

increase in the number of lights used for advertising purposes.

Hon. L. Craig: Who will decide whether such lights cause interference? Who will be the authority?

The CHIEF SECRETARY: In this instance, the Commissioner of Railways. The interference that takes place arises out of the use of lights of the same colour as those availed of by the Railway Department for safety purposes. Many are red or green, and those are the two principal colours used in connection with railway operations. With the increasing introduction throughout the State of lights, particularly coloured lights for advertising purposes, etc., the necessity for some means of control has become very evident, and at the present time co-operation with the owners of such lights is possible only by mutual consent. Unfortunately the colours most favoured, viz., red and green, are those which have been universally applied on railway systems since their commencement. The erection of such lights in positions where they may conflict with railway signal lights, is a potential danger that should be avoided in the interests of the safety of the travelling public as well as the railway employees themselves. Already there are instances of lights having been placed in positions where they have interfered with existing signal lights. In such instances it has been necessary either to mask the lights concerned, or to move the railway signals, at considerable cost and inconvenience to the department. The power now sought will obviate this by enabling the department to exercise control over the positioning of such lights. The new section is almost identical with the provision in the Lights (Navigation Protection) Act, 1933. Parliament accepted the provision with respect to the control of lights likely to be a danger to navigation, and a similar provision is equally necessary regarding lights constituting a possible danger to railway traffic.

That, briefly, traverses the contents of the Bill. The first portion will extend the power of the Commissioner of Railways to lease land for a period of 21 years, and the second will give the Commissioner the right to control coloured lights, particularly those that may be a danger to railway traffic. I hope members will appreciate the reasonable-

ness of these provisions, and that the Bill will be agreed to with little trouble. I move—

That the Bill be now read a second time.

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

House adjourned at 8.28 p.m.

Legislative Assembly,

Tuesday, 26th September, 1939.

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

BILL—STATE GOVERNMENT INSURANCE OFFICE ACT AMENDMENT

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

BILL—PROFITEERING PREVENTION.

Third Reading.

THE MINISTER FOR LABOUR (Hon. A. R. G. Hawke—Northam) [4.33]: I move—

That the Bill be now read a third time.

MR. McDONALD (West Perth) [4.34]: The main principles of the Bill deal with the prevention of exploitation of the public by traders arising out of war conditions and that phase was discussed to some extent at the second-reading stage. Since

then, I have found amongst traders themselves general agreement with the principles of the measure as introduced by the Minister and passed at one sitting of the House last week. At that stage we had no opportunity to take advice from those interested in trade or to learn what suggestions they might desire to advance. Since then probably all members have been approached by traders with expressions of their opinions as to the application of the Bill. There seems to be apprehension in their minds which may be exaggerated, and when the Bill becomes law quite possibly they will find its application will not have the serious effects they fear will result. Nevertheless I believe there is room for further consideration of the measure to ensure that it will operate equitably and not dislocate business. Traders inform me that they are anxious to carry on in accordance with the recommendation of the Prime Minister and maintain their business operations, while making sure that they will be able to keep their employees in constant work. Owing to the rise in prices of overseas commodities in particular and the possible fluctuations in those prices, a great many difficulties are likely to arise regarding the fixation of what may be termed fair prices. I have in mind prices to the public that will be reasonable for the trader and at the same time allow him to take into account the extra cost to him that may be involved in charges for goods, particularly those obtained from overseas. I have had an opportunity to make some representations to the Minister, and I express the hope that he will weigh the representations made to him by traders with the idea of relieving as far as possible apprehensions on their part that the application of the Bill may cause dislocation of business to a certain extent. Any such dislocation must make it difficult for traders to maintain their employees in constant work. I am convinced the Minister fully appreciates the importance of that aspect of the problem, and the necessity to assist traders to co-operate with the Government and the public in preventing any undue increase in prices. During the period between now and when the Bill is before the Legislative Council, I trust he will thoroughly examine the representations that have been made to him.

THE MINISTER FOR LABOUR (Hon. A. R. G. Hawke—Northam—in reply) [4.37]: Representatives of the commercial community interviewed me yesterday and for almost two hours discussed their suggestions and fears. I am sure that, as a result of the discussion, all members of the deputation went away feeling not nearly as fearful about the application of the Bill as when they first considered the matter. They assured me they were anxious to observe the principles of the Bill and that they were desirous of conducting their businesses as nearly as possible along normal lines, but they were fearful that the operation of some of the provisions of the proposed law might operate drastically against them and upset the customary course of their business activities.

Hon. C. G. Latham: They are afraid of congestion in the office of the commissioner.

The MINISTER FOR LABOUR: We gave particular consideration to the possibility of congestion in dealing with applications for increases in prices, which applications would be based upon higher charges incurred by those buying goods for re-sale to the public. I believe I was able to convince the traders that the degree of congestion they had visualised as possible would not be nearly so great as they feared. It has to be remembered that an increased number of commodities will be dealt with under Commonwealth legislation and control, and that the commissioner we propose to appoint will have power to delegate to other persons authority for investigation of applications, retaining to himself the right to make final recommendations regarding prices to be declared. There will inevitably be some congestion in the early stages. No matter what class of legislation Parliament passes to control prices, that congestion will occur. Every effort will be made, however, to ensure that the congestion will be small in volume in the early stages, and that it will be wiped out altogether as quickly as possible. I assured the members of the deputation that every effort would be made to obtain as great a degree of uniformity as possible in the administration of the State Act and of the Federal legislation. Some amendments may be made in the Bill when it reaches the Committee stage in another place. If any amendments are proposed in the other Chamber, they will receive every consideration. Where it

is believed that such amendments will improve the legislation and make for its smoother and more effective working, the members of the Government will raise no opposition to them. It is natural that traders should, at first glance, regard legislation of this description as disturbing, and that they should develop a number of fears regarding what might happen under a system such as the Bill, if passed, will establish. I am quite sure, however, that when the legislation is passed and the necessary system has been in operation for a while, every one in the community will settle down to work and live under it, with the result that traders will have that measure of control and restriction essential in an emergency period such as the present, and that members of the public will receive the measure of protection in regard to prices to which they are thoroughly entitled.

Question put and passed.

Bill read a third time, and transmitted to the Council.

BILL—INCREASE OF RENT (WAR RESTRICTIONS).

Second Reading.

Debate resumed from the 21st September.

HON. C. G. LATHAM (York) [4.43]: Only one justification exists for this legislation: namely, that during the period of the war some landlords may be inclined to grow unnecessarily rich. That is the only excuse that can be offered for the Bill. Many similar Bills have been before the House, but none has yet been placed on the statute-book. I am not of the Minister's opinion regarding what will happen during the war period, because I believe there will be numerous vacant houses and many unoccupied business premises. However, if there is any justification for such a measure as this, it should be put on the statute-book. Such legislation should be passed in order that any one section of the community may be prevented from exploiting the other sections. I do not propose to offer any objection to the Bill but, having gone carefully through the clauses, there are one or two points upon which I wish to make some observations. In the first place, I am afraid that the Minister has not given consideration to that class

of business in which a premium is asked for the acquiring of business premises. For instance, under the Licensing Act the owner pays a premium for a license, and that is passed on to the tenant or the licensee. An injustice will be done if we do not provide in the Bill for that premium to be passed on. I understand the Minister is prepared to give consideration to that class of rent. Sometimes the incoming is spread over the period of a lease, and so much rent and so much incoming are paid monthly. Provision for that should be made in the Bill.

Another matter to which I wish to draw attention is that the Bill provides that where any landlord has made an illegal collection of rent from any individual, that individual may claim it and has the power to deduct it from the rent paid. The difficulty that arises is that the landlord may sell his property, and it would be unfair for an individual to recoup himself for money illegally collected from him by deducting the amount from rent payable to a man to whom no blame is attachable for the illegal collection. I ask the Minister to agree to an amendment to the effect that such an individual can claim repayment only from the person who previously owned the property and received the illegal rent.

I believe that one provision of the Act will extend the period of a lease. I do not think that is the Minister's intention. It would prevent a landlord from evicting a tenant or removing him from possession while he is paying what is called the standard rate. In this measure we should not interfere with the duration of a lease. When a lease expires, the owner should be entitled to obtain possession of the property, and I do not think the Minister intended otherwise. I hope the hon. gentleman will agree to the amendments standing in my name on the Notice Paper, because I think they will clarify the position. Generally speaking, I have no objection to the legislation, because I think we should inspire the people with some confidence that the Government is prepared to protect them from exploitation. We have no right to ask men to leave these shores and run the risk of sacrificing their lives, without our protecting those they leave behind. We should not expect men to relinquish business and go abroad in the defence of their

country, and at the same time allow others to get rich at their expense while they are away. I hope the legislation will not be necessary, but no harm will be done by our placing it on the statute-book as a deterrent to those people who seek to get rich by exploiting others. With that in view, I support the second reading of the Bill, though I am afraid that if the war lasts for a lengthy period and many men have to go away, we shall find a number of empty houses and unoccupied business premises. That, of course, will govern the rental values of the properties. The public is looking to the Government to protect it as far as possible, and I hope the Bill will be placed on the statute-book and in that way those proposing to exploit the community will be prevented from so doing.

MR. McDONALD (West Perth) [4.49]: I propose to support the second reading though not because I think the measure is very necessary. If the experience of the last war is any criterion, rents will tend to fall rather than to rise. Men go away, and their families perhaps join up with relatives; or people desire to economise and share a house. The tendency during the last war was for rents to come down, and not to increase. I am in accord with the views of the Leader of the Opposition that Parliament should give to the people in these times an assurance that it intends to close the door to any unfair treatment by those in a position to charge additional prices for goods, rent, or services. For that reason I support the Bill.

Some amendments in addition to those suggested by the Leader of the Opposition will require to be made in Committee. I understand the Minister will move some amendments to meet certain cases where hardship would be occasioned if the landlord were unable to increase the rent beyond the standard rent, or the rent that obtained on the 31st August last. A clause should be inserted, similar to a Section contained in the Reduction of Rents Act of 1931, under which any landlord would be enabled to approach the local court, and the court—if he can show special circumstances—would then be entitled to allow him to charge more than the rent that was being paid on the 31st August last. There is no need for me to give examples at present, seeing that quite a number will doubtless occur to mem-

bers. One case would be that of a person who had a residence or shop at the seaside, where the practice is to charge a winter rent and a summer rent. The rent on the 31st August last would be the winter rent. Many similar illustrations could be given.

I should like to see a clause inserted similar to a Section in the Reduction of Rents Act, 1931, by which, on special circumstances being shown, the court would have power to allow more than the standard rent. Such a clause should be framed in general terms, because it is impossible for us to foresee all the cases where hardship might be occasioned to the landlord—very often a poor person—through his being restricted to the rent that was paid on the 31st August last. The Bill should also contain provision for a right of appeal from the local court where the premises have a value exceeding, say, £2,000. The local court may be called upon to fix the standard rent in the case of new buildings, in particular where they are city premises of high value. Should the magistrate err, as anyone is likely to do, in the price he fixes for the standard rent, a great loss may be occasioned to the landlord in the event of the lease extending over a period of years. It is not unreasonable, in cases where the value of the premises exceeds £2,000, that the right should be given to have the decision of the local court reviewed by a judge of the Supreme Court. That would not be an expensive procedure, nor would it involve in extra costs people who were renting places in a small way. It would apply only to those who proposed to pay a large rent.

A third set of circumstances may arise, namely that connected with new premises, in which case it should not be necessary to have the rent fixed by the court where the landlord and tenant are agreed upon the amount to be paid. As the Bill now stands, before a new building, shop or dwelling, can be rented the parties will have to go to the court and have the rent fixed by it. That would lead to a certain amount of trouble, expense and delay. If the landlord and tenant are agreed, having regard to rents prevailing in the vicinity, upon the rent to be paid for the house, we might well exempt them from the necessity of going to the court. Many people do not like going to courts, and I do not blame them. We do not wish to impose extra obstacles in the

way of the erection of new houses and buildings, if we can avoid it.

Question put and passed.

Bill read a second time.

As to Committee Stage.

THE MINISTER FOR LABOUR (Hon. A. R. G. Hawke—Northam) [4.55]: I move—

That the Committee stage of this Bill be taken later in the sitting.

Quite a number of amendments has been proposed by the Leader of the Opposition and by the member for West Perth (Mr. McDonald). So that members may have the fullest opportunity to consider these proposals, I desire that the Committee stage be taken later in the sitting.

Question put and passed.

BILL—NOXIOUS WEEDS ACT AMENDMENT.

Second Reading.

THE MINISTER FOR LANDS (Hon. F. J. S. Wise—Gascoyne) [4.56] in moving the second reading said: This Bill is introduced to remedy a defect in the Noxious Weeds Act, which relates to the power and authority to destroy weeds. The weakness was disclosed when a local authority insisted that a landholder should destroy certain weeds on his property. He refused to go on with this particular work, claiming that the local authority had not complied with the Act, not having destroyed the weeds upon the road adjoining his property. The definition of the word "destroy" is really the reason for the Bill. The definition appearing in the Noxious Weeds Act, 1924, reads—

"Destroy" in relation to any noxious weeds growing on any land means to grub up, eradicate and destroy such weeds thoroughly, and "destruction" has a corresponding meaning.

With some plants, and many noxious weeds, it is possible not only to perpetuate them but increase their incidence if they are grubbed out. It has been necessary in recent years, when dealing with certain types of weeds, to resort to spraying, spearing with a spray pump or a spray injector for injecting poison into the stems. When dealing particularly with the blackberry pest, which has become quite serious in parts of the

South-West, it is necessary to vary the Act to provide for differentiations in the interpretation of the word "destroy." The department has taken very drastic steps in connection with some introduced weeds, such as St. John's wort, Berklea thistle, and Bathurst burr, resorting to methods which the parent Act does not proscrihe. The methods have been necessary for the destruction and control of those weeds. The Bill is aimed particularly to cover the steps necessary for the destruction of the blackberry pest.

Hon. C. G. Latham: Do you think its destruction is possible?

THE MINISTER FOR LANDS: In parts of New South Wales for instance, in the Bega district, where thousands of acres have been overrun with the pest, the authorities have had remarkable results with certain types of spray. Where the land is ploughable they have been able to get 100 per cent. success by certain treatments after ploughing.

Hon. C. G. Latham: In how many years?

THE MINISTER FOR LANDS: In three years. I have an interesting review dealing with the destruction of the blackberry pest in the Bega district. That is available to the Leader of the Opposition.

Hon. C. G. Latham: I know the roots will grow again after ploughing.

THE MINISTER FOR LANDS: Certain forms of treatment and ploughing after cropping have given 100 per cent. results in the Bega district. Bega is also a district of winter rains, as is the area mostly affected in this State by the blackberry pest. Since the purpose of the parent Act in this case is to eradicate and control noxious weeds, it is only common sense to make the statute cover alterations in method and permit local authorities to enforce the destruction of weeds according to the method necessary in applying it to a particular type of weed. That is all the Bill provides for, to assist in the eradication of weeds by other methods than grubbing them out, or in other words to follow out the interpretation of the parent Act. The Bill is being brought down mostly because of the difficulty in dealing with such weeds as must be handled by poisons or other methods, not being responsive to merely the grubbing-out of the parent plant without all the roots being dealt with. I move—

That the Bill be now read a second time.

On motion by Mr. Thorn, debate adjourned.

BILL—TRAMWAYS PURCHASE ACT AMENDMENT.

Second Reading.

THE MINISTER FOR RAILWAYS (Hon. E. Nulsen—Kanowna) [5.4]: In moving the second reading said: The Bill proposes to amend Section 8 of the Tramways Purchase Act, 1912, with a view to putting a period to the payment of 3 per cent. on the gross earnings to the local authorities. Briefly, the Act provides that until the year 1939, and thereafter until Parliament otherwise determines—(a) the Treasurer shall pay through a trust fund 3 per cent. of the gross earnings to the local authorities; (b) the tramway tracks shall be maintained and repaired; and (c) the local authorities may make use of the poles of the tramways. It is not proposed to amend the Act in connection with maintenance of tracks or use of poles. When the Bill for the Tramways Purchase Act was introduced in 1912, it provided that the obligations mentioned above should be imposed as from the completion of the purchase and until Parliament otherwise determined, which meant that Parliament could remove the obligations at any time—say, within six months or two years. In the Assembly attempts were made to amend the Bill, including an amendment to delete the words “and until Parliament shall otherwise determine” and so impose the obligation in perpetuity; and another amendment that after the word “shall” in paragraph (a) the words “after interest and sinking fund are provided for” should be inserted. These amendments were defeated by substantial majorities. The Bill passed the provision reading, as introduced, “as from the completion of the purchase and until the Parliament shall otherwise determine.”

In the Legislative Council a motion was moved that the Bill be read a second time six months hence. That was defeated, but a motion to refer the Bill to a select committee was carried. The select committee, after hearing evidence, recommended that Clause 8 be amended to provide that the rights conferred by the clause be fixed definitely until the year 1939 “and thereafter until the Parliament shall otherwise determine.” After consideration of the select committee’s report an amendment was moved along the lines of the re-

commendation, and carried. On the return of the Bill to the Assembly the Premier accepted the amendment, reluctantly, and after discussing the amendment and the power of Parliament to bind future Parliaments, he said the Government had now to view the position from the standpoint of whether it would pay this amount for the term stated, or not. He further said the City Council was not satisfied that this was a fair compromise for what it claimed to be its rights and was not satisfied with the action of another place in agreeing to the amendment. On the other hand the Government was quite satisfied that the municipal authorities were fairly treated by the Bill as it left the Assembly. The Premier indicated that he accepted the amendment because it was a matter of urgency, and said he was doubtful whether another place would agree to alter its attitude, in which case the Bill might have to be dropped altogether.

The lines taken over were—

	Miles.	Chains.
City of Perth	17	55
Subiaco (suburban extension)	2	60
Leederville do.	1	40
Victoria Park do.	2	12
North Perth do.	1	22
Osborne Park (operated under contract)	2	30
Nedlands Park (operated under contract)	2	30

At the time of the purchase the Tramway Company owned and operated 30 miles 9 chains under Parliamentary enactment. The purchase price agreed on was £475,000.

At the date of sale by the company to the Government the various municipalities in which the tramway system operated had certain rights to purchase the tramways after a specified number of years; and if not purchased by 1939 the tramways would revert to the City Council without payment, except the realty, which would have to be purchased at the actual price paid therefor. During the period to 1939 the company was obliged to pay 3 per cent. of the gross earnings to the council and the tracks had to be kept in repair. Considerable discussion took place in both Houses of Parliament on the question of the reversionary rights of the Perth City Council under its agreement with the company; but the Premier of the day clearly indicated that the Government was not prepared, nor did he think Parliament was prepared, to

approve of the purchase unless at the same time it could take over the reversionary rights from the local authorities. The company was making a profit of £48,000 per annum, and the Town Clerk, Mr. Bold, seemed to contemplate a continuance of, if not an increase in, this profit, which could only be regarded as possible by the maintenance of the fares then operating, no further capital expenditure on extensions, and the handing-over of the asset in a condition in which it would have a high residual value. The realisation of these anticipations could not reasonably have been expected.

The cost of purchasing the tramway system in 1912 was— £488,452

Capital expenditure 1914-1938 was—

Tracks, overhead gear and build- ings	£
Rolling stock	363,003
Flotation charges	237,077
	37,935
	<hr/> £1,126,557

An amount of £16,557 was written off for Waratah Avenue, Claremont, leaving a total capital expenditure of £1,110,000. The present mileage is 54 miles 37 chains. In addition to the capital expenditure mentioned, an amount of £332,927, representing special expenditure on renewals, replacements, etc.—but exclusive of ordinary maintenance for the period 1914 to 1935—was incurred, and recouped by debiting to working expenses. It is extremely doubtful whether the local authorities would have been in a position to spend such a large sum of money as that represented in the capital and special maintenance payments to which I have referred.

The expenditure of this large sum of money on the tramway system has undoubtedly meant much to the business community of Perth, and thereby would benefit the City Council in the amount of annual rates it would be able to collect. Whatever justification there might have been at the time for the company to pay the local authorities, by way of franchise, 3 per cent. of the gross takings in lieu of rates would hardly apply today. There is little doubt that the rapid progress of the city and its environs, as reflected in the civic expansion during the last few years, has been largely due to the improved communications introduced by the Government during its period of control.

Notwithstanding that land values have increased out of all knowledge in the areas served by tramway extensions, the local authorities, while benefiting from the higher rateable value of the properties, have not contributed in any way to the capital costs or upkeep of the facilities that have made such a thing possible. On the contrary, the contribution of 3 per cent. of the gross takings to the local authorities represents a generous subsidy by the department amounting to a total of approximately £163,500. As the period of time fixed under the Act for the payment of the 3 per cent. has expired, it is thought the Government is entitled to bring forward the necessary legislation to discontinue further payment. I move—

That the Bill be now read a second time.

On motion by Hon. C. G. Latham, debate adjourned.

BILL—INDUSTRIES ASSISTANCE ACT CONTINUANCE.

Message.

Message from the Lieut.-Governor received and read recommending appropriation for the purposes of the Bill.

Second Reading.

Debate resumed from the 21st September.

MR. MANN (Beverley) [5.13]: This is the usual continuance Bill. As this side of the House realises the necessity for continuation, it does not object to the passing of the Bill.

Question put and passed.

Bill read a second time.

In Committee.

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

BILL—TRAFFIC ACT AMENDMENT.

Second Reading.

Debate resumed from the 21st September.

MR. DONEY (Williams-Narrogin) [5.16]: So far as I can gather from discussions with interested bodies during the week-end, the purpose of this Bill seems likely to find

approval both inside the House and outside. The inability of some motorists to pay adequate compensation for bodily injury to third persons constitutes a problem that can be solved only by legislation. We have that legislation before the House at the moment, subject to certain amendments. Essentially legislation of this type must be compulsory. This is compulsory. The Bill has one big weakness, an obvious weakness, a weakness that surely was avoidable. It is that the Bill does not state the cost of the cover for third-party risk. The cost certainly should have been stated. To my mind, and no doubt to the minds of most other members, that is a serious defect. The Bill, the Minister says, follows closely the lines of the South Australian measure. It is a great pity that the Western Australian insurance companies, if that be so, will not adopt the premium rates charged in South Australia. The indications are that they will not do so. Apparently, they expect to charge premiums which will be 20 per cent. above those charged in South Australia. That means that the rate for metropolitan cars will be £1 13s.; and the metropolitan area will extend to a radius 20 miles from the Perth Post Office. The premium rate for country cars will be one guinea. That is too high. The comparable figures in South Australia are £1 7s. 6d. for the metropolitan area and 17s. 6d. for the country.

The point is that the premiums committee to be appointed under the Bill is to meet and discuss the question of rates with representatives of the tariff companies, and thereafter report not to Parliament, but to the Minister. I have every respect for the Minister's discretion and judgment in this matter; nevertheless, in so important a matter the House should be given an opportunity to debate the acceptability of the rates. In my opinion the Bill would have been approved had the Minister set limits of 30s. and 19s. At a later stage I will submit an amendment to that effect, to give members an opportunity to say whether or not they consider those rates to be fair.

One other point, and this is really the weakness to which I was referring. A similar Bill was introduced in December of last year, exactly nine months ago. The intervening period should have been utilised to investigate the premiums position. Had that been done, we would have had before

us all the essential figures. Such investigation ought to precede a Bill, not follow it. Apart from that, I consider the Minister has done his best with the Bill. He seems to have consulted the Royal Automobile Club, the hospitals, road boards, municipalities and possibly other bodies interested, and to have embodied in the Bill the more important of the suggestions obtained by him from those sources.

I approve the machinery provided by the Bill for securing compensation from funds contributed to by the tariff companies in respect of persons killed or injured in accidents, whether the cars be driven by authorised or unauthorised drivers. I assume this provision was copied from the South Australian Act. If so, our sister State has set us a fine example and I am glad the Minister saw fit to copy it. The impression I gained from listening to the second-reading speech of the Minister was that the tariff companies were by no means welcoming the Bill; but that as a matter of fact they were already stiffening against the premiums charged in the Eastern States, with the idea presumably of putting themselves in a tactically advantageous position in their discussions with the proposed premiums committee. I have no personal ground for drawing that inference and I hope there is no ground for it. As a matter of fact, the companies should be reasonably compliant to the public need, particularly at a time such as we are now passing through. Apart from the defences which the tariff companies seem to be erecting already, we must remember that the risks and the corresponding cover are calculable items. I cannot help thinking that it is not at all unlikely that the companies may focus on themselves the discerning eye of the commissioner to be appointed under our proposed profiteering legislation, and that as a result he might issue a proclamation and take action. I hope, therefore, that the companies will after consideration decide not to exploit the public in the manner that the Minister obviously fears.

In due course I shall submit the amendments to which I referred; otherwise there are not many major objections to be taken to the Bill. I desire to add—and probably other members have noticed this—that the drawing of the Bill—particularly Clause 9—is very involved and cumbersome. I wish the persons responsible for drawing Bills would revert to the simple phraseology that was

adopted some 20 or 30 years ago. I find it particularly difficult to construe the middle part of the Bill. I have referred the clauses which I have in mind to certain of my learned friends, who find the same difficulty as I do in construing them.

With regard to the premiums commission to be appointed under the Bill, if it is enacted, I know it is the intention of the Minister to appoint two members to represent the approved insurers. The Minister must have overlooked the fact that when he seeks to appoint this committee there will be no approved insurers to draw from. I call his attention to the interpretation clause, which provides that approved insurers are those whom the Minister will himself appoint after the committee, which will then have been appointed, has made its recommendations to the Minister. As the Bill now stands, it is impossible for the Minister to appoint approved insurers or their representatives to the committee. The Minister could, of course, appoint two nominees of the insurance companies; but should he seek to appoint approved insurers he will find himself in conflict with the interpretation clause. In general, the Bill seems to be drawn on acceptable lines and I anticipate it will pass through this Chamber without any great difficulty.

MR. HILL (Albany) [5.29]: I support the Bill, which I think is long overdue. To those who have studied this question, it is obvious that the purpose of the Bill is to protect not only pedestrians, but motor car owners themselves. I shall in a moment quote an accident that occurred to persons known to me. I am glad this Bill, if enacted, will provide compensation for persons injured in that way. The Bill brought down last year would not have afforded them such protection. It provided compensation for pedestrians and push cyclists only. This Bill will cover all persons likely to be injured in a motor accident. The accident to which I refer happened to a young fellow on the Denmark-Albany-road. He saw a motor car coming towards him. The driver did not see my friend because the sun was shining in his eyes. When he caught sight of the motor cycle, he lost his head and drove straight at my friend. There was a dreadful smash. The young man's life was saved, but he spent a long period in hospital and his leg is permanently injured. The car was not insured, but the driver had some

property and had to pay compensation. To meet the compensation claim seriously strained the financial resources of the driver. A motorist cannot afford not to take out insurance cover against third-party risk. In saying this, I am not adopting the attitude, "Do not as I do, but do as I say." I have been a car driver since 1924, and at present there are three motor vehicles on my property and each one is fully insured. I realise that in some circumstances it would not be an economical proposition to insure motor cars. I refer to any firm or institution having a large number of cars. For instance, the State Government owns a considerable number of cars, and I think that the Bill has been framed on right lines in granting exemption in such a case, though that does not absolve the Government from liability. The average owner has only one car, and should he be unfortunate enough to meet with an accident, he might be called upon to foot a very heavy bill. For that reason the measure is to be commended.

In South Australia the metropolitan charge is 27s. 6d., and the country charge 17s. 6d. I understand that 70 per cent. of the total premiums were used to meet claims, 25 per cent. for expenses, and 5 per cent. represented profit. A percentage of 25 to meet expenses is altogether too high. It is rather unfortunate that there are so many insurance companies in the State to get a cut out of the premiums. I consider that the ideal system would be to provide for a State commission and for the pooling of all premiums. This would keep down overhead expenses. As the insurance is being made compulsory, the expenses would thus be kept down to a minimum. I welcome the proposal to permit the State Insurance Office to undertake third-party risks, and I sincerely hope that that provision will not be deleted in another place. In discussing the Bill with people in my electorate during the week end, I found the feeling to be that if the State Insurance Office undertook the whole of the business, the arrangement would be welcomed, but I feel sure that such a proposal would be regarded as too radical a change.

Mr. Sampson: Why not allow the Automobile Club to do it?

MR. HILL: All things considered, the Bill should receive the support of the House. No doubt it contains some defects, but legislation of this kind is required, and in the

course of time, if amendments are found to be necessary, the Minister will be able to introduce an amending measure.

Mr. WATTS: I move—

That the debate be adjourned.

Motion put and negatived.

Question put and passed.

Bill read a second time.

BILL—MORTGAGEES' RIGHTS RESTRICTION ACT CONTINUANCE.

Second Reading.

Debate resumed from the 21st September.

MR. WATTS (Katanning) [5.34]: It is of course necessary that the continuance of this legislation should be supported. A couple of years ago one could have readily subscribed to amendments to the Act, had they been brought down, for the benefit of certain mortgagees, situated mostly in the metropolitan area. There were, as was evidenced by speeches made in this House, quite a number of complaints regarding the incidence of the continuance of the Act in its application to mortgagees in the metropolitan district particularly. The suggestion was made that grave hardship was being inflicted upon some persons—those whose only source of income was the interest derived from the mortgages into which they had entered some years before and who, at the time, required the principal on which to live. Members realise that there might be some such cases, but I venture to say that at present there is very little justification for not continuing the Act.

In the country districts the position is as bad as, if not worse than it was in 1931, when the measure first became law. Producers have received very low prices, especially during the last couple of years, and this of course must be reflected in the values of their properties. If a property will not realise the amount that is owing on the mortgage and failure to realise that amount is not due to any neglect on the part of the holder, but is due purely to circumstances over which he had no control, undoubtedly that man is entitled to the protection of the Act. I know of a farm that in 1928 could reasonably have been

valued at £24,000. If that farm were submitted by auction to-day, I doubt whether there would be a bid of half that sum. Many examples of the kind could be quoted, and there is little doubt in my mind that if this law were not continued, very great hardship would be inflicted upon a number of persons.

The law does not apply to mortgages that have been entered into since 1931, except insofar as they cover moneys owing before that time. There are many cases of mortgages having been entered into by persons who had every expectation of being able to pay their way on the due dates, but as conditions have altered to such an extent, they have been unable to meet their obligations. The Bill, however, is merely a continuance measure, and will, as in the past, apply only to mortgages and contracts of sale entered into before 1931. Observations have been made in this House that the application to the court for relief should be made not by the mortgagee but by the mortgagor. There has been an evident reluctance on the part of mortgagees to make application to the court, and some members have contended that the onus should have been placed upon the mortgagor. I am afraid I cannot agree with that contention. If the mortgagee can produce proof that the mortgagor is not endeavouring to comply with the requirements of the mortgage, there is every prospect of the court's making the requisite order. Further, if the mortgagee is reluctant to make application to the court, it goes to show that the mortgagor is not in a position to meet his obligations as they fall due. If that is so, we have evidence of the necessity for continuing the Act, because there must be a large number of mortgagees who are satisfied that, without any negligence on the part of the mortgagors, they are genuinely unable to meet their obligations.

I trust that no opposition will be offered to the Bill. In view of the war and of the conditions in the country, coupled with the difficulties experienced by producers in recent years, there is no justification for making an alteration at this stage. As I have said, there might have been ground for making a change in the application of the Act to the metropolis a little while ago, but the war and the conditions prevailing locally have placed us in a quandary as to what

the future holds. Therefore, the Act should be continued. In the rural areas there is unquestionably a very strong resemblance between the position on the farms and the position of town property in relation to values. So long as the values of agricultural properties are in the doldrums the value of properties in country towns must also be in the doldrums, and the ability of mortgagors to pay interest and instalments of principal—this is one of the main points—must be problematical. On all accounts there is every need for retaining this Act on the statute-book for a further period, and I have no hesitation in supporting the second reading.

MR. BOYLE (Avon) [5.40]: This continuance Bill is of tremendous importance, particularly to the constituents of members on this side of the House. The Act was passed in August, 1931, and really took the place of a moratorium. Following the depression of 1929 and 1930, and the collapse in prices for agricultural commodities, the farmers who had mortgaged their properties or were working under mortgage conditions, probably 90 per cent. of the whole, found themselves in a difficult position. The value of their assets had depreciated to vanishing point, and the protection afforded them under common law was nil. Year after year the Act has been continued. About two years ago a determined attempt was made to prevent its being retained on the statute-book. I am very glad that that attempt failed. At present there is even more necessity than prevailed at that time for the retention of the Act.

It is not generally understood that mortgages entered into after August, 1931, do not come within the scope of the Act. This Bill is designed merely to continue the Act of 1931. However, I shall be putting the case mildly when I say that this legislation has prevented the commission of many acts of gross injustice. In saying that, I do not wish to convey the impression that the Act provides for the mortgagor anything like the protection that should be given. For instance, if interest or a principal instalment has not been paid for 12 months, application may be made to the court by the mortgagee. One of the best features of the Act is that almost a free hand is given to the judge when dealing with these applications. An instance may be quoted from a town in my district. In con-

versation with a farmer, I learnt that the bank to which he is indebted had applied for the repossession of or his eviction from the property. This man had consulted his solicitor within the last two weeks and had been advised that he had no chance of retaining possession of the property. Last Friday I pitted my knowledge against that of the solicitor and to-day was informed that he thought I was right. The application is to be considered by a judge this week, and the solicitor thinks the judge will exercise the discretion given him under Section 8. Without that I am afraid the Act would be of little use.

The Minister for Lands: It is a pity it is not more widely known.

Mr. BOYLE: That is the trouble. The people do not know that the provision is there. I am sorry it is not more widely known because it is the main virtue of the Act that the judge has absolute discretion if, in his opinion, no hardship will be inflicted. I have pleasure in supporting the Bill and I think it will last for quite a time yet. I suppose in the agricultural districts there are ten million pounds worth of mortgages, and, without exaggeration, we can say there are many millions involved in districts other than agricultural centres. For instance many homes in the metropolitan area owe their occupancy by the nominal owners to the fact that this legislation is in existence. I shall be glad to see the time when it will be possible to discontinue emergency laws, but I am afraid that time is not yet. Therefore I support the second reading of the Bill.

MR. NORTH (Claremont) [5.47]: I also intend to support the second reading of the Bill. I am sorry to say that most of those who have seen me on the subject of this legislation are suffering through its enactment. The point taken by those people is that they cannot get their money in. I have advised them to go before a judge and have the matter argued there. Their reply is "Yes, but the cost is so terrific that I dare not risk it." Some have said to me, "I cannot get a pension and I cannot get my money from the tenants who simply laugh at me, and while all this is going on the property is depreciating." Again I will probably suggest that legal advice should be obtained and that a judge should be approached, but I am advised on good autho-

rity that quite a few times solicitors' costs have been very high. Even after incurring this expenditure, perhaps running into hundreds of pounds, it has not been possible to obtain redress. Some have said to me, "I have seen members of Parliament and got nothing but a platitude in reply, and in that way I have been put off; that kind of thing is no good to me." We are aware that many thousands of pounds are involved and that protection must be afforded. Therefore I support the Bill.

HON. C. G. LATHAM (York) [5.49]:

Though no doubt it has done a great injustice to many people, the time is not inopportune to make amendments to this class of legislation. Only recently I have been interviewed with regard to the Act and in one case a certain person afforded me proof that he was unable to get possession of his land, yet the tenant was able to take a trip round the world. It is unfortunate, but it is nevertheless true, that there is not any legislation that does not inflict hardship on some people. I had hoped a couple of years ago to move amendments to the Act. The farming community, we know, are even worse off to-day than when the legislation was originally introduced, and consequently we must still give them protection. I do not know that the Act was resorted to very frequently, but it is like every type of emergency legislation, it is there to act as a deterrent. One instance came under my notice of a person who made an advance of money some years ago and from which he had hoped to draw an income to supplement his old-age pension; but to-day the value of the property is far below the original amount advanced. There are two elderly people in possession of the property on which he made the advance; they are certainly paying interest, but there is an accumulation of debt for water, sewerage and road district rates. I suggested that if he desired to get possession of the property—and the person in question is not a wealthy man—he should make application to the court. Then I was informed that an inspection fee and other costs would have to be paid. These could not be paid because he was getting only a bare existence from the property. This man was a retired civil servant, without a pension, and though not a young man he still had some members of his family to maintain. Thus it will be seen that there are hardships. I should like an

amendment introduced to prevent a person sheltering himself behind mortgages. At the moment we are still introducing emergency legislation and so it does not appear to me to be the right time to make amendments. I do not think we can do anything in the way of removing this legislation from the statute-book, because, with regard to farmers, we know that they are now much worse off than when the legislation was first submitted. All the same, I hope something will be done before next session. I suggest that the Minister should employ an officer, say of the Crown Law Department, to investigate cases to determine what relief can be given to those that are just as badly off as are the mortgagors. We know that a person cannot get his capital unless he makes application to the court and, as the member for Claremont (Mr. North) has informed us, most people are afraid to approach the court because of the expense involved. I do not know why legal costs should be so high.

The Minister for Mines: Because there is a union amongst the lawyers.

Hon. C. G. LATHAM: I will accept the Minister's statement; it is the trouble with all unions; they are unfair in their charges. The Minister might well consider the suggestion I made and the officer could investigate and assist necessitous cases to approach the court. The position could then be placed before the judge and, after all, the main thing is to be able to state the case correctly to the court and as briefly as possible. In that way the time of the court would not be unnecessarily taken up. I trust the Minister will consider this suggestion.

MR. SEWARD (Pingelly) [5.55]: I intend to support the second reading of the Bill because, as has been pointed out, it is extremely difficult, owing to the intervention of the war, to declare what is likely to happen. I am safe in saying, however, that but for the intervention of the war, the farming community would probably have had to face the most dangerous period of their existence. On occasions within the last six months I have had several cases referred to me where the mortgagor had already taken steps to put an end to the occupancy of farms. Of course I know that the mortgagor must first of all get an order from the court, but there are more ways of putting the farmer off his property than by approaching the court, and

in certain cases the mortgagors have taken the whole of the revenue for the then current year, and have refused to release any funds to enable the farmers to carry on in the succeeding year. I am aware that the continuance of the Act will not overcome that difficulty, but if the legislation is not carried on, there is not the slightest doubt that the farmers will be faced with a most difficult problem. Consequently, I urge members to support the second reading of the Bill. The Leader of the Opposition made reference to a case that had come under his notice where a mortgagor had been able to take a trip around the world. I do not doubt the hon. member's story but to me it appears to be most amazing that it can be possible for such a state of affairs to exist without the mortgagee having any redress. The Act provides—

The court shall not grant the leave applied for unless, having regard to the conclusions arrived at on the questions aforesaid and any other relevant circumstances, the court shall be satisfied that it would be unjust and inequitable not to grant it.

If a mortgagee informed the court that the mortgagor was evading his responsibility, and at the same time was able to spend money on a pleasure trip, I doubt whether the judge would refuse to give the mortgagee redress. The whole purport of the Act is to prevent anything of the kind described by the Leader of the Opposition. Power exists for the mortgagee to apply to the court. I do not stand for perpetuating a measure that is likely to do injustice to any section of the community, but I have no hesitation in saying that to refuse to continue this Act would result in the farming community possibly being put off their holdings. Consequently I support the second reading.

MR. STUBBS (Wagin) [6.0]: On several grounds I support the second reading of the Bill. My great regret is that such a measure did not find a place on the statute-book in 1914. If members cast their minds back to that period, they will, I am sure, agree with me that grave injustice would have been avoided in both city and country had the Act been operative in those days. Scores of men who had dealings with banks, received a notification setting out that "at the last meeting of the directors of the bank your interest was raised 1 per cent." Then at the end of the next 12 months a similar notification was received indicating a fur-

ther increase of 1 per cent. and so on until the interest rates had been raised to 8 per cent., which, with compound interest, simply deprived individuals concerned of all their right, title and interest in their properties. My statement is quite correct, and can be proved to the hilt. If the Leader of the Opposition claims that under the Act some individuals may suffer hardship, I in turn know of hundreds that were ruined because no such law existed at the time. As a result, honourable men who endeavoured to pay their way were prevented from succeeding, and were left penniless. I support the second reading of the Bill in its entirety.

MR. BERRY (Irwin-Moore) [6.3]: I desire to associate myself with the views expressed by those members who have spoken in support of the Bill. I feel that at the present juncture, when the consequences of the war with Germany overhang the industries of the State, it would be unjust to effect an alteration in the law and, moreover, that to do so would be highly dangerous. In my opinion the farming community has not received a fair measure of justice; and whatever Parliament may contemplate, it should ensure that nothing will be done to impair the prosperity of the men on the land, which is in prospect at long last. I shall not take up any more of the time of the House. I merely rose, so to speak, to break my silence, to associate myself with those who have supported the measure, and to thank members generally for the courtesy extended to me since I entered the House.

Question put and passed.

Bill read a second time.

In Committee.

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

BILL—FINANCIAL EMERGENCY ACT AMENDMENT.

Second Reading.

Debate resumed from the 21st September.

MR. McDONALD (West Perth) [6.5]: Although the Bill deals with an Act that is now a very old acquaintance, I agree we should again re-enact it for the customary period of 12 months. I do not think its

continuance for a further year will create any hardship, and at the present juncture it is just as well to avoid opening the door to any increase in the burden upon the public. We must comply, by means of the Bill, with the request of the Minister, and permit the Act to remain on the statute-book for a further year.

MR. WATTS (Katanning) [6.6]: I, too, have considerable pleasure in supporting the re-enactment of the measure. One part of the principal Act has not seen the light of day; namely, that portion which has relation to the control of interest charged by certain persons not covered by the Act. In the definition of "mortgage" the Act contains the following provision:—

The term shall not apply to—(a) any mortgage given to or by the Crown, or to or by any State instrumentality—

I do not desire to have anything to say regarding that portion—

or (b) any mortgage given to a bank to secure a bank overdraft, unless the Governor by proclamation made on or after the first day of October, one thousand nine hundred and thirty-one, declares that any such mortgage shall be subject to the provisions of this Act.

Members will observe that one portion of the measure we are to re-enact gives the Governor certain powers by way of proclamation, of which advantage has not been taken. The member for Wagin (Mr. Stubbs) provided a very good example affording sufficient reason why the principle might, at the present juncture, be applied, should there be any indication that interest rates are to be increased. I submit that until a few weeks ago there was every indication, as I pointed out during the course of remarks I made on the Address-in-reply, that it would be almost impossible for a large number of those engaged in agriculture, and therefore indirectly for a large number of those engaged in industries dependent upon them, to pay the rates of interest that were being charged on their overdrafts at that time. I suggested that the condition of affairs was such that it might be advisable to consider some process whereby the rates of interest on such overdrafts should be regulated by the periodical prices of the products, the disposal of which gave those concerned the opportunity to make payments of that interest.

Possibly the necessity for the consideration of such a process is not so pressing as it was, although at the moment we have

little, if any, knowledge of the probable exact results of the various purchases and governmental schemes affecting our primary products. There is, I think, little room for diversity of opinion in the consideration of ensuring that there shall be no increase of interest rates on such overdrafts. I ask the Minister, when he replies to such debate as there has been on the Bill—that is, if he intends to reply, and I certainly hope he does—whether he will give members an assurance that should there be any indication of such steps being taken as were indicated in the earlier speech by the member for Wagin (Mr. Stubbs), he will undertake that the provision in the Act regarding the issuing of a proclamation concerning interest, which to date, has been without effect on the parties concerned, will be brought into operation. It seems to me that the best course to adopt for preventing any increase in interest rates, which will be extremely difficult to meet in view of the existing depressed condition of the agricultural industry—I make no bones about making that statement—would be to issue an announcement that the powers already vested in the Governor by the Act will be brought into operation if any movement is made towards increased rates. To me nothing seems more important at present than that, as far as is practicable—and I believe we can go a long way towards making it practicable—we shall ensure that interest on overdrafts shall be stabilised. It would appear that we are to stabilise, as far as we can, the prices of our primary products, or at least of a substantial proportion of them, and apparently we are to have prices that will be by no means excessive. In these circumstances, is there no sound reason for regulation or fixation of the rates of interest that those people have to pay? If wheat is 1s. 8d. a bushel, it takes twice as much wheat to enable the farmer to pay his interest as it would if the price was 3s. 4d. a bushel. If, with wheat at 3s. 4d. a bushel, the interest rates are regarded as reasonable, there is no justification for increasing those rates unless—even then it would have to be carefully considered—there is a very substantial rise in the prices of commodities. Under such conditions it might be reasonable. If we lower the rates of interest when the prices of commodities are low, we might consider increasing those rates during a period of temporary prosperity, when the prices for primary products are high.

It is mainly because of the interest question that I rose to speak. The continuance of the Act in its present form is urgently necessary; but its application has not had the value that should attach to it, and cannot have that value unless there is some definite understanding that in the event of any action being taken to increase interest on overdrafts, the Minister will make an announcement that the provision embodied in the original Act regarding the issue of a proclamation shall be brought into operation. I certainly ask the Minister to give the House that assurance, for I believe it would have the effect of preventing any tendency in the direction I have indicated. If he would make a statement to that effect, indicating that in the event of interest rates on overdrafts being increased he would cause a proclamation to be issued, thus giving effect to a portion of the Act that so far has not been availed of, I do not believe there would be any necessity for further action.

MR. BOYLE (Avon) [6.13]: The Bill is another continuance measure, and the remarks of the member for Katanning (Mr. Watts) remind me of the events of eight or nine years ago. I have in mind the exclusion of the Associated Banks from the operations of the Act. That action was taken in 1931. At that time I happened to be engaged in another sphere, in which it was part of my duty to get in touch with the then Attorney-General, the late Mr. T. A. L. Davy, who was in charge of the legislation. Discussing with him this particular phase, I was told that the reason the Associated Banks were not covered by the Act was that they had fixed deposit rates that had been entered into for definite periods of time, and that as deposits fell due, the Government would issue the necessary proclamation. To members it must be quite obvious that deposits have become due during the course of the past nine years. Today we are faced with the position that unless the Government takes the matter in hand, an increase of 1 per cent. in the rate of interest on overdrafts with the Associated Banks will impose on the farming community a financial burden of £90,000. Not many such increases in overdraft rates would be required to increase the burden from £550,000 to £750,000. That is the position today, and I join with the member for Katanning in asking the Minister to make the position clear.

Sitting suspended from 6.15 to 7.30 p.m.

THE MINISTER FOR LANDS (Hon. F. J. S. Wise—Gascoyne—in reply): I desire briefly to reply to points raised regarding interest rates. Important and far-reaching issues are involved in a consideration of the debt structure not only of this State, but of the whole Commonwealth. I can assure members that if during the currency of the war, or at any time, it can be shown that there is an additional impost as a result of unreasonable rates being charged or increases being made—

Hon. C. G. Latham: The banks have already increased their interest rates.

THE MINISTER FOR LANDS: The Government will be quite prepared to consider the prevention of any imposition. Members may rest assured that the Government will give the fullest consideration to the advisability of applying the provisions of this measure to which the hon. member drew attention. I share the dislike of other members for this class of legislation, but in the circumstances there is no option but to continue it.

Question put and passed.

Bill read a second time.

In Committee.

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

BILL—TOODYAY CEMETERIES

Second Reading.

Debate resumed from the 21st September.

MR. THORN (Toodyay) [7.34]: On behalf of the Toodyay Road Board I would like to thank the Minister for having introduced the Bill. The cemetery is situated about a mile from Toodyay on the side of a hill, and I can assure members that it is a very peaceful spot. The control of the cemetery has, however, been divided between two churches, one section being under the jurisdiction of the Church of England and the other under that of the Roman Catholic Church. In consultation with the road board, the churches agreed that it would be in the best interests of the people and the district if the control of the cemetery were taken over by the

board. Such an arrangement, it was considered, would make for better management and would ensure the keeping of better records. Years ago very poor records were kept and it is hard for people to trace the different graves. If the cemetery is placed under one control it will be more satisfactorily cared for. Members will understand that the churches have done their best, but they have only occasionally been able to have the place cleaned up by voluntary labour. If the board is given control it will be responsible for the proper care and management of the cemetery. To make this possible the board has acquired certain blocks of land and in order that they may be linked up with the old cemetery the closure of a certain road, as was pointed out by the Minister, will be necessary. When this road is closed the board will be able to proceed with its new scheme for the cemetery. I hope the House will agree to accept this most important Bill which will provide for better management and control.

Question put and passed.

Bill read a second time.

In Committee.

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

BILL—INCREASE OF RENT (WAR RESTRICTIONS).

In Committee.

Mr. Marshall in the Chair: the Minister for Labour in charge of the Bill.

Clause 1—agreed to.

Clause 2—Definitions:

Hon. C. G. LATHAM: I move an amendment—

That in the definition of "court," after the word "Act" the following words be inserted:—"and presided over by a resident or police magistrate."

Under the Local Courts Act besides the magistrate: two justices of the peace may also take cases. As this is the first piece of legislation of its kind some legal interpretation will be required and we should protect the persons making an application to the Court by ensuring that a man with legal knowledge presides.

The MINISTER FOR LABOUR: I have no objection to offer to the amendment.

Amendment put and passed: the clause, as amended, agreed to.

Clause 3—agreed to.

Clause 4—Restriction on raising rent:

Mr. McDONALD: The clause sets out that where a landlord has incurred expense by the improvement or structural alteration of premises after the 31st August last, he may charge, in addition to the old rent, an increase not exceeding six per cent of the value of the alterations or improvements.

Mr. Raphael: What about sewerage?

Mr. McDONALD: I think there is special provision in the Bill for that. I wish to make a small amendment to the clause, designed to cover the cost incurred by a landlord in improvements made before the 31st August in respect of which he has imposed no additional charge by way of rent. Perhaps he has not received all his bills, and therefore had no opportunity to make an additional charge to compensate him for the improvements. Another amendment I suggest would provide for improvements that were in progress on the 31st August, but completed after that date. I doubt whether either case is covered by the clause as printed. I move an amendment—

That after the words "thirty-nine" in line 3 of paragraph (i) of Subclause (1) the words "or wholly before or partly before and partly since such date" be inserted.

I would then like to move a further amendment to insert after the word "rent" in line 7 of the same paragraph, the words "over the rent which was payable prior to such improvements or alterations being effected." The landlord would then be able to charge an increased rent at the rate of 6 per cent. of the value of the improvements over and above the rent that was being paid prior to such improvements being effected.

The MINISTER FOR LABOUR: I am prepared to accept that portion of the amendment that includes the words "or partly before and partly since such date." The entire amendment would give the landlord the right to increase the rent as at the 31st August for improvements completed prior to that date, though they may have already been included in the rent then prevailing. To give the landlord the right to increase the rent on the 31st August by adding to it

6 per cent., representing interest on the cost of any improvement that may have been made any time prior to that date, would tend in practice to defeat the main objective of the measure.

Mr. Raphael: It would give the landlord an "open go."

The MINISTER FOR LABOUR: I hope the hon. member will withdraw the first portion of his amendment.

Mr. McDONALD: I do not think the danger suggested by the Minister would arise. A landlord would be able to add only 6 per cent. to the rent that was being paid prior to the improvements being effected. I appreciate, however, that it is unlikely improvements would have been made and completed prior to the 31st August in respect of which no adjustment had been made in the rent. I am prepared to accept the Minister's suggestion and by permission of the Committee will alter my amendment by striking out the words "or wholly before."

Amendment, as altered, put and passed.

Mr. McDONALD: I move an amendment—

That after the word "rent" in line 7 of paragraph (i) the words "over the rent which was payable prior to such improvements or alterations being effected" be inserted.

Such an amendment will ensure that there shall not be a duplication of the extra charges by virtue of the improvements made.

The MINISTER FOR LABOUR: I accept the amendment.

Amendment put and passed.

Mr. McDONALD: A minor clerical error appears in the Bill. I move an amendment—

That in line 8 of paragraph (i) after the word "centum" the words "per annum" be inserted.

Amendment put and passed.

Mr. NORTH: Will it be necessary for persons who own seaside resorts at Bunbury, Cottesloe and other places, to apply to the court for the right to increase the rents charged during the summer?

The MINISTER FOR LABOUR: That question can be discussed later on.

Mr. McDONALD: I move an amendment—

That in line 14 of paragraph (i) the word "more" be struck out, and the words "not less" inserted in lieu.

If the burden is passed on to the landlord, and he increases the rent commensurate with his liabilities, such increase will not be deemed to be an increase within the restrictions imposed by this measure. It is provided that the terms shall on the whole be more favourable to the tenant than were the previous terms. I think my amendment will make the position clear.

The MINISTER FOR LABOUR: I have no objection to the amendment.

Amendment put and passed.

Hon. C. G. LATHAM: I move an amendment—

That Subclause (2) be struck out with a view to inserting another subclause.

This deals with the case of a landlord claiming from his tenant additional money to which he is not entitled, and to the tenant being enabled to claim the money back and make a deduction from the rent. Should the property change hands the new owner may be carrying a responsibility for the former owner. The subclause I desire to substitute for that appearing in the Bill will safeguard the position. Prior to the new subclause being inserted, it will be necessary to preface it with the words "Save as hereinafter provided."

The MINISTER FOR LABOUR: I agree to the amendment.

Amendment put and passed.

Hon. C. G. LATHAM: I desire to make two alterations to my amendment appearing on the notice paper reading as follows:—

That the following be inserted in lieu of the subclause struck out:—

(2) (a) A lessor shall not, in consideration of the grant, renewal, or continuance of a tenancy of any land to which this Act applies, require and receive any fine, premium, or other like sum in addition to the payment of standard rent: Provided that, where the moneys payable as rent do not amount to the standard rent the lessor shall be entitled to require and receive any such payment as aforesaid, so long as the amount thereof would not have the effect of increasing the standard rent.

(b) Where any such payment has been wrongfully required and received after the 31st day of August, 1939, then the amount shall be recoverable by the lessee by whom

it was made from the lessor who received the payment, and may, without prejudice to any other method of recovery, be deducted from any rent payable by such lessee to such lessor.

(c) This subsection (2) shall not apply to any payment under a lease or agreement entered into before the date aforesaid.

On motions by Hon. C. G. Latham, proposed subclause amended by inserting at the beginning of paragraph (a) the words "Save as hereinafter provided," and the word "bonus" between "any" and "fine" in line 4 of the paragraph.

Amendment, as amended, put and passed; the clause, as amended, agreed to.

Clause 5—Fair rent for land first leased after 31st August, 1939:

Hon. C. G. LATHAM: The Minister and I, after consultation, have agreed to the striking-out of Clause 5 and the insertion, in lieu, of a more concise clause, which I shall move. I have copies of the clause here, in case any member desires a copy.

Mr. J. HEGNEY: Members sitting on this bench cannot hear, and the procedure is a little too rapid.

Mr. McDONALD: I am anxious to facilitate the passage of the Bill, but I suggest that the Minister postpone the further consideration of this clause so that we may see the amendment of the Leader of the Opposition on the notice paper. At such short notice it is difficult to fit in certain amendments I have to propose.

The CHAIRMAN: The new clause cannot be moved until the Bill is completed.

Mr. NEEDHAM: I suggest the Minister report progress, so that the amendment of the Leader of the Opposition may appear on the notice paper for to-morrow's sitting..

The MINISTER FOR LABOUR: I appreciate the suggestion of the member for West Perth, because we have already dealt with six or eight amendments he has put up, none of them appearing on the notice paper. I move—

That further consideration of the clause be postponed.

Motion put and passed; the clause postponed.

Clauses 6, 7—agreed to.

Clause 8—Basis of determination of fair rent:

Mr. McDONALD: I think my new clause would come in here.

The CHAIRMAN: All new clauses must be moved at the end of the Bill.

Clause put and passed.

Clause 9—agreed to.

Clause 10—No order for recovery of possession if agreed or fair rent paid:

Hon. C. G. LATHAM: Though I cannot get the Minister to agree with me, I consider that the clause extends the period of the lease beyond that agreed to originally. The clause applies to all land, including weekly tenancies. My contention is that upon a lease terminating, this measure will continue the lease until the expiry of the measure. The matter might be looked into by the Crown Law Department. This measure should not apply to weekly tenancies, for that would undo all the good it proposes to effect.

The MINISTER FOR LABOUR: I have discussed with the Crown Solicitor the point raised by the Leader of the Opposition, and have his assurance that the possibility mentioned by the hon. member will not arise. If the Leader of the Opposition succeeded in amending the clause in the manner he has in mind, all premises let or leased would come under it. The definition of "lease" in the Bill is highly comprehensive, covering a house let verbally on a weekly tenancy. I shall further discuss the matter with the Crown Law Department, and if the officers are not absolutely assured as they have informed me they are, some further safeguard can be provided.

Mr. McDONALD: The clause provides that so long as the tenant pays his rent and does not commit any waste or nuisance on the premises, he is entitled to remain on them unless the owner wants to resume occupation himself. An aspect of the matter which has not been covered is this: The landlord may be getting his rent, but the premises may be subject to a mortgage and the landlord may not be paying his interest. The matter may be at the stage that the mortgagee may be entitled to foreclose, and in fact may be compelled to foreclose and sell the premises. Even if the mortgagee offers the premises for sale, the probabilities are that the buyer would not want to buy the house itself; and if the mortgagee could not sell the premises for occupation by the buyer, it would be a serious depreciation of their value. My suggestion is that we in-

clude in the exceptions a provision to enable the mortgagee to sell the premises and give possession to the purchaser of the premises in the event of their being sold. This is fair, because otherwise the mortgagee would be greatly prejudiced in his opportunity to realise the fair value of the premises, as under the clause the tenant, on paying his rent, could simply stay there as long as he liked. I shall later move an amendment dealing with the point.

Hon. C. G. LATHAM: I move an amendment—

That the words "rent at the agreed rate, as modified by this Act," in line 4, be struck out, and the words "the standard rent" inserted in lieu.

These words seem to me to have been inserted wrongly, because they cover not only the rent at the agreed rate as modified by the measure but the rent as on the 31st August.

The MINISTER FOR LABOUR: I have discussed the amendment with the Crown Solicitor, who agrees that the words proposed to be inserted in lieu of the words proposed to be struck out meet the position. Therefore I have no objection to offer.

Amendment put and passed.

Hon. C. G. LATHAM: I move an amendment—

That the words "at a," in line 5, be struck out, and the word "the" inserted in lieu.

Amendment put and passed.

Mr. McDONALD: I move an amendment—

That after the word "occupiers" in line 9, the words "or that the premises have been sold by a mortgagee under the power of sale contained in the mortgage" be inserted.

The amendment means that the tenant is entitled to remain in possession as long as he pays rent, unless he commits waste or nuisance, or unless the owner has made default and the mortgagee exercises his power of sale.

The MINISTER FOR LABOUR: I have no objection to the amendment, notwithstanding that it has not appeared on the notice paper and that I have not had as much time as I would like to consider it.

Amendment put and passed; the clause, as amended, agreed to.

Clauses 11 to 13—agreed to.

Progress reported.

BILL—RAILWAY LEVEL CROSSINGS.

Second Reading.

Debate resumed from the 19th September.

MR. CROSS (Canning) [8.19]: I admit that the Bill is an improvement on the one brought down last session, because it is now proposed to give the local governing authority representation on the board. The Bill provides—and I desire to point this out to hon. members opposite—

Hon. C. G. Latham: Why us? We did not introduce the Bill.

Mr. CROSS: I believe the local governing bodies may have overlooked one point which, if the Bill becomes law, will operate detrimentally to them. The Bill provides for a board consisting of one member of the local governing body and one member to be appointed by the Commissioner of Railways, but a sub-clause provides that another member, who shall be mutually agreed upon by the Government and the local governing authority, shall be the chairman. That is right. The subclause goes on to provide, however—and this is the snag—that if they cannot come to an agreement within a specified time to be fixed by the Minister, then the Minister shall nominate the person who shall act as chairman.

Mr. Doney: We have not overlooked that point.

Mr. CROSS: I visualise a position where the local governing authority will desire to appoint a chairman favouring its view and the Minister will seek to appoint one favouring that of the Government. Such a disagreement is likely to occur often. The Government will then appoint a representative, who will naturally be biased against the local governing authority. Because of that fact I am not supporting the Bill. Another point: If the board decides to close a crossing, then after the closure has been gazetted the Commissioner will have power to erect fences and barricades, thus taking away the existing right and permanently determining and putting an end to all and every right to cross the railway at that point. The residents and business people near the crossing will not be allowed to use it. The Bill thus aims a heavy blow at old-established rights of citizens who may have been in the district before the railway was constructed, but it makes no provision for payment of compensation for the loss of such rights. Such people might possibly be forced to

travel miles to cross a railway in order to obtain access to roads which previously were easily accessible to them. I know of one crossing at which there has never been an accident, nor is there likely to be one. There are only 15 or 16 houses on one side of it, yet I dare say that it is one of the first crossings which the Government will attempt to close.

Mr. Doney: Which crossing?

Mr. CROSS: The Ladywell-street crossing. To construct new roads in order to give those people access to the next crossing would involve the expenditure of thousands of pounds. The member for Swan (Mr. Sampson) knows the crossing.

Mr. Sampson: Quite well. I agree with what the hon. member says.

Mr. CROSS: I do not know that it might not be cheaper to remove the people from the site if the crossing is closed, but they have a right to live there.

Mr Doney: Would it be possible to construct a subway.

Mr. CROSS: I do not know why the local governing authority should be involved in thousands of pounds of expense to enable the Commissioner of Railways to avoid his responsibility. The Commissioner has power now to close crossings, but not without the consent of the local authorities. Because these authorities will not agree, this Bill is brought down.

The Minister for Railways interjected.

Mr. CROSS: The Commissioner is not game to close some of the crossings in the Canning electorate. I agree that the Bill is required in order to enable some crossings to be closed. There are too many crossings in the greater metropolitan area, but my contention is that the Commissioner of Railways should be made responsible for providing either bridges or subways if crossings are closed. He should not be permitted to take away rights enjoyed by the public before railways were laid down. There are points at which subways or bridges should be provided.

The Minister for Lands: There is only one train a week at Marble Bar.

Mr. CROSS: And yet somebody was unfortunate enough to be killed on that railway. Because the Bill takes away the rights of the people without making provision for compensation and for new crossings to obtain access to places which otherwise would

be difficult of access, I shall not support the Bill.

Question put and passed.

Bill read a second time.

In Committee.

Mr. Marshall in the Chair; the Minister for Railways in charge of the Bill.

Clauses 1, 2—agreed to.

Clause 3—Interpretation:

Mr. SEWARD: I move an amendment—

That the following paragraph be added:—
“Metropolitan area” shall have the same meaning as the “Metropolitan area” defined by the regulations made and in force for the time being under the Traffic Act, 1919-1935.

It may or may not be agreeable to country districts to have a nominee appointed by a metropolitan body, but the Bill as it stands provides that the chairman of the board is to be appointed by a representative of the Local Government Association and the Commissioner of Railways. The Local Government Association consists of metropolitan representatives. To overcome the difficulty, I am moving this amendment.

The MINISTER FOR RAILWAYS: I have no objection to the amendment.

Amendment put and passed; the clause, as amended, agreed to.

Clause 4—Establishment of Board personnel:

Mr. SEWARD: I move an amendment—

That the following proviso be added after paragraph (c):—Provided that, when any application before the Board relates to a level crossing outside the metropolitan area the resident or stipendiary magistrate of the district in which the level crossing concerned is situated shall be, act as, and have the powers of, the chairman of the Board in lieu of the person mentioned in paragraph (a) of this clause.

It can be said without hesitation that magistrates have the confidence of the people concerned and, in addition, a fairly good knowledge of the localities in which the crossings are situated. The amendment has the support of the Road Board Association.

The MINISTER FOR RAILWAYS: I have no objection to the amendment. In fact I think it is to be commended because the resident or stipendiary magistrates would be likely to have a knowledge of the crossings concerned and would probably be able

to exercise better judgment than would a chairman agreed to by the commissioner and the local authority.

Amendment put and passed.

Mr. CROSS: I move an amendment—

That paragraph (ii) of the proviso be struck out.

I do not suppose the Minister will agree to reverse the position set out in this paragraph and permit the chairman to be chosen by the local authority, failing an agreement between the local authority and the commissioner. Local authorities are far more interested in the crossings in their areas than any Government would be. The Local governing authority represents the people concerned.

The Premier: And this Government does not?

Mr. CROSS: I did not say that.

The Premier: You did.

Mr. CROSS: I want this paragraph deleted. Then there will have to be agreement about the chairman before anything can be done.

The MINISTER FOR RAILWAYS: I could not possibly agree to the amendment. To accept it would be like handing the whole business over to the local authority and taking power away from the Government. I do not see why we should place all our confidence in the local authority and none in the Government. The amendment is too parochial for further consideration.

Mr. J. Hegney: I suggest that the Minister agree to a proviso being inserted to exempt the electorate of the member for Canning!

Amendment put and negatived.

Mr. SEWARD: As the result of the last amendment made to the clause, a slight alteration is necessary to paragraph (iii). As the paragraph stands, the resident magistrate of the district would be debarred. I therefore move an amendment—

That after the word "shall," in line 2 of paragraph (iii), the words "except as provided for in the first proviso" be inserted.

Amendment put and passed; the clause, as amended, agreed to.

Clause 5—agreed to.

Clause 6—Functions of board:

Mr. WATTS: I move an amendment—

That the following proviso be added to paragraph (c) of Subclause (1):—"Provided that no level crossing which has been in use for over twenty years and is situated outside

the metropolitan area but within any town-site shall be closed by the board unless the representative of the local authority on the board has agreed to the closing thereof."

I must to a certain extent agree with the observations of the member for Canning, who recognises that rights may be said to have been acquired by the public in regard to certain level crossings. In some country towns are crossings that have been in use for many years, some of them since the railways were built, around which the buildings and enterprises of the town have grown, and the crossing has become one of the main arteries of business life. When proposals have been made to close such crossings, there have been protests, sometimes effectual, sometimes not. I believe that in the case of Narrogin a protest was not effectual. When a crossing in a township has been in existence for over 20 years, there are more grounds for claiming that rights have accrued to the public than when a crossing does not comply with that condition. Believing that the local authority should have more say in the matter than the mere decision of the board, I have moved the amendment. If the closing were such that it would not seriously affect the business of the town, doubtless the member of the local authority would agree, but if circumstances arose in which business would be affected, the local authority should have the final say to prevent the closing of that artery.

Mr. SAMPSON: I move—

That the amendment be amended by striking out the words "and is situated outside the metropolitan area but within any town-site."

The metropolitan area covers part of the country largely devoted to dairying.

The Premier: And represented by whom?

Mr. SAMPSON: By the member for Canning and myself. There is justification for making a definite exemption. Many people have to use certain crossings in order to get to their daily work. We have been told that the crossings throw additional responsibility on engine drivers. I should be glad if crossings were not necessary, but it is not practicable to close them, and I hope the Minister will agree that when a level crossing has been in use for over 20 years, it shall not be closed unless the representative of the local authority on the board approves of the proposal. I feel

sure that neither the Premier nor the Minister for Lands will oppose my amendment.

The Premier: Yes, we will.

The Minister for Lands: You will be disappointed.

Mr. SAMPSON: If they are consistent they will not oppose it.

Mr. J. Hegney: Your proposal applies to crossings that have been in use for over 20 years?

Mr. SAMPSON: Yes.

The CHAIRMAN: Will the member for Swan address his remarks to the Chair? To do otherwise is highly disorderly.

Mr. CROSS: I support the amendment on the amendment. The member for Swan has advanced sound reasons for it. No matter where railway crossings exist—

The Minister for Railways: They should not be closed?

Mr. CROSS:—where people have rights and the crossings are a convenience—

The Premier: Once a year.

Mr. CROSS: More than once a year—they should not be closed. Otherwise local authorities will have to spend thousands of pounds to give people access to the Albany Road.

Mr. Withers: How many crossings are likely to be closed?

Mr. CROSS: If the Commissioner of Railways thinks a crossing a grave danger to the public, he should provide safeguards and not put people to inconvenience. It is a shocking thing to take away rights that the people have enjoyed for many years. If a certain crossing in my electorate is closed, a woman who has lived in the vicinity for many years, will have no thoroughfare to enable her to get to the Albany Road. The construction of a road over the Williams crossing or the Kenwick railway station crossing would cost thousands of pounds, and the Commissioner would not be charged with the expenditure. I can visualise that local authorities will be given very little say in this matter.

The MINISTER FOR RAILWAYS: I cannot agree to the amendment. The effect of it would be to create a one-man board.

Mr. Sampson: The Bill will prove very unpopular.

The MINISTER FOR RAILWAYS: Surely members who have spoken in opposition to this clause are not serious.

Mr. Sampson: That is an unfair statement.

The CHAIRMAN: Order! We shall make no progress if members continue to interject. I may yet have to take action.

The MINISTER FOR RAILWAYS: I do not say these level crossings will be closed. That step will not be taken unless it is necessary to do so.

Mr. Cross: Will you insert a proviso to that effect?

The MINISTER FOR RAILWAYS: No board could be more fairly constituted than this one. That being so, its decisions should be fair and just.

Mr. Sampson: The board is not being fairly constituted.

The MINISTER FOR RAILWAYS: If a crossing has been open for 20 years and is found to be dangerous, there is no reason why it should not be closed, whether it affects private enterprise or not. Which is of greater importance, money or life?

Mr. Cross: If you want to close these crossings, why not erect bridges over them?

The MINISTER FOR RAILWAYS: I cannot believe that members are serious in their opposition to the clause.

Mr. DONEY: When a crossing is found to be dangerous as well as useless, no one can object to its being closed, but when a crossing has been in use for a number of years, even if it proves to be dangerous, the Minister must agree that some provision should be made for the people concerned. Would the board undertake to construct subways or bridges to overcome the difficulty?

The Minister for Railways: I am prepared to leave that to the judgment of the board.

Mr. DONEY: The Minister would say the Government had no money with which to carry out such work.

The CHAIRMAN: There is nothing in the clause about subways or bridges.

Mr. DONEY: I am quoting the words of the Minister. Apparently everything was all right in his case.

Mr. SAMPSON: The matter is a very serious one for parts of what is known as the metropolitan area. Before now people have been lost in the bush within that very area, which includes the surroundings of Armadale. Without any compunction, the Minister states that these crossings shall be closed.

The Minister for Railways: Not at all.

Mr. SAMPSON: He has practically determined to close them.

The Minister for Railways: Which crossings?

Mr. SAMPSON: Any crossing upon which the Big Three may rest their eyes. The majority of members of the board will determine the matter. For the purposes of this Bill the metropolitan area should be limited to the city proper.

Amendment on amendment put and negatived.

Mr. WATTS: The Minister gave me the impression that he did not intend to determine the necessity for closing a crossing by the effect such a step would have upon the surrounding properties. He was thinking only of human lives. He also stated that a dangerous crossing would probably be closed.

The Premier: No.

Mr. WATTS: If that be so, Beaufort-street and Hay-street, as dangerous thoroughfares for pedestrians, should also be closed on account of the accidents that have occurred there. I submit that such accidents happen often as a result of extreme carelessness on the part of the persons injured. People who have used the thoroughfares for many years should not suddenly be deprived of that facility. Rarely is a crossing of itself dangerous. In country towns where rights have been acquired and much private and public money spent, it would be unwise to close some railway crossings without the consent of the local authority.

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

Ayes	15
Noes	22
Majority against	7

AYES.

Mr. Boyle	Mr. Sampson
Mr. Cross	Mr. Seward
Mr. Hill	Mr. Thorn
Mr. Latham	Mr. Warner
Mr. Mann	Mr. Watts
Mr. McDonald	Mr. Willmott
Mr. McLarty	Mr. Doney
Mr. Patrick	

(Teller.)

NOES.

Mr. Berry	Mr. North
Mr. Coverley	Mr. Nulsen
Mr. Fox	Mr. Shearn
Mr. Hawke	Mr. F. C. L. Smith
Mr. J. Hegney	Mr. Styants
Mr. W. Hegney	Mr. Tonkin
Mr. Holman	Mr. Triat
Mr. Hughes	Mr. Willcock
Mr. Leahy	Mr. Wise
Mr. Millington	Mr. Withers
Mr. Needham	Mr. Wilson

(Teller.)

Amendment thus negatived.

Mr. SEWARD: I move an amendment—

That in Subclause 1 the words "with the concurrence of the Commissioner or with the approval of the Governor" at the beginning of paragraph (f) be struck out.

If those words are allowed to remain, the will be a direct negation of the very principle of the Bill, which proposes to appoint a board to inquire whether crossings shall be closed or not. Yet the clause as it stands provides that no crossing which has been closed can be re-opened without the Commissioner's concurrence. Under those conditions there is no point in having a board at all.

The MINISTER FOR RAILWAYS: believe in majority rule, and therefore have no objection to the amendment.

Amendment put and passed.

Mr. SEWARD: I move an amendment—

That the following words be added to Subclause 2:—"and shall sit at some place within the metropolitan area when the application before the board relates to a level crossing within that area, and when the application relates to a level crossing situated elsewhere at some place within the district of the local authority in whose district such level crossing is situated."

The amendment simply provides that the board shall sit within the area in which the crossing under consideration is situated. That is only right and reasonable. It is much better for the board to sit at the place where the crossing is than for all the parties interested to be brought to the metropolitan area.

The MINISTER FOR RAILWAYS: have no objection to the amendment, which I regard as quite reasonable. Even without the amendment, the board would naturally sit in the place where the level crossing was situated.

Amendment put and passed: the clause, as amended, agreed to.

Clause 7—agreed to.

Clause 8—Proceedings of the board:

Mr. SAMPSON: I move an amendment—That paragraph (b) be struck out and the following inserted in lieu:—

"(b) Where the members present at meeting of the board are not unanimous in regard to a determination or decision of the board, the decision shall be deemed to be such that the status quo shall not be altered."

and the determination or decision of the board shall be taken accordingly. The chairman of the board shall have a deliberative vote."

The Bill provides that the board shall comprise three members, one of whom is to be appointed by the Commissioner of Railways and the other is to represent the local governing body in whose district the railway crossing is situated. The third member is to be the chairman. Of the members of the board, one only will be concerned to any extent and he will be the representative of the local authority where the level crossing is situated. If the Bill is agreed to in its present form, the representative of the local authority might just as well stop at home, because he will have little hope of securing a majority verdict should the Commissioner of Railways be determined upon the closing of a level crossing. To pass the Bill in its present form would be most unfair. It is not too much to ask that the representative of the local authority should be able to secure the retention of the level crossing, if its closure would mean that the rights and conveniences of local residents would be adversely affected. Why this sudden anxiety to relieve enginedrivers of nerve strain when driving engines at a speed that, in the wildest moments, would not exceed 40 miles an hour? The strain is caused by the noise of the unfortunate accumulation of junk that is hauled, not by the existence of level crossings. The Minister has been considerate and should accept my amendment, which will extend to local authorities the consideration that should be theirs by right.

The Premier: Give them all power!

The MINISTER FOR RAILWAYS: I could not possibly agree to the amendment, and I am perfectly satisfied the member for Swan is not serious. I have studied physiognomy for years, and I am convinced the hon. member does not want a one-man board.

Mr. Doney: That is what he is afraid of.

The MINISTER FOR RAILWAYS: The acceptance of the amendment would be to nullify the power of the board. In fact, there would be no necessity for the board. The suggestion is ridiculous. I am afraid that the member for Swan is a student of dictatorships and has been reading the history of Hitler and Stalin.

The CHAIRMAN: I draw the Minister's attention to the fact that neither Hitler nor Stalin is mentioned in the Bill.

The MINISTER FOR RAILWAYS: The hon. member's proposal is completely objectionable, because the effect would be to continue the position that exists to-day. To give local authorities the power he suggests would be unfair because it would mean placing upon them responsibilities they would not care to accept. The Commissioner of Railways desires to distribute that power as equitably as possible, although he has this power already.

Mr. Doney: Under which Act?

The MINISTER FOR RAILWAYS: The Railways Act.

Mr. Doney: Then why does not he avail himself of the power?

The MINISTER FOR RAILWAYS: He wishes to be democratic, not autocratic—like some Opposition members.

The CHAIRMAN: Order! The Minister must not reflect upon members.

Mr. CROSS: The scant consideration given to local authorities seems extraordinary. In Great Britain trains are driven at 75 miles an hour.

The Minister for Labour: That is downhill.

Mr. CROSS: In that country there are not only public crossings, but tens of thousands of private railway crossings. There the onus is upon the railway companies to maintain fences and erect gates at railway crossings, over which people then proceed at their own risk. In Western Australia we legislate to take away the rights of the people and of local governing authorities, although those rights existed long before the railways were constructed. In some places where the level crossings represent the only means of access to public roads, those crossings will be closed, to the detriment of residents. Their homes will become valueless. I support the amendment because the local governing authorities are those mostly concerned. If the Commissioner of Railways considers a level crossing dangerous, he should provide the necessary safeguards to protect the public. He should not take away rights that have been enjoyed for years.

Mr. SAMPSON: I appeal to the sincerity and honesty of members for their assistance. Let me direct attention to the constitution of this precious board.

The Minister for Lands: We are all bored!

The Minister for Railways: Can the member for Swan suggest a board that would be fairer?

Mr. SAMPSON: Yes, I have indicated that in my amendment. If the Commissioner of Railways does not like the man who is to be chairman, he may not accept him. I have every respect for the Commissioner, but none for legislation that is so lopsided.

The CHAIRMAN: Order! The hon. member must not reflect upon legislation.

Mr. SAMPSON: The legislation has neither a body to be kicked nor a soul to be damned, so I am justified in damning this Bill. What hope has the unfortunate local authority in whose district the railway crossing is located? If this provision is made in the name of democracy, then—without reflecting on the Minister—democracy has been given an entirely new name. The provision proposes to give the Commissioner power to close crossings by a majority vote, when two of the three members of the board are appointed by the Commissioner.

The Minister for Railways: They are not.

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

Ayes	9
Noes	22

Majority against 13

AYES.

Mr. Cross
Mr. Hill
Mr. Latham
Mr. McLarty
Mr. Sampson

Mr. Thorn
Mr. Watts
Mr. Willmott
Mr. Doney

(Teller.)

NOES.

Mr. Coverley
Mr. Fox
Mr. Hawke
Mr. J. Hegney
Mr. W. Hegney
Mr. Holman
Mr. Hughes
Mr. Leahy
Mr. McDonald
Mr. Millington
Mr. Needham

Mr. North
Mr. Nulsen
Mr. Seward
Mr. Shearn
Mr. Styant
Mr. Tonkin
Mr. Triat
Mr. Willcock
Mr. Wise
Mr. Withers
Mr. Wilson

(Teller.)

Amendment thus negatived.

Point of Order.

Mr. Thorn: Mr. Chairman, can you advise me how much time the Standing Orders allow for members to resume their seats?

The Chairman: A reasonable time.

Mr. Thorn: I wish you would be reasonable.

The Chairman: I remind the member for Toodyay that he must not reflect on the Chair. This is my final warning to him on that point.

Mr. Thorn: I am not reflecting, Sir.

Committee resumed.

Clauses 9 to 12, Title—agreed to.

Mr. SAMPSON: I move—

That the Bill be read a third time this day six months.

The CHAIRMAN: The hon. member may not move such a motion at this juncture. He may do so on the motion for the third reading.

Bill reported with amendments.

House adjourned at 9.29 p.m.

Legislative Council,

Wednesday, 27th September, 1939.

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

QUESTION—PERTH HOSPITAL.

Lotteries Commission Grant.

Hon. A. THOMSON asked the Chief Secretary: 1, Is the report appearing in the "West Australian," dated the 26th September, correct, wherein the Premier states that