

Weed Control Officer is not only a member of the board, but Deputy Chairman. I think, as apparently does the Government, that it would be far more effective, from the point of view of administration, for the Chief Weed Control Officer to have his powers and duties, or functions, defined or delegated by the board which is in close touch with the problems of the State affecting not only vermin, but noxious weeds also, rather than await the delayed decision of the Minister. It is not as though the Minister is attempting to forego any of his responsibilities or powers, because he still retains full control as a result of his authority over the Agriculture Protection Board.

The Minister for Lands: That is so.

Mr. HOAR: Consequently it is really a duplication to refer that power also to the Noxious Weeds Act. In fact, in my opinion, in the last 12 months it has become redundant.

The Minister for Lands: It will facilitate administration.

Mr. HOAR: Yes. For the same reason, the proposal to transfer certain responsibilities from the Governor and the Minister, who now hold them, to the protection board, also appears reasonable, because these responsibilities refer only to the proclamations relating to primary noxious weeds for which the Governor's assent is required; and the other is in connection with the true keeping of accounts, which comes under the control of the Minister in accordance with the Noxious Weeds Act.

It seems reasonable that if we appoint a body of nine men to do a specific job with respect to vermin and noxious weeds, we should give them the power to see that their books are properly kept, and also to make proclamations and declarations respecting noxious weeds generally. This responsibility would normally be on the shoulders of the Agriculture Protection Board, because the Act, in the first place made provision for it to handle such responsibility; but I think it was duplication and probably an oversight when such powers were also included in the Noxious Weeds Act.

The final amendment proposed relates to the transfer of authority for making regulations from the Minister to the Governor. In this connection, also, I have no objection because to my way of thinking it is only a machinery alteration in order to bring the Act into line with the provisions of the Vermin Act. I can see nothing to object to in that. In fact, the whole Bill is designed to shift the responsibility to the proper shoulders in accordance with the provision already contained in the Act relating to the duties of the Agriculture Protection Board. I imagine the Bill will increase the efficiency of the board and enable it to operate

as a more effective unit in the destruction of vermin and the eradication of noxious weeds in the State. I support 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.

House adjourned at 8.40 p.m.

Legislative Council

Wednesday, 10th October, 1951.

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

QUESTIONS.**BUTTER, CHEESE AND PREPARED MILK FOODS.***As to Imports and Exports.*

Hon. C. H. HENNING asked the Minister for Agriculture:

What were the weights and values of the imports and exports of the following items for the year ended the 30th June, 1951:—

- (a) butter;
- (b) cheese;
- (c) powdered and condensed milk;
- (d) invalid and similar foods of a milk basis?

The MINISTER replied:

FOR THE YEAR ENDED THE 30th JUNE, 1951.

Section	Import lb.	Value £	Export lb.	Value £
(a) Butter . .	2,420,768	272,336	1,500,200	168,771
(b) Cheese . .	2,722,712	192,858	nil	nil
(c) i. Powdered Milk . .	2,760,352	302,895	nil	nil
*ii. Condensed Milk . .	821,964	457,240	9,264,353	627,997
†(d) Invalid and Infant Foods	1,070,655	161,965	nil	nil

*The figure for exports of condensed milk includes milk imported from the Eastern States and subsequently exported overseas.

†The figure for invalid and infant foods includes all those of a milk basis plus one of vegetable base which is not segregated statistically.

RAILWAYS.*As to Bottleneck at Cue.*

Hon. W. R. HALL asked the Minister for Railways:

(1) Is the Minister aware that there appears to be a bottleneck in the railway service at Cue, and that perishable goods, which are consigned to Big Bell on the Friday's train (which generally runs behind schedule) are being left on the platform of the Cue railway station for hours in the sun, before being placed on the train for that centre?

(2) As the residents of Big Bell generally are also more or less dissatisfied with the Wednesday road transport from Cue, will the Minister take the necessary steps to investigate these complaints with a view to having them rectified?

The MINISTER replied:

(1) No, but the complaint will be investigated and remedial measures taken if warranted.

(2) Yes.

BILL—INSPECTION OF MACHINERY ACT AMENDMENT.

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

BILL—AGRICULTURE PROTECTION BOARD ACT AMENDMENT.

Read a third time and transmitted to the Assembly.

BILL—PARLIAMENT HOUSE SITE PERMANENT RESERVE (A1162).

Report of Committee adopted.

MOTION—INCREASE OF RENT (WAR RESTRICTIONS) ACT AMENDMENT AND CONTINUANCE BILL.

To Rescind "Six Months" Resolution—*Dissent.*

Debate resumed from the previous day on motion by Hon. H. S. W. Parker to dissent from the President's ruling out of order the following motion by the Minister for Transport:—

That the resolution passed by this House on Tuesday, the 25th September, 1951, as follows:—

That the second reading of the Increase of Rent (War Restrictions) Act Amendment and Continuance Bill be read this day six months,

be rescinded.

The Minister for Transport: In reluctantly asking the House to disagree with the ruling of the President—which I do with great deference to yourself, Sir—I wish, firstly, to point out that the Standing Orders of the House of Commons, which are set out at the back of "May," 14th Edition, do not contain a Standing Order to the effect of Standing Order No. 121. Where there is a Standing Order of either House of our Parliament that differs from the House of Commons practice, our Standing Order, of course, prevails. The wording of Standing Order No. 121 is precise, unequivocal and wide. It provides that "an order, resolution or other vote of the House may be rescinded" provided that seven days' notice is given and there is an absolute majority.

As members are aware, notice has been given and to that extent the Standing Order has been complied with. There are only three kinds of decisions which the House can give—

- (1) Order.
- (2) Resolution.
- (3) Other vote.

All these are referred to in Standing Order No. 121 and therefore there is clearly no obstacle for any decision of the House being rescinded, provided notice is given and an absolute majority obtained. The absence from the House of Commons Standing Orders of any similar order to our Standing Order No. 121 is most im-

portant. It means that "May's Parliamentary Practice" must be read and interpreted in Western Australia in the light of the fact that in the Western Australian Parliament there is such a Standing Order, and such Standing Order is the law here and not "May's Parliamentary Practice" of the House of Commons.

Therefore, I submit that the President, in accepting the view expressed in "May" that "the power of rescission cannot be exercised to over-ride a vote of the House such as a negative vote," which I understand was his major point, has entirely overlooked the two most important facts stated above—

- (1) that the English practice is not applicable because there is an express Standing Order here, viz. No. 121; and
- (2) that Standing Order No. 121 permits the House to rescind, subject to notice and an absolute majority, any vote of the House. There is no exception.

But in going even further to indicate how categorical is the Standing Order of the Legislative Council, I call your attention, Sir, to Standing Order No. 120. This proclaims the view that no question shall be proposed, during the same session, which has been resolved in the affirmative or negative. But in the Legislative Council Standing Orders it is subject to a most important exception which again is substantially different in substance from the English practice. Standing Order No. 120 adds—

Unless the order, resolution or vote on such question has been rescinded.

To strengthen my case, it adds further—

This Standing Order shall not be suspended.

Therefore, under Standing Order No. 120, it is clearly laid down that a question the same in substance as one debated during the same session can be discussed provided the House uses Standing Order No. 121 to rescind, by an absolute majority, the previous resolution.

Thus a presidential ruling based on English practice—which is obviously obsolete in Western Australia—has far wider implications than the matter now before the House. It will not only restore the English practice completely, but will, no matter what the urgency or the desire of even every member of the House, prevent at any time during the same session a change of opinion on any matter by the House. Moreover, it directly negatives the letter, spirit and intention of the Standing Orders which were passed obviously to prevent arising in Western Australia the questions regarding rescission which had been raised—mostly centuries ago—in the House of Commons.

The 14th Edition of "May," at page 389, gives the reasons why by custom but not by any duly passed Standing Order, exceptions have been made to the old rules. It says—

But the practical inconvenience of a rigid rule of consistency, especially where the House as a whole wishes to change its opinion, has proved too great for a House confronted with the ever-changing problems of Government.

These remarks are salient and important to the issue before us, especially when the clear and categorical nature of our own Standing Orders Nos. 120 and 121 are read and considered. Standing Order No. 120 states—

Subject to Standing Order No. 178, no question or amendment shall be proposed which is the same in substance as any question or amendment which, during the same Session, has been resolved in the affirmative or negative, unless the order, resolution, or vote on such question or amendment has been rescinded. This Standing Order shall not be suspended.

Standing Order No. 121 states—

An order, resolution, or other vote of the Council may be rescinded; but no such order, resolution, or other vote may be rescinded during the same Session, unless seven days' notice be given and an absolute majority of the whole number of members vote in favour of its rescission.

In regard to Standing Order No. 183 it states—

... a vote in the affirmative shall finally dispose of the Bill.

But Standing Order No. 121 states that an order, resolution, or other vote may be rescinded. So, of course, the Bill, under Standing Order No. 183, is finally disposed of unless a proper motion of rescission restores it. If no-one moves such a motion it is, of course, dead. The same thing applies to every motion. Once carried it is final unless proper means of rescission are taken; to hold the contrary would be completely to nullify two other Standing Orders.

Put another way, Section 5 of an Act could say, "You cannot do so and so without a license." But Section 10 could say, "a license shall not be required in such and such circumstances." If one relies on Section 5 one nullifies Section 10. In the interpretation of rules, statutes, etc., one must take the effect of every part into consideration, making full allowance for exemption to any general principle. So we must do this for Standing Order No. 183 by allowing for the specific effect of Nos. 120 and 121. Thus I feel, not only in the interests of the matter now before us, but also in the interests of the

conduct of the future business of this House and the dealing in future with any emergency that may arise, that I must ask the House to uphold its undoubted democratic rights and its own Standing Orders, and to disagree with the President's ruling.

Hon. G. Fraser: I intend to support the motion to disagree with your ruling, Mr. President. In making that statement I know you will not be very perturbed because when you were on the floor of the House you and I never agreed. So it is not unusual that we should disagree now. Tracing back the history of this little upset, shall I say that Mr. Watson sprung a surprise recently when he moved a certain motion to prevent further debate and further discussion on the Increase of Rent (War Restrictions) Act Amendment and Continuance Bill, and with your assistance on that occasion, Sir, he was able to achieve his objective.

Following on that the Leader of the House gave notice of his intention to move to rescind the decision reached by the House. It is only natural to assume that Mr. Watson, desiring either by hook or by crook to have his way, decided to look up Standing Orders to see how he could prevent that action being taken. So he hit upon Standing Order No. 183. He went further than that in order to bolster up his point and he consulted "May" and, I assume, he also consulted you, Mr. President, because it would be reasonable for an hon. member who intended to ask for a ruling to first consult you. That, of course, gave you, Sir, the opportunity of looking the matter up and being ready when the point was raised. That is quite a legitimate thing to do.

Knowing what your feelings are in the matter, I would say that you would naturally look for a ruling that would support your point of view and you think you have found it. You gave that ruling. I take no exception to that. As a matter of fact, if I had been in your position I would have been looking for a ruling and would have probably consulted "May" with the result that I could conscientiously have given an exactly opposite ruling to that which you did. I would have done that because I would have been regarding the matter from the standpoint of having the Bill introduced. You, Sir, were looking at it from the point of view that the Bill would not be introduced.

During the course of the debate quite a lot has been quoted from "May's Parliamentary Practice." All those quotations leave me cold. I do not care what point one wishes to emphasise, if one refers to "May" one will find something there to bolster up one's case, and this from any angle at all. We had the spectacle here yesterday of Mr. Watson quoting portions of "May" in order to bolster up his point of view, and five minutes later we heard Mr. Parker, possibly quoting the same section, showing an entirely different

aspect. As a matter of fact, it finished up indicating that "May" says, "You can do what you like." That pretty well sums up the situation.

We have heard a lot about finally disposing with the Bill. When we carry a second or third reading or go through the Committee stages of a Bill and it is passed through this Chamber, to all intents and purposes it is finally disposed of. But is it? What if we have carried amendments; the Bill goes to another place and they refuse to accept those amendments? Does not the Bill come back here and is it not debated all over again. I am merely showing how easy it is to tinker with the word "finally." The suggestion is that after the third reading, the Bill is passed and is finally dealt with. It is nothing of the kind.

It appears to me that there is a lot of conflict in the minds of members between the meaning of Standing Orders Nos. 183 and 121. Members say they conflict, but I cannot see where they do because they deal with entirely separate matters. Standing Order No. 183 deals with what happens to a Bill when it is going through the second reading stage and refers to the words, "Read this day six months." It means that is the end of the Bill until some other action is taken.

Is it not quite the usual procedure, whether it be in Parliament or in any organisation outside Parliament, that a question is proposed, amendments are moved to it and finally a decision is reached and it is recorded in the books. But that does not prevent one from giving notice of a motion of one's intention to rescind that decision. That is a separate question altogether. The minds of members are being confused by trying to link up the two Standing Orders. I say there is no connection between the two. One deals with the Bill going through the second reading stage and the other sets out the action that can be taken if it is desired to reverse a vote.

Our friends are hammering on that word "finally," and on that they are hanging their hats. My interpretation of the word "finally" is "there and then" and the question cannot be further debated without some additional action being taken. It finally disposes of it at that time.

Hon. J. M. A. Cunningham: It does not say that.

Hon. G. Fraser: Of course it does not because it is dealing with the second reading stage. It goes through the whole procedure of the first reading and second reading and tells us what happens if the Bill is carried on the second reading. We have also heard in the course of the debate about Bills of the same substance not being introduced in the same session. That is a lot of eyewash, too, because it has already been done in this Chamber.

I never quote "May," but other members have done so and have indicated to the House that they did not vote on the contents of the Bill but on the word "now." "May" says "What you are voting on is not the Bill, but the word 'now' and you have only defeated the word 'now.'" "May" also says that the same Bill can be introduced later on. I have known that to be put up and carried in this House when Mr. Gray was successful in bringing back to the notice paper Bills that were defeated.

Hon. N. E. Baxter: By this method?

Hon. G. Fraser: By referring to "May."

Hon. N. E. Baxter: What about Standing Orders?

Hon. G. Fraser: Never mind about Standing Orders. One can do anything one likes about Standing Orders so long as one has the numbers.

Hon. Sir Charles Latham: Oh, that is a fine thing to say!

Hon. G. Fraser: It is correct.

Hon. Sir Charles Latham: In other words, Rafferty rules.

Hon. G. Fraser: Exactly, and that has happened before in Parliament. Do not worry about that!

Hon. J. M. A. Cunningham: Do you accept anything as an authority?

Hon. G. Fraser: There is no authority so far as Australian parliamentary matters are concerned; and as for "May," I challenge the hon. member to show me anything that links this up with the Imperial Parliament. This House is a law unto itself, and it will carry what it wants to as long as it has the majority to do so. Members can call it the law of the jungle or what they like.

Hon. H. L. Roche: What are Standing Orders for?

Hon. G. Fraser: They are for our guidance to accept and honour. But very often they are not honoured if a member wishes to reach an objective.

Hon. H. Hearn: Honoured in the breach.

Hon. G. Fraser: I have always gone on Standing Orders and looked to them for my interpretation. I have only quoted what has happened, and what will happen in the future. I am not quoting supposititious cases. These things have happened and will happen again according to the law of jungle that might be right. Reverting to the ruling, I consider it is wrong because I believe that you, Mr. President, have confused Standing Order No. 183 with Standing Order No. 121. To my mind, they are entirely separate and deal with entirely different matters. Standing Order No. 183 deals with what may happen to a Bill at a particular stage, and Standing Order No. 121 gives the right, if so desired, to reverse a previous decision of the House. If that is

not the correct interpretation, what is the use of having No. 121 amongst our Standing Orders? Why is it there?

Hon. N. E. Baxter: Why is the other one there?

Hon. G. Fraser: I am telling the hon. member, but he is too thick to understand it. They deal with entirely different matters. Can the hon. member tell me why Standing Order No. 121 is there if we cannot use it? What is the use of its being there? It may as well be deleted. Does the hon. member wish me to believe that that Standing Order has been there for all these years for no purpose?

Hon. H. L. Roche: You reviewed the Standing Orders some time ago.

Hon. G. Fraser: Yes, and others assisted. Through the years we have had some of the keenest legal brains engaged on that work.

Hon. Sir Charles Latham: They often disagree.

Hon. G. Fraser: They retained this Standing Order because it is sometimes necessary to take action such as that which is now proposed. You, Mr. President, were one of the committee who considered the Standing Orders, so you must have agreed to the retention of this one. That happened only last year, I believe. If it was useless, why did not you move to have it deleted?

Hon. Sir Charles Latham: Was it particularly discussed?

Hon. G. Fraser: Every Standing Order in the book was discussed.

Hon. N. E. Baxter: Perhaps it was not intended to be used.

Hon. G. Fraser: It is not a question of waiting for it to be used. We considered every Standing Order in the book. We were engaged on the revision for many months and we allowed No. 121 to stand because there was a use for it. If we uphold the ruling, there is no use for that Standing Order.

Hon. A. L. Loton: Did you read it in conjunction with Standing Order No. 183?

Hon. G. Fraser: The hon. member should not come on that lay. If your ruling is upheld, Mr. President, the best thing to do would be to cut out those things which are of no use. I say definitely that if the ruling is correct, there is no use whatever for Standing Order No. 121. I ask members not to consider the feelings of the President. I consider them as much as does anybody, but that is not the question. Some members will say, "The President has given a ruling and we must stand to him." That is not the right attitude to adopt. Members should sum up the situation after listening closely to the debate. They should consider the angles advanced by the various speakers, including the angles I have advanced, and, leaving out of con-

sideration altogether the President and his feelings, decide conscientiously on the proper way to vote. If they do so, there will be quite a lot of members voting on my side of the House. I support the motion.

Hon. Sir Charles Latham: I wish to point out that the President is entitled to make mistakes and that those mistakes may be rectified, but when a question is referred to the House as a whole, we have to be extremely careful and ensure that we do not establish a precedent that may be very difficult to follow in future. I have listened attentively to the two speeches delivered this afternoon, and I was amazed that Mr. Fraser should tell us that we should not respect our Standing Orders—the instructions set down for our guidance.

Hon. G. Fraser: I did not say that.

Hon. Sir Charles Latham: He told us that we should take no notice of them but should use them just as we like.

Hon. G. Fraser: Not at all.

Hon. Sir Charles Latham: That is what his remarks conveyed to me, and I am sure other members gathered a similar impression from him.

Hon. G. Fraser: That was not my argument.

Hon. Sir Charles Latham: I challenge the hon. member to quote one instance in this Chamber or in another place where a "six months" amendment has been challenged in this way. There is a danger of our setting up a peculiar and stupid position. We have had an instance of that this afternoon in the notice given by Mr. Baxter. I had no knowledge that he intended to take such action to set aside the Bill that was passed yesterday. If that sort of thing is to be permitted, there will be no end to it.

You, Mr. President, have been reminded that you were one of the committee appointed to review and revise the Standing Orders and I contend that you and other members of the committee passed over some Standing Orders that defy interpretation. I will give an instance and that is the provision that the question be not now put. What does that mean? So I say that we have Standing Orders that might well be reviewed in the light of those of the House of Commons or the Commonwealth Parliament so that we may get somewhat nearer to uniformity.

In the matter now before the House, my interpretation is exactly the same as yours, Mr. President. I say that no instance can be quoted in this House or in another place—and I have checked up the matter as far as possible—of a Bill, after a "six months" amendment has been carried, having been regarded as otherwise than killed, and the same measure could not be introduced again in the same session. On reading Standing Order No. 121,

I think it remarkable that it should have been included. Standing Order No. 120 begins "Subject to Standing Order No. 178" but not so Standing Order No. 121. Nor does Standing Order No. 183 say "Subject to Standing Order No. 121." They are not connected and no stress is laid on Standing Order No. 121. Standing Order No. 120 reads—

Subject to Standing Order No. 178, no question or amendment shall be proposed which is the same in substance as any question or amendment which, during the same session, has been resolved in the affirmative or negative, unless the order, resolution or vote on such question or amendment has been rescinded. This Standing Order shall not be suspended.

This Standing Order shall not be suspended! Does that mean that we are to be bound forever by a Standing Order of this sort? Surely that would be a ridiculous rule to have. This House is in control of its own affairs and we can suspend it if we so desire by removing it from our Standing Orders. It ought to be removed.

Hon. G. Fraser: That is exactly what I said, if the ruling is supported.

Hon. Sir Charles Latham: There are instances of Bills of the same substance having been introduced in the same session, but I cannot remember a Bill having been revived after having been set aside by a distinct amendment as provided in Standing Order No. 183. Are we to set up a precedent this afternoon? Are we to do something that has never been done before? If we do not support your ruling, Mr. President, we shall be establishing a very dangerous precedent because every Bill, every amendment and every motion rejected by the House may be treated in the same manner.

I do not intend to support Mr. Baxter. I make it perfectly clear that I shall not make the House appear ridiculous by doing that sort of thing. Members have a responsibility. They exercise a great degree of intelligence in representing the people and I always respect the views and wishes of the majority, though they might run counter to mine. When they have reached a decision, I should not expect them in the next moment to wish to reverse it. If there were any such desire, their action would not commend itself to me. I held strong views about a Bill that was before us yesterday, but I had to respect the opinions of those who differed from me.

Let us be very cautious in this matter! Let us not establish a precedent for which we might be sorry and which might lead to embarrassment in future! It is true that ever since this Parliament has been in existence, members have had difficulty in interpreting the Standing Orders. We have generally referred to "May", and usually "May" has been clear

enough to enable us to make a proper decision. In the Standing Orders of another place there is a provision that if the Standing Orders are not clear on any question, the rulings of the House of Commons may be adopted. I believe that a similar provision does not appear in our Standing Orders, and so we are in a position to make our own decisions. We may use the rulings of the House of Commons if we so desire, but we are not bound to do so because our Standing Orders do not provide for it. For this reason it has been customary to adopt "May's" interpretation.

I should not like to see a precedent established on this occasion. What I am about to say may not be relevant to the motion before us, but I am of opinion that a Bill could be introduced embodying the wishes of the Government and that it would receive better consideration than did the other measure. It would be necessary, however, that such a measure did not contain the important clauses that have been rejected by this House. I regret that more members did not have as full an opportunity to discuss the Bill as they should have had, but I cannot permit myself to vote for something totally contrary to the Standing Orders, because I believe that members can be given another opportunity to consider such legislation if the Government so desires. In view of this wording—

Amendment may be moved to such question by leaving out the word "now" and by adding the words "this day six months"; or the previous question may be moved. In either case a vote in the affirmative shall finally dispose of the Bill.

—it is no use Mr. Fraser trying to influence me to think that "finally" has any meaning other than the obvious one. To my mind, Standing Order No. 183 overrides Standing Order No. 121.

Hon. H. S. W. Parker: What does "finally" mean?

Hon. Sir Charles Latham: The end of all things. It obviously means, there, for that session, because that is what it says. We know that each session stands by itself and Mr. Parker, with all his legal knowledge, cannot lead me astray in that regard.

Hon. G. Fraser: You must remember that there is the semi-final and the grand final.

Hon. Sir Charles Latham: I am too old to play football.

The Minister for Agriculture: What do you think Standing Order No. 121 is there for?

Hon. Sir Charles Latham: I have seen such things done here in past years when someone moved an amendment to a Bill that was not satisfactory. Probably they

talked it over and said, originally, "We will have to devise some method of getting it back again."

The Minister for Agriculture: They could do that by recommitment.

Hon. Sir Charles Latham: Of course, but the Minister knows that many measures are rejected in ways other than this, and that Standing Order has been placed there for some reason that I do not understand and which, to my mind, is nonsense, because that provision could keep a Bill revolving in the House throughout the whole session unless the President was strong enough to rule it out of order because of tedious repetition. Do not let us do anything that will clog the work that this House is called upon to do.

It is difficult to change a ruling of the House, once it has been given. I will not say that another place cannot do that, but surely we cannot make up our minds in one direction today and change it tomorrow. The public would never know where they stood if that were done. I do not think Standing Order No. 121 has ever been used in this way previously. I can find no instance in the last ten years of where seven days' notice has been given in order to bring back a Bill, motion or amendment before the House.

The Minister for Agriculture: Which proves that it will not be abused, yet you speak of measures going round and round throughout the session.

Hon. Sir Charles Latham: It has already started.

The Minister for Agriculture: That does not say it will go on indefinitely.

Hon. Sir Charles Latham: I hope the Minister is not so unsophisticated as to believe that if we create this precedent it will not be used.

The Minister for Agriculture: There is the right of recommitment available in most instances.

Hon. Sir Charles Latham: That deals with clauses of Bills, but this is not a minor matter with which we are now dealing. It is a matter of principle.

The Minister for Agriculture: Yes, a great principle—confusing the minds of members!

Hon. Sir Charles Latham: What do you, Mr. President, think was the reason for providing the wording that the Bill should be read a second time "this day six months"? Down the years in the Parliaments of the Empire that provision has been exercised in the way in which you, Sir, have ruled, that this House is now asked to blossom forth as a great authority and reverse the decision it has given. If that were done, it would create—in a very small community and in a House infinitesimal in comparison with many others of the Empire—the precedent of setting

aside the authority that has been handed down from the Mother of Parliaments. I hope the House will agree with your ruling, Mr. President. If it does not do so, the probability is that some member will tomorrow give seven days' notice of a motion to rescind that ruling of the House.

Hon. E. M. Heenan: I invariably find myself in disagreement with the views of Sir Charles Latham, but not very frequently in disagreement with your views, Mr. President. This question in itself is a simple one, Sir, although I admit that the question on which you have given your ruling is somewhat complex. We must, however, keep ourselves on the right track and I for one am not afraid of doing anything that will establish a precedent, provided it is in keeping with the Standing Orders. For Sir Charles Latham to put forward the argument he advanced at some length—that simply because this House has for ten years not done something, we must forever refrain from attempting to do it—seemed very weak to me.

Hon. Sir Charles Latham: I said it had never been done by this House.

Hon. E. M. Heenan: The hon. member mentioned the period of ten years in one case. Surely, because a thing has never been done, that is no reason why we should forever refrain from doing it, provided it is legal and the Standing Orders permit us to do it.

Hon. H. S. W. Parker: It is time we started.

Hon. E. M. Heenan: I think Sir Charles's argument very shallow indeed, and I hope members will agree with that view. This House should read Standing Order No. 121 carefully, because it is of great importance in that it lays down stringent provisions with regard to the rescinding of a vote. That Standing Order requires an absolute majority of the House for the rescission of a vote. It requires that an absolute majority of the whole of the members—that is, 16 votes—must be obtained before a previous resolution can be rescinded. Surely that provision was placed there advisedly. Sir Charles said that we would make ourselves look ridiculous by rescinding motions and measures from time to time, but I submit that that argument is not a good one.

On the one hand, Sir Charles gives members credit for possessing some sense of responsibility and some understanding and, on the other hand, he pays scant credit to their intelligence by suggesting that they will make themselves ridiculous by rescinding motions willy nilly; possibly from week to week or from month to month. I am sure the Government is well aware of the difficulty it is up against on this occasion in endeavouring to have a vote rescinded. I will not deal with that

vote, because the House in its wisdom, and in spite of what I may say was good advice tendered to it by certain speakers, of whom I was one, voted and you, Mr. President, gave your casting vote and the measure was defeated. Now we have been referred to the work known as "May's Parliamentary Practice," which is undoubtedly a work of great authority; but one has to be careful in reading such text books and applying them to individual cases.

Hon. L. Craig: They apply only where there is nothing to the contrary.

Hon. E. M. Heenan: Yes. As the Minister pointed out, we have this vital Standing Order No. 121, which is not contained in the Standing Orders of the House of Commons. There are standard references on matters such as divorce and the law of master and servant, but the statutes in the various States are altered from time to time and we cannot always apply the text books rigidly to particular cases. That is the position in this instance and that, again, is why such text books are brought up to date from time to time in the light of decisions that have been given, amendments to statutes, and so on. Members should read Standing Order No. 121 very carefully. There is not much ambiguity about it and the wording, to my mind, is simple and clear. It states—

An order, resolution, or other vote of the Council may be rescinded;

There is no doubt or ambiguity about that.

Hon. H. K. Watson: Do you say that the motion that the Supply Bill "be now read a third time" could be rescinded?

Hon. E. M. Heenan: That is not analogous. The Standing Order continues—

but no such order, resolution, or other vote may be rescinded during the same session,—

There is a restriction on it—

—unless seven days' notice be given—

And then we have another implied "unless," because it continues—

and an absolute majority of the whole number of members vote in favour of its rescission.

Surely that provision was placed there advisedly, and surely those who put it there had in mind that votes, orders, resolutions and so on should not be rescinded without good cause. On this occasion, if your ruling is disagreed with, Mr. President, and this motion for rescission has to come before the House, at least 16 members will have to vote for it if it is to be carried.

Great play has been made with Standing Order No. 183 and there again my friend, Sir Charles Latham, lays great

emphasis on the word "finally." I will read Standing Order No. 183, which is as follows:—

Amendment may be moved to such Question by leaving out the word "now" and by adding the words "this day six months"; or the previous Question may be moved. In either case a vote in the affirmative shall finally dispose of the Bill.

My interpretation of that is that it shall finally dispose of the Bill at the time. The motion is that the Bill be read "now." An amendment may be moved that it be read in six months' time, but in either case that shall finally dispose of the Bill. It is not competent to move that it be read in three or four months' time. Members should read the Standing Order immediately following, No. 184. It states—

No other amendment may be moved to such Question except in the form of a resolution strictly relevant to the Bill.

That may not be easy to follow but that is my interpretation of that phrase, "finally dispose of the Bill." No other amendment is possible. It is possible to move one amendment, but the vote then finally disposes of it.

So I do not see any conflict between Standing Order Nos. 183 and 121. I think each serves its purpose. One does not annihilate the other and each has its proper place in the Standing Orders. I was greatly impressed by the lucid arguments put forward by the Minister; arguments which I believe have been carefully prepared for him, and I think they should leave no member in doubt that on this question you, Sir, have erred very honourably.

Hon. H. L. Roche: It seems to me that this House must support you, Sir, in your ruling although we have had the benefit of hearing Mr. Fraser dispose of our Standing Orders and the guidance of "May," presumably for the edification of we simple-minded members.

Hon. E. H. Gray: Speak for yourself!

Hon. H. L. Roche: It does seem that Standing Order No. 121 is in the Standing Orders for use in a general way.

Hon. L. Craig: How could it be used in a general way, if not now?

Hon. H. L. Roche: If Mr. Craig would wait a little while, I will make my point.

Hon. Sir Charles Latham: He cannot stop interjecting.

Hon. H. Hearn: It is a disease.

Hon. L. Craig: A very good disease.

Hon. H. L. Roche: Standing Order No. 121 is used in a more general way and No. 183 is there for a specific and final use. That is, when a question has been proposed "that this Bill be now read a second time" and is then amended in the

form by which Mr. Watson was successful in amending the motion concerning the Bill which is the subject of all this discussion, then, in either case, in those circumstances a vote in the affirmative finally disposes of the Bill.

I am inclined to agree with Mr. Fraser, although I do so with some diffidence in view of the legal opinions heard and the legal talent displayed here this afternoon, that the two Standing Orders possibly have little relation to each other because, as I have pointed out, No. 183 seems to be in the Standing Orders for specific use on a specific occasion, and this is one of those occasions. Furthermore, if the arguments adduced by some of the members that the Standing Orders and "May" can be ignored when it is convenient, then I think in the circumstances with which we are confronted, we have to apply some commonsense to this matter because if your ruling, Sir, is incorrect, there is no reason why we cannot keep this subject alive for the rest of the session.

If your ruling is disagreed with, Mr. President, the resolution is rescinded and the Bill is brought back before the House, it is then competent for me or any other member to move again to have it rescinded. I am not so sure that the vote will be so overwhelming and that there will not be some luck in the matter. Therefore, it seems to me that commonsense dictates that we must have in our Standing Orders some ruling which this House is prepared to sustain so that we can reach finality in legislation and in circumstances such as this. For that reason, I am in favour of your ruling, Sir, and I hope the House will support it.

Hon. L. Craig: I will have only a few words to say on this matter. I believe that the power to rescind a resolution or motion is inserted in the Standing Orders for a purpose and if the House feels that it has made a mistake and wishes to alter its opinion or decision, I cannot believe that there are not some means of allowing the House to do so, otherwise it would be foolish. We might, in error, pass a resolution or motion which has the effect of causing somebody's death. Would we not be allowed to rescind that resolution or motion because of a certain Standing Order?

Hon. Sir Charles Latham: He would have to wait seven days for the death.

Hon. L. Craig: We would defer his death; we would save his life.

Hon. Sir Charles Latham: No.

Hon. L. Craig: The hon. member says that we could not even save his life. I think the Standing Order has been inserted for that purpose. It has nothing to do with this particular Bill; it is a question of principle. I believe that there must be something there to allow the House to alter its opinion if it so desires.

"May" has been quoted. "May" applies where there are no specific rules to the contrary. If there are specific rules to the contrary, "May" does not apply. "May" constitutes a guide to members on the interpretation of laws of procedure and so on, but if there are specific instructions to the contrary, then we must disregard "May." I do not believe that provision cannot be made to alter the decision of the House if it so desires. I commend Mr. Fraser for the excellent speech he made because he knew his subject. On this particular matter I regret to say that I must disagree with your ruling, Mr. President.

Hon. N. E. Baxter: I support your ruling, Sir. As Mr. Craig has said, Standing Order No. 121 has been inserted in the Standing Orders for a special purpose to cover certain cases where, for instance, it may be used after a vote has been taken as to the second reading of a Bill and where, in the circumstances, members realise that a mistake has been made. Only last night a member stated he had made an error when voting on an amendment recently. The amendment was closely related to the motion we are now discussing. On reflection, he must have considered some special circumstance that made him alter his mind.

Hon. G. Bennetts: A lot more may alter their minds now.

Hon. N. E. Baxter: That is so. I contend that this particular Standing Order has been included to meet that eventuality and is not to be used in the way it has been. In the case now before us, it appears to have been used in a general sense and, as members have stated, it can be used in regard to any Bill.

Hon. G. Fraser: When you say "generally," do you mean that it has been used in the House before?

Hon. N. E. Baxter: I said it can be used generally.

Hon. G. Fraser: Don't put up an Aunt Sally! Deal with facts.

The President: Order!

Hon. N. E. Baxter: I said that this Standing Order could be used generally on any second reading of a Bill in the future. There is no gainsaying that fact. I still maintain that that Standing Order has been inserted for use where special circumstances arise and where the majority of members realise that a decision may have been affected by the special circumstances. I intend to support the President's ruling.

Hon. J. G. Hislop: I think every member present tonight feels his responsibility in making up his mind on the motion at present before us, particularly since you, Sir, have given a ruling with which members may agree or disagree. I frankly believe, having listened to the various speakers, that there can be a possibility of an individual using words—I am not

saying this with any disrespect because I think it is purely human nature—in such a way that they will convey to him the reason for the decision he has already made regarding his vote.

On the other hand, an individual can look at these words purely as words and be bound by them. Somewhere between those two there lies probably what is the right path. When we use Standing Order No. 183 in the manner we used it the other day we are said to have finally disposed of a Bill. Much has been made of the word "finally." It is of great interest to read of another method of killing a Bill in Committee, such as is outlined in Standing Order No. 265. There we find that when the Chairman is instructed to leave the Chair, the Committee itself is superseded by that action. It goes on at the end of the Standing Order to state that on notice the Committee can be revived. In other words, provision has been made under Standing Order No. 265 for the reversal of any action of the Committee. On the other hand, Standing Order No. 183 makes no such provision for action by the whole House.

It is equally true, when we look at Standing Order No. 121, that the House has power to rescind any decision it makes. Thus it becomes a question of considering these two provisions together. I believe that the real answer to the problem is for this House to take into consideration the urgency of the matter in arriving at a decision as to whether the powers under Standing Order No. 121 shall be exercised. If we peruse "May," we find that that authority talks about a too rigid adherence to Standing Orders, which may affect the Government of the country. "May" points out that that rigidity can be lessened in the light of circumstances that may arise.

Therefore I feel at the moment that we are faced with the position that while we have dealt with the Bill in the manner which our Standing Order says is final and no further discussion can take place respecting its provisions, yet under another Standing Order we have full power to rescind the decision arrived at. It means that we must face the position in the light of circumstances and determine whether the House shall break its customary practice. That to me is the point I must decide for myself. It is not a matter of whether my reading of the Standing Order is right, but rather whether I believe circumstances have arisen that urgently demand that the House shall rescind its previous decision.

Hon. E. H. Gray: That is the position.

Hon. J. G. Hislop: Therefore we get back to the position of discussing the possibilities of our action if this House refuses to dissent from the ruling of the President and declines to rescind the motion we previously agreed to. If we reach that decision, it means there can be no further discussion on the Bill and

it will be finally dealt with. I do not believe for one moment that the Government can introduce another measure, unless we rescind our early decision. This sort of thing cannot go on indefinitely and we must decide the issue by this final vote. What happens if we do not agree to the rescission of the earlier decision? It means that we definitely say that no measure can be discussed again this session that is similar in substance to the one we have rejected.

We are extremely doubtful whether a Bill dealing with matters referred to in the measure can be again introduced this session. With that doubt in our minds, we face the vote this evening. It means that if we agree with the President's ruling, the decision regarding the Bill will be final. What is the alternative? There must be a new sitting of Parliament. So far as I can see, there is nothing to prevent this session of Parliament finishing today and another one commencing next week.

Hon. Sir Charles Latham: That is so.

Hon. J. G. Hislop: If that is the position, perhaps our better method would be to say that, as a Legislative Council, we do not desire this particular Bill to be further discussed and that we want a new one introduced. In those circumstances, we would be perfectly justified in saying that we see no reason for rescinding the earlier decision and that we have no desire to depart from the customary practice of this House. On the other hand, if we believe the issue is so urgent that it requires immediate consideration, we could disagree with the ruling and rescind our earlier decision. That is the position as I see it. I am torn between lots of things. Frankly, I dislike the measure placed before us.

Hon. L. Craig: So do I.

Hon. J. G. Hislop: I feel that if the measure is considered further, it will be amended; and we must remember that it already represents amendments on amendments on amendments, each Act having been considerably amended. We must also remember that the latest amending Act has been criticised by magistrates and judges as being most anomalous. If we were to reinstate the Bill, it would be amended and then sent back to another place where it might be further amended and eventually it would go to a conference of managers, as happened last session, and thus we would have another hotch-potch, plus the hotch-potch of last year. The present Bill is frankly objectionable to me. Let me, if I am in order, discuss one clause as representing one reason I am thinking in the way I have indicated.

The President: I had better draw attention to the fact that the House is discussing my ruling.

Hon. J. G. Hislop: That is so, Mr. President, and I desire to give the reason, while discussing your ruling, why I dislike the Bill so intensely. For that reason I am questioning your ruling as a matter of expediency. The clause I refer to is one under which I believe the Minister can give the rent inspector the right to enter a house and fix rentals without any request being made by the owner or tenant. It has been said that in the past if a tenant asked for his rent to be fixed, the landlord would take certain action against him.

Now in the Bill that has been before the House, it is proposed to allow a tenant to become a legal liar. The legislation will allow him to go to the landlord and say, "I did not say anything about this. I did not ask for my rent to be reduced." He will be able to say that, whereas in truth the tenant did go to the rent inspector and ask him to grant a reduction. If this legislation is going to make legal liars of tenants, I certainly object to it and feel that the Bill would be much better discarded and fresh legislation introduced.

Hon. E. H. Gray: You would have the same problem to deal with.

Hon. J. G. Hislop: I see no reason to warrant our breaking the practice of the House, which has been that the decision of the House itself is binding.

Hon. R. J. Boylen: I support the motion disagreeing with your ruling, Mr. President, my main reason being that members have been deprived of two opportunities to express their opinions. Standing Order No. 121 is probably one of the wisest ever drawn up because it provides members with an opportunity to rectify a wrong or correct a mistake they have made. It is of vital importance.

Standing Order No. 183 may be quite as necessary, but I would refer to "May" which states that a decision to read a Bill this day six months is a courteous way of disposing of the measure. In this instance we should not be looking for a courteous means by which we can dispose of the Bill, but rather should we seek a courageous method of correcting a mistake and taking steps to protect the people and provide them with the rights they should enjoy. Respectfully but reluctantly, I must disagree with the ruling.

Hon. L. A. Logan: I intend to vote in favour of the motion and I disagree with your ruling, Mr. President. I do so for the reason that in my opinion we must, as we do in all outside bodies whether they be local governing authorities or show committees, have the right to rescind a motion previously passed. On reading Standing Order No. 121, it becomes perfectly obvious why it was included. It was intended to safeguard against the position that would arise if a minority was able to rush a motion

through. Such a thing has happened before today in connection with many organisations. Thus the Standing Order gives a majority the opportunity to rescind the motion and thus obtain a majority decision on the subject under discussion. Standing Order No. 121 in requiring a constitutional majority provides that safeguard against the general application of that method in bringing forward motions for rescission.

The President: Before any other member speaks, I would like to take this opportunity to explain my ruling. A great deal has been said about Standing Orders Nos. 121 and 183. The impression has been largely created from the angle that the two are in conflict. I would like, however, in discussing these Standing Orders, first of all to refer to the one read by Mr. Fraser, namely, Standing Order No. 120 which commences with the words—

Subject to Standing Order No. 178.

Hon. G. Fraser: I did not quote that Standing Order, Mr. President.

The President: Then I am quoting it. Standing Order No. 178 reads—

A Bill may amend or repeal an Act of the same Session.

That Standing Order appears in the chapter dealing with "Public Bills." It is remarkable that Standing Orders Nos. 120 and 121 do not. I consider that is most important, because Standing Order No. 120 definitely lays down that—

No question or amendment shall be proposed which is the same in substance as any question or amendment which, during the same session, has been resolved in the affirmative or negative, unless the order, resolution or vote on such question or amendment has been rescinded.

Standing Order No. 121, as very ably argued by the Minister, deals with the matter or the rescission of a vote. It deals with the question of how an order, resolution, or other vote of the Council may be dealt with, and shows that they may be rescinded under certain conditions. There was no reference in the Minister's remarks to Standing Order No. 183; nor, in the whole course of the discussion this afternoon has there been any reference to Standing Order No. 208. If members will turn to Standing Order No. 208, in connection with the third reading of a Bill, they will see that it says—

Amendments may be moved to such question by leaving out "now" and adding "this day six months" which, if carried, shall finally dispose of the Bill; or, "the previous question" may be moved.

So it will be seen that Standing Orders Nos. 208 and 183 are couched in practically the same terms and deal specifically with the question of the rejection of Bills. I

am now going to refer to page 149 of the Standing Orders of the Legislative Council with reference to the Parliamentary Privileges Act. On that page will be found Section 1 of that Act, which states—

The Legislative Council and Legislative Assembly of Western Australia respectively, and the Committee and members thereof respectively, shall hold, enjoy and exercise such and the like privileges, immunities, and powers, as, and the privileges, immunities, and powers of the said Council and Assembly, and of the Committees and members thereof, respectively, are hereby defined to be the same as are, at the time of the passing of this Act, or shall hereafter for the time being be, held, enjoyed, and exercised by the Commons House of Parliament of Great Britain and Ireland and by the Committees and members thereof, so far as the same are not inconsistent with the said recited Act or this Act . . .

So in referring to "May," that reference to "May" is brought in because the privileges and powers of this Parliament are identical with those of the House of Commons, and in quoting "May" on the question of rescission of motions we have that great authority to take into consideration and have to realise that "May" sets out very clearly the practice and the principle obtaining in the House of Commons with regard to the rescission of motions. If members will refer to "May," at page 389, they will find the following:—

The power of rescission has only been exercised in the case of a resolution resulting from a substantive motion, and even in such a case sparingly.

On page 391 he says—

With regard to the whole matter—

That is, the matter of rescission—

—it may be stated generally that the reason why motions for open rescission are so rare and why the rules of procedure carefully guard against the indirect rescission of votes, is that both Houses instinctively realise, as a precedent referred to above shows, that parliamentary government requires the majority to abide by a decision regularly come to, however unexpected, and that it is unfair to resort to methods, whether direct or indirect, to reverse such a decision.

For that reason I was compelled to consider the whole position.

Reference has been made to Bills, and I would like to point out that the chapter concerning Bills deals with the whole procedure with regard to Bills, from the giving of leave right through to the conclusion, when the Bill is passed. Therefore, when we read Standing Order No. 121, especially having regard to the opening sentence of Standing Order No. 120, which specifically

indicates the procedure that may be adopted with regard to Bills, as set out in Standing Order No. 178, it can be reasonably contended that Standing Order No. 121 applies only to such motions and votes as the Council may have disposed of, but does not apply to public Bills, which are specifically exempted, and a special method is laid down whereby those Bills may be amended or reconsidered. That is the main contention upon which I stand by the decision I made with regard to the motion.

I would like to emphasise what has been pointed out by previous speakers, that this House has adopted the principle that when a vote has been taken on the disposal of a Bill, in which the second reading is deferred for six months, that has been accepted, and it is also laid down in "May," as the way in which a Bill is finally disposed of; and all the argument in the world cannot alter the fact that "finally" means "finally"; and the fact that it is repeated in both Standing Orders Nos. 183 and 208 indicates what was the procedure laid down in regard to a Bill.

With regard to the question of Bills of the same substance, "May" sets out the conditions under which Bills may be introduced although apparently similar in substance. He points out where there can be exceptions; and I have no doubt that, the Minister's attention having been drawn to it, he will discuss it with his colleagues. I thought it only fair I should put before members the views that led me to the decision I made. The House has its destiny in its own hands. It may be decided to disagree with my ruling. If and when the House reaches that decision, it will lay down a rule which will be applied and shall apply in future to the business of this House. That is why I am so concerned with regard to the upholding of my ruling. The matter is now in the hands of members.

Hon. H. S. W. Parker (in reply): I thank you, Sir, for making your explanation, but I am afraid it makes little difference to my views. It is a first principle of law that in any legal document, Act of Parliament, rule, regulation or Standing Order, every word is expected to have a meaning, and if there is any doubt it is the duty of those construing the document to try to make a meaning out of it.

In his comments, Sir Charles Latham mentioned that he did not know what was the reason for Standing Order No. 121. It is quite clear, simple and distinct. It gives power to rescind an order, resolution, or other vote. I think it will be agreed that either our President is wrong or that a former President was wrong. Standing Order No. 120, it is suggested, is the same in substance as Standing Order No. 121. The former reads—

Subject to Standing Order No. 178, no question or amendment shall be proposed which is the same in sub-

stance as any question or amendment which, during the same session, has been resolved in the affirmative or negative

If that does not apply to Bills because it is not under the heading of Bills, why are we worried? We can bring in another Bill straightaway. But, of course, it applies to Bills. The Standing Order continues—

unless the order, resolution or vote on such question or amendment has been rescinded.

Sir Charles does not understand why this Standing Order should not be suspended. A very good reason is that we want to ensure we cannot and must not introduce another proposal on the same matter. Surely that must apply to Bills. To what else could it apply?

Let me point out that when a Bill is defeated at the second reading stage in the ordinary way, by a majority of votes, there is nothing at all to prevent a Minister, if he so desires, putting the Bill on the notice paper for the next day of sitting. That may be news to members, but it was decided on the motion of Hon. E. H. Gray in 1927, when his bread Bill was defeated, and Mr. Gray gave notice of his intention to move that the Order of the Day for the second reading of the Bread Act Amendment Bill be reinstated on the notice paper, "this day week." Hon. A. Lovekin objected. The President reserved his decision, which ultimately was as follows. I will read only portion of it from pages 910 to 911 of Volume I of "Hansard" of 1927. Here is the extract—

The President: Mr. Gray last week asked me if it were possible to restore the Bread Act Amendment Bill to the notice paper. I am therefore prepared to answer Mr. Lovekin's question as to whether the notice given by Mr. Gray is permissible. The query I have to answer is whether a motion, which provides for the reinstatement as an Order of the Day of the question, "That the Bread Act Amendment Bill be now read a second time," is in order. The matter was discussed, and on the 20th September, the House divided, the question being negatived by eleven votes to eight. I have carefully studied the contention that the Bill has not been disposed of finally,

Hon. H. K. Watson: Has not been disposed of finally.

Hon. H. S. W. Parker: I will deal with the hon. member's remarks. Do not hurry me! Finally, the President said—

I am convinced that a member is within his rights if the House negatived the second reading on a particular day—that is "now"—to substitute

another day that might commend itself to the House. I rule that the motion is in order.

During the course of his remarks, the President said, at page 912—

The order of the House to read a Bill is an order, not a resolution, nor a question.

So the first point I wish to make is that a Bill which is defeated on the second reading is not disposed of. It can be put back on the notice paper if the Minister so desires. Obviously the Minister does not restore it to the notice paper because in all probability it would meet the same fate as before.

Hon. H. Hearn: Did Mr. Gray's Bill meet the same fate?

Hon. H. S. W. Parker: I do not know. It is not relevant to the matter under discussion. Standing Order No. 181 is rather peculiar. If members look at it, they will find that an amendment may be moved to leave out the word "now" and insert "six months."

Sitting suspended from 6.15 to 7.30 p.m.

Hon. H. S. W. Parker: Before tea I pointed out that when a Bill was defeated on the second reading it could be placed on the notice paper for the next sitting without further ado. That is where the procedure differs. Provision has been made so that a Bill cannot be so easily replaced on the notice paper. That is done by Standing Order No. 183 which provides that a Bill, if rejected on a motion being carried that it be read this day six months, is finally disposed of. "Finally disposed of" means finally disposed of only for the time being. It cannot possibly mean for ever.

Hon. N. E. Baxter: It is just during the session.

Hon. H. S. W. Parker: Why limit it to just during the session? Why not just this week, or just this day? It is finalised until something else happens, and the Standing Orders provide that something else may happen. Standing Order No. 121 states that on giving certain notice, and complying with certain conditions, the House may rescind a vote. If the House rescinds a vote, then, of course, it is not finished with. The Bill is not laid aside, which I think is the usual expression used. If it was the intention of Standing Order No. 183 to lay aside the Bill, surely it would have said so. As I have pointed out, we must read not bits here and there—

Hon. N. E. Baxter: Why is it in there?

Hon. H. S. W. Parker: If the hon. member will have patience I shall endeavour to tell him. We must read the whole of the Standing Orders and get the general gist of them, and also perhaps do a little research. Our Standing Order No. 121 is merely putting into force what is the practice in the House of Commons. I refer

to the same page of "May" as you did, Sir, page 389, on which we find the following words:—

But the practical inconvenience of a rigid rule of consistency, especially where the House as a whole wishes to change its opinion, has proved too great for a body confronted with the ever-changing problems of government; and the rule prohibiting reconsideration of a decided question has come to be interpreted strictly according to the letter so as not to prevent open rescission when it is decided that it is desirable.

You, Sir, quoted the Parliamentary Privileges Act which would have allowed that, and still allows it. But we have gone further. The portion I have read came into practice in 1865 or 1869 and was used then.

In our Standing Order No. 121 we have put in clearly and distinctly in writing. This Standing Order provides that any order may be rescinded under certain conditions. Again, I point out that under Standing Order No. 183 an amendment may be moved to strike out the word "now" with a view to inserting the words "this day six months." Once that is carried, that is the end of it. There is then no further question, as is usual, which becomes the motion. It is automatic that if the amendment is carried, nothing further can be done, so that there is no main question. Standing Order No. 386 provides—

A Member who has spoken to a Question may not speak to any amendment thereon until such amendment has become the Main Question.

So the mover—that is to say, the Minister—has no right of reply when someone moves that a Bill be read this day six months. He cannot say anything. No hon. member who has spoken to the Bill can speak on the motion. That is a great difference from the ordinary procedure when a Bill is defeated. It does finalise the matter in a material way.

It is suggested that the word "final" means "this session," and not "ad infinitum." Why, I do not know. I say it means only until the vote is rescinded. I refer members to Standing Order No. 243, which is rather enlightening, because it tells us what happens when a Bill is laid aside. The Standing Order states—

A Division shall be taken on the second and third reading of any Bill by which any change in the constitution of the Council or Assembly is proposed, and if it appears from the result of any such division that the second or third reading, as the case may be, has not been passed with the concurrence of an absolute majority of the whole number of the Members for the time being of the Council, the

Bill shall forthwith be laid aside without Question put, and shall not be revived during the same Session.

There are three ways in which we can defeat a Bill, and one is the ordinary way of defeating it on the second reading, when it can come back. The next is to defeat it by agreeing to the words "this day six months." Then before it can come back, we have to give seven days' notice and comply with certain formalities.

Hon. H. K. Watson: If the hon. member will refer to the President's ruling of 1927, he will see that the position, as then ruled by the President, is contrary to what he has just asserted it to be.

Hon. H. S. W. Parker: I have not, since tea, referred to anything that anyone else has said. I am afraid the hon. member has been reading something, and not listening.

Hon. H. K. Watson: I was referring to what the hon. member said during the course of his reply to the debate. I did not say it was after tea.

Hon. H. S. W. Parker: As I have pointed out, there are three ways of dealing with a Bill. One is the ordinary way of defeating it on the second reading, and the second is to make it final, which puts us to a lot of trouble, and the third way absolutely settles a Bill. We cannot bring it in again during the same session. How can anyone say that Standing Orders Nos. 121 and 183 are repugnant? Do not forget that repugnant means "incompatible with." How can No. 121 be incompatible with No. 183? They are entirely different. I think it is quite clear that the procedure adopted is correct. The hon. member who moved the motion could not have been very sure or certain of his ground.

Hon. H. K. Watson: I agree. You moved this motion!

Hon. H. S. W. Parker: I stand corrected. I was referring to the hon. member who asked for a ruling as to whether the motion then before the Chair was in order. He was not by any means convinced—far from it—and if he was, I am afraid he acted very improperly, because he had a week's notice of what was happening, so that he had a full seven days in which to look into it. But he allowed the Minister to speak, and then he spoke himself, and then said, "Very well, I am going to ask the President whether this is in order."

Hon. G. Fraser: He talked for a long time.

Hon. A. L. Loton: What is wrong with that?

Hon. H. S. W. Parker: The only thing wrong with it is this—why waste the time of the House with two speeches if the hon. member thinks it is not in order?

Hon. H. L. Roche: Whose time are you wasting now?

Hon. H. S. W. Parker: The hon. member's, I think.

Hon. Sir Charles Latham: I think you are damning your own case.

Hon. H. S. W. Parker: I do not care if I am, because I am putting the matter straightforwardly. If the hon. member thought he had a good case he should, in my opinion, have got up immediately the motion was moved by the Minister and raised the question. We would then have been saved two speeches, if it was correct. But he was quite right if he thought it would not be supported by you, Sir, to get in his speech on the other. I am pointing out that he apparently had no confidence at all in his request to you, Sir, to say that the motion was out of order. Sir Charles Latham suggested that if your ruling were disagreed with, there would be no end to this sort of thing. As I pointed out, the second reading stage can be revived at any time. But is it done? As the hon. member said, we are not children. We see which way the vote is cast and obviously this Standing Order is to prevent any catch votes; I am not suggesting there was a catch vote the other night, but it is for that purpose.

Hon. N. E. Baxter: What are you suggesting?

Hon. H. S. W. Parker: I am suggesting that the hon. member keep quiet, so that I can finish my speech.

Hon. H. L. Roche: It is a bit hard.

Hon. H. S. W. Parker: I want to finish as soon as I can.

Hon. H. L. Roche: Yes, but we have to listen to it.

Hon. H. S. W. Parker: The hon. member need not listen but I am pleased to see there are so many other members listening and I feel flattered. Standing Order No. 183 is for the purpose of altering a decision which perhaps we think the House has made wrongly. I am not raising any question about the Bill. All I am doing is endeavouring to show that we should be very careful and see that we do not go against our Standing Orders. Because our Standing Orders permit the restoration of a Bill, that is no reason why a ruling should be given that a vote cannot be rescinded, and for that reason I submit, with all due respect, that your ruling, Sir, was wrong.

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

Ayes	....	....	....	....	15
Noes	....	....	....	....	12
Majority for					3

Ayes.

Hon. G. Bennetts	Hon. E. M. Heenan
Hon. L. Craig	Hon. L. A. Logan
Hon. E. M. Davies	Hon. H. S. W. Parker
Hon. J. A. Dimmitt	Hon. C. H. Simpson
Hon. G. Fraser	Hon. J. M. Thomson
Hon. Sir Frank Gibson	Hon. G. B. Wood
Hon. E. H. Gray	Hon. R. J. Boylen
Hon. W. R. Hall	(Teller.)

Noes.

Hon. N. E. Baxter	Hon. A. L. Loton
Hon. J. Cunningham	Hon. J. Murray
Hon. H. Hearn	Hon. H. L. Roche
Hon. C. H. Henning	Hon. H. K. Watson
Hon. J. G. Hislop	Hon. F. R. Welsh
Hon. A. R. Jones	Hon. Sir Chas. Latham
	(Teller.)

Question thus passed.

The PRESIDENT: The House having decided that the motion is now in order, it is competent for the Minister, if he so desires, to proceed with the motion.

The Minister for Transport: I am quite prepared to allow the debate to continue.

As to Procedure.

Hon. A. L. Loton: Is it not necessary to have a constitutional majority before the debate can proceed?

The President: No. The debate proceeds on the motion moved by the Minister for Transport and that debate closes when the Minister replies. After that, the vote is taken.

Hon. E. M. Heenan: The motion now is that we rescind the vote recently carried on the question that the second reading of the Bill be adjourned for six months.

The President: No. The position is that the debate can proceed on the motion moved by the Minister for Transport, as follows:—

That the resolution passed by this House on Tuesday, the 25th September, 1951, as follows:—

"That the second reading of the Increase of Rent (War Restrictions) Act Amendment and Continuance Bill be read this day six months"

be rescinded.

Debate Resumed.

HON. J. G. HISLOP (Metropolitan) [7.54]: I do not intend to record a silent vote on this matter and I rise to make a statement of my attitude because recently I said I considered it would possibly be my duty to assist in putting the Bill back on the notice paper. Like many other members, I have given the Bill a good deal of thought, and my opinion is that, no matter what we might do with the measure, it will still turn out to be a very unsatisfactory piece of legislation. I cannot see that any amendments we make will give us the result we desire.

I believe that a very simple measure could be introduced to cover the present needs; and if that be true, then it would be much wiser to discard the existing legis-

lation. As the Bill has been discarded once, I can see no reason now why I should agree with this motion to rescind. I have listened to the reasons advanced by the Minister in moving his motion, and it appears that the only reason is that next year a measure will be brought down that will do what appears to be necessary now.

Hon. E. H. Gray: Next year will be too late.

Hon. J. G. HISLOP: My view is that there will be such an interminable muddle by the time this Bill reaches the statute book that confusion will be worse founded. In my view, the answer is very simple. I have discussed this question with a number of people, including those who have been concerned with rent legislation in other States of the Commonwealth, and apparently this business does not go on elsewhere. I have learnt from more than one person that the South Australian legislation is a desirable piece of work. I have also learnt that in Queensland there is no real difficulty about the situation such as that which seems to exist here.

It would appear that in the main if two people come to an agreement about letting and renting a house, and provided the rent can be agreed upon between them, it is registered with the rent inspector. If there is a difference of opinion and the tenant says, "No, I cannot pay that rent; I think it is excessive," he should be entitled to go to the rent inspector, who should be able to fix a rent which would bind the tenant. If the landlord said, "No, I still disagree, I do not think that is a just rent," then he, being the landed proprietor, should be able to apply to a magistrate for review and the magistrate's decision in such cases would be binding.

Point of Order.

Hon. H. S. W. Parker: On a point of order. We are not discussing the Bill but are discussing only the question of rescinding the motion. I think the hon. member has misunderstood the position, because he is discussing the Bill.

The President: The hon. member must confine himself to the question before the Chair.

Debate Resumed.

Hon. J. G. HISLOP: If we are to be irked in a discussion of this sort it will be most unwise, and it would have been very much better if the gentleman concerned had explained more fully when he previously spoke on this question. If that had been the case, we might have had a different viewpoint. If I, as a member, am to be irked and prevented from saying what I think about the Bill, then I would remind members that the Minister was given considerable latitude when he moved his motion in regard to this rescission. I maintain that the motion is unnecessary

because the alternative is a very simple measure which I was attempting to outline when I was interrupted.

It would be perfectly simple to introduce methods for controlling evictions because the eviction court could easily deal with applications for eviction and it could be a tribunal set up for that purpose. Therefore I make the statement to the House that, while previously I did consider I would be doing justice to all concerned by agreeing to rescind the motion under discussion, on mature consideration I do not think I would. I believe what is needed by the people of this State is an entirely new measure and not an amending Bill such as we had before us. Therefore I intend to vote against the motion moved by the Minister.

HON. E. M. HEENAN (North-East) [8.0]: The motion before the House is that the resolution which was carried the other night to the effect that the second reading of the Increase of Rent (War Restrictions) Act Amendment and Continuance Bill be read this day six months, be rescinded. I submit that if we rescind the resolution all we shall do will be to enable members of this House to discuss the Bill more fully.

Hon. L. Craig: And to put it back on the notice paper.

Hon. E. M. HEENAN: Yes. We can all then discuss the pros and cons of the measure. If we decide to carry the second reading we can do so and if we decide to amend it in Committee we can also do that. It will enable us to have a full and frank discussion of the measure which I submit members did not take the opportunity of doing previously. No harm will be done and a lot of members would like to speak on it. Some who have possibly given it further thought and more serious consideration will have the opportunity of debating the measure and if, after a full and frank discussion, it is defeated or carried, no one can have any regrets. I think, therefore, that the House will be very well advised to support the motion.

HON. N. E. BAXTER (Central) [8.1]: Putting it in rather hard terms, it seems strange to me that Dr. Hislop should have been gagged when speaking on this motion. I listened very attentively to the Minister and he dealt with the Bill that was before the House originally. He did not deal with any particular reason why the vote of the House, which was carried by your casting vote, Sir, was—

The Minister for Transport: I tried to point out the effects that would follow the rejection of the measure.

Hon. N. E. BAXTER: As I have said, I listened to the Minister most attentively and took notes of his speech. He dealt with what might happen but would not wait to see what would happen. I think it most peculiar that Mr. Parker should object to Dr. Hislop explaining why the

resolution should not be rescinded. If the Minister had given us any reason and had shown that special circumstances had arisen since we voted on this matter, there would have been good reason for members to vote to have the Bill replaced on the notice paper.

HON. G. FRASER (West) [8.2]: I intend to support the motion for the rescission because unless we agree to the adoption of that course it will be impossible for us to discuss the Bill. So far the discussion on the measure is not even half-baked because before more than about three or four members had discussed the Bill, Mr. Watson came in with the amendment he was successful in having carried. I would like to inform Mr. Baxter that if there was any gagging going on, it was as the result of Mr. Watson's action last week and not because a member was asked to conform to the Standing Orders. By doing that, further discussion of the measure was gagged. All we want to do in seeking to carry the motion is to allow a frank and free-discussion.

Hon. H. L. Roche: You could have had that last week.

Hon. G. FRASER: We did not have the opportunity.

Hon. H. L. Roche: Why did you not speak to the motion.

Hon. G. FRASER: I did speak to the motion. The hon. member was probably down at the Show and did not hear me.

Hon. H. L. Roche: There is no show to compare with you when you are talking!

Hon. G. FRASER: At least I must have one listener if I am able to humour the hon. member. I suggest that the House should not be misled by Mr. Watson in regard to this matter because I would say he has a kink regarding it. One could be excused for saying that his ideas on this measure are those of an extremist. He does not care what happens provided that the people in whom he is interested are served.

Hon. H. K. Watson: I am interested in the 18,000 members in my province.

Hon. G. FRASER: The 18,000 people in the hon. member's province must be very financial ones if they are concerned with the attitude he is taking.

The PRESIDENT: I suggest the hon. member confines himself to the motion.

Hon. G. FRASER: In confining myself to the motion, I must say something about the person who moved it and the reason for his doing so.

Hon. H. Hearn: Is that the law of the jungle?

Hon. H. K. Watson: On a point of explanation, Mr. President, I did not move the motion before the Chair.

Hon. G. FRASER: Why split hairs? I do not want to have to say that the motion was moved by Mr. Watson or by the Minister. It is the amendment moved by the hon. member that has put us into this unfortunate position, where we cannot discuss the measure. I would appeal to the House to give us the opportunity to discuss it. I could talk from now until doomsday and the hon. member would not be convinced.

Hon. N. E. Baxter: Why are you wasting your breath, then?

Hon. G. FRASER: I am not wasting it on him but I think there are some members who might listen to reason, and the reason I am putting it forward is that if members persist in this attitude and refuse to allow others to deal with the measure we will not have the opportunity of putting before the House just what is entailed. If members want chaos to reign in the community they should follow Mr. Watson. But if they want a genuine attempt made—

Hon. A. R. Jones: Follow Mr. Fraser.

Hon. G. FRASER: —to right the position then they must allow further discussion of the Bill. That is the only point with which we are concerned. Let us discuss it and get down to something that is worthy of this Chamber and let us not take a way out of the difficulty by which certain people in the community will be greatly enriched. Members should realise that it is not many years ago since we were at war, which was the cause of what has happened today. Some members would say that is five years ago, but if we cease building in a community for six years we cannot right that in five years' time. So if the people of this State supported the war effort they should now see that justice is done to those who gave service in that war.

Hon. H. K. Watson: That is what we want.

Hon. G. FRASER: That is not what the hon. member is doing, because by the amendment he has had carried he is not permitting us to do anything in connection with the resolution before the Chair. That is all we are asking for. There is quite a lot of good in the hon. member's suggestions and when we get to the Committee stage and discuss it it is possible—I say possible—that I might agree with him. It is also possible that I might put up something on which he will say, "I do not look at it from that angle."

Hon. J. G. Hislop: You are limited to the amendments in the Bill.

Hon. G. FRASER: We could amend those. Has not Mr. Watson got a whole lot of amendments on the Bill? I think if we are given the opportunity we will be able to do something for the community, but if we adopt this dog-in-the-manger attitude and refuse to allow discussion of the Bill, we shall do good for one section of the community and harm to another large section. The Prime Minister has made

announcements on many occasions that we will be at war in two years' time. What is going to be the response of the people if this House refuses justice to those who served in the last war? I would like members to ponder over that before they vote on this question. I am not asking the House to carry the Bill suggested by the Government. All I am asking it to do is to agree to the motion now moved by the Minister. Let us discuss the measure and put forward something that will be equitable to the community.

Hon. A. R. Jones: That is what we are wanting to do.

Hon. G. FRASER: If the hon. member is asking for that to be done, he must vote the same way as I propose to do. What is the use of his saying that he is going to do justice to everybody and then to vote in a way that will stop the House from discussing the measure? What sense is there in that? How can the hon. member do justice by stifling discussion?

Hon. N. E. Baxter: By means of a better Bill.

Hon. G. FRASER: We have heard many suggestions about that and we are all just as fogged as we were before, including the Government. What the hon. member is losing sight of is that quite a lot of work has been done in connection with this measure in the past year and a considerable number of notices expired on the 30th September.

Hon. N. E. Baxter: Are the people out on the street?

Hon. G. FRASER: No, because court action has still to be taken. We can reach the stage of advantage being taken by people as a result of Mr. Watson's action. We want to deal with those things. I believe the hon. member is fair.

Point of Order.

Hon. H. K. Watson: On a point of order, Mr. President. The action that has been taken was not taken by me but by this House.

The President: I think it would be better if the hon. member refrained from personal references in the circumstances.

Debate Resumed.

Hon. G. FRASER: Shall I say that the action taken in this Chamber was at the instigation of Mr. Watson? Would that suit the hon. member? Am I expected to express myself in this way; that an hon. member instigated certain action in this Chamber and succeeded in getting a number of other members to fall in with his views and because of that fact certain disabilities have been created so far as the people in this community are concerned? Would that be in order?

I make a final appeal to members to do justice in this matter. That is all I ask—nothing more, nothing less—justice as

far as it is possible to do justice. We cannot do it at the moment because the action of the Chamber two weeks ago does not permit us to discuss the Bill. All I am appealing for is the right and opportunity to discuss it. If the Bill is thrown out after discussion, if there is not a sufficient case presented in support of the amendments suggested by the Government or by some members—

Hon. N. E. Baxter: Or for the continuation of the Act.

Hon. G. FRASER: —then the House can throw out the Bill. Is not my request only reasonable? Let us discuss it and view the question from all angles! Members cannot shut their eyes to the fact that something definite is required. I make this final appeal that they agree to the motion of the Leader of the House. Do members believe that he, acting for the Government, would ask us to take this step if it were not necessary in the interests of the community? Have not members sufficient confidence in their own Government to do what the Government says is required in the interests of the people? I am one of the avowed opponents of the present Government, but I am prepared to allow it to bring in its legislation and discuss it.

Hon. G. Bennetts: So is everyone.

Hon. G. FRASER: If that is done, we can record a vote for or against the Government as we think fit. But supporters of the Government are really crucifying their own Government. Normally I would welcome that, but not so in this case because, in the process of the crucifixion, a lot of people will suffer. I hope that members will vote for the motion and give us an opportunity to discuss the Bill.

HON. J. McI. THOMSON (South) [8.17]: I voted on the 25th September against the amendment moved by Mr. Watson for the reason that I desired to have an opportunity to discuss the Bill. I considered then and I still consider it extremely desirable that the Bill as introduced should be fully discussed by this Chamber. Therefore I propose to support the motion moved by the Minister for the rescission of the previous decision. There are many things that I should like to see included in the Bill and for that reason I desire to see the measure taken into Committee.

HON. H. HEARN (Metropolitan) [8.18]: I have listened with a deal of interest to the two speeches delivered by Mr. Fraser today and I congratulate him upon having developed a very good technique. He almost had me crying, and when a man can move me, I assure members that he is talking some. Mr. Fraser, however, has lost sight of one or two things. He would have the House believe that we have only

a sectional interest in our minds and are representing, shall we say, the most prosperous portion of the community. I assure him that that is not the case at all.

I have considered the details of the Bill and like other members who voted in the same way on the amendment, I feel that the measure is not worthy of the Government we support and that there is a way out. We do not accept the view that if the Bill is not restored to the notice paper, that will be the end of controls. I definitely say that most members who voted for Mr. Watson's amendment would hesitate to lift the lid off control at this juncture, and Mr. Fraser must be aware of that.

We say there are some very objectionable features in the Bill and it is time the Government investigated the question properly and produced something that would do justice to the people and assist those who wish to see some progress made. The last few words uttered by Mr. Fraser appealed to me because I felt that he was trying to work on the emotions of members. I say here and now that all of us are aware that, if the Bill is not restored to the notice paper, something else will be put in its place.

Hon. R. J. Boylen: When?

Hon. H. HEARN: We recognise the obligations resting upon the community regarding the servicemen and the men who are fighting in Korea, and again I remind the House of the fact, which has been mentioned on many occasions when Bills of this sort have been under discussion, that if preference is to be given, it should be given by the Commonwealth and State Governments. The Governments of Australia should not expect the load to be carried by the individual owner. I intend to stick to my guns and vote against restoring the Bill to the notice paper.

HON. L. CRAIG (South-West) [8.22]: A little while ago I reluctantly voted to disagree with your ruling, Mr. President. I was absent when Mr. Watson moved his amendment that the Bill be read a second time six months hence. I take full responsibility for that. Had I been present, I think I would have voted against him, because I would have desired to speak on the Bill, but for that reason only, because I dislike the measure, perhaps as much as does any member.

I have given close attention to the Bill and I do not think it can be made into a statute that would satisfy anybody or one that could be interpreted by a magistrate. I cannot understand it. In another place the Leader of the Opposition, the member for Melville and the member for East Perth admitted that they could not understand it and they spoke for their party when they said that this legislation should not have been re-introduced in its

present form and that another Bill should be substituted for it. Consequently, the supporters of Mr. Fraser are not in favour of the Bill. They simply accepted it as the only thing offering.

Hon. E. M. Davies: But this is a House of review.

Hon. L. CRAIG: I am expressing the views of the hon. member's party, and that party as a rule speaks with one voice. I believe that this legislation could and should be covered by an entirely new Bill. I am wondering who are suffering the most—the so-called landlords, "owners" is a better word, or the tenants—and when I listen to both sides, I have to come to the conclusion that all tenants and all landlords are scoundrels, simply because one hears only of the scoundrels, rogues and thieves. Of course, that is not true. It is hard to arrive at something that would be just as between owners and tenants, and if there is any balance, it should be given to the people who own property, because at one time ownership meant ownership to do with one's property as one wished. Today, that right has been taken away from owners. Therefore, I shall vote on this occasion that the Bill be not restored to the notice paper.

HON. G. BENNETTS (South-East) [8.26]: I support the rescission of the motion as I believe that is the only democratic way of dealing with it. I wish to have an opportunity to discuss in Committee several matters of importance both to tenants and to owners, and only by getting the Bill restored to the notice paper shall we be able to right some of the wrongs. We are looking for a truce in the Korean hostilities, and, if the Bill is not restored to the notice paper, I fear that members of the recruiting committee will have a very hard time in trying to get our boys to enlist for service. I shall give my vote in favour of the motion.

HON. A. R. JONES (Midland) [8.27]: I did not intend to say anything in this debate until Mr. Fraser made his accusation against me. One thing I should like to say is that I have not somersaulted at any time and my mind is made up because I, with other members who supported Mr. Watson's amendment, felt that the Government would bring down a more satisfactory Bill. I am still of that opinion. Judging by the way Mr. Fraser spoke tonight, he implied that I had an axe to grind. I do not indulge in any behaviour of that sort. I keep my affairs in order and I expect the Government to do the same.

I feel that if we rescind the motion we shall create a state of affairs whereby any matter, after being decided by the House, may be revived, reiterated and repeated. Quite apart from what Mr. Fraser might suggest, I consider that these few words

I have uttered justify the action I have taken in the past. I hope the House will stick to its guns by repeating the vote it gave in dealing with Mr. Watson's amendment.

HON. J. M. A. CUNNINGHAM (South-East) [8.29]: A fortnight ago I indicated very plainly where I stood. My desire was that the Bill should be debated by the House. If the Minister succeeds with his motion to have the Bill restored to the notice paper, it will probably be another week or fortnight before the House will again reach the decision it arrived at earlier on the matter. I believe that by that time a full month will have been wasted in dealing with this most important piece of legislation. I, together with many other members of this House, believe that the time has arrived when we should bring down legislation to cover all phases of this contentious question. We have seen almost irresponsible statements from the bench in regard to the existing legislation. Magistrates have shown a singular lack of that discretion which they are supposed to possess. Attempts have been made by outside interests to bring pressure to bear, and that is bad. I believe every aspect covered by the Bill that was recently defeated could adequately have been answered and catered for in a new measure.

I think we would be wasting further valuable time if we carried on with this debate and I am fully convinced that nothing could make the old Act good legislation. I believe that the introduction of the amending and continuance Bill was a retrograde step. It is our belief and desire that controls should be slowly relinquished, but that was not the purpose of the Bill recently brought down. I have as much at heart as has anyone the interests of servicemen and ex-servicemen and I believe that a new Bill could do far greater justice to those men than could possibly have been forthcoming from the legislation that was recently presented to us.

Hon. E. M. Heenan: Are you not a supporter of the Government that introduced the Bill?

Hon. J. M. A. CUNNINGHAM: Yes. I am an independent supporter of the Government and I reserve to myself the right to vote and speak as I wish. Both the Government and my party have given me that right.

Hon. E. M. Heenan: Do you not take some responsibility for the introduction of this Bill?

Hon. J. M. A. CUNNINGHAM: I had nothing to do with drawing it up and had not even an opportunity to debate it. I desired to debate it and voted to that effect, but that was a fortnight ago and the

time is now too short for us properly to debate the measure. In a week or a fortnight from now I anticipate—if I am permitted to do so—that the recent vote of this House will be repeated and then the new Bill that we are anxious to see brought down will have to be prepared, a fortnight later than if it were brought down now.

Hon. E. M. Heenan: Then for goodness sake take some interest in the next Bill!

HON. SIR CHARLES LATHAM (Central) [8.35]: I will not cast a silent vote on this question. The action I am taking is because I agree that the Bill, which is the subject of this motion, cannot solve the problems it seeks to deal with, but will, in my opinion, make the difficulties worse. I give the Minister an undertaking that if he will promise that if I support him in carrying the Bill he will immediately withdraw it so that a fresh measure may be drafted for submission to the House, he can count on my support.

This is very contentious legislation and it is particularly necessary for us to protect those who are fighting for this country. I believe it should be the responsibility of Governments, which in the early part of the recent war undertook to see that our servicemen were provided for, to ensure that they are now housed, but ever since then the individual has been asked to carry that responsibility. Governments have indeed done little towards accepting it.

If it will expedite the solving of the problem and the Minister will give an undertaking that if the House agrees to the second reading of the Bill he will withdraw it and bring down a new measure, I will support him, because I think that is the most expeditious way of bringing before the House legislation that would not contain the limitations that were a feature of the Bill defeated in this House. It is very difficult for anyone, except one with legal training, to piece together the original Act, the 1950 amending Act and the recent Bill.

Hon. E. M. Heenan: Are you in favour of continuing the measure in some form?

Hon. Sir CHARLES LATHAM: I have no hesitation in saying that I am. You, Mr. President, would immediately rule me out of order if I tried to introduce into the discussion something not contained in the legislation which is the subject of this motion, and I therefore wish to see a new Bill drafted. This has not been dealt with as a party measure in this House nor, I believe, was it considered to be such in another place. Apparently we can introduce new ideas into this House, because tonight we have done so, and so I suggest that members of all parties should be called together in an endeavour to reach an understanding and arrange for the introduction of a measure that would be acceptable to all. We heard about the

terrible things that would happen when it was proposed in the past to lift various restrictions, but we know that, in fact, matters adjusted themselves without any of those predicted events occurring. I think that a new measure would give people confidence—

Hon. G. Fraser: In what way?

Hon. Sir CHARLES LATHAM: Because under legislation such as I envisage, if an owner found a tenant unsuitable, he would probably be able to remove him without the grave difficulties that exist at present. The result of that would be that a great many more homes would be thrown open to those in need of accommodation.

Hon. G. Bennetts: It would be bad luck for anyone with children and in need of a house.

Hon. Sir CHARLES LATHAM: I understand that the Government is building houses at the rate of 6,000 or more a year, so surely it could look after them.

Hon. G. Fraser: What would happen in the meantime?

Hon. Sir CHARLES LATHAM: In the meantime, everyone is in some sort of accommodation. I feel that there is more responsibility on the part of the tenant towards the owner than vice versa, in a great number of instances. If the Minister will give the undertaking I have requested, he will receive my support.

HON. E. M. DAVIES (West) [8.39]: I intend to support the motion, but it would be difficult to do so if I dealt with the question on the same lines as have some other members who have endeavoured to bring into the debate questions that should have been dealt with during the second reading debate on the Increase of Rent (War Restrictions) Act Amendment and Continuance Bill. We have been prevented for the time being from discussing that legislation.

My mind goes back to the measure that was introduced in the dying hours of last session and I feel that the debate I have heard in this Chamber tonight has been merely a repetition of what we listened to then, when members complained bitterly about the Government having brought down the measure at such a late stage in the session. I agree that there was a certain amount of justification for that complaint, but there were over 60 amendments moved in this House and there was disagreement between this Chamber and another place, with the result that the whole matter had to be decided by a conference of managers who, in about 16 hours, had to formulate a measure that would provide protection for those coming under the provisions of the legislation.

Had that not been done the statute would have gone out of existence on the 31st December last. We find now that

members are wasting time and are trying to delay the debate so that the question will drift on towards the end of the session and we will again not have sufficient opportunity to give the matter serious consideration.

Hon. H. Hearn: Who has delayed it?

Hon. E. M. DAVIES: Every member present tonight knows who has delayed it. Why did the hon. member not let us debate the second reading and then either amend the measure or throw it out, instead of dealing with it in this way? If some members, who do not seem to know much about the question, were in my province, they would know just how great the housing problem is. I know that there are good and bad landlords, as well as good and bad tenants in the community, but we find that some landlords, who own several properties, have given their tenants notice to quit, and have not done it in accordance with the Act.

Hon. N. E. Baxter: On a point of order, Mr. President, the hon. member must confine himself to the subject of the motion, and he is not doing so.

Hon. E. M. DAVIES: The hon. member seems to misunderstand what I am trying to tell the House. It is by delaying our efforts to deal with the question that members are providing an opportunity for the same thing to be done as happened earlier this year; that was when landlords gave tenants notice to quit, sometimes not in accordance with the Act, simply because they wanted to sell their houses with vacant possession.

I appeal to members to let us get on with the business. There are difficulties in bringing a new measure before the House and I think that if this motion is not carried, the Government will not have time to bring down new legislation during the present session. It would be necessary to have another session and all the formalities would have to be gone through. That would bring us very close to the end of the year before the legislation could again be dealt with, and the result would be that, once again, we would not be able to do justice to it. Let us support the motion and we will then be able to debate the legislation on the second reading.

THE MINISTER FOR TRANSPORT

(Hon. C. H. Simpson—Midland—in reply) [8.43]: I hope members will support the motion, firstly because when it was challenged on a point of order, they voted in the direction of continuing the debate so that the legislation could be restored to the notice paper, and I think they would be inconsistent if they did not carry on in that direction. Secondly, I hope they will do so because they will allow the 26 members who did not have any oppor-

tunity of speaking to the debate on the second reading a chance of expressing their views.

Most of the members who have spoken have done so under a sense of restraint because it was pointed out to them that they were speaking not to the Bill but merely to the motion, the purpose of which is to restore the Bill to the notice paper. If the Bill is restored members will have the opportunity of dissecting it piece by piece and, if necessary, of amending its provisions. If they decide that the Bill as a whole is bad members can point out how it can be improved, and that is what we want. I have been challenged for speaking at length when moving this motion, but that was my right.

Hon. N. E. Baxter: No more than it is the right of any other member.

The MINISTER FOR TRANSPORT: I was in a position to give members information on points on which they were probably not fully informed. I was able to give them some inkling as to what the Government's intentions were, the reasons why it would be extremely difficult to frame a new Bill—which seemed to be what members wanted—and to point out the effects likely to arise from the jettisoning of this legislation. We have not been averse to introducing a new Bill, but our intention was, as I have already told members, to bring down a new Bill next year after the present measure had had a fair trial and the effects which might have developed would have been more clearly understood.

Legislation of this kind is in a state of flux all over the Commonwealth and it would be strange if we could not pick out good points in the legislation of other States when trying to design that new Bill. When this legislation was evolved following on a conference last session, those who were members of that conference, as I was, know that they had tremendous difficulty in reconciling two conflicting points of view.

Members say, "Bring down a new Bill." Every member has a different idea as to what that new Bill should contain. If that new Bill was introduced possibly in a form adequately to satisfy some people, it would then, as I pointed out before, have to run the gauntlet of debate in another place and then in this House and it would probably emerge a very different Bill from the one we have now.

After all is said and done, the Bill that was produced was pronounced by people at the time to be a reasonably good piece of legislation and a great improvement on what had gone before. It preserved a measure of control in regard to rents, in regard to landlords; it covered the ex-servicemen, and the leading article in

"The West Australian" at the time seemed to consider that the managers at the conference had done a reasonably good job.

Apparently it had realised that it was not easy to thrash out in conference something which did not satisfy everybody and that it was the nearest approach to a measure which one could get which would reasonably reconcile two conflicting points of view. If the Bill is returned to the notice paper, members have the right to amend it to their liking.

Hon. Sir Charles Latham: There is a limitation.

The MINISTER FOR TRANSPORT: That would be thrashed out in debate, but members would at least have the right to reject those amendments which they considered undesirable and they could re-amend them if they so desired. If, in another place, amendments passed here were not accepted, we could again deal with them and, in the final issue, they could then be thrashed out in conference, but we would at least retain the substance of the Bill which was arrived at after so much trouble last year. After 12 months' experience of it we could probably produce the Bill which would be the crystallised opinion of the members present and probably of the judiciary, and it could be couched in simple terms to remedy those defects which would have become apparent after practical experience of the legislation.

Hon. Sir Charles Latham: After last year's experience, I cannot understand why you did not do that this year.

The MINISTER FOR TRANSPORT: After consulting with our advisers they told us that they were of the opinion that there was not sufficient time to prepare a Bill—not a simple Bill but one exceedingly complex. We wanted to go a little further and gain some experience through actual administration of the Act and give ourselves ample time to bring down a Bill which could avoid the criticism of laymen and judiciary alike. I sincerely hope that the House will act consistently with the vote just taken and that members will allow the Bill to be restored to the notice paper. I appeal to members to support the motion.

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

Ayes	.....	13
Noes	.....	12
Majority for	.....	1

Ayes.

Hon. G. Bennetts	Hon. E. M. Heenan
Hon. R. J. Boylen	Hon. L. A. Logan
Hon. E. M. Davies	Hon. H. S. W. Parker
Hon. J. A. Dimmitt	Hon. C. H. Simpson
Hon. Sir Frank Gibson	Hon. J. M. Thomson
Hon. E. H. Gray	Hon. G. Fraser
Hon. W. R. Hall	(Teller.)

Noes.

Hon. N. E. Baxter	Hon. Sir Chas. Latham
Hon. J. Cunningham	Hon. A. L. Loton
Hon. H. Hearn	Hon. J. Murray
Hon. C. H. Henning	Hon. H. L. Roche
Hon. J. G. Hislop	Hon. F. R. Welsh
Hon. A. R. Jones	Hon. H. K. Watson

(Teller.)

Pair.

Aye.	No.
Hon. H. C. Strickland	Hon. L. Craig

The PRESIDENT: As it is necessary, under Standing Order No. 121, that there shall be an absolute majority of the whole number of members in favour of the rescission, the motion for the rescission is lost.

Question thus negatived; the motion defeated.

BILL—BUILDING OPERATIONS AND BUILDING MATERIALS CONTROL ACT AMENDMENT AND CONTINUANCE.

Received from the Assembly and read a first time.

BILLS (3)—RETURNED.

- 1, Potato Growing Industry Trust Fund Act Amendment.
- 2, Poultry Industry (Trust Fund) Act Amendment.
- 3, Noxious Weeds Act Amendment.
Without amendment.

House adjourned at 8.57 p.m.