Legislative Council.

Wednesday, 29th November, 1950.

CONTENTS.

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

QUESTIONS.

ROADS.

As to Surfacing at Iron King Mine.

Hon. G. BENNETTS asked the Minister for Transport:

(1) Is the Minister for Works aware of the action taken last week by the Water Supply Department's engineer at Norseman in refusing water to the Iron King Pyrites Mining Company for the sealing off of the road used for the cartage of pyrites from its mine to the treatment plant?

(2) Does the Minister know that this road is causing extensive damage to the company's motor transport and occasioning great concern?

(3) Seeing that a main roads gang is now at Norseman, will he have urgent inquiries made with a view to completing this work, which will save the extra heavy expense of having to return plant, men and material to Norseman at a later date?

The MINISTER replied:

(1) Certain water restrictions have been imposed recently on the Goldfields Water Supply Scheme; these restrictions have covered the use by the Main Roads Department of water for road construction throughout the area served.

(2) The Minister for Works has received reports following on discussions between departmental officers, the Dundas Road Board and the mining company.

(3) Answered by (2).

ROYAL PERTH HOSPITAL.

As to Charge to Visitors.

Hon. H. HEARN asked the Minister for Transport:

(1) Is it a fact that visitors to patients in Royal Perth Hospital are charged sixpence per visit?

(2) If this is correct, will the Government give immediate consideration to having this charge abolished, bearing in mind the public contribution to social services per medium of taxation?

The MINISTER replied:

(1) Visitors are admitted free on regular visiting days, namely, Wednesday, Saturday and Sunday afternoons.

A charge of sixpence is made for admission outside regular visiting times limited to Monday, Tuesday, Thursday and Friday at 6 p.m. to 6.45 p.m.

(2) No, but contribution to social services is a Commonwealth impost which is not available to the hospital or the State.

NATIVE AFFAIRS.

As to Carrolup Settlement.

Hon. J. M. THOMSON, asked the Minister for Transport:

With reference to the native settlement at Carrolup—

(1) How many employees are on the staff and what are their respective duties?

(2) What are their respective weekly salaries?

(3) Is it classed as an agricultural college whereby boys may be taught to be useful citizens?

(4) How many boys are being taught at Carrolup settlement?

(5) Is any attempt being made to make the place partly self-supporting; if so, what is it producing?

(6) What progress has been made in the Boy Scout troop since its formation?

The MINISTER replied:

(1) and (2) Sixteen on Native Affairs staff.

	Weekly Salary Gross		
	£	s.	d.
Superintendent	13	5	8
Storekeeper	8	19	3
Farm Manager	8	3	6
Carpenter	10	8	1
Maintenance Assistants (4) .... each	8	1	7
Driver-mechanic	8	1	7
Welfare Assistant	8	9	1
Compound Cook	8	16	7
Staff Cook (female)	5	14	2
Clerk (female)	5	9	2
Attendants (female) (3) each	5	9	2

All employees are charged £1 9s. 3d. per week board and lodging.

Maintenance assistants are used on buildings and maintenance work in lieu of calling on the Public Works Department for this type of activity.

(3) Yes.

(4) All inmates, numbering 78, are being taught either school work or occupational training.

(5) Revenue from Carrolup for 1949-50 amounted to £3,396 from the sale of wool, skins, stores, etc.

Various fodder crops, such as barley, oats, wheat and peas, are grown as forage for Carrolup livestock. Vegetables are grown for inmates. Dairy cows and poultry keep the institution supplied with milk and eggs.

(6) On the 24th June, 1950, the 36th W.A. Scout Group, Carrolup, was invested, and is functioning as such.

BILLS (3)—THIRD READING.

1, Rural and Industries Bank Act Amendment.

2, Industrial Arbitration Act Amendment.

3, War Service Land Settlement Agreement (Land Act Application) Act Amendment.

Passed.

BILL—MAIN ROADS ACT (FUNDS APPROPRIATION).

Second Reading.

THE MINISTER FOR TRANSPORT (Hon. C. H. Simpson—Midland) [4.43] in moving the second reading said: This Bill is virtually a continuance measure, being a re-enactment of legislation that has been approved by Parliament since 1941. This legislation had its genesis in the recommendation by the Commonwealth Grants Commission that the 1941 grant to Western Australia be reduced by £65,000, as this State's policy for road finance did not meet with the approval of the Commission, which was of the opinion that the State's revenue should bear some portion of loan costs on roads.

To meet with the wishes of the Grants Commission it has been necessary, since 1941, to provide statutory authority for the annual payment into Consolidated Revenue of 22½ per cent. of the traffic fees collected in the metropolitan area. The payments each year have amounted to—

	£		£
1942	30,199	1947	37,518
1943	26,861	1948	67,003
1944	28,942	1949	58,494
1945	30,696	1950	67,711
1946	33,643		

Members will observe that the annual collection has increased considerably since 1947. This is due to the cessation as from that year of the 25 per cent. reduction in traffic fees imposed when petrol was in short supply. This increase in the annual collection makes it obvious that there should be some limit to the sum that is appropriated under this legislation. This has been discussed with the Treasury on the basis of that department's interest and sinking fund commitments on Loan funds expended on roads since the inception in 1926 of the Main Roads Department.

Although there are further Loan commitments for roads prior to 1926, claims on funds available to the Main Roads Department would not be justified for any earlier period. The Treasury's annual commitment on the department's Loan expenditure on roads since 1926 is approximately £72,290; therefore it is considered that a a maximum annual transfer of £70,000 to Consolidated Revenue, as provided for in the Bill, would be reasonable.

The provisions in the Bill are similar to those of the 1947 Act, except that the amount to be paid to Consolidated Revenue has been limited to £70,000, and the Bill is for a period of one year only. The 1947 Act covered a period of three years, this corresponding with the term of the Commonwealth Aid Roads and Works Act, 1947. The period and conditions under which future road funds will be available to the States are uncertain as the necessary Federal legislation has not yet been passed. It is for this reason that the term of the Bill has been limited to one year.

This legislation is necessary now so that some contribution may be made to Consolidated Revenue from State road funds during the 1950-51 financial year. Without such payment, the State might suffer a substantial deduction in the total sum recommended by the Commonwealth Grants Commission. I move—

That the Bill be now read a second time.

On motion by Hon. L. A. Logan, debate adjourned.

BILL—CONSTITUTION ACTS AMENDMENT (No. 2).

Second Reading.

THE MINISTER FOR AGRICULTURE (Hon. G. B. Wood—Central) [4.47] in moving the second reading said: This small Bill is of particular interest to this Chamber as it affects one of our fellow members. I refer, of course, to Sir Charles Latham, who, some little time ago, accepted the unpaid but important position of Deputy Director of Recruiting in Western Australia. The Constitution Acts Amendment Act of 1942 provides that a member's seat shall not be in jeopardy if he enlists in the Armed Forces, or accepts an office of profit under the Crown provided for under the National Security Act, 1939, or which the Minister for Defence certifies is connected with the defence of the Commonwealth or the efficient prosecution of the war, during the continuance of the 1939-1945 war and for a further period of six months.

It has been contended that as no peace treaties have been concluded with the majority of our late adversaries, the war, in a legal sense, is not over, and that therefore Sir Charles would be able to protect his position in Parliament by obtaining a certificate from the Minister for Defence, as provided in the Constitution Acts Amendment Act, 1942. However, no less a legal luminary than the Chief Justice of this State has expressed a doubt as to whether such a certificate would adequately protect Sir Charles.

This opinion of the Chief Justice was submitted in writing to the Attorney-General and it has been discussed fully by the Government's legal advisers. As a result, it was deemed advisable to bring down this Bill which gives the necessary protection to any member of Parliament, or aspiring member, who accepts or holds any office of profit from or under the Crown, which is certified by the Minister for Defence to be connected with the defence of the Crown. This will enable any member accepting such an office, to retain his seat whether the Commonwealth is, or is not, at war.

Although Sir Charles Latham receives no payment for his services as Deputy Director of Recruiting, apart from travelling expenses, the position he holds is still considered to be an office of profit under the Crown, as the opportunity to receive profit is there. Even the mere recouping of Sir Charles' travelling expenses is considered to create an office of profit. I might add that, although this Bill has been brought about by Sir Charles' appointment, it is possible that it may have application in future to other members of either House of Parliament in this State. I move—

That the Bill be now read a second time.

HON. J. A. DIMMITT (Suburban) [4.51]: In supporting the second reading I would like to say that I think the thanks of Western Australia, and of Australia itself, are due to Sir Charles Latham for the sacrifice he is making in attempting to bring about a recruitment that is flagging very badly. My only regret is that Sir Charles did not obtain sanctuary by accepting a commission in His Majesty's Forces—and I think Colonel Sir Charles Latham would be very appropriate!

The Minister for Agriculture: He would look well in uniform.

Hon. J. A. DIMMITT: However, as he has decided not to accept a commission, this seems to be the only way out and I have pleasure in supporting the second reading of the Bill.

Question put.

The PRESIDENT: I have counted the House and assured myself that there is an absolute majority of members present. There being no dissentient voice, I declare the question duly passed.

Question thus passed.

Bill read a second time.

In Committee.

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

BILL—PHYSIOTHERAPISTS.

In Committee.

Hon. J. A. Dimmitt in the Chair; the Minister for Transport in charge of the Bill.

Clause 1—agreed to.

Clause 2—Interpretation:

Hon. J. G. HISLOP: I would like to assure the House that I have paid particular attention to this Bill for the reason, as I said on the second reading, that this is the first Bill which has any semblance of establishing a method of medical training in the State. Even though this is one of the ancillary services, it is nevertheless an important one. I would refer the Committee to the interpretation of "proclaimed method," and explain that if the Governor had to proclaim every new method that was used in the advancement of medical science, he might have a busy time proclaiming methods.

I have pointed out to members on many occasions that since the years when I qualified in medicine, there is very little left which was then regarded as accepted fact. This will also happen with regard to physiotherapy. In the Bill it will be found that the Governor has power to prescribe regulations for the training of physiotherapists, and therefore the need to proclaim various methods from time to time does not seem to be required.

The formulation of these regulations gives Parliament itself a much greater chance of looking at what is going on than would some method of treatment proclaimed and established as a portion of physiotherapy training. We may have some new method introduced in regard to some major ailments for which the treatment required may be electric therapy, heat and light and so on. I do not think we should increase this proclaiming method because I think it is unnecessary. The board is already covered under Clause 8 of the Bill, and I would suggest to members that the Bill should be amended accordingly. I move an amendment—

That in line 6 of the definition of "physiotherapy" the words "or any proclaimed method" be struck out.

The MINISTER FOR TRANSPORT: I realise Dr. Hislop's interest in this measure and his desire that steps should be taken to implement the purposes of the Bill. My advice is that the words were inserted intentionally on the recommendation of the Crown Law Department, who stated that improved methods could then be authorised by regulation, which would be a less cumbersome method than amending the definiton in the statute. Further, it would permit of improved methods being applied at once, without waiting for the meeting of Parliament to amend the Act. Therefore I hope that Dr. Hislop will not insist on the amendment.

Hon. J. G. HISLOP: I think the experience will be just the reverse of what the Crown Law Department has advised. Methods change so rapidly, and what might be a proclaimed method today may not be used tomorrow. I wish to ensure that this measure will stand up to the requirements in the Eastern States. Clause 8 provides that the board may make rules prescribing the examinations, training, etc., and if we retain the words, new methods could probably not be included in lectures or examinations. The board should be untrammelled, and I see no reason for depriving it of powers for expanding physiotherapy. Had the Governor been required to proclaim every new method of treatment in the medical profession, a tremendous number of proclamations would have been necessary in the last 50 years. I would prefer to give the board power to expand physiotherapy as a natural process. If every method has to be proclaimed, we shall only hinder the board.

Hon. J. M. A. CUNNINGHAM: I agree largely with Dr. Hislop. The definition in the New South Wales Act is very similar to the one in the Bill. It seems to me that the proclamation of methods would be cumbersome.

Hon. Sir CHARLES LATHAM: I consider that the amendment would be restrictive. If some new method were discovered, it could be put into operation at once by proclamation, as the Minister has pointed out. If it were a matter of urgency, a meeting of Executive Council could be held and an extraordinary issue of the "Gazette" could be published. I think the provision in the Bill would give greater elasticity.

Hon. L. CRAIG: The deletion of the words would result in depriving the board of power. By retaining the words, the Governor could issue a proclamation on the recommendation of the board. Members seem to be in agreement as to what is desired, but the difficulty is to arrive at an acceptable interpretation.

Hon. J. G. HISLOP: I cannot see any reason for providing for a proclaimed method. As our knowledge of poliomyelitis grew, we realised that physiotherapists were the people to carry out muscle re-education. If they could not carry out the work until the Governor had issued a proclamation, the medical profession as well as the physiotherapists would be hamstrung. Science progresses by small degrees until one realises that a new branch has been developed. Therefore I appeal to members to delete the words and give the board the powers it should have.

Hon. Sir CHARLES LATHAM: By mentioning some things, we exclude everything else. Certain things are mentioned in the definition, and I take it that all others would be excluded. That is why I consider the amendment would be too restrictive.

Hon. J. G. HISLOP: There is a great difference between the methods and the elements employed. There is no necessity to proclaim the methods. Provision is made for manipulation, massage, muscle re-education, electricity, heat and light.

Hon. Sir Charles Latham: Having mentioned those things, other things would be excluded.

Hon. J. G. HISLOP: What others?

Hon. Sir Charles Latham: Other things might be discovered.

Hon. J. G. HISLOP: The physiotherapist is to be limited to the things I have just mentioned and has not been out of that field so long as I have known physiotherapy. In order to allow it to veer away from that, we would have to use another major element.

Hon. Sir Charles Latham: What about the use, perhaps, of atomic energy?

Hon. J. G. HISLOP: That would probably come under the headings of heat and light. If every new method has to be proclaimed before it can be taught, it will mean the end of progress, because new methods will not be evolved. A new idea occurs to someone, who uses it and finds it successful. He passes it on to others and, if it is found in practice to give the required results, it becomes, possibly, a new method. If the words are not struck out, the board will be hamstrung.

Hon. H. S. W. PARKER: I think the words "or any proclaimed method" are meaningless. What would be proclaimed under "a method"?

Hon. J. M. A. Cunningham: They might decide to use water or steam.

Hon. H. S. W. PARKER: I think all methods would come under this omnibus clause, and that there would be no need to proclaim new methods. I do not think the words "or any proclaimed method" are necessary. Why put a lot of useless verbiage into an Act of Parliament?

Hon. E. M. HEENAN: Dr. Hislop's assertion that the words in question would hamstring the board seems to me to be a great exaggeration. I think it likely that science might evolve new methods, and, if a method were found to be any good, I feel sure the board would recommend it. I do not think the question is vital or that we should spend more than another five minutes on it.

Hon. J. G. HISLOP: It is of vital importance, and I do not care whether we spend another five hours on it because, as I say, by allowing this wording to remain we shall hamstring the board. The retention of these words would prevent the teaching of any new methods to students unless the methods had been proclaimed.

The Minister for Transport: How long would it take the board to act, if necessary?

Hon. J. G. HISLOP: It might take months, because the new idea would not become a method until it had been proved in practice, and found successful, gradually being absorbed into the field of physiotherapy.

Hon. R. J. BOYLEN: Dr. Hislop might be more agreeable to the words remaining if the word "method" were struck out and the words "external application" inserted in lieu.

Hon. J. G. HISLOP: It is the word "proclaimed" that does the damage. I desire physiotherapy to progress unfettered, picking up knowledge and experience as it goes. That will not be possible if methods must be proclaimed before they are taught.

Amendment put and passed.

Hon. J. G. HISLOP: I move an amendment—

> That in line 12 of the definition of "physiotherapy" the words "or proclaimed method" be struck out.

Amendment put and passed.

Hon. J. G. HISLOP: I move an amendment—

> That the definition of "proclaimed method" be struck out.

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

Clauses 3 and 4—agreed to.

Clause 5—Registration:

Hon. J. G. HISLOP: I move an amendment—

> That in line 1 of Subclause (2) after the word "registrar" the word "lecturers" be inserted.

This amendment may not be absolutely necessary but my reason for moving it is that it is possible, at first, that the lecturers to the school of physiotherapy will be on an honorary basis to a large extent, but the time may come when the board feels that it should have its own lecturers and have the right to pay them, because honorary service at present is greatly extended.

The MINISTER FOR TRANSPORT: I have no objection to the amendment. The point was regarded as being covered by the definition "officers and servants of the board."

Hon. R. J. BOYLEN: If this amendment is passed, would it not also be necessary to insert the word "lecturers" after the word "examiners" in line 3 of Subclause (1) ?

The CHAIRMAN: I should not think so. The registrar is not mentioned there, is he?

Hon. R. J. BOYLEN: Yes, he is referred to in line 1 of the subclause.

The CHAIRMAN: The hon. member will have to move such an amendment on recommittal because it will mean going back.

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

Clause 6—The Board:

Hon. J. G. HISLOP: I move an amendment—

> That in lines 3 and 4 of Subclause (2) after the word "Health" the words "who shall be chairman" be struck out.

I have no objection to the Commissioner of Public Health as a person but he holds an office which calls for him to be chairman and a member of a large number of boards. I can assure the Committee that I have seen the difficulty which occurs when one officer in the Public Service holds a number of positions. During the years when I was a member of the Perth Hospital Board of Management, on which were the Commissioner of Public Health, the manager of the Perth Hospital and the Under Secretary for Health, it was very difficult at times to get all three of them present at a meeting because one or other of them would be out of the State and the Commissioner of Public Health, of necessity, must attend meetings at Canberra. There might be an occasion when it was vital for him to attend a certain meeting of the board.

It might be said that the difficulty could be overcome by appointing a deputy, but it must be realised that this is a board dealing with the fundamentals of physiotherapy; it is laying down the course of training and appointing lecturers and examiners, and that is something which for many years to come will have to be a matter of necessity for those appointed to the board. I do not believe the Commissioner of Public Health or his deputy should be appointed to the board. My second feeling is that we would find among this profession one who regards the whole field of physiotherapy and the work attached to it as his baby.

When the school of physiotherapy is founded I want to see that it will come up to the best conditions and standards in the Eastern States. It is not the slightest bit of use starting anything which will not compete, on the best basis, with the schools in the Eastern States or abroad, otherwise our school of physiotherapy will not be recognised. Therefore, this board should be able to appoint its own chairman because he should be one who has devoted long hours at this school of physiotherapy to see that a high standard is assured. For that reason I suggest we relieve the Commissioner of Public Health of the mandatory task of chairman and allow the board to appoint its own chairman who might still well be the Commissioner of Public Health.

The MINISTER FOR TRANSPORT: I am advised that there is no objection to the amendment. There is another reason which Dr. Hislop did not state, namely, if the Commissioner of Public Health wished to resign, the Bill at present would not allow him to do so. The Commissioner of Public Health is quite agreeable to the board appointing its own chairman, but he said he was strongly in favour of a doctor being the one appointed.

Amendment put and passed.

Hon. J. G. HISLOP: I move an amendment—

> That at the end of Subclause (2), the following paragraph be added:—
> "(a) The Board shall elect its own chairman."

I have moved this amendment because I take it it will be essential to allow the Board to appoint its own chairman.

Amendment put and passed.

Hon. J. G. HISLOP: I move an amendment—

> That at the end of Subclause (2) the following paragraph be added:—
> "(b) Four members shall constitute a quorum."

There is no mention of a quorum in the clause and in order to ensure a high standard, a fairly large quorum should be necessary. I take it for granted that the chairman will often be out of the State and I have looked at the question from the point of view as to who should be on the board when decisions are made, and I think at least one medical practitioner should be a member and also two physiotherapists. I think the quorum should be four. As all of these people live in Perth, it should be perfectly simple to get four members out of five for a statutory meeting of the board.

The MINISTER FOR TRANSPORT: I feel that this must be opposed and it is such a practical point of routine, with which all members are familiar, that they can vote on this amendment without any consideration of medical technique. If there is a board of five and one of them, admittedly, is frequently absent from the State, that means in order to have a meeting which can decide anything, all four members must be present, but one might be sick. I move—

> That the amendment be amended by striking out the word "four" and inserting the word "three" in lieu.

That would still mean a majority of members, but it would be a practical majority instead of imposing a condition which might defeat its own object. I do not think Dr. Hislop is very insistent on four members and would agree to three. I therefore hope my suggestion will be agreed to.

Hon. J. G. HISLOP: I am much more interested in having a quorum established than having the number established and if the Minister thinks that the board can be carried on quite well with three, I will agree to his amendment, but one might find that with this particular board comprising the Commissioner of Public Health, a medical practitioner and a person nominated by the University Senate, that there will be no physiotherapists present. I wanted to be certain that there was a sufficiently interested number on the board. However, I raise no objection to the amendment.

Hon. A. R. JONES: When this board is being formed, would it be possible for a proxy to be elected so that a quorum of four could be assured? I believe, if it is necessary to have a quorum of four, that a physiotherapist should be able to attend the meeting.

Hon. J. G. HISLOP: I desire to ensure that under the Bill the position will be safeguarded because of the necessity to work in reciprocity with the Eastern States and elsewhere.

The MINISTER FOR TRANSPORT: Members are probably of the opinion that the board will deal solely with questions vitally concerning physiotherapists, but there will be many minor matters that will receive attention. Should a technical matter crop up necessitating the presence of physiotherapists to guide the board, such

matters would surely be left over until the physiotherapists could attend. I certainly recommend the Committee to provide for three instead of four.

Hon. J. G. HISLOP: I am prepared to accept the Minister's assurance in that regard.

Amendment, on amendment, put and passed; amendment, as amended, agreed to.

Clause, as amended, put and passed.

Clause 7—agreed to.

Clause 8—Rules:

Hon. J. G. HISLOP: I move an amendment—

> That in line 1 of paragraph (b) of Subclause (1) after the word "prescribing" the words "the course of training of and" be inserted.

I cannot understand why the board, with the approval of the Governor, will be able to make rules and then in the same clause there is provision for the Governor making regulations. I do not see how that fits in. I propose that, in addition to the board being able to prescribe the examinations to be passed by persons who desire to be registered, it should also prescribe the course of training, the curriculum and so forth.

The MINISTER FOR TRANSPORT: I have no objection to the amendment, although I think the position is adequately covered in paragraph (f) which sets out that the Governor may deal with any other matter in respect of which rules may be made by the board.

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

Clause 9—agreed to.

Clause 10—Qualifications:

Hon. J. G. HISLOP: I move an amendment—

> That in line 2 of paragraph (b) after the word "engaged" the words "and is competent" be inserted.

I regard this as important. An individual may describe himself as a physiotherapist but that should not establish his right to be registered as a physiotherapist, suggesting that he had all the necessary qualifications. I want to safeguard the position of the board so that it will be able to determine whether such people, by experience and practical work, are properly qualified to carry on in the profession.

Hon. E. M. DAVIES: I do not quite agree with the views expressed by Dr. Hislop. There may be some who have engaged in the practice of physiotherapy who, owing to their age, might not be able to qualify by sitting for an examination. They have carried on successfully and efficiently and have great practical knowledge of the work upon which they have been engaged. Their interests should be safeguarded with regard to registration under the Act. Incidentally, I do not know of any to whom this would apply, but if there are, we should see to it that their interests are not jeopardised.

Hon. Sir CHARLES LATHAM: Whenever we have passed legislation for the registration of people engaged in a particular avocation or profession, provision has always been made for the registration of those who have been actively engaged in the business concerned, otherwise they might carry on as unregistered practitioners, which is undesirable. I do not think there need be any anxiety in the present instance because the matter is in the hands of the doctors themselves who will not send their patients to men who may be described as quacks. If the board were to insist upon some who are now practising sitting for examinations, they might not find it easy to cope with the situation.

Hon. J. M. A. CUNNINGHAM: Members may be interested to know the number of people affected by this alteration in the law. Actually there are only 16 physiotherapists in the State today, seven of whom are fully qualified and nine unqualified. All are practising in the metropolitan area.

Hon. Sir Charles Latham: Have those seven passed the necessary examinations?

Hon. J. M. A. CUNNINGHAM: Yes, in other States. The nine who are unqualified by examination are greatly experienced and are qualified through the practical work upon which they have been engaged. They are the ones whose interests should be safeguarded. I believe the amendment would protect them.

Hon. H. C. STRICKLAND: I do not know that the possession of a diploma is a guarantee that the holder can offer better service than a self-taught man who perhaps cannot pass an examination but can perform the manual side of the work that is required. There are many doctors here from Europe and other places who are not entitled to practise although they have diplomas or certificates from foreign countries. I do not think it is fair to restrict practice to six out of 15 physiotherapists by passing a Bill that excludes the others.

Hon. J. G. HISLOP: I have been trying to ensure that the standard of physiotherapy in this State is kept at a high level. None of us knows what are the qualifications of some of these people, but we do know that there are those who have established themselves in the last two years and they may not be competent. It would be very wrong to give them a license to treat individuals, because they would be the type who would rather look

for their practice amongst members of the public not sent to them by the medical profession. By giving them a diploma entitling them to call themselves physiotherapists, we would allow them the right to use manipulation, heat, light and all forms of power in the treatment of an injured or sick person. All I am asking is that a man shall be able to establish to the board that he has been bona fide practising as a physiotherapist and is competent.

Hon. Sir Charles Latham: How will they determine his competency?

Hon. J. G. HISLOP: That would be very easily determined by asking him to do one day's work in the massage department of the Royal Perth Hospital. That would soon indicate whether an individual was competent. It must be realised that a number of these people have been doing nothing else but massage; but if we give them a license to practise as physiotherapists, we give them at the same time the right to use all modern forms of treatment employed by physiotherapists. That can be very dangerous. I am merely asking that the board should be satisfied that a man is competent to use methods of treatment other than manipulation. A considerable amount of damage can be done to a person by the wrongful use of short-wave electricity or any other of the intense forms of electricity.

Hon. A. R. JONES: There is one type of person we should guard against, and that is the person who in the past has called himself anything at all. I remember that some time ago there was one man who called himself the human x-ray. He was not entitled to registration in any particular profession but he did manipulation work. If we do not agree to the amendment there will be nothing to prevent persons of that type from being registered.

Hon. E. M. HEENAN: I support Dr. Hislop because I consider there is an obligation on us to ensure that people who become registered are competent. I think the presumption is that if there are 16 people who have been practising in the last 24 months and they have been able to earn a living for that length of time, it is likely they have proved themselves competent and will be able to satisfy the board to that effect. But I think it should be our duty to protect the public by ensuring to some degree that when people are registered and given the right to practise this profession they are competent to do so. I think the board will interpret the provision fairly generously.

Hon. E. H. GRAY: I do not like the amendment. I understand that the recognised physiotherapists will not treat anyone unless he has been sent to them by a doctor. That should be a sufficient guarantee of competency.

Hon. R. J. BOYLEN: I support Dr. Hislop. It seems to be felt by some that this amendment will affect people earning their living as masseurs or physiotherapists, but Clause 12 gives them protection.

Hon. J. G. HISLOP: The registered physiotherapists do not treat anyone unless that person has been sent to them by a medical man. But those who have been practising as unregistered physiotherapists and who might claim to be brought under this measure would be accepting patients of their own volition. If we lift them from one status to another without being certain of their ability to render the service required, we are thereby permitting them to handle dangerous equipment used in physiotherapy.

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

Clauses 11 to 13—agreed to.

Clause 14—Proclaimed method:

The CHAIRMAN: I think the Committee should consider whether this clause is necessary, in view of the fact that we have deleted from the Bill the definition of "proclaimed method."

Hon. J. G. HISLOP: I did not suggest an amendment because I realised that the course to adopt was to vote against this clause. I intend to do so and hope other members will follow suit so as to put the Bill in order.

Clause put and negatived.

Clause 15—agreed to.

Clause 16—Regulations:

Hon. J. G. HISLOP: I am not happy about the provision in this clause for deputies for the chairman and members of the board. A person not sitting continuously on the board may know very little about the work; and yet, as a deputy, he will be in a position to make decisions. I doubt whether such a board would receive the recognition of schools in the Eastern States and elsewhere. The Medical Board does not have deputies nor, I think, does the Senate of the University. Where degrees and diplomas are being conferred on individuals and a course of training is being laid down, it is exceedingly difficult to have deputies, because a considerable responsibility lies on the shoulders of people establishing a course of training for the treatment of the sick.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. J. G. HISLOP: I cannot see the desirability of there being deputies on a board of this sort, because the members should give considerable personal and technical attention to the matters coming before them. I emphasise further that I dislike deputies having the powers which are given to the board under which it

may inflict penalties on students and graduates of the school. I move an amendment—

That paragraph (e) be struck out.

The MINISTER FOR TRANSPORT: I oppose the amendment. There is a good reason for appointing deputies, especially in the early days of the board. A good deal of spade-work has to be done but it is not of the character which Dr. Hislop described. It would be a pity if, when some members of the board could not attend, deputies could not be appointed so as to dispose of routine business. I cannot imagine there being more than one deputy at a meeting. The members of the board will be responsible people, and no doubt urgent and important business would be left to a full meeting of qualified members of the board. In any case I expect any deputies appointed would be capable men.

Hon. J. G. HISLOP: I cannot understand the Minister saying that soon after the establishment of the board there might be so much work that the appointees could not attend. They would be strange individuals if they accepted their appointments without knowing what they had to do. The matter of reciprocity is important. I doubt whether the board would get reciprocity with the other States if deputies were allowed. We cannot afford to have a school that does not have reciprocity.

The MINISTER FOR TRANSPORT: This is rather begging the question. The point of reciprocity is not raised here. There are many items of a routine character in the establishment of a course of this kind that are not necessarily technical. The request of the Commissioner of Public Health is that this paragraph be considered by the Committee because it is deemed to be necessary.

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

Ayes	13
Noes	12
Majority for	1

Ayes.

Hon. N. E. Baxter	Hon. W. J. Mann
Hon. Sir Frank Gibson	Hon. H. L. Roche
Hon. H. Hearn	Hon. H. C. Strickland
Hon. J. G. Hislop	Hon. J. M. Thomson
Hon. A. R. Jones	Hon. H. K. Watson
Hon. L. A. Logan	Hon. H. S. W. Parker
Hon. A. L. Loton	*(Teller.)*

Noes.

Hon. G. Bennetts	Hon. Sir Chas. Latham
Hon. L. Craig	Hon. C. H. Simpson
Hon. J. Cunningham	Hon. H. Tuckey
Hon. E. M. Davies	Hon. F. R. Welsh
Hon. E. H. Gray	Hon. G. B. Wood
Hon. E. M. Heenan	Hon. R. J. Boylen
	(Teller.)

Amendment thus passed.

Hon. J. G. HISLOP: I move an amendment—

That Subclause (h) be struck out.

It is not the function of the board to regulate the method by which an individual makes known to the public where and how he practises physiotherapy. That is the duty of an ethical body. Within a short time the physiotherapists will form an association which will lay down a standard of ethics. The Medical Act does not stipulate the method by which the members of that profession shall notify the public how and where they are going to practise. If anything illegal is done, a complaint is made to the Medical Board, which acts; and the same thing should apply here.

The MINISTER FOR TRANSPORT: I oppose the amendment. This is in practice in the other States. Dr. Hislop talks of reciprocity. If we are going to depart from the methods of the other States we cannot expect to get reciprocity. The provision here does not determine where or how a man shall practise; all it provides is the method by which he shall make his place of practice known. This has been a common practice in the medical profession for years, as Dr. Hislop knows. It may not be prescribed by Act of Parliament, but it is laid down pretty strictly in the rules of the profession, and I do not think any physician would depart from it. The physiotherapists have no association, so they would not be able to take disciplinary action.

Hon. Sir CHARLES LATHAM: I agree with the Minister. In all professional legislation that I have been associated with, a similar provision has been included. It prevents the members of a profession from putting up highly-coloured notices, and such things. What is contained here will prevent physiotherapists from going over the odds. The Dental Act contains a similar provision. Dr. Hislop, in his own interests, ought to allow the paragraph to remain.

Hon. L. CRAIG: In this case, I agree with the Minister. If the practice of physiotherapy is to be conducted on a high plane, it is necessary that there should be no undue advertising. If this amendment is agreed to, there will be nothing to stop a man, if he wishes, advertising by strip lighting that he is practising physiotherapy at such-and-such a place.

Hon. Sir Charles Latham: Or that he cured somebody.

Hon. H. L. Roche: What harm would there be in that?

Hon. L. CRAIG: It puts the profession on a very low plane.

Hon. W. J. Mann: Advertising is not low.

Hon. L. CRAIG: It is the method of advertising.

Hon. W. J. Mann: Any sort of advertising.

Hon. L. CRAIG: Would it be all right for a doctor to advertise in neon signs that he has cured gallstones, for instance?

Hon. Sir Charles Latham: It is not the customary thing to do.

Hon. L. CRAIG: We do not want the practice of physiotherapy to sink to a low plane. If we want it to be looked upon as a profession and not a trade, then the board should have power to prevent undue advertising and suchlike.

Hon. J. G. HISLOP: I am not very worried about whether members agree to the amendment or not, but it is extraordinary that the board should have all these powers. This is a board which simply lays down the standard of training and the technical equipment to be used by people practising physiotherapy. There is enough control without giving this added power. Physiotherapists who are practising now have their names on buildings in the most inconspicuous places. It is the ethics of the profession that lays down procedure such as this.

The Minister for Transport: Then what difference will this paragraph make?

Hon. J. G. HISLOP: It will give power to the board to say whether plates shall be six inches by eight inches, or two inches by three inches. Mr. Craig shakes his head. If he is the oracle, then I am afraid this time the oracle is not right.

Hon. L. Craig: Are not doctors controlled?

Hon. J. G. HISLOP: No. The profession is controlled by ethics, as these people will be. If we start to lay down ethics in Acts of Parliament, we will reach a nice state of affairs.

Hon. Sir Charles Latham: You know that the B.M.A. controls your profession.

Hon. J. G. HISLOP: That is exactly what I am trying to say. We are not controlled under the Medical Act, or anything like that, as to how we shall put up our names. We are controlled by the ethics of our profession, and it is our association that lays down those ethics and keeps the profession on straight lines. This paragraph will take that right away from the association when it is formed.

Hon. E. M. HEENAN: This could be called a new profession, although those practising are quite likely a reputable body of individuals. As the Minister pointed out, someone has to set up standards for these people. They have not an organisation of their own, because, until we give them the blessing contained in this measure, they have no official existence. I cannot see anything wrong with the paragraph. The fact that it is in the Bill does not mean that the board will find it necessary to do the things mentioned in the paragraph; but if they are necessary, the board will have the requisite power.

Hon. H. HEARN: I am afraid that a young man like Mr. Heenan has been most fortunate, because apparently he has not had any occasion to visit a physiotherapist. This is not a new profession, and I could take the hon. member to three or four most distinguished people who are already practising in Perth. If the hon. member spoke to these people, he would realise that they have ethics and are keen to keep their profession as dignified as the medical profession. People have been practising physiotherapy in Perth for the last 20 years. I consider the amendment should be agreed to, because these people will discipline themselves.

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

Ayes	13
Noes	13
A Tie	0

Ayes.

Hon. N. E. Baxter	Hon. W. J. Mann
Hon. W. R. Hall	Hon. H. S. W. Parker
Hon. H. Hearn	Hon. H. L. Roche
Hon. J. G. Hislop	Hon. J. M. Thomson
Hon. A. R. Jones	Hon. H. Tuckey
Hon. L. A. Logan	Hon. J. Cunningham
Hon. A. L. Loton	*(Teller.)*

Noes.

Hon. G. Bennetts	Hon. C. H. Simpson
Hon. R. J. Boylen	Hon. H. C. Strickland
Hon. L. Craig	Hon. H. K. Watson
Hon. Sir Frank Gibson	Hon. F. R. Welsh
Hon. E. H. Gray	Hon. G. B. Wood
Hon. E. M. Heenan	Hon. E. M. Davies
Hon. Sir Chas. Latham	*(Teller.)*

The CHAIRMAN: The voting being equal, the motion is resolved in the negative, and the paragraph is not struck out.

Clause, as amended, agreed to.

Title—agreed to.

Bill reported with amendments.

BILL—NOXIOUS WEEDS.

Assembly's Message.

Message from the Assembly received and read notifying that it had agreed to amendments Nos. 1 to 12 and 15, 16 and 17 made by the Council and had disagreed to Nos. 13 and 14.

BILL—NATIVES (CITIZENSHIP RIGHTS) ACT AMENDMENT.

Assembly's Message.

Message from the Assembly received and read notifying that it had agreed to the amendments made by the Council.

BILLS (4)—FIRST READING.

1, Road Closure.

2, Reserves.

3, Timber Industry Regulation Act Amendment.

4, Coal Mining Industry Long Service Leave.

Received from the Assembly.

BILL—CHILD WELFARE ACT AMENDMENT.

Returned from the Assembly without amendment.

BILL—INCREASE OF RENT (WAR RESTRICTIONS) ACT AMENDMENT (No. 2).

Second Reading.

Debate resumed from the previous day.

HON. H. HEARN (Metropolitan) [8.5]: I feel a very deep sense of responsibility in my attitude to this matter. I am sure, in common with other members, it is realised that we have a very grave responsibility in these difficult days to find some way whereby justice can be given to a section of the people who for many years have been waiting for relief and, at the same time, to try and alleviate what seems to be an almost impossible position. In September, 1939, the Commonwealth of Australia joined hands with other freedom-loving nations and went to war to defend our Australian way of life and the freedom we have taken so much for granted in the days that have passed. In November, 1950, we are still endeavouring year by year to go on with controls and, even at this stage, to extend controls in this postwar period after 11 years of fighting.

My opinion is that the Government has not taken a very realistic approach to this problem because, after all, we have to realise that at the present time, we are facing a new set of economic conditions. As we read the details of this Bill we cannot find that any consideration has been given to the conditions that will be in evidence in the next few months. When we realise this and the Government's intention to endeavour to give relief from the rent angle up to 25 per cent., we must remember that in September, 1939, the basic wage was £4 2s. 2d. and that today it is £7 6s. 6d., and that in a few days it will be £8 6s. 6d. I think we need very little imagination to see that this suggested 25 per cent. increase is going to be utterly useless to the people who have been waiting for relief. There has been a good deal said during the past years when we have been considering these Bills for the tenants who occupy the houses, and very often we have been told that if controls were lifted landlords would be there waiting to grab.

I wonder what has been the experience of members of Parliament during the past two years. What have been their experiences of the hardship conditions created, not for the tenants, but for the unfortunate people who own the houses? We could all tell some harrowing stories, and we know very well that the tenants are simply taking advantage of the fact that they are protected and, as a result, are being most unreasonable. Therefore while I must support the second reading, I believe the time has come when we must face up to the position. Because of that, I had a good look at the amendments on the notice paper and I believe, even in supporting the second reading, that this is essentially a Committee Bill, as Mr. Logan pointed out last night, and I hope that by the time the measure emerges from the Committee stage we may be able to have achieved something which will be a credit to this House, and a blessing to the people who are in such dire straits.

Every time controls have been discussed in this House we have always had references to the inflationary spiral, and we are told that we must not lift controls because if we do the £ will fly right through the window. Possibly in previous years there may have been something in that argument, but are we going to say that the sole bastion for the protection of the £ is to be the house-owner? The Federal Arbitration Court faced up to the position and a new Federal determination is shortly to be made to alter the whole economic structure of the Commonwealth. Yet, year by year we say that we must see today that we do not allow rents to reach the 1950 true level; that we must expect a certain section of the community to hold the basic wage. I think we have got to approach the position during the coming year in a vastly different manner.

Too long have we been prepared to allow other men to carry the burden which Governments—both Commonwealth and State—should have faced up to. I hope, therefore, when we get into Committee we will be able to do something, because I am certain that, bearing in mind that within the first quarter after the new basic wage has been established, the whole of the 25 per cent. increase will have gone with it, in view of the increased cost of maintenance. So I hope that something will be done to make a much bolder concession to the people who today are required to live on the 1939 level in a 1950 era. We have also heard the story of the small business people, and there is something in it. Undoubtedly there can be hardships from the point of view of the small businessman.

I wonder whether we have ever looked at the other side of the picture? In 1938 a person took a weekly tenancy of a shop and by virtue of war emergency legislation and our continuance Bills, he has had security of tenure at the 1936-38 rate. If we set the unit of his takings at, say, £20, then for every £20 taken in 1939, today £50 to £60 is being taken. Yet the landlord still has the same rent and, what is more—and I can quote instances—these businesses are continually changing hands. When they are sold a huge amount of money is received for goodwill, and the goodwill is the landlord's shop, and that alone.

I know of one business that changed hands within the last 14 days—an empty shop—for £2,000. Who got the money? Not the people who have been standing behind their capital, but a person who ran a little business and, because someone else wanted the shop for another purpose, he paid £2,000 to this tenant. Therefore we have to be realists. I am sure the last thing anyone would wish to do would be to place the small business man in an impossible position; on the other hand, whatever we do, we must recognise that for many years we have placed the owners of property in a very invidious position.

Now I pass on to what I consider has been the most immoral act of any Government and that is its action in consistently keeping the owner of a house out of possession of his own property. I believe that nobody has a right to say to Mr. Jones as the owner of a house, in which he has possibly invested his life's savings, "Thou shalt not occupy that house." Provided proper safeguards are included, I trust that this House will ensure that we make such houses available in the shortest possible time to their rightful owners.

Dealing with the question of protected personnel, I have every sympathy for the ex-serviceman. As I stated when the other Bill was before this Chamber a few months ago, I myself am a returned man and I am in a position to appreciate the point of view of the returned man. It may be said that this is a Commonwealth matter and that each State should take up the question. I quite believe that no individual should be obliged to bear the onus of protected persons because that is definitely a Government responsibility. So I am hoping that in Committee we shall be able to do something with this measure. I believe the time has arrived when we should at least afford some freedom and let the people of this great State know that we recognise they have certain rights. I reluctantly support the second reading.

HON. SIR CHARLES LATHAM (Central) [8.18]: I had hoped last session that that would be the last occasion on which we would see a measure of this description before the House, but evidently the Government has not been able to do what I believe the people of the State expected it to do, namely, to provide some means by which an adjustment could be made without continuing this legislation.

There was a time when it could be said that a man's house was his castle. Today that is not so. A man's house today has become somebody else's home, and it is regrettable that, 11 years after this legislation was first passed, it should still be in existence. There are some problems, admittedly, but I am convinced that the Government has not lived up to its responsibilities. For this reason, I am hoping that, while the Bill is certainly much more moderate than the one presented to us last year, some amendments will be made in Committee.

What we have done by approving of this sort of legislation has been to build up a sort of morality unheard of amongst our citizens previously. In the old days we heard talk of there being land sharks and cattle duffers, but they were few and far between. Today it seems we have encouraged in every possible way people who try to see how they can exploit each other. That is a very dangerous trend in any community. It may not be the general experience, but property owners have been unfortunately placed in that sometimes they have not received the help that might reasonably have been expected from their tenants.

Let me give a few instances. When this legislation was originally introduced, the object was to give protection to wives and parents of the men who went oversea to fight, but now we have business people occupying property, which they permitted to be sold during their tenancy, coming along and using this legislation at the end of their lease as squatters. I use the word "squatters" advisedly. Of course they are paying the rent, but they had an opportunity to acquire the property and refrained from doing so, and now that the property has been purchased by somebody else, they are shielding themselves behind this legislation. What we should have done was to ensure that this legislation did not apply to business concerns. The legislation was never intended originally to protect business houses; it was intended to protect the dependants of servicemen who went oversea.

As to shared accommodation, I had a case before me the other day. Two elderly ladies—I should say they are well on to 70—are living in their home. The husband of one died only a little while ago. During the war period, because of the housing difficulties, they took into the home a person and his wife from a foreign country. The man has behaved extremely badly, and only the other day he returned home drunk and created a disturbance. He put his fist into the face of the widow and told her that he would be there when she was dead and gone. Imagine that sort of thing happening! It might be said that constituted a threat. On that point, there might be some doubt and it would be very difficult to deal with it. Still, that woman feels helpless. She cannot do anything to protect herself, and evidently the law does not give her any protection. I hope that some steps will be taken to eliminate cases of that sort, at any rate.

On previous occasions I have pointed out the difficulties experienced by house owners in getting re-possession of their

homes and also of obtaining a fair return from their properties. It is true that in 1939 the value of our currency was totally different from what it is today. Unfortunately, there are very few tenants who will care for somebody else's property as they would for their own. The result is that many of these places have fallen into a state of neglect, due firstly to the inconsiderateness of tenants in not caring for the premises, and, secondly, to wear and tear plus the difficulty of getting any work done, and today it would cost nearly half the original purchase price of the building to bring it back into a habitable condition. Owners of such places have practically lost a great deal of their capital and, so long as this legislation remains on the statute book, I can see no means at all of remedying that state of affairs.

I wish to say a few words about protected persons. The R.S.L. has felt that I ought to be chastised because of my action on a Bill that this House refused to pass a little while ago. Let me explain the position. Echoing the words just uttered by Mr. Hearn, and as I said on the last occasion, this should not be the responsibility of the individual. The Commonwealth Government—and its action was repeated by the States—speaking on behalf of the people of Australia, undertook to protect dependants of servicemen who went abroad and to do certain things for them on their return to this country. What both Federal and State Governments have done, much to their disgrace, has been to throw the responsibility on the individual.

As I have said before and as Mr. Watson has particularly mentioned, it should be the responsibility of the State to see that these people are properly housed in homes built by the State. Protected persons living in homes and paying the rent ruling in 1939 are not going to make applications for homes of their own. One can hardly blame them for sitting there, but the people who own the homes, many of them old-age pensioners and returned soldiers from World War I, notwithstanding several applications to the court, have been told that nothing could be done because the tenants were protected persons.

I repeat that the house-owner should be able to go to an officer of the department, not to the court, and make a claim for repossession of his home to live in it. Then it should be the responsibility of the State Government to send its officials to investigate the case, and if the circumstances prove to be as stated by the owner, a house should immediately be found for the tenant at the same rental as he was paying for the rented home. Then the owner could get possession of his property. Why should the Minister for Agriculture, for instance, have to find a home for a protected person? Surely this should be the shared responsibility of the whole of the people and not that of an individual! It is most difficult to make members of the Ministry understand that it should be the responsibility of the Government, acting on behalf of the whole of the people, to provide homes for these protected persons.

While I do not say that these persons should not be protected, it is sad indeed when a woman has been left widowed as a result of her husband having been killed while on service for the protection and security of this country, but it does not follow that the whole responsibility should be placed on the individual. Collectively, we are the taxpayers, and collectively we ought to provide the remedy for that sort of thing. In Committee I shall support some of the amendments of which notice has been given, because I believe they will prove remedial to a certain extent, but I sincerely hope that this is the last occasion on which we shall be asked to consider this class of legislation.

Let me repeat that we are developing a sort of morality that has never been heard of before in this country. We have heard of a property owner saying that he had a flat or house to let, but there were 150 or 200 people after it and £1,500 was wanted before he would allow a tenant to go into it. That sort of commercial morality is very low indeed. Then we have the other class of people who have made no attempt to get homes for themselves, though they know very well that the owners of the properties they occupy are living under very bad conditions on somebody else's back verandahs. Yet they make no attempt to let the owners obtain repossession of their properties.

Much as I dislike agreeing to the Bill, and notwithstanding that I said last session that I would not support such legislation again, I shall vote for the second reading because the measure does propose some improvements. However, a great deal more remains to be done to diminish the undesirable conditions that will still prevail, and I hope that before next year people will be permitted to enter into possession of the their own property and control and manage it in their own way. I do not like controls as I feel they rob people of initiative. Instead of looking after ourselves these days we are tending to shelter behind others and in that way are building up a younger generation that may not develop into very good citizens. It is with reluctance that I support the second reading, but I hope that when the Bill is in Committee many of the amendments appearing on the notice paper will be agreed to.

HON. E. M. HEENAN (North-East) [8.31]: I am sure that none of us welcomes the necessity for the re-enactment of this legislation and I am confident that we are all sorry that conditions are such as to make some continuation of controls imperative. However, I do not think there

is need for any member to apologise for supporting the measure, as it is obvious that controls in these days are unpleasant. Although 11 years have passed since these restrictions became necessary on the outbreak of war, I do not think anyone would say that we have yet reached the happy position of being justified in throwing this measure overboard willynilly.

When I hear persons stating that they dislike controls, I feel some displeasure because the implication seems to be that they are the only ones who are of that opinion. I am sure we all dislike restrictions, but we must face up to our responsibility and re-enact control measures so long as they are in the best interests of the great majority of our people. It is the responsibility of the Government to find homes for protected persons and I believe it is equally the responsibility of government nowadays to see that all the people are housed under the best conditions possible.

Hon. A. L. Loton: Do you say it is the responsibility of the Government to house all the people?

Hon. E. M. HEENAN: That is my conception of the responsibility of a Government at the present day. It must see that as far as possible the people are fed and housed.

Hon. A. K. Watson: And washed and bathed!

Hon. E. M. HEENAN: It might be a good idea to include that, in some cases. I join with other speakers in hoping we will soon reach the stage where all our people are adequately housed. During the past fortnight I have been privileged to be a member of a Select Committee that inquired into a Bill dealing with the timber industry. Evidence was placed before us by persons in control on both the production and distribution sides of the industry in this State. I believe that members, and the public also, should read the report of that Select Committee and the evidence produced before it.

The PRESIDENT: I hope the hon. member will connect this up with the Bill.

Hon. E. M. HEENAN: In my opinion the evidence given before that Select Committee is eminent justification for the continuance of the controls with which we are now dealing. It indicated clearly that we are still many years away from the time when all the people of this State will be adequately housed and measures such as this will no longer be necessary. However, I agree with previous speakers that the time has now come when the restrictions imposed by this legislation must be modified. Unfortunately, human nature is such that there are always some people who will abuse the privileges bestowed on them by a measure of this kind.

I need no argument to convince me that many home-owners and others have suffered grievously under this legislation in the past, but I believe that the benefits bestowed by it on the great majority of the people during one of the most difficult periods of our history have far outweighed its other consequences. I intend to support the easing of controls to what I think is a generous degree, though I am convinced that the continuation of some control is warranted. I am hoping that during the next 12 months conditions will so improve that we will not feel constrained to continue restrictive legislation of this kind beyond next year. The Bill is obviously one to be dealt with in Committee, but it is of such great public importance that I felt most members should speak on the second reading debate.

HON. G. BENNETTS (South-East) [8.42]: I feel that it is necessary still to continue some of these controls. There are in my district a considerable number of landlords. Two of them, who own perhaps 100 houses each, are of a type from whom I feel controls of this kind should be lifted, but there are others, unfortunately, who make the continuance of restrictions necessary, as they would take any opportunity to exploit the ordinary working class people. They are the type of landlord that wishes to see controls go overboard.

I know of one landlord who has a house rented to a widow with three daughters. The widow herself is a cripple and her two eldest daughters are maintaining their mother and their younger sister, who is still at school. They are paying 30s. per week rent and pay it regularly. I have been to their house and know it well, and can therefore say that they are good tenants. Rents in Kalgoorlie are, of course, on a different level from those obtaining in the metropolitan area. This is a five-roomed house.

There is no bath-heater and the condition of the bath is such that the tenants must use a tub for bathing, and the whole property is in a poor state of repair. The house, which was built for £500 or £600, could, on account of its position, be sold today for perhaps £1,500 if controls were lifted and the tenants were evicted. The landlord could then either sell it or, having effected some repairs, re-let it for probably £3 per week. Another landlord who approached me is the owner of several three-roomed houses. He is receiving £2 per week each for them, but, if controls were removed, he would be able to raise the rents by 30 or 40 per cent.

It is our duty to safeguard the working people against exploitation. Young couples with perhaps one or two children cannot, on small wages and with the high cost of living, afford to pay more than 30s. a week in rent. I know of old people

on the Goldfields who have bought homes in the metropolitan area in order to be able eventually to retire and live in them. One case, in particular, is that of a returned soldier who owns a house at Cottesloe. He has two children and the tenant in the house is a married man with one child. In order to maintain his occupancy of the house he brought his relations into it and even went so far as to provide accommodation for them on the verandah by patching it up with canvas, thus preventing the owner from obtaining possession. That owner has been advised to get out of the mines and yet he cannot enjoy the occupancy of his own home.

I know of another man who is employed on the railways and he owns a nicely furnished home. When he received notice of transfer to another district he let his house to a married couple who fully assured him that they would look after it, but they have knocked the house about. When the owner tried to get possession of it he was ordered off the premises and I think the tenants also took action against his wife because she tried to enter the property. Another old couple who are now pensioners and possess their own home are unable to get into it. The tenants are knocking the house about and are even pulling the pickets off the fence to use as firewood.

The Minister for Agriculture: You know a funny lot of people.

Hon. G. BENNETTS: Yes, I know a great many. Another old prospector who was sympathetically inclined, let his house to a family and on his return from prospecting he had to erect a camp in the backyard for himself as he could not obtain repossession of his house. Because he is receiving rent for it he is deprived of portion of his pension. Those are the people whom I would like to see have their houses returned to them. If the tenants of those houses are protected persons because they went away and fought for the country, then it is up to the Commonwealth Government to assist the State Government to do something to relieve the position and to ensure that those people obtain a home or at least a No. 1 priority in order that the houses which they are now occupying can be handed back to their owners. Last year, I saw the Minister about obtaining a home for one of these persons and he told me that he had already submitted an application for a home and he assured me that they would be placed high on the priority list.

Hon. N. E. Baxter: Is not the Commonwealth Government assisting the State Government now to build houses?

Hon. G. BENNETTS: It should do more to assist.

Hon. N. E. Baxter: How much more would you suggest it should assist?

Hon. G. BENNETTS: It should go a long way further.

Hon. N. E. Baxter: Have you any suggestions as to how much further?

Hon. G. BENNETTS: What is happening today is that there are numbers of landlords anxious to get rid of their tenants so that they can have vacant possession of the house and place it on the market to obtain the high prices ruling at the moment. If we lift the restrictions now imposed, we shall find that a great number of those tenants will be put out on the street and the houses which they were occupying will be put up for sale. There is a number of people who have arrived here with large sums of money and are buying houses and ejecting young Australians from accommodation which they are occupying. When the Bill reaches the Committee stage, we will perhaps be able to amend some of the controversial clauses.

HON. N. E. BAXTER (Central) [8.50]: Like other members in the House, I do not like controls. However, I will not agree that the restrictions imposed on landlords for the benefit of protected persons can be immediately thrown overboard. At the same time I am still far from happy with this Bill. The particular provision to which I object is that which provides a 25 per cent. increase on standard rents. Those responsible for framing the Bill have merely followed the line of least resistance.

Hon. E. M. Davies: It is a Government Bill.

Hon. N. E. BAXTER: Yes, but not all members of the Government have framed it. I was referring to the parties responsible for its framing. As to the provision which refers to land tax, I would like the Minister to answer this question when he is replying to the debate: Does the particular clause refer to the full value of the land tax for the full twelve months—

The Minister for Transport: It refers to State land tax.

Hon. N. E. BAXTER: —following the increase which is proposed in this Bill or does it refer to the difference between the land tax payable in 1939 and that payable in 1950? The clause is not clear by a long way. My interpretation of it is that the full amount of land tax could be added to the standard rent in addition to the 25 per cent. increase, and I do not think that is the intention at all. Then we come to the clause which provides for a 25 per cent. increase on rentals. The State Housing Commission has been building houses since the cessation of hostilities.

If members work out the percentage return on its investments, it will be shown that it is obtaining an average of over 5 per cent., yet the ordinary property owner who has saved up his money for years and has bought property is to receive a miserable 25 per cent. increase on the 1939

rental. In view of the fact that tenants were very difficult to find in those years before the war, even at a low rental, and taking into consideration the devaluation of the £ since 1939 and the return those people will get even with an added 25 per cent. increase, it is apparent that they are receiving a poor return for their money. Do we want one law for the Crown and another for that section of the community? Are those people to be penalised because they have invested their money in real estate?

Hon. E. M. Davies: They are receiving a much greater return for their money than they would have done had they invested it in war loans.

Hon. N. E. BAXTER: That is purely a personal opinion, I should say. One is no greater asset than the other because one is invested in the country and so is the other. The Bill has not got down to a fair basis for rentals. The increase should have been based on a 4½ or 5 per cent. return on the fair value of properties. Surely we have enough sense to assess the value of houses which were worth a certain amount in 1939 by taking into consideration all the other circumstances that have increased their value today.

The Minister for Agriculture: What do you suggest?

Hon. N. E. BAXTER: I suggest 5 per cent. These people have had to pay the cost of repairs to, and renewals on, their houses. Such cost has risen considerably during recent years and therefore a 5 per cent. return on the value of the house today is not unreasonable.

Hon. H. C. Strickland: On its resale value?

Hon. N. E. BAXTER: No, not on the value which could be obtained if it was sold, but on the actual value of the house, which perhaps cost £800 in 1939, plus the increased value because of the devaluation of the £, less depreciation. That is the value of the house today.

The Minister for Agriculture: I would like to buy a house on that basis.

Hon. N. E. BAXTER: Yes, I know; that is why I am suggesting that we should not base the percentage on the present day selling price. All I am asking is that we work on a fair basis in order to give these people a just return on their investment. Unfortunately, there are so many amendments to be made to the Bill that it appears to me we have no chance of making a decent measure out of it.

The Minister for Agriculture: Do you think the members in another place will recognise it when it is returned to them?

Hon. N. E. BAXTER: If it is properly amended, they will not have a chance in the world of recognising it! Clause 12 relates to those persons who entered the State whether from outside Australia or from the Eastern States.

The Minister for Transport: That will be amended to provide that they will have to reside in the Commonwealth for two years.

Hon. N. E. BAXTER: I am speaking to the Bill as it is now before us; it is not amended yet. Personally, I do not think that a person should have to wait for two years after he enters the country before he can occupy a house which he has purchased. Surely to goodness we need money to develop Australia! What else can develop the country apart from finance? These people come here to live and they bring their capital in with them, so why should they not be given consideration enabling them to obtain the homes they purchase? At least we should reduce the period to twelve months, if not six months, instead of making them wait two years.

The Minister for Transport: You must remember that this clause was amended in another place. That provision was not in the original Bill.

Hon. N. E. BAXTER: Another clause means that a lease which has been registered for a period can be broken. I refer to Clause 12, which includes proposed new Section 15A, where the following words appear:—"if a lease of the premises is still subsisting, serve on the lessee notice to terminate the lease and to quit and deliver up the premises . . ." This is certainly covered in Subsection (7), which states—"Nothing in this Section shall . . . (b) apply where the lease is for a fixed term, unless that term has expired."

Why all this fol de rol when it could have been covered by appropriate words in proposed new Section 15A? Quite a number of Bills have come before this House framed in a similar manner, and it is quite unnecessary. Next there is that portion of the Bill which deals with protected persons, and particularly the time it is to take to eject a tenant from a house. An owner has to give three months notice to those persons and if they do not wish to leave, it takes him another six months to eject them. That is far too long.

People have waited years hoping to obtain possession of their own homes. Some of them have applied to the court and wasted pounds and pounds merely for the sake of trying to regain the occupancy of their premises. Yet now this Bill proposes that they shall wait another nine months before they can get the tenants out. I do not think that is fair and I consider the term should be at least halved. I very reluctantly support a Bill of this type. I doubt if we can do anything with it at all, and whether, even by amendment, it can make a good Bill out of what is definitely a bad one.

HON. H. C. STRICKLAND (North) [8.58]: I wish to point out to Mr. Baxter that anyone who bought a house in 1939 is still obtaining the same return and percentage on his investment as he did in that year.

Hon. N. E. Baxter: He is not!

Hon. H. C. STRICKLAND: If a person invested his money in a house which showed a 5 per cent. return in 1939, he is still getting 5 per cent.

Hon. H. L. Roche: And what is that worth today?

Hon. H. C. STRICKLAND: Anyone who put £100 into war loans in 1940 is not receiving anywhere near the same return, and his £100 is worth only £75 today. An investment of £1,000 in the purchase of a house in those days is now worth £2,000. That is the difference. If we are going to allow an increase of 5 per cent. with regard to householders because of inflation and the increased demand that has led to augmented values, then logically the patriotic person who put £1,000 into the war loan should be entitled to have the value of his money increased proportionately.

Hon. L. A. Logan: No maintenance is required on war loans?

Hon. H. C. STRICKLAND: There is depreciation in connection with war loans, values, not appreciation. As to the question of maintenance, I have heard it said that it takes a year's rent to renovate a house. Possibly it would be better for a person to sell and show a profit of £1,000. One does not paint a house every year. The amount involved in renovations should be spread over at least eight years. I would not be certain about the period, but, at any rate, it should be spread over a number of years.

References have been made to the displaced person problem. Many new Australians are displaced persons but, unless we deal with the problem confronting us and control the situation, it will not be long before our own people are themselves displaced persons. As to the position of ex-servicemen, that type of protection has been reduced almost to nil. I do not know why this House should raise objections about protecting those who went oversea in earlier wars when we have men who are away fighting now, and they are not placed in the same category. The Bill extends the legislation for only one year. It should be borne in mind that under this Act the returned soldier who is to receive benefits must be totally and permanently incapacitated and must be in receipt of a pension.

That tightens up the position severely regarding that section of the community. The position of the widow of a man whose death occurred during, or as a result of, war service has also been tightened up. She must still have children under 21 years of age and still be a widow to entitle her to get that protection. The provisions set out in paragraph (c) are very indefinite, and one wonders about the position of those who are away fighting now. If what we read daily in the newspapers serves to indicate as a possibility, they may be away fighting in a greater war in future. Before the House rushes into any rash decision regarding the Bill, I hope its provisions will be given full consideration. It is impossible to please everyone, but that is no reason why it should be scrubbed.

Hon. N. E. Baxter: No-one has suggested it should be scrubbed.

Hon. H. C. STRICKLAND: I heard the Minister remark that he wondered if another place would recognise the Bill in the state that it promised to leave this House. I think that if a few amendments are accepted and members do not tear it apart, the Bill should be presentable when it is returned to the Assembly. All members have received a circular signed by members of three families. I do not know whether those people own only their own homes or whether they own big properties or blocks of flats.

Hon. L. A. Logan: They own their own homes.

Hon. H. C. STRICKLAND: I do not know; it does not interest me. I remind the House that in that circular the writers say that the entire responsibility for housing the people referred to—that is, the protected people from the fighting Services—is thrown on one section of the community. In reply to that assertion, I would say that the sole responsibility for protecting the homes and investments of those people and others similarly situated was also thrown on one section of the community—the fighting Services!

Members are aware that midget submarines in Sydney Harbour shelled residentials, and bombs were dropped on Darwin and other North-West ports. It was only the fighting Forces that prevented us from being bombed here. To say, therefore, that one section of the community has to bear this particular burden is rather unfair. The State Housing Commission, the Workers' Homes Board, and the war services homes people are doing something, but they cannot do everything. With the arrival of so many migrants, the housing problem will not be adequately dealt with for a long time to come. Unless we give our own people some protection, I am certainly afraid that many of them will soon be displaced persons. I hope members will seriously consider the amendments suggested to the Bill.

HON. H. TUCKEY (South-West) [9.8]: Continuance measures of this description have been introduced on many occasions since the principal Act was passed. Each

year we have heard the same arguments. On this occasion, as on others, red herrings have been drawn across the trail, and much of the talk, when boiled down, discloses no substance. If we are to take the long view, and if we proceed as at present, it is not wrong to say that if we are to preserve our democracy we must deal with the situation, or there will be a drift towards dictatorship.

Tonight we have heard it said that the Government should take the full responsibility of housing the people. If such a policy were to be adopted, that is not the only phase that would be taken over by the Government. Very soon we would find that the people would not only be housed by the Government but would be controlled by it in many other directions. It is not a great many years since there was no difficulty at all in providing houses, when landlords could build dwellings and let them as a form of investment. There was plenty of money, and trade and commerce flourished. When conditions altered and difficulty was found in recovering rents from tenants, the position drifted into chaos, and a different policy had to be adopted, with the result that the Government came more and more into the picture.

Thus, today housing is a Government responsibility, whether it likes it or not. That is because private individuals are not inclined to make use of that form of investment. We have been told that when conditions improve, controls will be eased. I would not like to make that prediction. When the position eases and more materials and labour are available, obviously controls will be lifted. On the other hand, we are told that in one fell swoop we are to bring 25,000 migrants here by air next year. How can the position possibly be eased if we are to persist with a huge immigration policy?

We should decide whether we are content to allow our own citizens who, after all, are the best in the world for us, to be ignored or whether we shall bring in many thousands of people, at a cost of many thousands of pounds, to help populate the State. We must take a broader view. The function of government should be to look after ourselves better than is the position today. I know of distressing instances regarding rental houses, and the difficulty experienced in obtaining homes. I do not think we should advance excuses for no policy being forthcoming to overcome the difficulty when we know that it must continue for years to come.

I do not share the view of some members that we may expect an improvement next year, and therefore we may vote for the legislation once more. We have heard the same thing said time and again. Doubtless, we shall again listen to some of the sobstuff that we have heard even tonight. Let us be frank, and face the situation. Are we to provide for our own people as far as possible? If we are to bring in as many immigrants as we can, we cannot expect the position to ease. We cannot expect Australians, and particularly Western Australians, to play their part in increasing the population if they cannot get roofs over their heads. I know some young couples in dire distress through lack of accommodation.

While those things are occurring, we are bringing more and more migrants to the country. We do not know very much about them, and certainly it will take some of them a long time before they can fit in to our way of living and work as our own people do. I know of some people who will never enjoy what they are entitled to during their lifetime. They have struggled hard in the past and reached the stage where they can go no further because of various restrictions. With more and more migrants coming to the State, what hope have such people of achieving what years ago they set out to do?

It is pretty rough when people do work hard and adopt a policy of thrift—and particularly womenfolk who save money to provide for themselves—and then find one day that the ground is cut from under their feet and they have to fend for themselves and do the best they can. I know what it is to approach a department in which the officials have ample authority to enable them to be independent. They do not always treat these people very kindly and, taking it all round, such folk get a pretty raw deal. What I am complaining about is that we are neglecting our own citizens, and I think they have a right to a better deal than they are receiving.

We talk about people playing the game. I say without fear of contradiction that 99 per cent. of the landlords and the people would stand by the returned soldiers who are deserving of consideration. I do not think many are not deserving of consideration. It is they who have caused some of our member-returned soldiers to adopt the attitude they have. They are required to be fair and reasonable, and I think they have been very reasonable indeed. But I have a case in mind that I would like to relate. A returned soldier from World War I. rented a house for a very small sum in 1937 or 1938. The house was sufficiently large to provide for two small shops as well as a dwelling. He turned one of the rooms into a shop. Some years later he converted a second room into another shop to be used by a returned soldier from World War II. Subsequently the owner of the property wanted to obtain possession of it because it urgently needed renovations and repairs. But he has not been able to do anything about it.

The rent charged to the original tenant is still the same as when he first took possession. That tenant says that the second man is not paying any rent, yet he has the far better business of the

two. I do not know how anyone can prove whether rent is being paid or not, but nobody can tell me that the position is as he stated. That tenant could very easily have said to the landlord, "I have let my largest room to one of the leading businesses in town and can afford to give you another 10s. a week." Instead of that, he told the landlord he was not getting any rent but that the subletting of the room was a friendly act on his part. Cases like that do not encourage consideration on the part of the landlord.

Most of us know of one or more cases in which leases have been sold and people are paying high rent for a room or part of a house in order to obtain shelter. It is high time something was done to stop that kind of thing. Where a soldier or anybody else leased a house at a nominal rental years ago, he should not be allowed to take in another tenant unless that other tenant deals with the landlord direct. The original tenant is not entitled to any payment for subletting a room or rooms in the house he is renting, and provision for that should be made in the Bill.

If we are imbued with the idea that next year we shall be able to scrap this legislation and that the position will be different from now, we do not know much about it. Taking a broad view, what is occurring must be realised, and we can figure out today what the position is likely to be in twelve months' time, bearing in mind the policies being adopted by Commonwealth and State Governments. Let us decide now what to do about this matter. If we are going to provide even for our own people, we must do something to increase production. If we continue to produce ten times as many bricks as at present, together with other materials, but continue to expand our migration policy, we will drift along just the same. I think it is wrong to tell tenants that they can sleep out under a tree for another year and then things will be all right. We need to face the position. I can assure the House that a large number of people are still living under distressing circumstances.

I have had a number of inquiries from householders throughout the country for whom I have been able to do nothing because of this hard and fast legislation. It did not matter what were the sufferings of these unfortunate people, it was not possible to do anything for them. I cannot continue to be a party to that state of affairs. I will not vote against the second reading of the Bill, because the Government is committed in many ways, but I am going to use what influence I can to effect a few amendments which I consider desirable.

HON. H. S. W. PARKER (Suburban) [9.22]: This Bill brings before us one of the greatest social difficulties we have to face. It is occasioned by many circumstances but I think that the principle is this: We require a higher standard of living and at the same time demand shorter hours of work. The result is that we cannot house people in the way they desire to be, and should be, housed. If we visit the suburbs we find houses which were built 20 or 30 years ago, the standard of which is nothing like that demanded at present. Houses in those days were built by people who were prepared to work much longer hours and therefore produced more, but even then there was a shortage of houses. There has never been an abundance except during the period of the depression.

When the war occurred we were faced suddenly with an extraordinary position and all sorts of extraordinary measures were introduced, as they were during the depression period. The time must arrive, however, when we will have to get back to normal or as near normal as we can, and we shall not return to normal without some upheaval in the process. I well remember the upheaval that occurred during the depression period in respect of the emergency measures. Let me give one instance: There was the Mortgagees' Rights Restriction Act. It took us 20 years to get rid of that measure, because there were certain people taking advantage of it and not assisting themselves.

The position today is that we have endeavoured by legislation to assist people; but unfortunately some have taken advantage of that legislation. They have not been honest to themselves or to one another, and we have bad tenants and bad landlords. I regret to say there are a great many bad tenants who have simply sat tight and will not help in any way. By virtue of this Act a tenant can be known as a statutory tenant; he derives his right to occupation of premises by virtue of a statutory law. As such, he is the king of the castle and there have been instances where a tenant has refused to allow a landlord even to inspect his premises or repair them, telling him he had no right to do so. That is one instance in which tenants have not played the game; and I have placed an amendment on the notice paper which, if carried, will permit a landlord to inspect his own premises. I feel quite sure members will agree to that provision.

The object of the legislation originally was twofold. One of its purposes was to prevent an undue increase in the cost of living, and the other was to give security to tenants in the peculiar circumstances that arose at that time. Unfortunately, however, advantage has been taken of the measure and we have had bad tenants who have evaded their moral responsibility, so that now, five years later, we have to bring them up with a round turn. I am not speaking against tenants only. There

are such persons as rapacious landlords, for whom I hold no brief. But five years after the war has ended, we are faced with this difficulty, which should have righted itself to a large extent. There is a great outcry, principally from those people who have had the advantage of the prohibition afforded by this legislation. They are not helping in any way but are crying out and asking, "Why should it not go on ad infinitum?" And they refer not only to their occupancy but also to the rents they are paying.

Hon. H. Tuckey: You would not blame the war for the shortage of houses, would you?

Hon. H. S. W. PARKER: Yes, the war undoubtedly had something to do with it; but I am afraid that since the war the effort by the people generally—one and all of us—has not been as great as it should have been. The landlord is a man—

Hon. L. Craig: To be shot at!

Hon. H. S. W. PARKER: —whom we should encourage. He is the one who saved up his money and invested it in order to provide cover for other people to live under. He is entitled to a fair and reasonable return. There are many people who set aside their hard-earned income to buy a cottage from which to obtain rent upon which to live during their old age. Others succeeded in saving sufficient money to secure two cottages, one to live in and the other to obtain income from. Why should they not receive a reasonable return for their money? Why should their rents not increase with the increased costs to which they are put in maintaining their premises?

I have heard a lot of people say, "Yes, that house was built for £1,000 and now you can sell it for £3,000. But why should the tenant pay three times as much rent as before?" Obviously the tenant is three times as well off. The value of the house has increased three times only because the purchasing power of the £ has decreased by that amount. There is really no difference except that if one wants to put pounds into dollars he must make it three times as much as if he wants to put them into pounds. There is really no great increase. When the rents go up, they do so in proportion to everything else. Why should a person who owns a house, from which he receives income, not get a return from it equivalent to what he did when he originally purchased it?

We do not like the idea of rents going up. The only way to prevent them from rising is for the State Housing Commission to provide homes and fix the rents. The difficulty is that the Commission cannot build sufficient homes, but it will have to build for necessitous cases. If necessary, the standard of houses will have to be lower than we would like to see. We shall have to get back to the standard of 20 or 30 years ago when a house could be built more quickly than it can today. The amendments on the notice paper, and that which I have indicated tonight, are for the purpose of helping the landlord. Let us always remember that a rapacious landlord falls in very badly.

A reasonable landlord does not want the rent, but a good tenant. Unfortunately there are many bad tenants today. We cannot blame the owner of a big house if he keeps half of it empty, because he is not able to get a bad tenant out. I am hopeful that the Bill will be passed in its present form, so far as it applies to tenancies after the 1st January next. That will mean that people will be prepared to lease their properties, or part of them, because they will know that they can get a bad tenant out. Furthermore, if a tenant knows that if he does not pay his rent and look after the property he will be put out, he will be more considerate. Many properties are not tenantable because the former tenants had not been sufficiently interested to look after them.

Hon. E. M. Davies: And the owners?

Hon. H. S. W. PARKER: The owners do not get a sufficient return to do it. No-one would be so stupid as to let his place go to rack and ruin.

Hon. E. M. Davies: Have a look at some of the houses in Fremantle.

Hon. H. S. W. PARKER: I am endeavouring to impress on members that it is owing to the law that houses are falling into disrepair. A landlord cannot get a fair return if he effects improvements; and furthermore he cannot turn out a bad tenant. If we could get back to the 1938 law—I do not think we can—we would have more people happily housed, and a greater number of contented landlords. I trust that the amendments we shall make will be for the general good of the people. Certain sections of the community think they should have special privileges. I am not going to argue that point, but if they should, then they should not receive them at the expense of a particular section of their fellow citizens, but of the Government. Protected persons should be looked after by the Government, and not by individual landlords who, perhaps, in some instance, have allowed them into houses, and then have not been able to get them out. On the notice paper there is an amendment which provides that if a protected person is ousted from his house he shall have a first priority with the Housing Commission. That is the correct procedure.

The Minister for Transport: It is not on the notice paper yet, is it?

Hon. H. S. W. PARKER: It is Mr. Watson's amendment. I want to take this opportunity of saying how pleased I was

to hear Mr. Watson's remarks, and to compliment him on the able and concise way in which he put them forward. I trust I shall have an opportunity to vote with him on the second reading.

HON. E. M. DAVIES (West) [9.35]: I have a full realisation of the responsibilities of the members of the legislature, and I am conscious of the hardships suffered by some owners of properties who are not able to gain access to their homes. But I also have a realisation of the difficulties under which a number of people are attempting to live. After listening to members, I feel they are not always conscious of the acute housing position that exists not only in this State, but throughout the whole of Australia. It was brought about in the first place because during the six years of hostilities houses were not built. Migration has also contributed to the shortage of housing in the State. The last speaker who mentioned this point was Mr. Tuckey, and I have to agree with him, but I doubt whether there are any members here or in another place, who would suggest that we should prevent immigrants coming to this country at the present time.

It is futile to talk of the reasons for the shortage of houses. The position would not be as acute today if thousands of immigrants had not been brought in. In the scheme under which people nominate migrants, there is provision for accommodation to be made available. We know full well, however, that eventually the migrants endeavour to find housing accommodation for themselves. When Mr. Parker was speaking I mentioned that some houses in Fremantle were not in good repair and consequently were not worth much rent. I do not suggest at the moment that it is the direct responsibility of the landlord, or of the tenant.

The Fremantle district is known to be one of the oldest settlements, and some of the houses there have got to the stage of suffering from old age and decay. If it were not for the present acute housing position, many of them would be condemned. I wish to refer now to the proposed 25 per cent. increase in rent. The proper method to have adopted here was to create a fair rents court to which the parties concerned could make representations. The court could be presided over by a magistrate or the rent inspector who has done such a good job in recent years. An opportunity would then be given for a fair increase in rents to be made.

The difficulty under the Bill appears to be that the maximum is to be 25 per cent. In many cases that maximum will be the minimum. I agree that 25 per cent. is too small for some places in Fremantle, although there are others for which a lesser percentage would suffice. However, one law cannot be made for one section of a community and a different law for another. The reasonable thing would be for the Government to set up a proper tribunal to deal with the question. I am at a loss to understand the statements made about people not being able to get into their homes. It has come to my knowledge that migrants from Southern Europe have bought and gained possession of properties around Fremantle—I refer to the old stone and brick buildings. Notwithstanding the fact that they have been in the country only a short time, they have been able to evict the tenants who had paid rent for many years for the houses.

Only recently I had occasion to find a place for an old couple, 74 years of age, who had paid rent for 26 years, and believed the house would be their home for the balance of their lives. But they were evicted. Fortunately, other accommodation was found for them. It is peculiar to hear people say they cannot get into their homes. Perhaps there is some reason for that of which I am not aware. It does however, seem strange that the owner of a property who has lived here all his life cannot get possession of it, in view of what I have just stated. I admit it takes six or nine months to evict a tenant, but that has been done by the people I have referred to. I have a full realisation of the responsibilities of the Government and in my opinion the Government has endeavoured, by bringing down this measure, to try to do the best it can.

I know from my own experience in dealing with the State Housing Commission, that the housing position in Western Australia is most acute. The Commission is now dealing with applications for rental homes, which were lodged in 1947; with war service homes applications up to October, 1947, and there are 500 outstanding applications for McNess homes from old people and pensioners. As members know, it is not possible to build a great number of McNess homes at present. The housing position in the Fremantle district is probably more acute than anywhere else in the State. There are 140 families accommodated at the Melville camp; 40 families at Woodman's Point camp; 20 families in the Leighton camps and in a small camp known as Vale Park there are 16 families. In addition, we have the old Base Hospital—known as the Old Immigrants' Home—where a number of families are living in rooms and parts of rooms.

After a full discussion on this question the Government should try to find the best way in which it can deal with the housing problem. There is not a member of this House who is not fully seized with the responsibility placed upon his shoulders and I feel sure we will do the best we can to assist the Government because it has attempted to do something by bringing down this measure. Accordingly, I support the second reading of the Bill.

HON. R. J. BOYLEN (South-East) [9.48]: I propose to support the second reading of the Bill, but like other members I do not take kindly to controls. However, we must realise that there are occasions when controls must be imposed and we must abide by them. The time has not yet arrived when it is possible to rid ourselves of all controls, especially as they apply to housing in Western Australia. There are many features of the Bill on which the Government can be complimented. After we have given consideration to the amendments on the notice paper, and others which I understand are to be placed there, we should have a Bill which will be of benefit to both landlords and tenants.

I realise that there are bad tenants as well as good ones, but, the Bill, as presented, makes reasonable provision for dealing with these people. Bad tenants should not be given the consideration that may have been extended to them in the past by Acts of this type and the consideration they have had on occasions from the courts. The hardships confronting people today, whether they are trying to get back into their own homes or whether they are tenants who are facing eviction, must be weighed carefully. I realise that there are many elderly people have put their life's savings into homes and unfortunately are not able to occupy them. In the majority of instances, however—I know there are exceptions—these homes are occupied by people who would suffer greater hardships if they were evicted.

It is our responsibility to see that those who incur the least hardship are the ones upon whom that hardship must be imposed. Frequently these homes are occupied by families with five or six children and if they are evicted they will have no accommodation available. In most cases, or in a majority of them, the people desiring the eviction are housed in reasonable types of accommodation. Like Mr. Heenan, I believe it is the responsibility of the Government to house the people of Western Australia, or find some means to permit them to house themselves before they can be evicted. I am referring to the returned Servicemen. Mr. Strickland pointed out that this is sectional legislation—legislating for people who are in homes at present. But, it is a section of the population of Western Australia, and indeed of the whole of Australia, who made the greatest sacrifice during the war years.

We have a responsibility to those people and until the Government can assure them of a reasonable opportunity of getting houses—probably not as good as they would wish—we should legislate in this fashion. People may have to take houses which are not quite up to their liking but more homes must be available before we can permit landlords to evict people from their premises, or to raise rents to a figure which the tenants may not be able to meet. This is really a Committee Bill and after it has been dealt with at that stage I think we can return it to another place with some amendments which will improve the measure. I support the second reading of the Bill.

On motion by the Minister for Transport, debate adjourned.

BILLS (2)—RETURNED.

1, War Service Land Settlement (Notification of Transactions) Act Continuance.

2, Fremantle Harbour Trust Act Amendment.

Without amendment.

BILL—BUSH FIRES ACT AMENDMENT.

Assembly's Request for Conference.

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

BILL—LOTTERIES (CONTROL) ACT CONTINUANCE.

Second Reading.

THE MINISTER FOR AGRICULTURE (Hon. G. B. Wood—Central) [9.55] in moving the second reading said: Once again we are faced with a continuation of the Lotteries Control Act. There is no doubt about the great job that the Lotteries Commission has done for charity. I must admit that when we first adopted State lotteries I thought we had retrogressed by having to obtain money for our hospitals in such a manner. But, over the years I have got used to the idea and I realise the great job the Commission is doing. So, I have come to the conclusion that it has been well worth while.

It has been the custom to review the work of the Commission every few years and to ask Parliament to approve of an extension of the Commission's activities for a further period. Prior to 1944 a Bill for the continuance of the Lotteries Commission was introduced every year. Then, it was extended to three years and when this Bill was presented to another place it was for a three-yearly period, but it was amended there to provide for a five year period. Suggestions have been made that a permanent existence be awarded to the Lotteries Commission, but Parliament has always thought that there would be more hold, and more control over the Commission if it were not given a permanent existence but had to come up for review periodically. I think the public prefers such control because a large section of the people does not approve of lotteries.

In introducing the Bill perhaps I should give members a brief resume of the work of the Commission during the three years ended the 31st December, 1949. During this period, 173 consultations were conducted, an average of 11 lotteries in 10 weeks. The return from the sale of tickets totalled £2,162,466 of which £1,146,990 or 53 per cent. was allocated in prize money. Expenses, including commission paid to agents, amounted to £301,000 or 14 per cent. of subscriptions. Apart from agents' commissions which amount to 10 per cent., the expenses of administering the Commission were only 3.9 per cent. of revenue, as compared with 3.8 per cent. in the previous three years, and 4.5 per cent. in the preceding period. The profit for the three years totalled £714,432, which, when added to the undistributed balance for the previous triennial period, interest, unclaimed prizes and transfers from reserves, made a sum of £1,066,225 available for distribution. Grants to hospitals and institutions during the three years came to £605,000 and £401,000 was transferred to reserves, etc. This left an unallocated balance of £59,412 as at the 31st December, 1949.

The arrangement entered into with the Government in 1939, under which the Commission agreed to finance the construction of the new Royal Perth Hospital on an interest and sinking fund basis, was discontinued following the completion early last year of the first section of the building, the Commission feeling that its programme of assistance to other hospitals and charitable organisations precluded it from meeting the greatly increased cost of the whole hospital block under the interest and sinking fund arrangement. Instead, it was decided that the Commission would accept responsibility for repayment of the capital cost of the hospital at the rate of £33,000 per annum, and that the Government would meet interest on general loan funds advanced for the construction of the hospital.

An amount of £164,000 has been allocated for the construction of the modern home for aged women at Canning Bridge, which is nearing completion and on which £121,500 has been spent so far. Other grants made by the Commission during the past three years included £61,801 to orphanages, £335,657 to hospitals other than the Royal Perth Hospital, and £148,489 to other charitable organisations. Members will be interested to hear that since the inception of the Lotteries Commission in 1933, its profits and other income have amounted to over £2,000,000.

Divergent views are held as to the morality of lotteries, but the valuable charitable assistance that has ensued from the public's interest in the State lottery would be most difficult to replace. The lotteries are controlled by an efficient administration, and the Auditor General who examines the figures incidental to each lottery finds extremely little to criticise. As required by the Act, the Auditor General's report on each lottery is tabled in Parliament. This Bill provides for a continuance of the Lotteries Commission to 1955. I move—

That the Bill be now read a second time.

HON. E. H. GRAY (West) [10.3]: This gives me the opportunity to support the Bill, and to congratulate the Commission on the splendid work it is doing, though I would rather see it called a social service organisation. The Lotteries Commission has proved of considerable benefit to infant health centres, kindergartens and other bodies, and it also gets active support from local authorities who are progressive, and from progress committees who are anxious to improve the social service organisation in their district. It is a pity the housing position is so difficult because I am satisfied that if it could improve a bit more, there would be a rapid advance in providing suitable clinics all over Western Australia for the mothers and children of our people.

I consider that the Lotteries Commission is splendidly managed, and that we are very fortunate in having Mr. Kenneally as chairman and Mr. Green as secretary. I know, too, that the other members of the Commission take a very keen interest in their work. I do not object to lotteries at all. I know the difficulties that existed through past years insofar as raising money for hospitals is concerned, and the appointment of the Lotteries Commission was the best venture the Government ever undertook. I wish to acknowledge the work of these gentlemen and I have much pleasure in supporting the second reading of the Bill.

HON. G. BENNETTS (South-East) [10.5]: I support the second reading of this Bill for the reason that I am a member of many charitable organisations. Had it not been for the grants we have received over the years from the Lotteries Commission for the provision of motor ambulances, clinics, kindergartens and many other movements with which I am associated, we would not have been able to carry on. We have always had the opportunity to put forward a case and we have found that if the case was a genuine one we could always count on assistance.

The only way today to get money of this sort is by a little gamble in a sweep of this nature. I am of the same opinion as Mr. Gray in that I wish we could overcome the housing problem a little quicker so as to get more materials to build clinics for the mothers and children of this country. We know what the Commission has done for us in regard to the fresh air home at Esperance which makes it possible for children to be taken down there

and given a holiday. Any member who visits that home will agree with what I say. I support the Bill.

HON. H. TUCKEY (South-West) [10.7]: I think it is a very good idea to extend the term for a further five years. Like the Minister for Agriculture I would not favour making it permanent because of the fact that there are many people against this means of raising funds. I hope the time will come when we will be able to discard this policy and provide for our social services from some other method. For the time being it serves the purpose very well, and I think people are very grateful for the money received from the Lotteries Commission. We have been fortunate in getting the people we have to run the Commission over the years, and that particularly applies to the chairman and the secretary. I do not think anyone can say they have not been fair-minded when members of Parliament and other sections of the community have made requests to them for charitable donations.

Question put and passed.

Bill read a second time.

In Committee.

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

BILL—STATE (WESTERN AUSTRALIAN) ALUNITE INDUSTRY ACT AMENDMENT.

Second Reading.

Debate resumed from the previous day.

HON. E. H. GRAY (West) [10.10]: This Bill should make every member who believes in good business management very indignant, and I am sorry that the Government has had to bring the measure forward. I shall try and show my reason for doing everything possible to defeat this second reading. As the result of many weeks of work, particularly on the part of Hon. J. T. Tonkin of another place, and by notices of motion, debates and so on, the truth about the industry at Chandler was elicited from the Government.

Judging from the manner in which that information was extracted, members will see the difference over the years when Sir James Mitchell, the present Governor, was Premier of this State. He carried out an intensive campaign for the development of secondary industries and gained the confidence of all sections. Everybody right throughout the State, was anxious to see something done, and something was done when the Labour Government took over office.

Today the position seems to be lamentable. A valuable plant such as that at Chandler is going to be wasted. I understand that the company that is to take over this work is going to produce 24,000 to 25,000 tons of plaster a year. Members who have read Hansard will have seen the information available there from files, statements by the Minister, and so on, and if members have any business experience at all, they will admit that the Government has made a very serious mistake.

The Minister for Agriculture: That is a matter of opinion, of course.

Hon. E. H. GRAY: That is my opinion, and a lot of business people outside have also recognised that the Government has made a serious mistake. The small amendments in the Bill are merely salad dressing to cover up the big mistake the Government has made, but the main amendment gives the power to sell, let on hire or otherwise dispose of the Chandler works which were used until some time ago for the production of potash at that centre. In addition, the Bill asks Parliament to approve of the agreement almost finalised between the Government and the Australian Plaster Industries. That agreement is one under which the company will lease the plant, etc., for the purpose of producing plaster of paris. The mistake the Government has made there is that it is obtaining from the company a comparatively small return.

Hon. N. E. Baxter: What do you call a small amount?

Hon. E. H. GRAY: A return of 7s. 6d. a ton. I want to emphasise to the business people of this Chamber that this arrangement was not carried out by the committee of management but by the Minister who, I suppose, received the backing of the Government. I think all members will agree that this has been the result of one of the most effective directors of industry resigning. I refer, of course, to Mr. Fernie. I think it can be said that because of the indecisive and unbusinesslike way the Government carried on, Mr. Fernie resigned. In the departure of Mr. Fernie we lost a very valuable officer.

The Minister for Agriculture: He has made his services available to the Government in an advisory capacity.

Hon. E. H. GRAY: He gave many years of service to the State and could have saved the Government from making many of the mistakes that it has made.

The Minister for Agriculture: That is an extravagant statement.

Hon. E. H. GRAY: It is not extravagant. Anyone acquainted with the Industries Department knows the valuable work that Mr. Fernie carried out. We ought to remember how this agreement was arrived at. It was not approved by the committee of management, which suggested a higher figure—I think, 15s. per ton—and, when that could not be obtained, the obvious thing for the Government to do was to carry on the works itself.

Hon. L. A. Logan: After a loss of £300,000!

Hon. L. Craig: And the rest!

Hon. E. H. GRAY: I do not care what the cost has been. It was the opinion of experts that it would have been far better had the Government carried on the works. We are living in a time when we do not know what the future might have in store for us. It might become absolutely imperative, as a result of international developments, to utilise the works for the manufacture of potash again.

The Minister for Agriculture: We could revert to that.

Hon. E. H. GRAY: How could the works be converted back to the manufacture of potash in 12 months? The agreement provides for a lease of 12 months, with the right of extension for another 12 months, and the State Government could not break the agreement.

Hon. N. E. Baxter: In the event of international trouble, the Commonwealth could step in.

Hon. E. H. GRAY: As a result of the research that was being carried on at Chandler, we might have found it possible to produce potash in future at a price that would be competitive with the product of other countries, even though that could not be done at the present time. That chance, however, has been thrown away. Research was still being undertaken into the production of potash, and it would certainly have been of great advantage to the State if the experiments proved successful. Apart from that, however, we should be ready, if necessary, to use the plant for the production of potash.

I have visited Chandler. It is a well laid-out little town, and everything looked bright for the future; but suddenly the potash industry faded, and a change was made to the production of plaster of paris. Admittedly, the manager of the company made a perfectly fair offer. I have nothing to say against the company, which consists of business men, but it would have been far better had the Government decided to carry on the works. Would it not have been far better had the Government, like its predecessors, the Mitchell Government, got members of both Houses together to discuss the business and push this enterprise? Sir James Mitchell was certainly a driving force and would have done better than the present Government has done. We cannot expect private enterprise to embark upon—

Hon. J. A. Dimmitt: A losing proposition.

Hon. E. H. GRAY: No, the production of a commodity that is not a safe proposition.

The Minister for Agriculture: You want the Government to make further losses on this concern.

Hon. E. H. GRAY: I do not; but if the Government had been sincere and given the committee of management a fair chance, I believe it would have made a great success of the plaster industry. Can any member imagine a private company offering the Government up-to-date plant costing thousands of pounds and an established township thrown in, and saying "Take this and use it?" Of course not. Its attitude would be that that was not a business proposition. Yet we have a Liberal-Country Party Government, supposed to be comprised of men of business acumen, who believe in private enterprise, giving away facilities and plant worth quite a lot of money. What condition will the plant be in after the expiration of the 12 months or two years' lease? Will the company have looked after it as if it were its own property?

The Minister for Agriculture: Of course.

Hon. E. H. GRAY: Not at all. It would not be natural to expect the company to do so. When inquiries showed that the Government should have received at least 15s. per ton for the use of the plant to cover costs, interest, etc., I cannot understand the Government's accepting a price of 7s. 6d.

The Minister for Agriculture: It is better than making the loss that has been incurred.

Hon. E. H. GRAY: The Government might make a greater loss yet. This is a matter of principle with me. I repeat that I believe the Government has made a great mistake. It has not shown ordinary common prudence, and has not looked after the assets of the State, and for these reasons I shall oppose the second reading of the Bill.

HON. N. E. BAXTER (Central) [10.22]: I intend to support the second reading. I believe that the Government has done the right thing by leasing these works. After having lost £600,000 in the venture during the course of a few years, any Government that did not desire to get rid of the works would, in my opinion, be making a very grave mistake. Mr. Gray referred to the action taken in another place to extract information about the leasing of the works. There were certain reasons why the information could not be supplied earlier, and Mr. Gray is well aware of them. When the information could be released, it was made available.

The hon. member also referred to the industrial progress made during the regime of Sir James Mitchell. I was not too young at that time to realise that there was not much progress by State enterprise, because that was the period from 1930 to 1933. It was after that time and during the regime of the Labour Government that moves began to be made.

Another reference by Mr. Gray was to the effect that it was lamentable that valuable plant was being wasted. It is not being wasted. The hon. member suggested that the company leasing the plant would not look after it. The company consists of responsible people who are engaged in business, and they are under an obligation to take care of the plant. I am quite satisfied that they will take as much care of it as would employees of the State. What Mr. Gray knows about the Chandler works is not worth knowing. If he only knew of the numerous costly experiments that lie buried under the dump there, his hair would stand on end.

As a result of leasing the works, there will be a return to the Government of £18,000 to £24,000 annually, which will be much better than continuing the losses that have been incurred over the past few years. The hon. member also said that any Government possessed of business acumen would not have made such a serious mistake. There is no serious mistake about this deal. The Government knows quite well what it is doing. It is out to save public money.

Another reference by the hon. member was that the Bill is intended to ratify the action of the Government. That is quite correct. When there is any doubt about such a matter, it is only right that Parliament should be asked to ratify the action of the Government, provided that action is correct. I hope members will support that idea. Mr. Gray also referred to the resignation of Mr. Fernie. In my opinion, some of Mr. Fernie's actions were definitely very high-handed and I say, without fear of contradiction, that he cost this State far more money than he should have cost it. If his actions had not been high-handed, I do not think he would have resigned. However, I notice he has not severed his association with the Government completely.

The hon. member also referred to the lease to Australian Plaster Industries at the small rental of 7s. 6d. per ton. Does the hon. member realise that tenders were called for a lease of the works at a figure fixed by the Government, but that there were no tenderers? Australian Plaster Industries would not pay the price, but it did submit a price for consideration, and I say that the Government did the right thing by accepting it. I am quite satisfied that we shall come out of this deal well and truly on top. The hon. member also spoke of the possibility of the Chandler works being required for the manufacture of potash. I think this is the only known source of potash in Australia, and, should a war break out and potash be required, the Commonwealth Government could invoke National Security Regulations and take over the plant. Mr. Gray knows of that as well as I do.

I fully support the Bill, even in one particular, and that is the portion prohibiting the Government from selling the works. This might seem to be a reversal of form on my part, seeing that I opposed the Bill dealing with the Wundowie charcoal-iron and steel industry. However, I am supporting the clause in this Bill because Chandler has the only known source of potash in Australia and we may require it. At Wundowie, on the other hand, there was nothing worth considering that we might require, and so there is no reversal of form on this occasion.

On motion by the Minister for Agriculture, debate adjourned.

BILL—LAND ACT AMENDMENT.

Second Reading.

THE MINISTER FOR AGRICULTURE (Hon. G. B. Wood—Central) [10.29] in moving the second reading said: This is a fairly lengthy Bill designed to improve the Act which for years has been found to be wanting in many respects, particularly now in view of the land settlement that is going on. These amendments are expected to result in the more efficient administration of the Act and to ensure that persons taking up land carry out their statutory obligations.

The first amendment seeks the deletion of Section 5A, which was inserted in the Act in 1946, to provide for the appointment of a director of land settlement. No appointment has been made to this position, nor is one proposed, the Director of Agriculture, Mr. Baron Hay, having been seconded to the position of chairman of the Land Settlement Board. Authority is provided in the Bill for the Governor to agree with the Governor General for the sale or lease of any Crown lands to the Commonwealth. The Land Acquisition Act of the Commonwealth has since 1906 provided that any such action shall be valid and effectual notwithstanding anything in the law of the State.

It is provided in the principal Act that the Governor may acquire land from any person, with his consent, and that this can be done either by purchase or by exchange of Crown land of equal value. There have been cases where lands, the subject of exchange, have not been of equal value and to meet this position some elasticity of arrangement is required to meet the position. To this end the Bill proposes that a cash payment shall be made where the lands exchanged are not of equal value.

Where a holder of land fails to fulfil the conditions laid down in the Act, or does not pay his rent or purchase instalments, the Governor may forfeit the land, together with improvements and all rents or purchase money paid. The new lessee is required to pay the Crown for the improvements on the holding. All moneys due to the Crown, including outstanding rent, are then deducted from this payment and the balance, if any, paid to the former lessee. The proposal in the Bill

is that in special circumstances the deduction of the whole or part of such rent or other moneys may be waived.

A case did arise which caused particular hardship. Certain rents had been paid on a cancelled lease and a house had been erected by the lessee with moneys loaned by another person. The land was subsequently reduced in price and thrown open for re-selection. The rents that had been paid by the former lessee were greater than the amount required to purchase the land at the reduced price. The former lessee was unable to repay the loan for the erection of the house, as the Crown retained the money for rent on the old lease at the higher price, despite the fact that it will again collect the price of the land from the incoming settler.

The Bill also seeks to give power to sell Crown lands to Government instrumentalities and local authorities. For example, the Rural and Industries Bank may require land for banking premises or for staff residences. Local governing bodies also desire to buy land on which to build homes for their secretaries. The present method of purchase at public auction is not desirable in these cases and this Bill seeks authority for the Crown to sell land required by Crown instrumentalities or local governing bodies. On the advice of the Solicitor General, the Government desires to incorporate in the principal Act the provisions of Ordinance 16 of 1853, regarding the surrender by trustees of land vested in them by the Crown. It is desirable that the statutory power to deal with grants and leases of reserves in trust should be included in the Land Act, which contains the authority to create the reserves.

At the present time all town and suburban lots have to be sold by public auction. These lots when put up for auction are not always sold and provision is made in the Bill for them to be disposed of by application after a period of six months from the date of the auction. This will provide a ready means of disposing of lots for which there is no competition. Although Section 42 of the parent Act states that "suburban land shall, within two years from the date of the sale, be fenced on the surveyed boundaries with a fence of the prescribed description," no fencing has ever been prescribed, nor could a type suitable for all cases be prescribed.

To overcome this difficulty it is proposed in the Bill to make regulations prescribing and naming different classes of suburban lands and prescribing fencing requirements for each class or for different localities. These proposed regulations will also give power to the Minister to approve or reject any fencing or release any purchaser from the whole or part of his obligations in regard to fencing. Regulations may also be made requiring the purchaser to spend on improvements double the cost of the purchase price of each lot. The Bill seeks to repeal Section 44 of the parent Act and in lieu to insert a new section so that a clear-cut basis may be established for the fixing of prices for the conversion of leaseholds of towns and suburban lots to freehold.

When conversion is applied for, the amendment will enable a price to be fixed which will be in accordance with the actual value of the land at that time. The present minimum price for conditional purchase land declared open under the Land Act is 1s. per acre, which is out of all proportion to modern money values. In order to correct this position, it is proposed to raise the minimum to a sum of 2s. per acre. In addition, the maximum of 15s. is also not applicable to present monetary values. It is proposed in the Bill to remove the maximum altogether as the Act provides that this sum can be exceeded in all cases which the Governor approves as "special cases." As any case where the land is considered to be of a value in excess of 15s. per acre can be classed as a "special case," a specified maximum becomes superfluous, and it is regarded as advisable that a maximum figure should no longer exist.

The existing improvement requirements of one-tenth of the purchase money each year are considered too low, and it is felt that by increasing the required amount to one-fifth of the purchase money each year for 10 years, improvements will be established on a more successful working basis. A new paragraph is added by the Bill so that improvements can be specified. This amendment has been included to cover areas which are being developed for pasture lands in the lower South-West, also the sandplain country in Esperance and that west of the Midland Railway Company's localities. At present a person who holds improved land can apply for additional land. If the improvements on the land first held are surplus to requirements, they are taken into consideration with the new land, and the holder is required only to improve the latter by fencing.

The Bill provides for the improvement of additional lands held, with the object of ensuring that they are put into production. Section 57 of the parent Act, which provides a discount for payment of purchase money paid in advance, had its origin in 1919. At that time the financial position of the State was such that every available avenue was explored for ready money, and the idea was conceived of encouraging lessees to pay purchase money in advance in return for a rebate. The existing rebate, calculated on a 5 per cent basis, is too high under present money values, and the State is not gaining an advantage by accepting money under present conditions.

The prices charged for Crown lands are low, and no hardship would result if the concession were discontinued in regard to future lessees. The Bill therefore provides

that the rebate will cease on all leases commencing on or after the first of January, 1951. The Act specifies that the Minister may defer payments of rents for periods not exceeding ten years and may also extend the terms of leases for similar periods. It is proposed in the Bill that the rate of the rental may be increased so that the full price of the land will be paid at the end of the extended period. The provisions in the Act relating to homestead farms are repealed and new sections inserted. In any notice of land open for selection under conditional purchase lease conditions, the selector of the whole of the land can apply for portion as a homestead farm. The area cannot exceed 160 acres but will be one-tenth of the total area selected if this figure is less than 160 acres.

In some cases lands acquired for war service land settlement purposes are not all required and the Bill provides for a ready method of disposal of the surplus. This will enable the financial adjustments with the Commonwealth to be made more easily than under the existing methods of disposal of land provided for in the parent Act. The Bill will establish a common date for reappraisement of all pastoral leases in the same division, which are granted after the commencement of this Act. The five year rent-free period is abolished as it is an unnecessary loss of revenue, and is liable to open up avenues for continuing evasion by a process of forfeiture and re-selection of land. It also enables very large areas to be held rent-free for five years with an ultimate reduction to a smaller size when rent falls due.

A minimum rental of £2 per annum for a pastoral lease has been provided in order to cover administration costs. The Bill will bring existing pastoral leases which have been granted on various dates, with re-appraisements falling due at 15 year periods from commencement, into line for reappraisement on the common dates for older leases in the same divisions. If, on a reassessment on the common date, the rent of a pastoral lease is increased, the lessee will not be required to pay the higher rental until 15 years have expired since the date of the previous assessment of the lease.

The Bill provides that where applications for land are received before the date specified in the "Government Gazette" for the receipt of applications, all such applications shall be regarded as having been received on the same day. The Act states that applications received during the period specified in the "Gazette" shall have priority according to the order of their being lodged or received through the post, and that where any are received on the same day a board shall decide which application shall be granted. Delays have frequently occurred in administering the estates of deceased persons, and executors or administrators sometimes fail to apply to be entered on leases before the department issues the Crown grants in the names of the deceased persons. In any case, the department does not necessarily know whether a grantee is alive on the date a grant is issued.

As a dead man cannot acquire an estate in land, statutory authority is sought to cover such circumstances by authorising the issue of the grant in the name of the deceased holder. Changes in conditions and the experience gained in administering the parent Act have prompted these amendments, which I hope will prove acceptable to the House. This measure is due, as I have said, to changes in conditions over a number of years. It is a Bill to be dealt with mainly in Committee. I move—

That the Bill be now read a second time.

On the motion by Hon. A. L. Loton, debate adjourned.

BILL—ADMINISTRATION ACT AMENDMENT.

Second Reading.

HON. E. M. DAVIES (West) [10.43] in moving the second reading said: This Bill deals with a small amendment to the Administration Act with regard to the question of probate. Its purpose is to amend Section 35 of the principal Act by striking out "£500" in line 2 and inserting in lieu thereof "£1,500." The other amendment is to Section 57 and is entirely consequential, dealing with the substitution of the same figures.

The purpose of the Bill is to allow persons owning estates valued in 1903 at £500 to make personal application to the Master of the Supreme Court for probate. I think it is generally agreed that an estate which was valued at £500 in 1903 would be of much greater value today and therefore the value of the estate for probate purposes has been fixed at £1,500. Those of us who have had any experience in dealing with these particular matters know that these estates mainly comprise only the house itself and the furniture and effects in it, with perhaps a small amount of cash in the bank. In some instances, where the assets have been over £500, it has been necessary for some people to dispose of portion of the estate so that they can pay the legal expenses before they can obtain probate for the deceased person's estate.

The Bill provides that where the value of the property has been increased considerably the individual concerned will still be able to make an application to the Master of the Supreme Court, who will make available the necessary documents and information at certain costs laid down under the rules of the Supreme Court, and

such person is then able to obtain either probate or letters of administration. In order to make a comparison between the conditions existing in past years and those of today, I will quote a few figures to the House on the rates of pay granted under various awards. Under an industrial agreement dated the 4th August, 1902, the members of the Coastal Painters and Paperhangers' Union, on a 48-hour week, were awarded a rate of pay of 1s. 3d. per hour or, a total of £3 per week. That same union now known as the Operative Painters' Union, under an award dated the 18th October, 1950, based on the 40-hour week, was granted a rate of pay, including allowances, of £10 8s. 9d. per week. Members can therefore see the great increases that have taken place in that particular award.

Hon. H. K. Watson: What award was that?

Hon. E. M. DAVIES: The Operative Painters' Award. Another award, made on the 17th June, 1904, for the Carters and Drivers' (Coastal) Union, based on a 48-hour week, granted to a tip-dray driver £2 6s. per week, a firewood carter £1 19s. per week, and other drivers (one-horse) £2 2s. per week, and (two-horse), £2 6s. per week. The members of the same union, now known as the Road Transport Workers' Union, under an award dated the 12th July, 1948, based on a 40-hour week, were granted the following rates of pay:—

	Per week. £ s. d.
Horse-driver (one-horse)	7 19 0
Horse-driver (two-horse)	8 6 6
Horse-driver (three-horse)	8 8 6

So members can realise the difference in rates of pay granted under awards made in 1903 as compared with those granted today. Therefore I think it will be generally agreed that an estate which was valued at £500 in 1903 has increased greatly in value and £1,500 would be a reasonable amount on which to assess such an estate. The point which I think most of us realise in dealing with these cases is that, in the majority of instances it is the widow or the widower to whom the estate is to be transferred, and, as I have already indicated, to take out probate for such estates on the valuations ruling today, it is necessary for a valuation to be first made, and if the valuation is over £500, naturally the estate cannot be handled by the beneficiary. In some instances, some people have thus been compelled to dispose of certain of the assets so that the legal expenses can be paid. I move—

That the Bill be now read a second time.

HON SIR CHARLES LATHAM (Central) [10.51]: I support the Bill. At present any person may make an application to the Master of the Supreme Court for letters of administration or probate as long as the estate does not exceed £500 in value. If it is over that amount, the estate must be handled by a lawyer.

Hon. L. Craig: Or the Public Trustee.

Hon. Sir CHARLES LATHAM: Wait a moment! The Public Trustee is also represented by a lawyer in order to make application, and the estate is dealt with in the ordinary way. As for the statutory charges, irrespective of whether a trustee company or a lawyer handles the estate, those charges still have to be paid, but, as Mr. Davies has stated, the value of an estate worth £500 when the Act was originally passed would be nearly equal to £1,500 today, and therefore I do not see any reason why we should not pass the Bill.

Hon. L. Craig: We did not talk in those terms when dealing with the rents Bill.

Hon. Sir CHARLES LATHAM: That was a Government Bill and we had no authority as to that, but as this is a private member's measure I think it is worthy of the consideration of the House. For that reason I support the second reading.

On the motion by Hon. H. S. W. Parker, debate adjourned.

BILL—CITY OF PERTH (LEEDERVILLE PARK LANDS).

Second Reading.

HON. H. K. WATSON (Metropolitan) [10.53] in moving the second reading said: This small Bill is designed to release certain lands vested in the Perth City Council, which are situate in Leederville. It is desired to release that land from certain trusts and to empower the municipality of the City of Perth to lease the land in such manner and on such terms as it may accept at its own discretion, subject to any obligation it may have under the Municipal Corporations Act.

The necessity for bringing this Bill before Parliament and requesting statutory authority to release the land from the trust arises in this way: In Leederville, the Perth City Council has a large area of endowment land, known generally as Henderson Park. Jersey-street has recently been extended through the park with the result that a strip of land, approximately two acres in area, has been separated from the main portion of the endowment land.

In view of the large area on the other side of the road which the City Council has reserved for Henderson Park and other purposes, it is not practical that these two acres can be used for a municipal reserve. However, a request has been made to the Perth City Council by the Boy Scouts' Association for the release

of this small area with a view to establishing a hall and training centre on it and it is the desire of the council to grant that request, which has precipitated this Bill.

Hon. Sir Charles Latham: For what purpose was the land vested in the Perth City Council?

Hon. H. K. WATSON: A general municipal reserve.

Hon. Sir Charles Latham: Not for recreation purposes?

Hon. H. K. WATSON: No. The question has been raised as to whether the land could possibly be used for another purpose and in a letter addressed to Mr. E. Needham, M.L.A. for North Perth, under date the 22nd November, 1950, the Town Clerk of Perth, says this:—

> I refer to your request that the Council intimate specifically that if Parliament agrees to permit the council to lease the area referred to such leases will be confined to societies and organisations such as the boy scouts, youth leagues, or any other community interests which may be organised within the municipality and which are approved by the council.
>
> I have pleasure in confirming that the council has no other intention to make use of its powers to lease, if granted by Parliament, than those outlined above, and it is the sole desire of the council to have the right to make available on lease areas on which such organisations may establish centres and erect buildings in connection therewith, particularly in view of the fact that the major portion of this class of endowment lands is already developed in the recreation reserve of Henderson Park immediately adjacent to this land.

That is the principal reason for the introduction of the Bill. I move—

> That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

In Committee.

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

BILL—BANKRUPTCY ACT AMENDMENT.

Second Reading.

HON. E. M. HEENAN (North-East) [11.0] in moving the second reading said: This is a very small Bill intended to make two minor amendments to the Bankruptcy Act of 1892. The first deals with Section 28 and the second with Section 36. Bankruptcy administration in this State is now controlled by the Federal Act which came into operation in August, 1928. Any bankruptcies that have occurred since then are controlled by the Federal bankruptcy administration. Cases that occurred prior to August, 1928, or which were current then are still controlled under the State Act. It can readily be imagined that there are not many of them and only a few are still extant.

The Bill is intended to modify certain provisions of the State Act that now work rather harshly in respect of these old bankruptcies. Section 26 is the one that deals with the discharges and in Subsection (2) it provides that the court shall, on proof of certain facts, suspend the discharge for a period of not less than two years. That means that on proof of certain facts such as that the bankrupt person has not kept proper books of accounts or that in some respects his conduct has not been satisfactory, the court shall—there is no discretion about it at all—suspend the discharge for a period of not less than two years. The Federal Act provides that the court can suspend the discharge for a specified period and the two-year term is not mentioned.

Hon. Sir Charles Latham: What is the specified period?

Hon. E. M. HEENAN: That is in the discretion of the court, and the first amendment embodied in the Bill proposes to alter the State bankruptcy law in such a way that the court shall be enabled to suspend the discharge for a specified period. In other words, the court will have discretion to shorten or lengthen the two-year period if it chooses to do so.

Hon. Sir Charles Latham: Does the court not do that now?

Hon. E. M. HEENAN: Yes, under the Federal bankruptcy administration, but in respect of bankruptcies that occurred prior to 1928, should any application be made for a discharge and it be shown that the conduct of the bankrupt has not been satisfactory or that he has not kept proper books of accounts, the court has no discretion whatever but must suspend the discharge for two years.

Hon. L. Craig: Or more than two years?

Hon. E. M. HEENAN: The Act says, "Suspend the discharge for a period of not less than two years."

Hon. L. Craig: It may be more.

Hon. E. M. HEENAN: Yes. The provision in the Federal Act enables the court to suspend for a specified period. There may be cases where the suspension for two years is over-harsh and the court therefore should have discretion similar to that vested in the Federal court. I do not think anyone would cavil at that suggestion.

Hon. H. S. W. Parker: What is the reason for the introduction of the Bill?

Hon. E. M. HEENAN: To grant a measure of relief to a couple of hardship cases that have lasted over a number of years.

Hon. H. S. W. Parker: From whom did the request come?

Hon. E. M. HEENAN: The Bill was introduced in another place.

Hon. H. S. W. Parker: At whose request?

Hon. E. M. HEENAN: I understand that the Bill has the approval of the Official Receiver in Bankruptcy and the unanimous endorsement of another place. Because it will apply to a very few cases, I do not think anyone would argue that the discretion now given to the court under the Federal Act should not be granted to the State court when dealing with these few cases that still remain under the old Act. The second amendment deals with Subsection (6) of Section 38 which provides that if there is any surplus after payment of debts, it shall be applied in payment of interest from the date of the receiving order at the rate of 8 per cent. per annum on all debts proved in the bankruptcy.

The proposal in the Bill is to reduce the amount of interest from £8 to £3 2s. 6d., bringing it into line with the rate of interest paid on Commonwealth loans. It is considered that a rate of 8 per cent. is altogether too high. In one of the two cases that have come under my notice, the debts that caused the debtor's bankruptcy amounted to £280 and interest since the man went bankrupt—he is long since dead—calculated at 8 per cent. would amount to over £800. In the other case it would amount to considerably more. Those debts date back as far as 1903 and in all the circumstances the amendments included in the Bill are regarded as fair and reasonable. I move—

> That the Bill be now read a second time.

HON. H. K. WATSON (Metropolitan) [11.12]: I support the second reading. Mr. Heenan has stated the position clearly. The measure is designed to clear up what at this stage can be regarded as anomalies in the old Bankruptcy Act of this State. It deals with two points. One has reference to applications for discharges and the statutory provision in the Western Australian Act are such that if the debtor has not done certain things his discharge shall be suspended for two years. The position is that in 1930 quite a number of small people in Western Australia, particularly farmers, went bankrupt.

Hon. Sir Charles Latham: Very few farmers went bankrupt.

Hon. H. K. WATSON: A lot of dairymen did.

Hon. Sir Charles Latham: It applied more particularly to small storekeepers.

Hon. H. K. WATSON: That is so. Their bankruptcies were occasioned by comparatively small debts and the people concerned mostly walked off their properties or vacated their premises. They did not even bother to apply for discharges. With the passing of the years, they have rehabilitated themselves and desire to get their discharges. They find that inasmuch as they went bankrupt before the existing Federal Bankruptcy Act came into operation, they are still under the old State Act and, in consequence, the court cannot grant their discharges, even if it wished to do so, for a period of two years.

Had those men gone bankrupt during the last 15 years their position would have rested, under the Federal Act, at the discretion of the judge who has power to suspend the discharge for such period as he deems necessary. Very few cases remain to be dealt with under the Western Australian Act after this great lapse of time. It is only fair and reasonable that the question of whether the discharge should be suspended should be left at the discretion of the judge. That is the position under the Federal Act, and I see no reason why it should not be the position under the State Act.

The other point relates to the interest charged on debts. The position under the Federal Act, as it has existed since 1928, is that debts do not carry interest from the date of bankruptcy except where the debt is interest-bearing. If it is an ordinary common debt, it does not carry interest. Under the old Western Australian Bankruptcy Act, as Mr. Heenan has explained, the debt carried interest from the date of bankruptcy up to the time of payment. In 1893, when the measure was first enacted, 8 per cent. may have been considered a reasonable rate; but having regard to the fact that most of the bankruptcies that have to be finalised today are rare cases, where a windfall of some description in the form of a legacy or some worthless property of 20 years ago having come good, is concerned—

Hon. H. S. W. Parker: Or a sweep.

Hon. H. K. WATSON: Yes. In those circumstances it does seem that the penal rate of 8 per cent. imposes unnecessary hardship on the debtor. As a matter of fact, some extraordinary positions have arisen with regard to estates into which a windfall has come. I have a friend who ceased to be a trustee nearly 20 years ago, but a windfall came to that estate and he is busy trying to find out who the creditors are. He had a rough idea who they were but calling upon them he found they had no records of the debt.

However, that is by the way and has no bearing on this Bill. The two points which Mr. Heenan has explained merit the consideration of this House and, as he indicated, they received the blessing of the Attorney General in another place. There is one point that has been raised and which I would have liked Mr. Heenan to make clear. It is whether the amendments which are to be made shall apply only to cases which are not finalised at this moment.

Hon. E. M. Heenan: I am informed that is the case.

Hon. H. K. WATSON: And there will be no retroactive operation with regard to cases that have been finalised?

Hon. E. M. Heenan: That is so.

Hon. H. K. WATSON: Subject to that assurance, I support the second reading.

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 11.21 p.m.

Legislative Assembly.

Wednesday, 29th November, 1950.

CONTENTS.

The SPEAKER took the Chair at 3 p.m., and read prayers.