. Two days ago I asked the Chief Secretary a question relating to starting-price betting and I shall quote it so that it, together with the answer, will be on record—

> Question.—Why are the Geraldton starting-price bookmakers being charged and fined for obstructing the traffic, as a result of their betting operations, more than starting-price bookmakers in other areas outside the metropolitan area?
>
> Answer.—It is not acknowledged that Geraldton is singled out for attention. To draw comparisons between one town and another is not possible as the incidence of starting price betting may be greater in one town than another.

I followed that up with another question, which reads—

> In view of the Minister's reply to my question on starting-price bookmakers that Geraldton was not singled out for attention, will he inform the House of other places in the State that are being treated with the same severity as Geraldton, and furnish proof of such treatment?

The answer I received was—

> No. It is not practicable or reasonable to compare one town with another. Much depends on local conditions, the size of places, the greater persistence with which some persons pursue their calling and the extent of action necessary to maintain reasonable law and order.

At least I got some satisfaction because the Chief Secretary could not furnish evidence of any other locality in Western Australia that experienced the same severity of treatment as Geraldton. That is further borne out when one looks at the answer given to a question asked by Mr. Thomson during the last session. The Chief Secretary said—

> (1) The total amount of money received by way of fines from starting-price bookmakers for the financial year ended the 30th June, 1953, was £51,909.
>
> (2) The amounts received for similar offences for the same period from police courts mentioned were as follows:—
>
> (a) Perth, £28,045.
> (b) Fremantle, £6,640.
> (c) Midland Junction, £6,320.
>
> (3) (a) Albany, £784.
> (b) Bunbury, £910.
> (c) Geraldton, £2,630.
> (d) Collie, nil.
> (e) Kalgoorlie, £2,690.
> (f) Boulder, £1,120.
>
> (4) (a) Mt. Barker to York, £762 10s.
> (b) Northam to Coolgardie, £190.
> (c) Brunswick Junction to Pinjarra, £66.
> (d) Mullewa-Mingenew to Goomalling-Gingin, £82.

Hon. G. Bennetts: I do not think Geraldton receives the worst treatment. I know one locality where an operator was arrested three times in a month and the money was confiscated from his till.

Hon. L. A. LOGAN: The Chief Secretary could not tell us of any place which received the same severity of treatment as Geraldton.

Hon. N. E. Baxter: Geraldton has received continued severity of attention.

Hon. L. A. LOGAN: I refer to a further question asked during the last session on the same subject. I asked the Chief Secretary—

> Has the Minister read that portion of the report of the Commissioner of Police in "The West Australian" of Wednesday the 23rd September, under the heading of "Disturbing," wherein the commissioner is reported to have said that a further disturbing feature was the fact that for a long period of years some country towns had received much more consideration than others, in the control exercised over s.p. betting?

The commissioner can say that in his report, but I cannot get that information from the Minister.

> He is also reported as saying that this state of affairs was responsible for dissatisfaction among police officers and had a detrimental effect on their efficiency, conduct and discipline.

So it will be seen that I have not yet found out who is responsible for the instructions given to the police officers to lay charges against the s.p. operators.

One disturbing feature I discovered in regard to Geraldton is that despite the fact that over the years there were three different police inspectors, quite a few police sergeants and many constables, the policy governing the prosecution of s.p. betting has not changed. In fact prosecutions became more frequent. I am personally aware that those inspectors and sergeants did not give s.p. operators the same attention before they were posted to Geraldton. All I ask here is a little justice.

I have no sympathy for starting-price bookmakers; if they break the law they deserve to be prosecuted; but every citizen in Western Australia is entitled to the same treatment. I suggest that the people in Geraldton are not getting the same treatment, but much worse treatment. The amounts paid in fines inflicted on these offenders in Geraldton have increased until today they total £3,000 a year. To illustrate my point, during the week of the Royal tour, starting-price bookmakers were given an amnesty in Perth; not one of them was charged. But during the same week in Geraldton instead of three s.p. bookmakers being charged, the police booked six of them for good measure. Yet there were only four police officers in the whole area.

When a constable asked the sergeant in Geraldton for his instructions for the week-end, he replied, "I do not care what you do as long as you pick up the s.p. bookmakers." That is a pretty bad state of affairs when those instances come to light. The fines for Collie were nil last year; they will be nil next year, and nil thereafter. Yet the Chief Secretary has the temerity to say that it is not practicable or reasonable to compare one town with another.

I will inform the Minister that a lot more money is held by s.p. bookmakers in Bunbury than by those in Geraldton; there is more held in Collie than in Geraldton, and there is more held in many other places than in Geraldton, but the fines imposed are not proportionate. Another disturbing feature about s.p. operations is that people are fined under the Traffic Act and charged with obstructing the traffic. If a bookmaker standing in the street with a record of bets in this hands is obstructing

traffic, then is not a man who places a bet with that bookmaker obstructing the traffic just as much?

All I am attempting to do is to prevent the law from being held up to ridicule, and the sooner that an attempt is made to straighten out and regulate s.p. operations, the better. Some operators in Geraldton have attempted on a few occasions to carry out operations in a decent manner by going off the street and into shops, but every time a move is made by anyone, somebody else at the last moment countermands the order. At Bunbury and Albany, I believe, the betting is done in shops, and the same applies at Northam. At Collie, of course, it is an open slather. The operators there can work in shops, in the streets, or anywhere else they like. Unfortunately the Minister is not listening to this debate, but I want justice done.

Hon. G. Bennetts: The previous Government might have done something about this.

Hon. L. A. LOGAN: I do not care who does it. I criticised the last Government as much as I am criticising the present Administration; and I intend to criticise Governments until I get justice.

Hon. E. M. Davies: Bravo!

Hon. L. A. LOGAN: There is no "Bravo" about it at all. It is plain common justice. I do not care whether the Geraldton s.p. bettors are fined or not, provided others are treated in the same way. It is no joking matter, but something serious, when justice, which is supposed to be meted out alike to all Australians, is handed out in this manner.

One other matter I want to deal with concerns the provision of water supplies in the area of light land bounded by Eradu, Mullewa, Dongara and Mingenew. Repeated attempts have been made to get the Government to assist the farmers there to obtain water. The latest reply was that the department would make available the services of Mr. Frizzell, but unfortunately it could not supply a plant. I do not very often ask the Government to help the individual, but in this instance I think it is necessary that the Government should come to the assistance of these people because it is a particularly bad section of country in which to find water. I know of people there who have spent £1,000 in an endeavour to find water, but still have not got it. That is why I say the Government should assist by supplying a boring plant to try to locate suitable supplies of water in the area. If that is not done, the whole district will go back to scrub again.

Hon. E. M. Davies: Have they had the area surveyed?

Hon. L. A. LOGAN: I do not know; but they have not been able to find water. Some of the settlers have gone down 400 ft. without success. There seems to be a particular type of country—black jack—that they reach, and once they hit it, they pull out. Whether there is water below it, or whether there is a plant capable of going through this type of country, I do not know, but the individual cannot be expected to deal with it. I hope the Minister will endeavour to make sure that another plant is purchased. We are told that the department has none available; surely it could purchase another. It will be used in the future, not only in that area but in others that are opened up. I can assure the Government it will never be idle.

Hon. F. R. H. Lavery: There is room for another 50 plants in this State, without doubt.

Hon. L. A. LOGAN: I believe so. It should not be necessary for me to impress upon the Government the necessity for water in these areas. I trust the Government will take action in connection with the three matters I have mentioned; namely, the Royal tour, s.p. betting, and water supplies in the light land area. I support the motion.

HON. N. E. BAXTER (Central) [5.20]: In supporting the motion I would first like to comment on the Royal visit and say that I think it has done a great deal, not only to Western Australia but the whole of Australia, in showing the loyalty of the people to our Most Gracious Queen; and it has also been a big uplift to the people of Australia. We in the Central Province were fortunate in that ours was practically the only country province visited by the Queen and the Duke, by car, to any extent. We were very pleased about that. At the same time, I sympathise with Mr. Logan in what he said about Geraldton, which is one of the principal country towns in Western Australia. I think the Royal tour organisers, and others responsible for the Royal couple not going to Geraldton, made a big mistake, and were very unfair to the people in the northern areas.

I congratulate those members who have been returned unopposed to this House—Hon. Sir Charles Latham, Hon. L. A. Logan, Hon. H. L. Roche, Hon. H. Hearn, and Hon. C. H. Henning. One matter I want to bring before the House is the prevalence of bushfires this summer in the country areas. In one portion of my province, that I have seen a good deal of in the last couple of years, the fires caused by locomotives have been particularly serious. Practically from York to Mt. Kokeby, a distance of about 30 miles, each side of the line has been burnt.

One day there were five fires between Dale Bridge and Kokeby Siding, a matter of 14 miles. A particularly nasty incident during this fire period was the loss of the life of a voluntary fire-fighter in our district. I think the department is very lax in not providing some protection

against these fires which are started by railway locomotives. There does not seem to be any effort made by the department to protect the country from such fires. From what we saw in the country area, a big percentage of Collie coal must have been used this last summer, and a much smaller percentage of Newcastle coal than in the past.

In addition, either the spark arresters on the engines are no good at all or the crews are not using them. I want the Minister to adopt a serious view regarding this matter and take it up with Cabinet to see that something is done. Not only is there a great loss of feed suffered by the State and the people in the country, but people have lost their lives and property as well. It is time the Government did something. We all know that every summer we have bushfires caused by railway locomotives, but not for many years had we seen such serious outbreaks as we saw this last summer. In one instance—the fire in which the man lost his life—the spark from the locomotive was estimated to have travelled more than 53 ft. from the railway line, and even though there were effective fire breaks in the paddocks, they still did not stop the fire. I trust the Government will do something about this matter.

A spark arrester has been invented by a Northam man, of the name of Brew, and I understand it is very effective. It has been tried in the South-West with wood as the stoking medium. I understand the trials were particularly good, but apparently the railway engineers, or the department, will not approve of this type of arrester. They seem to disregard this man's theories, and are not prepared to give his invention a fair trial. If the department cannot make an efficient spark arrester it should give the one made by Mr. Brew a proper trial in an attempt to prevent fires being started by locomotives. I ask the Minister to take the matter up with the Government and see what can be done. It is all very well to sit unconcerned here in the city, but it is a serious matter to the country people—the farmers and the townspeople—because they are all affected when fires break out.

Hon. F. R. H. Lavery: I understand the Minister for Railways went on a test with that spark arrester last week.

Hon. N. E. BAXTER: If that is so, it is good news. I do not say it is the answer, but it may be.

Hon. Sir Charles Latham: The diesel engine is the only reply to it.

Hon. N. E. BAXTER: I do not agree with that.

Hon. Sir Charles Latham: You will not get fires from it.

Hon. N. E. BAXTER: That is so, but the economic view has to be considered too. We have in this State, and in other parts of Australia, coal which can be used, but the diesel fuel has to come from overseas.

Hon. Sir Charles Latham: Let the coal be used in the winter, and in the city.

Hon. N. E. BAXTER: I can see no reason why an efficient spark arrester cannot be made and so prevent these fires.

THE CHIEF SECRETARY (Hon. G. Fraser—West) [5.27]: To any member who has brought up some subject to which he desires consideration to be given, I say that if I do not reply to him today, all the remarks made in this Chamber are sent along to the departments concerned. When the information he seeks is supplied, even though we are out of session, it will be forwarded to him. Although members may be ignored in my few remarks this afternoon, I do not want them to think they are being neglected. This applies particularly to the point made just now by Mr. Baxter regarding spark arresters. I do not know anything about them, or what the department is doing, but his remarks will be sent on to the department.

Many good suggestions are put forward by members. Ministers cannot be expected to know all the angles, and naturally they like to get information from members, particularly regarding local conditions. They have such information investigated and then possibly make some alteration.

I intend to say a few words in reply to Mr. Logan's comments on s.p. betting. I know he has been trying to get information about this vexed question, but I do not know that there has been any Government which could give information which would satisfy him, or other members. He stressed that Geraldton has been singled out from all other country towns for special treatment. Whether that is so or not I could not say; but, as a Minister, I do not know of any policy laid down by Cabinet as a result of which the police must treat one town differently from another.

Hon. A. R. Jones: Your instructions should be that s.p. betting should be stamped out.

The CHIEF SECRETARY: I do not know that there would be any instructions given by a Minister in connection with the matter at all.

Hon. A. R. Jones: There should be.

The CHIEF SECRETARY: No.

Hon. A. R. Jones: Yes. There is a law.

The CHIEF SECRETARY: Parliament has passed laws, and we have the police to implement them. I would be very surprised indeed if any Minister gave any such instruction; and I would be surprised if any officer took an instruction that he was not to enforce the law.

So I am inclined to think that whatever is happening in any town is because of the person in charge of the police in that area.

Hon. N. E. Baxter: Is not the commissioner answerable to the Minister, and thus to Cabinet?

The CHIEF SECRETARY: That is so, but what Minister would say to the Commissioner of Police, "Do not enforce the law in Collie, but enforce it in Geraldton"?

Hon. A. R. Jones: Should not the Minister say, "Enforce the law throughout the State"?

The CHIEF SECRETARY: He should not say anything. That is the law of the State and the Minister expects his officers to carry it out.

Hon. A. R. Jones: But if the Minister finds that that is not being done, should he not say something to the commissioner?

The CHIEF SECRETARY: The complaint made by the hon. member will be sent on to the Minister for Police. In this case, the hon. member is complaining because the law is being enforced.

Hon. L. A. Logan: No, I am not. I did not say that.

Hon. A. R. Jones: He did not say that at all.

Hon. L. A. Logan: I was talking about the injustice of it. I do not mind the law being enforced, provided every place is treated in the same way.

The CHIEF SECRETARY: In the hon. member's case, he is suggesting that the law be carried out in all parts of the State—

Hon. L. A. Logan: On an equal basis.

The CHIEF SECRETARY:—the same as it is in Geraldton. I will send his complaint to the Minister to see what he has to say about it.

The control of traffic comes under my administration as Minister for Local Government and I was personally interested, therefore, in Mr. Parker's references to parking and traffic difficulties in the central city streets, and in Victoria Park. I would like to inform the hon. member that the problem of parking and double parking in the central city block has been receiving the attention during the past few weeks of the Traffic Advisory Committee. A report from the committee is expected before long.

The Traffic Advisory Committee does consider all angles, and in many cases puts up certain recommendations. But one of the problems with which we are faced is parking. When any suggestion about the prohibition of parking has been made to me, I have always asked myself, "What is the alternative if parking is prohibited in this particular area?" I do not need the Traffic Advisory Committee to tell me to do that, but that body is constantly watching all angles associated with the control of traffic. Now that the traffic lights are being installed in William-st., the hon. member will get another howl in the near future because, naturally, there will be a further prohibition of parking, particularly around the central city block. Personally, I do not know how the problem will be overcome.

I have, on many occasions, gone round and round the town in an endeavour to find somewhere to park, so that I could visit certain departments. Usually, I finish up by going back to my own office, leaving the car there, and walking. This is not a problem that we alone have; it is a world-wide problem, and we will obtain all the available data in an effort to overcome it. If any improvements are made in any part of the world, we will consider them to see if it is possible to implement them here.

In regard to parking in Victoria Park, I am having the hon. member's remarks referred to the Traffic Advisory Committee for consideration and report. I will see that he is acquainted with the reports of the committee in these connections. Recently, recommendations were made to me to prohibit parking in certain parts of Victoria Park. As yet, I have not given my final answer because it is quite easy, with a stroke of the pen, to say that a person cannot do a certain thing; but one must consider all the inconvenience that would be caused, and one must explore all the other alternatives.

Another matter that I want to make a short reference to is the polio outbreak. I was very pleased and interested, as no doubt were other members, to hear the remarks of Dr. Hislop both in regard to the epidemic and to the establishment of a therapeutic hot pool at the Subiaco Infectious Diseases Hospital. On expert advice the Government willingly agreed to the provision of £12,000 for the construction of this pool, which should be completed in three or four months. Not only will it be used for polio cases but also in the cure of other diseases and physical handicaps such as arthritis, strokes, accidents, etc. Its establishment at Subiaco is a far better proposition than at the hot pool at Dalkeith.

I was glad that the hon. member defended and fully agreed with the action taken during the epidemic by the Commissioner of Public Health. The hon. member said that if he had been in Dr. Henzell's place he might have taken exactly the same steps. In support of this, the Minister for Health released last Friday to the Press a letter from 14 doctors, all members of the State Poliomyelitis Advisory Committee. These highly qualified medical men were unanimous that the action taken by the commissioner was correct, and they scathingly rebuked what they termed singularly ill-informed criticism, which, they stated, did scant justice to the

valuable work done during the epidemic by the commissioner and the Public Health Department.

Hon. Sir Charles Latham: I have never known one doctor to let another doctor down.

The CHIEF SECRETARY: Politicians do.

Hon. Sir Charles Latham: Yes, but they are more honest than some doctors.

The CHIEF SECRETARY: One little correction I must make concerns a statement by Sir Charles Latham. The hon. member said that although reports from Adelaide indicated that the Queen had expressed the wish to adhere to the tour in Western Australia as originally planned, someone, who he thought was the Commissioner of Public Health, had intervened.

The Premier has authorised me to state that the changes made in the tour were not the wish of the State Government or its officers, and it was not the Commissioner of Public Health who proposed the changes. The State Government made it perfectly clear that it believed the Royal tour in Western Australia should proceed as previously planned. It is probable that restrictions such as those on the shaking of hands and the presentation of bouquets and addresses emanated from a meeting of the Poliomyelitis Committee of the National Health and Medical Research Council. The council apparently suggested these measures would reduce the exposure of the Royal couple to infection.

Several other matters were brought up during the debate, but, as I have said, they have been referred to the appropriate persons.

Question put and passed; the Address adopted.

As to Presentation of Address.

On motion by the Chief Secretary, resolved:

> That the Address be presented to His Excellency the Governor by the President and such members as may desire to accompany him.

MOTION—LOCAL COURTS ACT.

To Disallow Bailiffs' Fees Rule.

HON. H. K. WATSON (Metropolitan) [5.40]: I move—

> That the amendment to Rules of Court Order V, Rule 17, made under the Local Courts Act, 1904-1953, as published in the "Government Gazette" of the 24th December, 1953, and laid on the Table of the House on the 6th April, 1954, be, and is hereby, disallowed.

My reason for moving for the disallowance of the regulation in question is that, in my opinion, it is just plain silly. It is plain silly in conception, plain silly in execution, and certainly unjust and anomalous in its results. Firstly, I would like to read Rule 17 as it stood before the amendment of which I am complaining. It reads as follows:—

> When a plaint is entered by the plaintiff or his solicitor, he may, at the time of the entry, deliver to the clerk a notice in writing, in the form in the Appendix, stating that he wishes to serve the summons by himself or some clerk or servant in his employ, and it shall be so served accordingly, but if such notice is not given, the summons shall be served by the bailiff; provided that in lieu of giving such notice the plaintiff or his solicitor may write in the margin of one copy of the summons the words "Service by plaintiff (or plaintiff's solicitor)."
>
> If the plaintiff or his solicitor undertakes the service of a summons he shall not be required to pay the bailiff's fees for service, and a plaintiff's solicitor shall be allowed such service fee as is hereinafter provided for and a plaintiff may be allowed by the clerk a reasonable sum for such service.

The second paragraph of that rule is the one which is being amended, and that paragraph, as it stands at the moment, reads as follows:—

> If the plaintiff or his solicitor undertakes the service of a summons he shall not be required to pay the bailiff's fees for service, and a plaintiff's solicitor shall be allowed such service fee as is hereinafter provided for and a plaintiff may be allowed by the clerk a reasonable sum for such service.

In other words, if the summons is served by the plaintiff or his solicitor, the service fee and milage fee to be charged to the defendant and to be allowed to the plaintiff or his solicitor is the fee normally allowable to the bailiff. The amendment, which has been tabled, deletes that second paragraph and substitutes the following in its stead:—

> If the plaintiff or his solicitor or any person employed by the plaintiff or his solicitor undertakes the service of a summons or other process issued out of any Court, he shall not be required to pay the bailiff's fees for service, and the plaintiff or his solicitor or any person employed by the plaintiff or his solicitor shall be allowed one-half of the fee and one-half of the milage which would have been payable to the bailiff under Part II of the Appendix to these Rules, under the heading of "Bailiff's Fees," if the summons or other process had been served by the bailiff.

Therefore, this proposes that where the service of a summons, or any other process under the Local Court Act is served by the bailiff, he shall receive the usual fee of 4s. or 5s., plus milage of 1s. 6d. for every mile after the first mile. But if the summons is served by the plaintiff or his solicitor, the plaintiff or his solicitor, under this new regulation, is entitled to only half the fees; that is, half the fee and half the milage fee allowable to the bailiff. It does not appear as though that regulation has been given much thought because, when one turns to Rule 24 of the Local Court Rules—the rule I have just read is Rule 17—one finds that it reads as follows:—

> Notwithstanding anything to the contrary in any rule of court or scale of charges a solicitor shall be allowed for the service of any summons the same fee as would be allowed if the summons had been served by a bailiff.

So it would appear that at the moment the rules face north by south. Rule 17 says that the solicitor or the plaintiff can only charge half the service fee and half the milage allowed to the bailiff, but Rule 24 contains a declaration that notwithstanding anything to the contrary in any rule of court or scale of charges a solicitor shall be allowed for the service of any summons the same fee as would be allowed if the summons had been served by a bailiff.

It may be that there is some other interpretation and that notwithstanding Rule 24, Rule 17 has been amended since the enactment of Rule 24 and therefore overrides that rule. But the whole position is very obscure from the angle of drafting and of trying to read the rules coherently. I have been given to understand that Rule 24 of this order was specifically included in the local court rules to ensure that solicitors received remuneration for the work done by them involving the service of processes and particularly to cover the service rendered in preparing and typing the affidavits of service and the attendance of swearing and filing the same.

The legal profession throughout the metropolitan area, and I assume the same applies to the country, was against the introduction of this rule because there appeared to be no rhyme or reason behind it. So far as I can gather, I understand the motive force behind the introduction of the rule was a complaint by the bailiff that he was not getting enough work or remuneration.

Hon. H. Hearn: That would not help him, would it?

Hon. H. K. WATSON: Someone hit on the bright idea by a most tortuous method of reasoning that if the solicitors were undercut, the bailiff would get more. But the undercut has been made so drastic that the solicitors and their plaintiffs cannot carry out the work except at a loss. Naturally, therefore, they would not do it and it would fall to the bailiff's lot to carry out that work. I might explain here, and I think the legal members in this House will probably bear me out, that it is a very long-established practice for solicitors through their articled clerks and so on to serve summonses and processes. As I understand it, the position is that if every summons and writ issued was served or issued through the bailiff, there would be endless delay in effecting the service and in instituting proceedings.

Solicitors very frequently have to effect service quickly. Even in the ordinary course of business it is desirable that they should effect service quickly and, for that reason, most solicitors serve quite a large proportion of the summonses that go through their offices. Indeed, some solicitors, particularly those with an extensive debt-collecting practice, actually engage a process-server who is virtually a full-time man dealing with the serving of the summonses for outstanding debts.

If this regulation is to remain as it is the position will be that the solicitors in the metropolitan area will be faced with two alternatives. The first will be that they will have to put everything through the bailiff, thus subjecting the ordinary process of law to considerable delay. The second alternative is that they will still continue to have the summonses served by their own legal clerks or by their process servers but at a loss to themselves, because the fee they are entitled to charge under this new regulation is insufficient to recoup them for their actual outgoings in connection with it.

As a matter of fact, one firm of solicitors has indicated to me that it has kept a record of these fees during the past four months. This regulation came into effect on the 1st January and at the moment that firm is out of pocket to the extent of £8 a week for carrying on its normal practice in securing the effective despatch of summonses and so on.

Hon. A. R. Jones: Who is responsible for that regulation? Not the Crown Law Department, surely.

Hon. H. K. WATSON: It was the Under Secretary for Law who finally gave it his blessing, and I must confess it does not show a great deal of appreciation of the position so far as the department is concerned. My information is that before the regulation was adopted, the Law Society was asked for its views on the question, but at the same time I understand it was told it did not matter what the views of the society were because the intention was to put the regulation into effect. It has been promulgated by the Crown Law Department and it seems an extraordinary business to me. We find that even the Government is affected by this regulation. The

Water Supply Department serves its own summonses with respect to outstanding water rates.

Hon. Sir Charles Latham: Would not that be done through the Crown Law Department?

Hon. H. K. WATSON: No. I understand that the department has its own officers who serve these summonses.

Hon. Sir Charles Latham: It is most unusual for a public department to do that.

Hon. H. K. WATSON: My information is that up till December last it likewise charged a service fee and the milage that was permitted to the bailiff; but now it, too, is reduced to half the fees, with the result that the department will not recover the cost of service.

We find another most extraordinary anomaly as it relates to the law. Let us assume that Mr. Parker issues a summons against me and serves it through the bailiff. I have to pay for the service of that summons an amount of 4s. plus milage of 1s. 6d. a mile. Yet if Mr. Simpson serves me with a summons and serves it through a solicitor I have to pay him only 2s. for the service and 9d. a mile for milage. That is a most extraordinary way of administering the law.

As I see it, the position is that if the bailiff's allowance for the service and the fee for milage of 1s. 6d. is fair, then the amount allowed to the solicitor is definitely unfair. On the other hand, if the amount fixed for the solicitor's service is fair, then clearly the bailiff is being overpaid. After all, the whole theory behind these fees is not that the bailiff or solicitor should make a profit but simply that he should be reimbursed for his out-of-pocket expenses, and that is what the allowance to the bailiff covers. If the solicitor were allowed the same amount, it would also cover his out-of-pocket expenses.

Hon. Sir Charles Latham: Is the bailiff a State servant?

Hon. H. K. WATSON: He is not a member of the Public Service but an officer of the court.

Hon. Sir Charles Latham: Is he paid by the Crown?

Hon. H. K. WATSON: No, he is an officer of the court and does not receive any salary as such. All his fees are set forth in the appendage to these rules. They constitute special fees and percentages according to the class of process he has to serve.

Hon. Sir Charles Latham: Then he must get something more than out-of-pocket expenses.

Hon. H. S. W. Parker: He is appointed by the Government.

Hon. H. K. WATSON: That is so. When time is one's own, it is remuneration; when it is the employee's time, it is out-of-pocket expenses. The practice of giving the solicitor the same rates for service and milage has been in operation, I understand, since the origin of the local court, and I cannot see why, in December last, he should have been debarred from receiving that amount.

The clear language of Rule 24 states—

> Notwithstanding anything to the contrary in any rule of court or scale of charges a solicitor shall be allowed for the service of any summons the same fee as would be allowed if the summons had been served by a bailiff.

Even if Rule 17 were to be effective, some modification should be made to the rule referred to. I submit that Rule 24 sets out a fair and businesslike proposition and there is no reason why regulations which have stood up till December last should not continue. I therefore ask the House to disallow the amendment to the rules and to restore the position as it existed up till the 23rd December, 1953.

Hon. F. R. H. Lavery: Have you been to the Government and asked for the reason why the rule was amended?

HON. E. M. HEENAN (North-East) [5.58]: I find myself in agreement with the motion moved by Mr. Watson.

The Chief Secretary: I can see a gang-up here.

Hon. E. M. HEENAN: I might try to simplify the matter by pointing out that a man who wants to collect a debt of, say, £20, usually does his best to collect it himself. If he finds it impossible to do so, he issues a summons. He either goes to the court, pays the fees, and issues the summons, or he approaches a solicitor who does it for him. There are certain fees to be paid. The summons is endorsed with a claim for £20 and there is also a filing fee. If a solicitor is engaged there is a scale of fees according to the amount involved.

There is also what is called a service fee. It used to be 2s. Then it was raised to 3s. I have not issued any summonses for some time, but, according to Mr. Watson, the figure is now 4s. Whoever serves a summons gets that fee. In the country towns the sergeant of police is the bailiff. The 3s. or 4s. is paid into court with the other fees and the clerk of courts hands the summons to the sergeant of police. He serves it and gets the fee. If he has to travel beyond a mile, there was a fee of, I think, 1s. a mile; presumably, it is now 1s. 6d.

In Perth there is a special bailiff attached to the local court, and the police do not do the work. There is a man whose full-time occupation is serving summonses and processes, and he gets the service fees. An individual can go to a court, take out a summons, and serve it himself, and the service fee is endorsed on the summons and added to the amount that the defendant has to pay. I want to point out

that serving summonses is not a very pleasant job, and solicitors do not do it as a matter of course. But frequently they employ clerks. The fee is paid, a summons is issued, and the clerk picks it up straight away and can run out to Subiaco or wherever the summons has to be served and deliver it straight away. If it were sent to the bailiff, he being a busy man with a lot to do, one might have to wait a few days, or even a week, before the summons was served.

The bailiff does a very good job, but frequently it is convenient for a solicitor to serve a summons himself. He wants to do it quickly because he may have heard that the man concerned is leaving the country and trying to slip away. Those are the circumstances under which I have served summonses or had them served. Normally I was glad to hand them over to the bailiff. It has always been the practice, when it was desired that the bailiff should serve the summons, to pay him the 3s. with the other fees, or else say to the clerk of courts, "I will attend to the service of this summons myself." The 3s. would not be paid in, but the amount would be endorsed on the summons and the defendant would have to pay it when he finally squared up.

What happens in a solicitor's office is that if the clerk serves the summons he gets the 3s. out of petty cash. The solicitor does not make anything out of it; it is a bit of extra money for the clerk. I cannot see any reason why the previous practice should be departed from now. I must admit that I was unaware of the regulation, and I fully support the motion. If a man has a summons issued against him and later on it is proved that he owes the money, he has to pay whatever amount is involved, plus the court fees, and, in my opinion, he should also pay the service fee. It does not matter whether the bailiff serves the summons or whether the plaintiff himself does it, or whether it is done by a solicitor or a clerk. It is a job that has to be done by someone.

I do not think the average solicitor wants to do the bailiff out of his legitimate work. Serving summonses is not a pleasant job. It is really a job for a bailiff in the ordinary course of events; but if a solicitor wants to get a summons served quickly, and he has a clerk who has not much to do, that clerk might as well serve the summons, and the solicitor then knows that the job will be done speedily and quickly.

The Chief Secretary: Who would do the work on the Goldfields and at Albany, Geraldton, and suchlike places?

Hon. E. M. HEENAN: In all country towns where there is a court, the policeman is the bailiff. In Kalgoorlie, the sergeant in charge of the police station is the bailiff. At Albany the same would apply.

The Chief Secretary: I thought that in big places like that there would be enough work for a bailiff to be employed.

Hon. E. M. HEENAN: No; the sergeant of police does it. But very often he does not do it all himself; he gets the constables to do it, and they share the service fees.

Hon. Sir Charles Latham: At a place like Bruce Rock the local police do it.

Hon. E. M. HEENAN: In Perth there are enough processes being served for a man to be employed full time on the work, and I think that the motive behind this regulation might be to ensure that most processes are sent to him and that he is not deprived of his legitimate work; that his work is not done by outsiders, as it were.

Hon. H. K. Watson: I take it that a solicitor in Kalgoorlie or Albany would serve summonses quite as frequently as one in Perth.

Hon. E. M. HEENAN: In Kalgoorlie, the solicitor pays the fee and the sergeant of police or a policeman does the serving, unless there are special circumstances, such as when a man is known to be going away and it is necessary to serve the summons quickly. Sometimes people will come in and pick up a summons themselves because they do not like policemen calling at their homes. In those circumstances, regard is had to their feelings. I do not see any reason to depart from a system which, in my experience, has worked very satisfactorily for all concerned.

HON. F. R. H. LAVERY (West) [6.10]: When I asked Mr. Watson a question a little while ago, I had in mind—

The PRESIDENT: Do I understand that the hon. member spoke before?

Hon. F. R. H. LAVERY: I asked a question to which I received no answer, and I want to explain the reason why I put the question, if I may do so.

The PRESIDENT: Very well.

Hon. F. R. H. LAVERY: The question I asked was whether Mr. Watson had any information as to why this regulation had been imposed since December. I thought it might have been because of the possibility of work having been taken away from the bailiffs. I would refer particularly to the bailiff in Fremantle who, prior to Christmas—

Hon. H. S. W. Parker: Are you asking a question or making a speech?

Hon. F. R. H. LAVERY: Prior to Christmas he informed me that because of the staff he had to employ, his own remuneration was less than £10 per week. I asked my question because I wanted to know whether the livelihood of bailiffs was being affected under the regulations.

THE CHIEF SECRETARY (Hon. G. Fraser—West) [6.11]: I think we have learnt something about bailiffs and people of that description this afternoon.

Hon. H. S. W. Parker: Not much.

The CHIEF SECRETARY: It is all good education. I am going to disagree with the motion moved by Mr. Watson. I do not suppose that is unusual. I doubt whether members themselves have had any personal dealings with bailiffs of the local courts, but they may have some knowledge of the functions performed by those bailiffs. They will be aware that there is a bailiff at the Perth Local Court and one at the Fremantle Local Court. These men are officers of the court appointed by Executive Council. I think that answers the question that was asked as to whether they are civil servants.

Hon. H. K. Watson: Yes; they are officers of the court.

The CHIEF SECRETARY: From the fees received by bailiffs for the serving of processes, they have to pay certain expenses. Taking the bailiff of the local court as an example, he has to employ and pay the wages of two male assistant bailiffs and one female assistant bailiff. The male assistants, of course, are concerned with the outside work of serving processes, while the female assistant attends to the typing, telephone, and general office work. The bailiff also has to pay for the services of an office cleaner, and the rental, and charges of a telephone. In addition, he pays for any casual assistance he may require.

Now, it is a fact that the Local Courts Act permits a summons or other process to be served by a plaintiff or his solicitor, or any person employed by the plaintiff or his solicitor. This is the crux of the whole position. The fees were assessed to allow a bailiff a reasonable amount over and above the cost of administering his office. I have given the House details of some of the expenses the bailiff has to meet. It does not seem equitable, therefore, that a plaintiff, or a solicitor or his agent, who has not similar expenses should be entitled to the same fees as the bailiffs. In addition it must be borne in mind that agents, unlike bailiffs, are not under court control and do not have to furnish bonds of £500, as do the bailiffs.

I am informed that, in view of the remuneration offering, the number of agents is increasing, but these are prepared to handle only the easy cases, all difficult summonses to serve being handed on to the bailiffs. Members may not know that bailiffs must hold themselves ready to serve processes at any hour of the day or night, and to meet any train or boat when required. The Solicitor General has pointed out that there is some doubt of the validity of allowing plaintiffs, or solicitors, or their agents to collect the same fees as bailiffs. He considers that, strictly speaking, solicitors should be entitled to the service fees only where the claim is for at least £20.

Apparently it was not the original intention, when assessing bailiffs' fees, that similar fees should be paid to other persons. However, as the Local Courts Act permits other persons to serve summonses, the practice has grown up of allowing other persons to receive the full fee in all cases. It seems reasonable that, in serving a summons, a plaintiff, or a solicitor, or his agent should receive only an amount adequate to cover out-of-pocket expenses.

Sitting suspended from 6.15 to 7.30 p.m.

The CHIEF SECRETARY: The serving of processes is a bailiff's living. He is retained by the court for that purpose. It is not the living of a plaintiff or his solicitors, or their servants or agents. There is no wish to prevent other persons from serving processes; but by their being allowed the same fees as bailiffs, many of these persons, in order to obtain a little more money, are doing work that the bailiff is appointed to do.

The Law Society was not in favour of reducing by half the fees to other persons, but suggested that it would be preferable to increase the fees. In my opinion an adjustment should not be made in that way, because other servers of processes would still draw the fees they are receiving now. This would create a worse situation as it would further encourage plaintiffs and solicitors and their agents to undertake more of the work of serving summonses. It would also result in an increase in the cost of litigation.

I understand that there are persons who canvass for the work of serving summonses at a return of 50 per cent. of the fees. Those persons work in opposition to the bailiffs, who are not permitted to canvass for work. In conclusion, I point out that there is no desire to exclude other persons from serving processes, the object of the new rule being to ensure that legally appointed bailiffs obtain an adequate living from their work and that other persons obtain sufficient return to cover their out-of-pocket expenses.

Hon. H. K. Watson: How much does the bailiff receive weekly, monthly or annually?

The CHIEF SECRETARY: I do not know.

Hon. H. K. Watson: It has been suggested that the amount is about £100 a week.

The CHIEF SECRETARY: One may hear all sorts of suggestions.

Hon. H. K. Watson: Evidence must exist somewhere as to what the fees amount to.

The CHIEF SECRETARY: I have not the faintest idea. This is not one of my departments; otherwise I might be able to inform the hon. member.

Hon. H. K. Watson: I understand that the amount is £100 per week.

Hon. H. S. W. Parker: That would be the gross amount.

The CHIEF SECRETARY: Even if it were £100 a week there would be various expenses.

Hon. H. S. W. Parker: Yes, for assistants.

The CHIEF SECRETARY: It seems more likely that that amount is the gross and not the net return.

Hon. H. S. W. Parker: That is so.

The CHIEF SECRETARY: The bailiffs have to provide staff that the solicitors do not have to provide. This is the special duty of bailiffs, whereas it is just one of a number of duties undertaken by solicitors. Therefore I leave it to the House to decide whether to disallow the regulation or not.

HON. H. S. W. PARKER (Suburban) [7.35]: The office of bailiff is a very old institution that has come down to us from the dark ages. He is the officer that calls out, "Silence in the court!" or, "Take off your hat!" if anybody so far forgets himself as to keep it on in court. The bailiff attends the court throughout its sitting. In the local court, when a case is set down for hearing and before it is heard by the magistrate, a fee must be paid and, added to the hearing fee, is a sum of 1s. or 1s. 6d. which is the bailiff's fee for attending the court. Consequently he receives a small fee for every case that comes before the court, apart altogether from the fees for the service of summonses.

The service of summonses sometimes needs to be done expeditiously. Under normal conditions one goes to the court, issues a summons and pays the fees, and they are set aside every so often and then handed out to the bailiff for his services. The bailiff may or may not serve summonses in their turn. He may take the easy ones first or the ones with the most milage. Often when one inquires whether a summons has been served, the answer is, "No, the bailiff has been out twice and has travelled four miles on each occasion." There is an extra fee for milage for each attempted service of a summons.

Obviously the bailiff would not go from Perth to Claremont to serve one summons; he would wait until he had two or three for that district and would then serve the lot. However, he would receive the two or three fees for milage. When he says that the man was out when he called, he still receives the milage and so does remarkably well.

The delays that occurred through giving the work to bailiffs resulted in agents starting in the city. Generally speaking, a lawyer gives a summons to one of his junior clerks to serve because it means extra pocket money for him and it is done after office hours. The place and time to catch a man on whom to serve a summons is at his home after he has finished his day's work. Often he cannot be caught at work, and sometimes the man destined to receive a summons does not work. Consequently, a solicitor allows his staff to make a little pocket money by doing this work.

On occasion it is not convenient for a clerk to serve a summons. For instance, if a clerk lives at Midland Junction and a summons has to be served at Claremont, it is not worth his while going to Claremont on the off chance of finding the man. In that case, the work is given to an agent. These agents are out to do everything possible to facilitate service. An agent calls at a solicitor's office and is told, "We have reason to believe that this man is going to the country within the next few days. Make a special effort to catch him. You might find him at this or that address or he might frequent such and such a hotel." The agent does the work.

The bailiff cannot do that. He has a tremendous number of summonses from all sorts of people to serve and it would be detrimental to litigants if, through these devious means, fees to solicitors were reduced and expeditious litigation were retarded. Very often it is important to act quickly in order to collect small debts. There are all sorts of summonses, not only for the payment of money, but also for judgment summonses and so forth that have to be served, and it would be very wrong to deprive litigants of having a quick and expeditious service of process. If the amount now permitted by the court is too much, it could be reduced, but I cannot see that it is too much to pay to a law clerk and yet it is amply sufficient for the bailiff. What is sufficient for the bailiff should be sufficient for the law clerk, and vice versa.

It has been said that a bailiff must enter into a bond. There is nothing much in that, but he does not have to swear an affidavit as to service. If a private agent serves a summons, he has to prepare an affidavit and go before a justice of the peace and swear it, and it has to be filed. The same applies to a solicitor or a solicitor's clerk, but the bailiff merely marks on the document, "I served this summons personally on such and such a date". So the bailiff has some advantage.

I was surprised to hear that he employs two male assistants and also a typist and a telephonist. This seems to be an attempt to create a business for the

bailiff. He is an officer over whom nobody seems to have any control. The only control the court has over him is when he attends the sittings of the court.

Hon. Sir Charles Latham: At times he has to be the bailiff in possession.

Hon. H. S. W. PARKER: That is where he gets some good fees; but very often he does not get along in time to take possession, and solicitors find that it is better to have their own bailiffs to take possession because the officer at the court does not get there quickly enough. Any bailiff may increase his work by due diligence. He does not and cannot observe the hours of nine to five. His principal work is done after 5 p.m. and probably extends to 10 or 11 p.m., and very often between 6 and 9 a.m. I think the regulations should be disallowed. I support the motion.

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

Ayes	17
Noes	7
Majority for	10

Ayes.

Hon. C. W. D. Barker	Hon. A. R. Jones
Hon. N. E. Baxter	Hon. L. A. Logan
Hon. G. Bennetts	Hon. A. L. Loton
Hon. L. Craig	Hon. J. Murray
Hon. A. F. Griffith	Hon. H. S. W. Parker
Hon. H. Hearn	Hon. H. L. Roche
Hon. E. M. Heenan	Hon. H. K. Watson
Hon. C. H. Henning	Hon. C. H. Simpson
Hon. J. G. Hislop	*(Teller.)*

Noes.

Hon. R. J. Boylen	Hon. Sir Chas. Latham
Hon. E. M. Davies	Hon. F. R. H. Lavery
Hon. L. C. Diver	Hon. W. R. Hall
Hon. G. Fraser	*(Teller.)*

Question thus passed.

BILL—INDUSTRIAL ARBITRATION ACT AMENDMENT.

Standing Orders Suspension.

The CHIEF SECRETARY: I move—

> That so much of the Standing Orders be suspended as is necessary to enable the Industrial Arbitration Act Amendment Bill to be passed through its remaining stages at one sitting.

Question put.

The PRESIDENT: There being more than an absolute majority of members present and there being no dissentient voice, I declare the motion carried.

Question thus passed.

Second Reading—Defeated.

THE CHIEF SECRETARY (Hon. G. Fraser—West [7.52] in moving the second reading said: I thank members for their co-operation and hope it will continue during the next half-hour or so. The measure we are about to consider is one that has been on the statute book for a long while—I think since 1925—and during the whole of the intervening period there has not been a great deal of variation with regard to the declaring of the wage.

The Act was placed on the statute book in 1925, and shortly after that the first basic wage was declared in this State. In those early times, the wage, when declared, stood for 12 months, and there was a lot of growling to the effect that that was too long! But in spite of that, the same condition prevailed until about 1929. In the early stages I think the basic wage was about £4 5s. per week, and it remained stationary until 1929 when it rose to £4 7s.

As the result of the conditions obtaining in 1930, the Government of the day saw fit to alter the method of fixing the basic wage. I was strongly against the change at the time, because costs were declining, and up till then they had been rising and it had been necessary for those receiving the basic wage to wait a full 12 months before receiving an adjustment. When costs started to go down-hill in 1930, a move was made for the quarterly adjustment and, as I have said, I opposed that measure as I did not think it was fair that those who received the basic wage should, having had to chase it up hill, then have to run down hill ahead of it. The alteration was made, however, and from then until about 1933, costs declined to such an extent that I believe in that year the wage was about £3 8s. per week.

Since that time there have been various fluctuations in the basic wage; but, as from that time, the quarterly adjustment has—for a period of approximately 25 years—been made, whether the movement was up or down, and everyone has accepted that principle. Recently, however, although the court went into the question of the wage, and knew what the alteration should be, it decided not to pronounce it. In the Act, the wording is that the court "may declare" the wage as so much but the Government thinks it wrong that the court, having ascertained what the wage should be, need not declare it; and so we have brought down this measure, which we think is just.

At this stage I would remind members that the Government of Victoria recently decided that the basic wage in that State should be adjusted quarterly. The Government of Tasmania has not yet declared in that way, but is taking steps to have a quarterly adjustment made. I know there has been no alteration in New South Wales or South Australia, but Queensland has at all times declared the quarterly adjustment, and the Government of this State does not consider it right that a wage should be arrived at by the court and not declared.

The figures announced for the two quarters for which the adjustment has not been made were, firstly, a rise of 4s. 1d.; and, secondly, a decrease or 1s. 6d.; and so today basic-wage earners are actually receiving

2s. 7d. per week less than they should. I do not desire to comment on any action this House may decide to take in the next few hours, but it must be remembered that certain action will probably result in an increase in rent. Accordingly the Government thinks that Parliament should alter the wording in the Act from "may" to "shall." It is possible that the figures for the next quarter may show a further decline; but, whatever the figure arrived at is, we think the alteration should be put into effect. When the Bill is in Committee, I intend to move an amendment to permit the alteration over the two preceding quarters to be taken into account.

Hon. H. Hearn: Would you repeat that?

The CHIEF SECRETARY: I said that of the last two assessments, one showed an increase of 4s. 1d. and the other a decline of 1s. 6d. The amendment to which I refer, if agreed to, would make the operation of this measure retrospective to the last adjustment made by the court. I move—

That the Bill be now read a second time.

HON. H. HEARN (Metropolitan) [7.57]: I am surprised and pained to find that in a matter of about two and a half months this House is again debating a phase which we dealt with thoroughly shortly before the end of last session.

Hon. C. W. D. Barker: That is to give you practice.

Hon. H. HEARN: If Mr. Barker wishes to make my speech, he is at liberty to take my place; but, as I will be quoting some figures, I hope he will do me the courtesy of listening and then, if he considers me to be wrong, I trust he will voice his views in due course. This Bill, in common with that introduced last session, seeks to limit the jurisdiction of the court over the basic wage. Although, as the Chief Secretary said, this is a small Bill, it involves some vital principles, and its whole purpose is to make it mandatory for the court to adjust the basic wage in accordance with the cost of living figures. Under the present Act the court has the widest discretion, can fix as a basic wage any amount it thinks fit, and may grant or withhold the quarterly adjustment at will. It may also grant prosperity loadings and has done so from time to time. The employers, of course, are forced to abide by its decisions, and rightly so. If the court decides that employers and the public can no longer afford prosperity loadings, it can withdraw them.

At this stage I should like to deal with the part of the Chief Secretary's speech that concerned the early history of the basic wage. He certainly gave us a correct picture of the conditions and the circumstances that prevailed during that period. However, I want to impress upon the minds of members that at that period in the history of arbitration the basic wage was fixed solely on the needs basis. No other circumstances were taken into account. Therefore, there has been, as I mentioned when speaking on the same topic in the previous session, a tremendous advance in the history of arbitration.

It seems peculiar to me that this court, instead of reducing the prosperity loading should wait until a quarterly adjustment occurred and withhold it, thus reducing the prosperity loading. In my opinion, the Federal Arbitration Court, in October last, set out the position very clearly and explained just how prosperous the workers are under the present basic wage. After a full hearing, it considered that the workers' position would be endangered if the skyrocketing effect of quarterly adjustments were allowd to continue.

As I go on, I want to quote some figures to show the beneficial effect enjoyed by workers, industry and the people of Australia generally since the Federal court decided to suspend the quarterly adjustment. The court has already given the workers the maximum it can safely give. I believe that because the great unions of Australia realise that during recent years they have taken everything that can possibly be gained from arbitration, we are beginning to hear the murmurings and the case against arbitration quoted so freely throughout Commonwealth industrial circles.

We must recognise that there has developed during the last 18 months definite criticism of the arbitration system, because the unions have received all that is coming to them for that period and now, of course, are beginning to look around and are saying that there are faults in the arbitration system and that some other system should be adopted in order that they might continue to go on from strength to strength to obtain an increase in wages. I do not quarrel with their ideals, but I think that in the interests of a stable economy in this country, it is a short-sighted policy. The plain truth is that if more and more is to be taken out of industry, industry itself will be costed right out of the world's markets, and this trend could continue to such an extent that finally chaos would ensue.

Our State court, in its judgment in November last, said that the Commonwealth court's judgment was "plainly right", and the reasons given applied with equal force to the State basic wage. The president pointed out that if the court were forced to make quarterly adjustments, it could immediately hold an inquiry under Section 123 of the Act and fix a new standard to remove the amount of the quarterly adjustment. The result, of course, would be to defeat the very effect that the Minister is seeking with the Bill.

That the court's decision was right is shown by results. In Perth, an increase of 4s. 2d. was the first adjustment refused by the court. If this amount had been added to costs, it would have created a further price rise which, in turn, would have meant a further increase in the quarterly adjustment of the basic wage. However, the increase was withheld and the result was that at the end of the next quarter the Government Statistician's report showed that the cost of living had dropped by 1s. 6d. a week, which meant, as the Chief Secretary has said, that, over the two quarters, the basic wage would have been increased by 2s. 7d. a week.

This was the first time since 1945 that the index figures under the "C" series showed a fall in the cost of living. Surely that is very significant. That we are able to say that this was the first time the index figures decreased following a suspension of the quarterly adjustment of the basic wage, proves that the president of the State Arbitration Court and the Federal Court were thoroughly justified in seeking a remedy to prevent the ever-increasing spiral of high wages.

Hon. Sir Charles Latham: They decreased the prosperity loading, too.

Hon. H. HEARN: I will deal with that aspect later. That is one of the reasons why the basic wage cannot be ignored when there is mention of how the workers will suffer if an adjustment is not made in the basic wage in accordance with the cost of living figures issued every quarter. The court, for the time being, had succeeded in stabilising the cost of living. In Queensland where a 3s. increase was allowed by the court, a further increase was shown in the next quarter. In December, the first adjustment withheld amounted to a 10s. increase. As a result of that adjustment being withheld and not passed on to costs and prices, the next quarterly increase dropped to 4s. I submit that there is no doubt that had it been passed on, the increase in the basic wage in December would have been much greater. As it is, a reduction is now expected in the March quarter figures and all parties, including union leaders, are pleased that it would appear that some kind of stability has been reached.

Hon. A. R. Jones: Where is that? In Tasmania?

Hon. H. HEARN: Yes; and also throughout the Commonwealth. What I would like to ask the Minister is: How can a claimant State like Western Australia afford to increase its costs when a State such as New South Wales cannot get an adjustment? I think we heard about this when the rail freights were increased and it was said that we were expected to do something towards minimising the losses because of their effect upon the decision of the Grants Commission. We must remember that we are still a claimant State I submit that Western Australian workers may yet find the court's decision to their advantage, because I believe the figures will continue to show a reduction. If they did, the Government's intention would backfire in the event of the proposed amendments to the Act creating a reduction which the workers would not otherwise have suffered.

Anyway, whichever way it goes, it appears to me that it is a matter for the court, and Parliament should not interfere with the court's decision. That is my main objection to the Bill. I believe that we have an Arbitration Court which has functioned well and which has adapted itself, free and unfettered, to the varying conditions of the State's economy throughout the years. Should we at this stage endeavour to take away from the court some of their responsibilities which it has always shouldered to the advantage of the State?

After the 1950 decision of the Federal Arbitration Court, which granted an increase of £1 the quarterly adjustments accounted for a 50 per cent. increase in the basic wage in the space of 2½ years. Workers quickly realised an inflationary spiral had developed which was merely reducing the purchasing power of their margins, their savings, their insurance policies, and the like; and they were just as anxious as the leaders of industry to see the spiral level out. If that is true of the workers and the leaders of industry, how much more should it be true of Governments which have the responsibility of raising huge sums of money to keep the wheels of industry turning and to continue the development of the State and the Commonwealth!

The Federal court which, late in 1950, held that £8 per week was the most that industry could afford to pay as the basic wage, had never decided that £12 per week was a reasonable basic wage, but this amount was achieved by automatic adjustments, and by the quarterly increases multiplying and snowballing. In 1953 the Federal court, at page 18 of its decision, had this to say—

> The court finds it impossible to justify the continuance of an automatic adjustment system whose purpose is to maintain the purchasing power of a particular wage (assessed with regard to the capacity of industry to pay such a wage in 1950). There is no ground for assuming that the capacity to pay will be maintained at the same level or that it will rise or fall coincidentally with the purchasing power of money. In other words, the principle or basis of assessment, having been economic capacity at the time of assessment, it seems to the court altogether inappropriate to assume that the economy will con-

tinue at all times thereafter to be able to bear the equivalent of that wage, whatever may be its money terms.

The court, in its judgment, predicted that a relatively steady retail price level would ensue and therefore no real difficulty should be experienced by wage-earners as an immediate result of the abandonment of quarterly adjustments. The court's estimate of the situation has been abundantly justified. In its February, 1954, judgment on margins, the Federal court held that the economy of the country could not stand further wage increases and therefore it could not, at this stage, grant marginal increases. Yet our Government seems to consider that further wage increases should be granted and that the upward spiral should continue, notwithstanding the court's decision to the contrary.

I stress this point. In the 1953 judgment the Federal court drew attention to the fact that prosperity loadings in the basic wage gave workers much more than was required for their needs. The amount of prosperity loading above the requirements for needs indicated by the current index figures is £2 17s. 5d. per week. It is therefore absurd to suggest that the workers are likely to suffer by the withdrawal of the quarterly adjustments. Had they continued it is quite possible that the prosperity loadings would of necessity be reduced.

I believe that the latest attempt to interfere with the court's discretion should be rejected. Nothing has occurred, since a similar Bill was defeated in the closing stages of the last session, which to my mind would justify its reintroduction, so as to alter the decision of Parliament on that occasion. I believe the court was right in its action, and the steps taken proved to be the turning point of the inflationary spiral into more stabilised conditions.

In Victoria the Labour Government introduced legislation compelling the wages board to grant quarterly adjustments, but we must remember that in Victoria a large number of workers are governed by Federal awards and they received no adjustment. The anomaly in Victoria is that the majority of the workers receive no adjustment, but those working under State awards, the minority, receive a 3s. adjustment. The figures showed a 2s. increase in the cost for Melbourne in November, and this amount was added to the State awards. The February increase was 1s., making the State base 3s. higher than the Federal base. In Sydney the 3s. increase in November was withheld and the result was a slight decrease in the cost of living index figure in the following quarter.

In the short time that has elapsed since the Federal Arbitration Court faced up to what was rapidly becoming Australia's major and vital problem, it has built up towards a stabilised economy and stabilised wage conditions, and stabilised costs of services and goods in Australia. It is difficult to predict that workers in this State will suffer—because workers in the large public utilities are paid above the basic wage—if the Government follows the same procedure as private enterprise. In the past few years only a small number of workers have been paid the basic wage, or the basic wage plus margin for skill when a trade is involved. Rather, employers have known the experience of paying high wages to avoid men shifting from job to job. Apart from the vital principle of limiting the court's jurisdiction, members in this Chamber should be united in their approach to bring about stability in the economy of the State. We should do nothing to jeopardise such stability. I hope that this Bill will not survive the second reading, and it is my intention to vote against it.

HON. SIR CHARLES LATHAM (Central) [8.20]: In order to help the Minister out of this problem, I would point out that the index figures for the next quarter will show a reduction of more than 2s. in the cost of living. By then the idea of introducing this Bill will fall very flat. If the decrease is substantial, and it may even be 4s., there will be a reduction of that amount in the basic wage if this Bill is passed. I cannot picture the Arbitration Court making an alteration in the basic wage if there is a fall in the index figures. For that reason I am helping the Minister out of this problem by bringing this to his notice.

During the depression in 1930 it was decided to alter the yearly adjustment which was then in operation, to quarterly adjustments. The Minister in charge of the House sent for me because he wanted some information. I remember the impassioned appeal put up by the present Minister, who was sitting on this side of the House, against the principle of quarterly adjustments. He did not believe it was right; he did not think it was fair to the workers, and so on. So when I now hear him making an impassioned appeal because to his mind there is everything good in the provisions of the Bill, I am rather astounded.

In Western Australia we are reaching a solid condition and we should leave it unimpaired. If we can improve the conditions of living let us do so. I honestly believe that no one has suffered by the action of the Arbitration Court in the last six months in its refusal to make quarterly adjustments. The Commonwealth Savings Bank accounts give a good indication of the financial position of workers generally. That is a worker's bank and the figures for the last quarter of 1953 indicate a further rise in deposits. There has been a steady increase from 1948-49 to 1953-54.

The average to the credit of each account in Western Australia rose from £102.80 to £124.606 for that period. In the last year it increased from £120 to £124. So the worker is not suffering by the action of the Arbitration Court, because he is still able to increase his savings. We should help the worker by consolidating the value of his savings.

It is a most dreadful thing to experience inflation. It affects everybody. A £ one day may be worth only 18s. two days after. It is dreadful to old people like myself to find that the £ I had is equal to only 7s. 9d. in purchasing value.

Hon. E. M. Davies: But you have more pounds today than you had then.

Hon. Sir CHARLES LATHAM: That is so. I am carrying around more pounds, but they do not buy as much.

Hon. C. W. D. Barker: That is not an indication of poverty.

Hon. Sir CHARLES LATHAM: I think every member in this House desires to bring about stability where the £ would remain static, so that he would know the value of that £ in two years' time. House rents and other living costs have to be adjusted every time the value of money depreciates under the inflationary method, and this presents an awkward situation. The last inflation did not come naturally; we forced it when we decided there should be a prosperity loading of £1. This merely depreciated the value of money. The result is that today we are wasting a great deal of money in printing more £ notes when a smaller number would do.

In the old days in Western Australia 36,000,000 of these notes were spread among the people, but nowadays the figure has gone up to 612,000,000 or 102 per head. We are on the wrong track, and in order to help the Minister so that he will not come along next session and ask for the discontinuance of quarterly adjustments, I ask him not to persist in endeavouring to instruct the Arbitration Court to continue quarterly adjustments. In the next session we may find that the Arbitration Court is compelled to reduce the basic wage because of a fall in the index figures. It would be wise for the Government to ask for a withdrawal of the Bill rather than to persist with it. That would be in the best interests of the workers.

HON. H. S. W. PARKER (Suburban) [8.27]: I oppose the Bill. In looking at the records I find that I opposed a similar measure in 1930. The Labour Party at that time strongly opposed the quarterly adjustments. I was in favour of the court's having power to adjust the basic wage quarterly if it saw fit. Complaints were made in another Chamber by the Labour Party that the Legislative Council had insisted that the basic wage be adjusted every 12 months and Mr. McCallum made these remarks:

> The change over from annual to quarterly adjustments will mean going from one extreme to the other, and I think a half-yearly adjustment will meet all requirements and will lend more stability to wage conditions. Our idea in the amending Bill we introduced was not to have any definite time fixed for an adjustment, but the Legislative Council provided that there should be at least an annual revision. In one of the other States, the legislation has been altered to provide for half-yearly adjustments, and, in my opinion, quarterly reviews are too frequent as there are often violent fluctuations between one quarter and another.

The Labour Party felt so strongly about the matter that it moved to alter the title of the Bill to "Wage Reduction Act". What is it doing now? It is doing exactly the opposite to what was attempted then. Mr. Troy said—

> This is an invitation to the court every three months to poke its nose into business that it is not required to look into.

I agree with that gentleman, that we should leave this matter to the court. I got up to speak because I am firmly convinced that the less Parliament directs the Arbitration Court the better it will be for our industrial relations. As soon as we bring our industrial relations into the political field, we are looking for trouble. We should leave it entirely to the Industrial Arbitration Court to decide if and when an adjustment of the basic wage should be made. For that reason I shall oppose the second reading.

HON. C. H. SIMPSON (Midland) [8.31]: I intend to oppose the Bill, and I hope that members will reject the second reading. References have been made to the prosperity loading, and I do not think we can repeat too often the effect of the imposition of the prosperity loading on our economy, or remind ourselves of it too frequently so that we can avoid that danger in the future. In 1939, 5s. was added, as prosperity loading, to the basic wage in Western Australia. The economy at that time was apparently able to absorb the impact of the increase so that there was relatively little change until 1946. Then the court in its wisdom added another 5s. in Western Australia, and the basic wage immediately started to increase at the rate of 10 per cent. per annum. In 1950, 20s. was added in Western Australia in line with the determinations made in other States; and the inflationary spiral then started at the rate of 30 per cent. per annum.

It had been remarked not only by economists but by high-ranking political leaders that the Arbitration Court in making these automatic adjustments quarterly was simply registering increases in prices and

in the cost of living. The trouble was that the prosperity loading was applied equally to all rates of pay. That at once destroyed the relativity of margins. About 40 years ago there was an agreed upon ratio between the basic wage and the skilled wage of 7 to 10. That is to say, the skilled worker was reckoned to be worth 10 units as compared with 7 units for the unskilled worker. Over the years, different rates were struck for different degrees of skill—semi-skill, and the like.

Although there were other factors tending towards the inflationary spiral, the prosperity loading was the greatest single factor which commenced that inflationary trend. There was, of course, the increase in import and export prices, and there was the shortage of labour, which meant that the worker was able to demand better conditions and shorter hours, which also had an effect on the inflationary trend. The principal cause of the inflationary spiral, however, was undoubtedly the prosperity loading. The court gave that loading, and logically it should remove it when times of prosperity pass. But I do not suppose that any court would feel that it was strong enough suddenly to wipe off the prosperity loading to any degree or that it was justified in doing so. The courts felt that it had to be done gradually.

I believe that is the attitude the courts are adopting at the present time. The results so far have been very satisfactory. There has been introduced into our economy or financial structure a note of stability which works out to the good of all concerned. The tragedy of the inflationary trend was its effect on pensioners—men who had worked a lifetime and were looking forward to a period of retirement with a pension which would have been, according to their estimates, sufficient to keep them in reasonable comfort for the rest of their lives. Many of these men—valuable servants of the State—are finding today that on their present rate of pension, because of the lessened value of money, they have difficulty in carrying on. Certainly they cannot live in the style to which they had been accustomed and in which they felt they were entitled to continue.

While the Leader of the House has suggested that any adjustment of rents might have some effect on these people, he will, if he is fair, realise that the artificial loadings that have been added to the basic wage, as distinct from the needs conditions, have had a far greater effect than any rent adjustments might have, quite irrespective of the fact that the rent adjustments will simply be remedying an injustice which a certain section of the public has suffered for years. I hope that this House will not agree that Parliament should ever attempt to direct the court or interfere with the discretion it must have if it is to carry out its duties efficiently. I oppose the Bill.

HON. E. M. DAVIES (West) [8.37]: I support the Bill. Statements have been made here this evening indicating that it is the Government's proposal, through Parliament, to make certain interferences with the arbitration system. Down through the years the basis of arbitration, particularly in regard to the fixation of the basic wage, has been to take into account the cost of living. I can go back to the depression days that have been referred to this evening when the powers that be discovered that there was a fall in the basic wage which, at that time, was fixed annually. They took steps to alter the Act so that the Arbitration Court could make reductions in the basic wage without waiting for the 12-month period. So, in my opinion, Parliament on that occasion did interfere with the arbitration laws of the State because it was in the interests of certain sections of the community to do so.

Hon. H. Hearn: They left it freedom of action.

Hon. E. M. DAVIES: I do not know that it was freedom of action so much. I can remember the Bill that was introduced when a reduction was made without going to the court. The reduction then was from 18 per cent. to 22 per cent. in wages and salaries which was, in some cases, equivalent to the amount of the weekly payment made by people for their homes. Many persons, as a result, lost their homes. I was vitally affected myself at the time. On that occasion Parliament did interfere with the arbitration system because it brought down a Bill to reduce wages and salaries.

Hon. H. S. W. Parker: It did nothing of the sort. Furthermore, it was a Labour Prime Minister who did it.

Hon. E. M. DAVIES: The Government even went so far as to make provision for private employers to follow in the steps already taken by the Government.

Hon. H. Hearn: They had to apply to the court.

Hon. E. M. DAVIES: Yes; but the employees' organisation had to go to the court to defend the applications. At that particular time, Parliament did interfere with the industrial arbitration system in this State.

Hon. Sir Charles Latham: And all other systems—banks, and interest.

Hon. H. S. W. Parker: And rents.

Hon. E. M. DAVIES: The point I make is that it has been stated tonight that the Bill has been introduced for the purpose of interfering with the arbitration system. No doubt there are members here who were party to that particular proposition. I do not think the basic wage has ever been a true basic wage. The amount allowed for rent is far lower than what houses could be rented for during the last few years. The amount in the index figures for rent has never been sufficient to allow

for the rent that has been charged. Without taking any figures into account, members will know that the average housewife will say today that notwithstanding what the basic wage is supposed to do, it does not appear to be sufficient to be able to maintain the home as is desired. When all is said and done, the basis of the British Empire is the family life. If a man, wife and family are in receipt of sufficient income to be able to maintain their home in comfort and satisfaction then that, in my opinion, is the basis of the family life, and family life is the basis of the British Empire.

Hon. H. S. W. Parker: Who should fix that amount?

Hon. E. M. DAVIES: We all agree that the Arbitration Court fixes that amount, but we also agree that the basic wage has always been fixed on a cost of living basis. If that is departed from, as it has been during the last two or three quarters, the basis of the basic wage fixation is not being carried out. The Government on this occasion has done the right thing in view of the fact that, as I have pointed out, there has never been a true basic wage. In addition, Parliament has now decided that price-fixing shall be abolished, and there is no doubt that as a result of certain action by Parliament recently, there will be a great increase in rents in the future. I support the Bill because I believe it is right and proper that the fixation of the basic wage should be in relation to the cost of living.

Hon. H. S. W. Parker: This does not say anything about that.

HON. F. R. H. LAVERY (West) [8.45]: I wish to say only a few words on this Bill. In the last few hours we have had legislation before this Chamber which will have a big effect on rental figures. As rent is one of the items in the regimen of the basic wage, how can members opposite say that there is not a need for a revision of the basic wage?

Hon. H. S. W. Parker: The Arbitration Court can then fix it.

Hon. F. R. H. LAVERY: I am pleased to hear Mr. Parker interject along those lines because in an earlier debate he made great play of the fact that a particular court would not have any formula on which to work. He made that statement not many hours ago and went to great pains to impress it upon our minds.

Hon. H. S. W. Parker: Of what court are you speaking?

Hon. G. Bennetts: The fair rents court.

Hon. F. R. H. LAVERY: Mr. Parker knew to which court I was referring. The fair rents court was to be set up in an effort to keep the basic wage down to where it is now.

Hon. H. S. W. Parker: I did not realise that.

Hon. F. R. H. LAVERY: The hon. member has not given us much help towards that end. I have spoken merely to draw attention to the fact that it is all very well to ice one half of the cake and to leave the other half without any fruit, as apparently Mr. Parker desires. The hon. member wants one court to have a formula upon which to work and yet he wishes to refuse the Arbitration Court a similar policy. There is only one way to fix the basic wage and that is through the Arbitration Court. The basic wage must be fixed on the cost of living, and Mr. Parker cannot deny the fact that the proposed increases in rent will affect the position.

Hon. H. S. W. Parker: I have not suggested that. I leave it to the Arbitration Court to fix the basic wage.

Hon. C. W. D. Barker: Of course you did.

Hon. F. R. H. LAVERY: That is all I wish to say other than to add that I support the measure.

THE CHIEF SECRETARY (Hon. G. Fraser—West—in reply) [8.48]: I am surprised at the reception the Bill has received because, if members go into the question, they will find that it is as fair a measure as we have ever presented. It is remarkable the changes that occur in a few hours.

Hon. Sir Charles Latham: And in people in a few years.

The CHIEF SECRETARY: Here we find many members taking the attitude—

Hon. A. R. Jones: We want to help the workers.

The CHIEF SECRETARY: Want to help the workers! Members helped the workers last night!

Hon. H. Hearn: I think so.

The CHIEF SECRETARY: And members are going to help them now!

Hon. A. R. Jones: Yes, by leaving the basic wage as it is.

The CHIEF SECRETARY: I appreciate any help that Sir Charles Latham can give to the workers, but I cannot understand his approach or how he intends to give that help. Recently we dealt with legislation which has a vital effect on the basic wage, and we have taken a certain action that must definitely increase the rents paid by workers in this country. Yet we have a basic wage at the moment in which the allowance for rent is somewhere about 22s. or 23s.

Hon. C. H. Henning: Apparently the court does not gauge it on State Housing Commission premises.

The CHIEF SECRETARY: Yet we have taken action which will increase tremendously the rentals that will be paid by workers.

Hon. H. S. W. Parker: We have not stopped the Arbitration Court taking that into consideration.

The CHIEF SECRETARY: Of course not! But the hon. member is asking the Arbitration Court to flout what was Parliament's intention when it put the legislation relating to the basic wage on to the statute book.

Hon. H. Hearn: That is not correct.

The CHIEF SECRETARY: Of course it is!

Hon. H. S. W. Parker: That is an incorrect statement.

The CHIEF SECRETARY: For a period of 28 years—

Hon. H. S. W. Parker: We have faith in our Arbitration Court.

The CHIEF SECRETARY: And so have I.

Hon. H. S. W. Parker: The court will do it.

The CHIEF SECRETARY: The action taken recently by the hon. member, and other members in this Chamber, will make many workers lose faith in the Arbitration Court.

Hon. H. S. W. Parker: No.

The CHIEF SECRETARY: It will, because when the court makes an investigation and decides that the wage shall be a certain figure, it takes into consideration other factors and says, "We will not award that wage." Does that inspire confidence in the court? How can it?

Hon. A. R. Jones: The basic wage is £2 ahead of itself already.

The CHIEF SECRETARY: The court conducts an inquiry and, as a result, says that the wage should be so and so. Then it goes into some other fields and takes other factors into consideration and says, "Whatever the amount is, we will not declare it." That is what has happened in the last six months.

Hon. L. C. Diver: You would have fault to find if it reduced the prosperity loading.

The CHIEF SECRETARY: The court said that the basic wage should be 4s. 1d. higher, but for other considerations would not award that increase.

Hon. L. A. Logan: Do not blame this House for that.

The CHIEF SECRETARY: I blame this House for it now because we are giving members an opportunity—

Hon. L. A. Logan: They still have the opportunity.

The CHIEF SECRETARY: —to make a law to provide that when the court conducts an investigation and decides that the wage should be a certain figure, the court shall declare that wage.

Hon. L. A. Logan: The court can still do it.

The CHIEF SECRETARY: Of course it can; but we know what the reaction is. We know what it has done within the last six months. Now we want to say, by this Bill, that the court must declare it. What is the use of constituting a court—

Hon. A. R. Jones: When you do not abide by its findings!

The CHIEF SECRETARY: —that goes to the expense of making inquiries and then will not proclaim its decisions.

Hon. L. Craig: What about your fair rents court? Untrammelled!

The CHIEF SECRETARY: Yes, what a difference in the attitude!

Hon. N. E. Baxter: The court declares its decisions.

The CHIEF SECRETARY: Actions that have been taken in this Chamber within the last 24 hours can lead to only one thing—an increase in the rent payable by workers. If there is to be an increase in the rent we want the court to take it into consideration and grant the extra to the workers.

Hon. H. Hearn: You said that when we abolished price-control, but it did not happen.

Hon. H. S. W. Parker: We leave it to you to do the right and proper thing, as you have done in years past.

The CHIEF SECRETARY: We believe that the court is not doing the right thing; and as it is Parliament that makes the laws, Parliament expects the proper interpretations to be made.

Hon. H. S. W. Parker: When did Parliament say that the court should add a loading to the basic wage?

The CHIEF SECRETARY: That is an entirely different point.

Hon. H. Hearn: Of course it is!

The CHIEF SECRETARY: Parliament has a chance, in this instance, of saying to the court, "Those are the results of your investigations; that is your decision; implement it." That is all the Bill seeks to do, and that is why it has been introduced. The court has taken unto itself the right to say whether or not it will declare the basic wage after it has conducted an investigation.

Hon. Sir Charles Latham: The court does not investigate the position; it takes the figures of the statistician.

The CHIEF SECRETARY: Of course; but the members of the court go into the figures to see what the wage should be, but will not declare it.

Hon. C. H. Simpson: They take other factors into account, too.

The CHIEF SECRETARY: Of course. The court hears evidence on every 12 months.

Hon. H. S. W. Parker: And it has been satisfactory until recently.

The CHIEF SECRETARY: Of course.

Hon. H. Hearn: Workers were on the receiving end.

The CHIEF SECRETARY: It has been satisfactory because the court has done the proper thing and has decided that the wage should be so much and has awarded it. But now the court is not doing the right thing; and having had that experience, we want to alter the law so that the court must do the right thing. Sir Charles Latham thinks that there will be a decrease.

Hon. Sir Charles Latham: Yes.

The CHIEF SECRETARY: We do not care whether it will be a decrease—

Hon. Sir Charles Latham: Oh!

The CHIEF SECRETARY: —or an increase.

Hon. Sir Charles Latham: This Bill would not be introduced if it decreased the basic wage.

The CHIEF SECRETARY: If the court makes a decision we want it to implement that decision.

Hon. H. S. W. Parker: Why did you not alter it years ago when you were in power?

The CHIEF SECRETARY: There was no need to alter it then. The court had never taken advantage of those few extra words in the Act. The hon. member knows that since 1925, when the court has investigated the position and arrived at a decision, that decision has been implemented. This is the first occasion, in 28 years, that that has not been done. It has been brought to our notice that those few extra words give the court powers that it should not have, and so we want to alter the position.

Hon. J. G. Hislop: Surely the action of the court has now proved that it was in the interests of the workers.

The CHIEF SECRETARY: We do not think so.

Hon. C. H. Simpson: It has tended to stabilise our economy.

The CHIEF SECRETARY: Members know, without my telling them, that the basic wage is based on rises that have occurred in the past and not on something that will happen in the future.

Hon. A. F. Griffith: Are the Commonwealth-State rental home charges taken into consideration?

The CHIEF SECRETARY: I do not know what the court takes into consideration.

Hon. A. F. Griffith: You should.

The CHIEF SECRETARY: I am concerned only that the court shall take all things into consideration and—

Hon. H. S. W. Parker: That is so.

The CHIEF SECRETARY: —that it implements its decision. Mr. Parker and Sir Charles Latham reminded us of our attitude. As a matter of fact, I mentioned it myself when I introduced the Bill. Our attitude in 1930 was just as consistent as it is now.

Hon. H. S. W. Parker: No.

The CHIEF SECRETARY: We opposed an alteration from an annual adjustment to a quarterly adjustment because from 1925 to 1930 the cost of living had been increasing and the worker was 12 months behind in the declaration of the wage. In 1930, when the cost of living started to go downhill, the employers asked for quarterly adjustments. So we said, "All right; if it was good enough for the worker to wait for 12 months for an adjustment of his wage when the cost of living was increasing, it is good enough for him to be 12 months behind it going down." That was our reason for opposing quarterly adjustments. In 1925, when the Act was first put on the statute book, Labour wanted quarterly adjustments, but members in this Chamber said "No." One of the arguments used by the late J. J. Holmes was that no man could tender for anything if the wages changed every quarter. Arguments of that description defeated the original intention of quarterly adjustments and it was made a 12-monthly adjustment.

Hon. A. R. Jones: Were you here then?

The CHIEF SECRETARY: No; but I knew enough of the history of it, because I was most interested in politics at that time, and I became a member shortly afterwards, in 1928. I was here when the adjustment was altered to a quarterly basis, in 1930. Since that time everything has gone swimmingly; the court has acted in the manner everyone expected. But, over the last six months, the court has refused to implement any increase in the basic wage, so what is the use of having a court that will play ducks and drakes? Is it not better—

Hon. H. Hearn: Is it not better to have a court with a sense of responsibility?

The CHIEF SECRETARY: It is only right that we as a Parliament should say, "There is an Act; that is what should be done." We should not say, "There is an Act; you can please yourself what you do about it." That is what has happened.

Hon. N. E. Baxter: Do you honestly think the worker would be better off if he had been getting the quarterly adjustments?

The CHIEF SECRETARY: Of course he would.

Hon. N. E. Baxter: Of course he would not.

The CHIEF SECRETARY: I am not so concerned about that—

Hon. H. Hearn: You should be, as a Minister.

The CHIEF SECRETARY: —as I am concerned with the consistency of the court. Would the same attitude have been adopted by the court if, during the past

six months, the figures had shown that there should be a decrease of 7s. or 8s. in the basic wage? Do members think the court would have said, "No, we will not declare it"?

Hon. L. C. Diver: Wait and see.

The CHIEF SECRETARY: That is all right. We will not wait and see, if I have anything to do with it. I want to make sure that the decision of the court is implemented and that the amount the court decides is also implemented. That is what we are striving to do. What is the use of having the Act on the statute book and saying that there shall be quarterly adjustments of the basic wage if we also leave it to somebody to say, "We will not declare it!"

Hon. H. S. W. Parker: It says "may."

Hon. N. E. Baxter: Did not you take similar action with the rent inspectors?

The CHIEF SECRETARY: No. We want that decision to be implemented when it is given; whether it is good or bad cannot be helped. If anything is going to make the workers lose faith in arbitration, it is this matter of the court playing ducks and drakes.

Hon. H. S. W. Parker: It is because the prosperity loading is too great.

The CHIEF SECRETARY: The hon. member cannot get away from prosperity loading. All we want to do in this Bill is, if a thing is just, to declare it so.

Hon. H. Hearn: And continue the inflationary spiral.

The CHIEF SECRETARY: If it were continued, that would be unfortunate. But it is not the function of the Arbitration Court to decide that.

Hon. H. Hearn: Of course it is.

The CHIEF SECRETARY: It is not the duty of the Arbitration Court to decide the economy of the country. It is constituted to make investigations as to what should be a fair wage on the figures supplied and on the information placed before it; that is all. But we find that the court has gone beyond that. The court says, in effect, "We have done what the Act requires; we have heard the case from the employers' and employees' side, and we have arrived at a certain decision; but because of the economy of the country, we canot give the worker his just due". I say it is not for the court to decide that.

Hon. A. F. Griffith: What action has your Government taken to have the basic wage adjusted in regard to rents?

The CHIEF SECRETARY: The thing is so loaded against the worker because only 22s. or 23s. is allowed for rent. That is not the rent of half a room.

Hon. A. F. Griffith: I have here one of your truthful pamphlets which said you were going to take some action.

The CHIEF SECRETARY: We have only been in power for five minutes. The hon. member will find that everything that has been promised will be fulfilled. Rome was not built in a day. We did say that we would establish a fair rents court, and that is what we are attempting to do. But the hon. member is one of those who will stop us from establishing that court. He will also prevent us from doing justice to the workers of this country. I hope that even at this late hour in the debate members will see the error of their ways and vote for the second reading.

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

Ayes	7
Noes	16
Majority against	9

Ayes.

Hon. C. W. D. Barker	Hon. F. R. H. Lavery
Hon. G. Bennetts	Hon. E. M. Heenan
Hon. E. M. Davies	Hon. R. J. Boylen
Hon. G. Fraser	*(Teller.)*

Noes.

Hon. N. E. Baxter	Hon. L. A. Logan
Hon. L. C. Diver	Hon. A. L. Loton
Hon. Sir Frank Gibson	Hon. J. Murray
Hon. A. F. Griffith	Hon. H. S. W. Parker
Hon. H. Hearn	Hon. H. L. Roche
Hon. C. H. Henning	Hon. C. H. Simpson
Hon. J. G. Hislop	Hon. H. K. Watson
Hon. A. R. Jones	Hon. L. Craig
	(Teller.)

Pairs.

Ayes.	Noes.
Hon. H. C. Strickland	Hon. J. Cunningham
Hon. W. R. Hall	Hon. Sir Chas. Latham

Question thus negatived.

Bill defeated.

BILL—RENTS AND TENANCIES EMERGENCY PROVISIONS ACT AMENDMENT.

Assembly's Message.

Message from the Assembly received and read notifying that it had disagreed to amendments Nos. 1 to 18 made by the Council.

In Committee.

Hon. W. R. Hall in the Chair; the Chief Secretary in charge of the Bill.

The CHAIRMAN: The Assembly's reasons for disagreeing to the Council's amendments are as follows:—

> Amendments Nos. 1, 2, 3, 4, 8 and 18 refer to the establishment of a fair rents court and are disagreed with because it is desired that such court be established, to be representative of the two interests involved, and to expedite the dealing with applications.
>
> Amendments 5, 6, 7 and 9 refer to the determination of rents and to the continuation of same until the 31st

December, 1954, and the original provisions of the Bill are necessary for this purpose to be effected.

Amendments 10, 11, 12, 13, 14, 15 and 16 are disagreed with because they destroy the intention of the Bill which is to continue protection from eviction until the 31st December, 1954.

Amendment No. 17 is disagreed with because it destroys the intention of the Bill to enable proceedings commenced under the provisions of the Act to be continued and finalised.

No. 1. Clause 3—Delete the word "Court" in line 2.

The CHIEF SECRETARY: I move—

That the amendment be not insisted on.

I will not flog the question, which was flogged enough last night. We all know how our minds are made up in connection with it.

Hon. H. K. Watson: May I suggest that the Chief Secretary consider taking the amendments in groups, or dealing with them en bloc?

The CHIEF SECRETARY: I do not know that we can do that, but if we deal with the main amendment in each group, as we did when dealing with the Bill in Committee, we will get through them fairly quickly. With regard to the setting up of a court, I would point out that the Government has thought very seriously of this question. As a result of its considered deliberations, it believes that the right thing to do is to set up a fair rents court, from which it considers quite a lot of good will come. It thinks that this is the fairest way to tackle the question.

Members know that the problem of rent is a vital one in all families. It affects the basic wage and everything else. I could quote dozens of examples of families paying more rent than they can afford out of the wages being earned. In some instances, it has been necessary for wives to go out to work in order that the rent required may be paid. I admit that we have a court already, but that deals not only with rents but with many other questions. We consider that is not the most satisfactory way of dealing with this position. We want to be fair in the treatment we mete out to tenants and landlords, and we feel that the establishment of a court which both parties can approach readily and easily is a better way of dealing with this question than the present method.

Hon. H. K. WATSON: I hope the Committee will vote against the motion. I listened carefully to the reasons that accompanied the message from another place, and I feel they are no answer at all to the amendments made by this Chamber. I would remind the Committee that 18 amendments were made here, but not one has been accepted by another place. All have been rejected, and the Council should insist on its amendments.

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

Ayes	8
Noes	16
Majority against	8

Ayes.

Hon. C. W. D. Barker	Hon. E. M. Heenan
Hon. G. Bennetts	Hon. F. R. H. Lavery
Hon. E. M. Davies	Hon. A. L. Loton
Hon. G. Fraser	Hon. R. J. Boylen
	(Teller.)

Noes.

Hon. N. E. Baxter	Hon. Sir Chas. Latham
Hon. L. Craig	Hon. L. A. Logan
Hon. L. C. Diver	Hon. J. Murray
Hon. Sir Frank Gibson	Hon. H. S. W. Parker
Hon. A. F. Griffith	Hon. H. L. Roche
Hon. C. H. Henning	Hon. C. H. Simpson
Hon. J. G. Hislop	Hon. H. K. Watson
Hon. A. R. Jones	Hon. H. Hearn
	(Teller.)

Pair.

Aye.	No.
Hon. H. C. Strickland	Hon. J. Cunningham

Question thus negatived; the Council's amendment insisted on.

No. 2. Clause 5—Delete.

No. 3. Clause 6—Delete.

No. 4. Clause 7—Delete.

No. 5. Clause 8—Delete.

No. 6. Clause 9—Delete.

No. 7. Clause 10—Delete all the words in this clause after the word "amended" in line 7 and substitute in lieu thereof the following words:—"by adding at the end of paragraph (b) of subsection (1) the following provisos:—

Provided that where after the thirtieth day of April, one thousand nine hundred and fifty-four and before the thirty-first day of December, one thousand nine hundred and fifty-four a lessor gives a lessee notice to quit or terminate the tenancy of any premises the rent of such premises on and after the date of such notice shall not except by a determination of the inspector or the Court as the case may be, exceed the amount of rent lawfully chargeable on the twenty-eighth day of April, one thousand nine hundred and fifty-four.

Provided further that, in respect to premises first leased since the twentieth day of December, one thousand nine hundred and fifty-one nothing contained in the last preceding proviso shall preclude the inspector or the court, as the case may be, from determining that the amount of the rent of any such premises shall be an amount less than the amount of rent lawfully chargeable on the twenty-eighth day of April, one-thousand nine hundred and fifty-four.

No. 8. Clause 11—Delete.

No. 9. Clause 12—Delete.

Motions by the Chief Secretary that the foregoing amendments be not insisted on were negatived, and the Council's amendments were insisted on.

No. 10. Clause 13—Delete:

The CHIEF SECRETARY: I move—

That the amendment be not insisted on.

This amendment deals with evictions and is probably the most serious provision in the Bill. Metropolitan members must know how worried many people are regarding the probability of being evicted from their homes. Mention has been made of the attitude of landlords to evictions and to their demanding higher rents. After the 30th April, the provision safeguarding evictions will go overboard and tenants may then receive 28 days' notice to vacate their homes.

We have been told that when one tenant leaves a house, another tenant goes in. That is correct, but it is no satisfaction to the tenant who has had to leave because he is faced with the problem of finding another house. For every house vacated today, any number of people are living in unsatisfactory conditions.

A soldier came to my office today. He has been here since Christmas and has tried everywhere to get a home and the best accommodation he has been able to obtain is an open verandah at his sister's home for himself, his wife and three children. There is no possibility of his getting a home. He was sent to Sydney by the military authorities and, before leaving, was told he had no need to take his furniture as he would be properly accommodated there. He was provided with accommodation at 15 guineas a week. Before long his capital had gone and he was transferred back to his home State.

Hon. A. R. Jones: Should not the Commonwealth do something for him?

The CHIEF SECRETARY: He is a resident of this State and the duty of doing something for him has fallen on the State.

Hon. L. Craig: That is happening every day.

The CHIEF SECRETARY: Quite so, and therefore it is time we did something to protect such people. If members insist on this amendment, such happenings will continue. Members should bear in mind that this sort of thing is occurring while a certain amount of protection is being provided for tenants.

Hon. H. S. W. Parker: That is the reason.

The CHIEF SECRETARY: What will happen when protection is removed?

Hon. H. S. W. Parker: More places will be available.

The CHIEF SECRETARY: I wish the hon. member would tell the people where those places are.

Hon. H. S. W. Parker: Have you seen the advertisements in the newspapers? Lots of landlords will let their places as soon as they know they have full control of their properties.

The CHIEF SECRETARY: I wish I could be as optimistic as the hon. member appears to be.

Hon. H. S. W. Parker: You will find in a few days that that is so.

The CHIEF SECRETARY: This sort of thing is happening every day.

Hon. H. S. W. Parker: This Bill will not remedy it. The shortage of houses is responsible.

The CHIEF SECRETARY: But the hon. member just said there would be any number of houses.

Hon. H. S. W. Parker: If control is removed, people will build and let the houses.

The CHIEF SECRETARY: How many houses for letting have been built in the last 25 years? Apart from flats, one could count them on one's fingers. The number has decreased considerably in that time.

Hon. H. S. W. Parker: Because of restrictions.

The CHIEF SECRETARY: There have not been restrictions for 25 years.

Hon. H. S. W. Parker: There have been since 1939.

The CHIEF SECRETARY: Unless members alter their attitude, no protection will be available to tenants except the 28 days' notice, and I am fearful of what will happen. I am not a scaremonger.

Hon. H. S. W. Parker: Then do not develop into one.

The CHIEF SECRETARY: I am prepared to face realities whereas some members are not. Many people would have built homes for themselves had they been able to raise the necessary finance. Because of the high prices prevailing and the large deposits required, people cannot build for themselves and have to continue to live in rooms.

Hon. A. F. Griffith: What has brought that about?

The CHIEF SECRETARY: Economic conditions.

Hon. A. F. Griffith: High wages.

The CHIEF SECRETARY: I do not know that that is so.

Hon. A. F. Griffith: What is the use of making one statement and saying that high wages are not responsible.

The CHIEF SECRETARY: Is it not sufficient to mention economic conditions without going into details? There are not enough houses to meet the demand, and now members want to lift the lid right off and thus cause great confusion.

I make this final appeal. We do not want the conditions I have indicated to occur after April. Many landlords will be shrewd enough to give notice before the 30th April and to whom could evictees appeal after that date? There will be no tribunal to appeal to. If members persist in their present attitude, I feel sure that they will rue the day.

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

Ayes	7
Noes	15
Majority against	8

Ayes.

Hon. C. W. D. Barker	Hon. G. Fraser
Hon. G. Bennetts	Hon. E. M. Heenan
Hon. R. J. Boylen	Hon. F. R. H. Lavery
Hon. E. M. Davies	*(Teller.)*

Noes.

Hon. N. E. Baxter	Hon. Sir Chas. Latham
Hon. L. Craig	Hon. L. A. Logan
Hon. L. C. Diver	Hon. J. Murray
Hon. Sir Frank Gibson	Hon. H. S. W. Parker
Hon. A. F. Griffith	Hon. C. H. Simpson
Hon. H. Hearn	Hon. H. K. Watson
Hon. J. G. Hislop	Hon. C. H. Henning
Hon. A. R. Jones	*(Teller.)*

Pair.

Aye.	No.
Hon. H. C. Strickland	Hon. J. Cunningham

Question thus negatived; the Council's amendment insisted on.

No. 11. Clause 14—Delete.

No. 12. Clause 15—Delete.

No. 13. Clause 16—Delete paragraph (a).

No. 14. Clause 17—Delete.

No. 15. Clause 18—Delete.

No. 16. Clause 19—Delete.

The foregoing amendments were consequentially insisted on.

No. 17. Clause 20—Delete.

The CHIEF SECRETARY: I move—

That the amendment be not insisted on.

Question put and negatived; the Council's amendment insisted on.

No. 18. Clause 21—Delete.

The foregoing amendment was consequentially insisted on.

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

Sitting suspended from 9.49 to 11 p.m.

Assembly's Request for Conference.

Message from the Assembly received and read requesting a conference on the amendments insisted on by the Council and notifying that at such conference the Assembly would be represented by three managers.

The CHIEF SECRETARY: I move—

That the Assembly's request for a conference be agreed to, that the managers for the Council be Hon. H. K. Watson, Hon. L. C. Diver and the mover, and that the conference be held in the Chief Secretary's room, at 10 a.m. on Thursday, the 15th April.

Question put and passed, and a message accordingly returned to the Assembly.

Sitting suspended from 11.5 p.m. to 4.38 p.m. (Thursday).

Thursday, 15th April, 1954.

CONTENTS.

The PRESIDENT resumed the Chair at 4.38 p.m.

BILL—RENTS AND TENANCIES EMERGENCY PROVISIONS ACT AMENDMENT.

Conference Managers' Report—Bill Dropped.

The CHIEF SECRETARY: I have to report that the managers met in conference and failed to agree. I move—

That the report be adopted.

Question put and passed.
Bill dropped.

ADJOURNMENT—SPECIAL.

THE CHIEF SECRETARY (Hon. G. Fraser—West): I move—

That the House at its rising adjourn to a date to be fixed.

Question put and passed.

House adjourned at 4.40 p.m.