

Hon. A. R. G. HAWKE: I am not suggesting the Minister did otherwise. But I think I have read in the newspapers from time to time, and we have had ministerial replies to questions in the House in the last two or three years, which have been described as being in existence a master plan for the Perth metropolitan area.

The Minister for Education: Never that phrase.

Hon. A. R. G. HAWKE: I would not split hairs at this stage as to the exact wording of the phrases used, because I must admit that I do not remember every word of those phrases to which I refer. But I would swear on oath the term "master plan" has been used and used by Ministers in the present Government. If there is a master plan available, why in the name of commonsense can it not be used as a basis for negotiation between the Minister and the local governing authorities in the metropolitan area? Why is it necessary to go to all the trouble of introducing a Bill to set up a new and very costly authority, and to create all kinds of complications and expenditure in order to do something which our present Town Planning Commissioner has, in my opinion, the technical ability to do? That is the main point that I am anxious to bring out in my speech on the second reading of this Bill, and it will be necessary for the Minister to give some very solid explanation to me on that particular aspect if he wishes to secure my vote. If the Bill passes the second reading, there are several portions that appear to require close attention and amending in Committee.

On motion by Mr. Griffith, debate adjourned.

House adjourned at 6.10 p.m.

Legislative Council

Thursday, 6th December, 1951.

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

QUESTIONS.

JURORS' FEES.

As to Increasing.

Hon. A. L. LOTON (for Hon. G. Bennetts) asked the Minister for Agriculture:

(1) Is he aware that the old rate of 24s. a day is still being paid to persons acting as jurymen in the Goldfields area?

(2) Does he know—

(a) that the lowest rate paid in the mining industry is £2 11s. per day;

(b) that there is much discontent expressed regarding the difference between the two rates?

(3) Will he have inquiries made regarding the rates paid to jurymen, with a view to bringing these rates into line with the wages which they would receive in their ordinary employment?

The MINISTER replied:

(1) Yes. The present rate of jury fees in various places in this State was fixed on the 17th September, 1943. Whilst it is realised that the fee received by a jurymen in many cases is less than his wages, it must not be overlooked that right through the British Empire it is considered

that it is the duty of every citizen, when called on, to serve on the jury not for gain but as a duty to his country.

(2) (a) I am informed the correct rate of pay in the mining industry is £2 10s. 2d.

(b) No.

(3) Yes.

FORESTS.

As to Report of Royal Commission.

Hon. J. MURRAY asked the Minister for Agriculture:

In view of the answer given by the Minister for Transport to the question asked on the 29th November, will he inform the House—

(1) Is the Royal Commission on forestry matters still a charge on the Western Australian Government?

(2) If the answer to (1) is yes—

(a) what is the total cost of the Royal Commission to date;

(b) when is it expected that expenditure will cease.

(3) If the answer to (1) is no—

(a) what was the total cost of the Royal Commission;

(b) what is the reason for the delay in consideration and publication of the report?

The MINISTER replied:

(1), (2) and (3) The time spent by the Royal Commissioner on the work of the Royal Commission since his departure from the State will be a charge against the Government. Until details are received, it will not be possible to give the information sought.

HOSPITALS.

As to Tabling Committee's Plan.

Hon. A. L. LOTON asked the Minister for Agriculture:

Will he lay on the Table of the House at the next sitting the complete plan of the Hospital Committee?

The MINISTER replied:

Yes, I will table the papers next week.

RAILWAYS.

As to Katanning Yard Congestion.

Hon. J. McI. THOMSON asked the Minister for Railways:

In view of the anticipated heavy increase in rail traffic through the Katanning railway yard owing to the development of harbour and super works at Albany—

(1) Has any consideration been given to relieving congestion in the railway shunting yard at Katanning, south beyond Bokarup Street? If so, what decision, if any, has been made?

(2) Because of the inadequacy of the present goods shed at Katanning, has consideration been given to enlarging it to meet the ever-increasing traffic passing through this centre? If so, what was the decision in regard to this?

(3) Has any suggestion been made to shift the goods shed site down to the grain shed site, thus relieving present congestion? If so, what consideration by the department has been given to the suggestion?

(4) What is the lifting capacity of the present crane used in Katanning railway yard?

(5) Has any consideration been given to installing a crane capable of lifting more than the present one? If so, what capacity?

The MINISTER FOR AGRICULTURE replied:

(1) No.

(2) Yes. A proposal for rebuilding and enlarging the goods shed is under consideration.

(3) No. A suggestion has been made that the grain shed be used as an overflow goods shed.

(4) Three tons.

(5) Yes. It is proposed that the present crane be replaced with one of six-ton capacity.

AGRICULTURE.

As to Denmark Research Station.

Hon. A. L. LOTON asked the Minister for Agriculture:

(1) What research undertakings have been carried out at Denmark research station during the last seven years?

(2) What has been the result of such undertakings?

(3) Who was responsible for recommending that the 225 acres be purchased in 1950?

(4) Regarding the answer to a question by Hon. C. H. Henning on the 29th November, was the reply from the Education Department angle supplied by the Education Department?

(5) On whose recommendation were the buildings at the Denmark School of Agriculture erected on the present site, where there is no land available for use for agricultural purposes?

The MINISTER replied:

(1) and (2) This information is contained in various files that can be made available at the Department of Agriculture but would be too voluminous to be incorporated in the reply.

(3) The Superintendent of Dairying made the original recommendation which was supported by the Minister. The Public Works and Lands Departments advised in respect of valuation.

(4) Yes.

(5) In 1942, the military authorities took over the Narrogin School of Agriculture. The Education Department, with the co-operation of the Department of Agriculture, arranged to conduct the School of Agriculture at the Denmark research station. At the end of 1943, the Director of Education recommended the following policy in regard to the Schools of Agriculture when Narrogin was again available:—

Narrogin to operate on the large farm principle—wheat, sheep, dairying and pigs; and

Denmark on the closer settlement idea—fruit, dairying and pigs.

In 1944, it was decided to proceed with the necessary buildings at Denmark to implement this proposal.

LEAVE OF ABSENCE.

On motion by Hon. H. S. W. Parker, (for Hon. H. C. Strickland), leave of absence for six consecutive sittings granted to Hon. F. R. Welsh (North) on the ground of private business.

BILLS (2)—THIRD READING.

- 1, Acts Amendment (Fire Brigades Board and Fire Hydrants).
- 2, Licensing (Provisional Certificate) Act Amendment.

Passed.

STANDING ORDERS.

Report of Committee.

Report of Standing Orders Committee now considered.

In Committee.

Hon. J. A. Dimmitt in the Chair and in charge of the report.

Standing Order No. 26:

The CHAIRMAN: Members have received copies of the report of the Standing Orders Committee and I propose to submit the several recommendations one at a time. The first relates to Standing Order No. 26, and the Committee's recommendation is as follows:—

Insert after the word "resignation" the words "periodical retirement." The reason for the proposed amendment is—

The insertion of these words will have the effect of clarifying the Standing Order and will bring it into line with Section 12 of the Constitution Acts Amendment Act, 1899.

Recommendation put and passed.

Standing Order No. 27:

The CHAIRMAN: The next proposed amendments deal with Standing Order No. 27. As the reason for the alterations to that Standing Order are the same, I shall submit the two amendments together. The Committee's recommendations are—

(1) Under the heading, "Chapter III," insert before the words "Chairman of Committees" the words "Election of."

(2) Delete all words in the Standing Order and substitute the words:

"The Chairman of Committees shall be elected in a similar manner to the President and shall continue in office until death, resignation, periodical retirement or removal by the vote of an absolute majority of the Council."

The reason for the proposed amendments is—

The recasting of this Standing Order is thought desirable so as to bring the election of the Chairman of Committees into line with that of the President.

Recommendation put and passed.

The CHAIRMAN: The next proposal is to amend Standing Order No. 183.

Hon. A. L. LOTON: Would it not be better to deal with Standing Order No. 121 first, as that one is mentioned in the report of the Standing Orders Committee?

The CHAIRMAN: Very well. We will deal with that Standing Order first.

Hon. A. L. LOTON: I think the matter dealt with in Standing Order No. 121 will really be decided by what we do regarding Standing Order No. 183. It may be necessary when the Committee has dealt with Standing Order No. 183 to give consideration to Standing Order No. 121. I move—

That consideration of Standing Order No. 121 be taken after Standing Order No. 183.

Motion put and passed.

Hon. H. K. WATSON: I notice that the recommendations respecting Standing Orders Nos. 183, 208 and also 121 were arrived at by majority decisions of the Standing Orders Committee. For that reason I submit we should defer consideration of these Standing Orders until such time as there is more unanimity among the members of the Standing Orders Committee. Inasmuch as there is apparently a distinct conflict of opinion among members of the Standing Orders Committee, we should not deal with those matters at the moment. The Standing Orders in question have stood for so long that we should not provoke any discussion regarding them, unless as the result of a unani-

mous recommendation by the Standing Orders Committee. I would be inclined to move that progress be reported after dealing with Standing Order No. 330, in respect of which I understand the recommendation was unanimous.

The CHAIRMAN: I think it would be better to report progress at this stage and ask leave to sit again.

Hon. L. CRAIG: If we report progress, what will be done in the meanwhile?

The Minister for Agriculture: Will we be any further ahead?

Hon. H. K. WATSON: I move—

That Standing Orders Nos. 183 and 208 be dealt with after Standing Order No. 330.

Motion put and passed.

Standing Order No. 330:

The CHAIRMAN: With regard to Standing Order No. 330, the Standing Orders Committee's recommendation is—

Add after the word "forthwith" in line 3, the words, "in writing and be signed by the Council Managers."

The reason for the proposed amendment is—

To obviate misunderstanding.

Hon. J. G. HISLOP: If the Standing Order is amended as suggested, would it be strictly grammatical? I think the Standing Order would require to be re-drafted. As suggested, it would mean that the Council Managers would "report forthwith in writing and be signed by the Council Managers." That does not seem right. I think if the Standing Order were amended to indicate that the Council Managers should report forthwith in writing, it would be quite sufficient.

Hon. G. FRASER: That is not the difficulty we want to overcome.

Hon. J. G. HISLOP: As it is, it will not be good English.

The CHAIRMAN: I cannot see anything grammatically wrong with it.

Hon. H. K. WATSON: I think the Standing Order, embodying what the Standing Orders Committee has in mind, should read—

The Managers for the Council shall, when the Conference has terminated, report their proceedings to the Council forthwith in writing. Such report shall be signed by the Council Managers.

The CHAIRMAN: I suggest that the recommendation be amended by striking out the word "and" and inserting the words "such report to" in lieu. I will put it to the Committee.

Amendment put and passed.

Hon. H. S. W. PARKER: There should be a full-stop.

The CHAIRMAN: Where?

Hon. H. K. WATSON: The last few words need to be a simple sentence. The word "such" should have a capital "S".

The CHAIRMAN: We cannot go back. I think we will leave it to the Clerk to instruct the printer to insert a capital "S" and also a full-stop after "writing".

Recommendation, as amended, agreed to.

Standing Order No. 183:

The CHAIRMAN: The next recommendation of the Standing Orders Committee applies to Standing Order No. 183 and is as follows:—

To delete the word "finally" in the last line.

The reason for the proposed amendment is—

To save controversy over the meaning of the word.

Hon. H. K. WATSON: For the reasons I have previously given, I think we should pass by consideration of the recommendations relating to Standing Orders 183 and 208 and report progress.

The MINISTER FOR AGRICULTURE: I will not oppose reporting progress if Mr. Watson can show the Committee how much better off we will be when we come back again.

Hon. H. K. WATSON: My proposition is that inasmuch as this recommendation is a three to two recommendation, we should not make any alteration in the relevant Standing Orders. The idea of reporting progress is to dispose of further consideration of the matter.

The CHAIRMAN: If progress is reported, the Committee will have to be called together to consider the amendment further.

Hon. H. K. WATSON: Would have to be called together, or may be called together?

The CHAIRMAN: I think that probably the right way to deal with the matter is to defeat the proposed amendment.

Hon. L. CRAIG: I agree that if we are not quite satisfied the Committee's recommendation will have the effect we want, the matter is too important for us to make a change. We should defeat the proposal for the time being; and when the session has closed, the Standing Orders Committee could see the Law Society or get some eminent authority to go into the whole question and advise upon it. Next session we could deal with the matter again.

Hon. G. FRASER: I hope the Committee will not accept Mr. Watson's amendment. The Standing Orders Committee discussed this matter and a majority was

in favour of the alteration. It is now for members to decide the matter. The hon. member says we should report progress and leave the business in the air until we get almost a unanimous vote on the Standing Orders Committee. But we may not get that until Doomsday.

The point was raised as a result of something that happened in this Chamber. As regards referring it to the Law Society, I cannot see any value in that at all. It boils down to an interpretation of the word "finally." It has a dictionary meaning. The Committee should decide now whether to accept the recommendation. Do not let us leave it in the air but let us settle the question one way or the other. Whichever side loses can still bring the matter up next year if thought desirable.

The CHAIRMAN: I would point out to the hon. member that there is no amendment from Mr. Watson.

Hon. H. K. WATSON: I think Mr. Craig put the position in a nutshell when he said we should vote against the recommendation.

Hon. H. HEARN: I hope the Committee will vote against the recommendation, bearing in mind the incident which was the reason why the Standing Orders Committee considered this Standing Order. Two years' experience of the ruling that ultimately guided the Council will give us a lot clearer and a much better idea of what we want to do.

Hon. L. A. Logan: I take it that we are dealing with the proposed amendment to Standing Order No. 183?

The CHAIRMAN: Yes.

Hon. G. FRASER: On a point of order. I thought we were dealing with Mr. Watson's motion to report progress.

The CHAIRMAN: I understand that Mr. Watson did not proceed with that. Am I right?

Hon. H. K. Watson: I made the suggestion that the Minister might report progress.

Hon. H. S. W. Parker: Are we dealing with Standing Order No. 183 or No. 121?

The CHAIRMAN: With No. 183. The recommendation is to delete the word "finally" in the last line and the reason given is to save controversy over the meaning of the word.

Hon. L. A. LOGAN: I intend to vote against the word "finally" being taken out of the Standing Order. If we go back to the time when this Standing Order was discussed, when the President's ruling was disagreed with, we remember that it was the rescission of a motion that led to

the discussion. While I disagreed with the President's ruling on that occasion, I should think that the position can still remain as it is. If we leave this word in, we have still the right to disagree with the President's ruling as before. A new President might give a different ruling. Therefore there is no need to remove the word. It was inserted for a purpose and we would be wise to retain it.

Hon. G. FRASER: I was under a misapprehension previously. I thought that Mr. Watson was moving that progress be reported and I was speaking on that phase. I did not touch on the main question. I ask members to agree to strike this word out because it was on the interpretation of "finally" that the disagreement took place. It was the opinion of the Standing Orders Committee that in order to prevent a recurrence of what took place because of the presence of this word, it should be struck out.

Hon. H. Hearn: It was the decision of a majority of the Committee.

Hon. G. FRASER: In striking out this word, we will only be bringing this Standing Order into line with the others, because they do not contain the word "finally." There have been no abuses under any of the other Standing Orders, nor has there been argument about their interpretation. This is the only Standing Order about which there has been dispute, and the trouble there was due to the word "finally." I hope the Committee will agree to the recommendation.

Hon. J. G. HISLOP: Mr. Fraser has convinced me that I should vote against interference with the present wording of the Standing Order, because he said the recommendation would bring it into line with the others. Some members may desire to preserve a means whereby we can finally dispose of a measure, and therefore I will vote against the amendment of the Standing Order. Perhaps if we raised the quorum from one-third to one-half the position would be improved. Mr. Fraser has assured us that it was due to the word "finally" that it was possible to dispose of a Bill.

Hon. G. Fraser: It was because there were not sufficient members present.

Hon. J. G. HISLOP: I am convinced that if we are wise we will leave the Standing Order as it is.

Hon. H. S. W. PARKER: I would like some one to explain the difference between the Bill being "disposed of" and "finally disposed of." When a measure is disposed of, that is the end of it. The position actually is, however, that any Bill can be brought back again in the next session and so we cannot dispose of it. A majority of the Standing Orders Committee thought the word "finally" might mislead some

members into thinking that it meant that a measure could never be brought back again.

Hon. A. L. LOTON: As one who insisted that the word "finally" be not struck out, I am still convinced that it should remain, but perhaps we could add to the wording to make it read as follows:—"In either case a vote in the affirmative shall finally dispose of the Bill, in which case the Bill shall not be restored to the notice paper during the current session." That would end all argument on the matter.

Hon. Sir CHARLES LATHAM: I think that as far as possible, without infringing the rights of this Chamber, there should be conformity between our Standing Orders and those of another place. Standing Order No. 273 of the Legislative Assembly reads—

If the House order a Bill to be read "This day three months," "Six months," or at any other time after the probable duration of the Session, the same Bill cannot be reintroduced in the same Session.

That is clear and definite and perhaps we could do with something like it here. I believe the only effect of the word "finally" in our Standing Order is to add emphasis to the fact that we want the Bill disposed of. There is another hybrid Standing Order—if I may use that term—which says, in effect, "It does not matter what you decided on the other day; you can bring the Bill back again." Members must accept responsibility both while they are present in the Chamber and while they are away. I think that Mr. Loton's suggestion would help to clear up the position. I am going to support the retention of the word "finally" in our Standing Order.

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

Ayes	10
Noes	13
Majority against	3

Ayes.

Hon. G. Bennetts	Hon. W. R. Hall
Hon. E. M. Davies	Hon. A. R. Jones
Hon. G. Fraser	Hon. H. S. W. Parker
Hon. Sir Frank Gibson	Hon. G. B. Wood
Hon. E. H. Gray	Hon. R. J. Boylen

(Teller.)

Noes.

Hon. N. E. Baxter	Hon. A. L. Loton
Hon. L. Craig	Hon. J. Murray
Hon. J. Cunningham	Hon. H. L. Roche
Hon. C. H. Henning	Hon. J. M. Thomson
Hon. J. G. Hislop	Hon. H. K. Watson
Hon. Sir Chas. Latham	Hon. H. Hearn
Hon. L. A. Logan	

(Teller.)

Recommendation thus negatived.

Standing Order No. 208:

The CHAIRMAN: Regarding Standing Order No. 208, the recommendation is:—

To delete the word "finally" in line 3. The reason is—

To save controversy over the meaning of the word.

Recommendation put and negatived.

The CHAIRMAN: The report of the Standing Orders Committee states that Standing Order No. 121 was discussed and the majority decided that no alteration was necessary.

Hon. A. L. LOTON: The amendment I had in mind regarding this Standing Order would be consequential, and I have achieved my purpose.

Hon. Sir Charles Latham: We have not got No. 121 before us.

The CHAIRMAN: No.

Hon. Sir Charles Latham: We cannot bring it before the Committee.

The CHAIRMAN: We can, but Mr. Loton says he has attained his objective.

Hon. G. FRASER: Members will see that accompanying the report of the Standing Orders Committee is a memorandum regarding some other Standing Orders and alterations to certain sections of the Constitution Acts Amendment Act. I would like members to have a look at Standing Order No. 29.

The CHAIRMAN: I think we had better dispose of the report first.

The MINISTER FOR AGRICULTURE: I will, if considered necessary, move that the report, as amended, be adopted.

Hon. L. A. LOGAN: I would like to make a strong protest in regard to the waste of paper in this report. We talk about shortage of paper throughout the world, and yet here is a report with four blank pages and three others with only half their pages containing printing. I think we should do something to stop this kind of thing.

The CHAIRMAN: I think the hon. member might take that matter up with the Printing Committee which is charged with the printing of these documents.

Hon. L. A. LOGAN: It would probably have more effect if the matter were referred to it by this Committee.

The CHAIRMAN: The hon. member could give notice of his intention to move in that direction, but we cannot deal with that now.

Hon. L. A. LOGAN: I think something should be done about it.

The CHAIRMAN: I am not quite sure what Mr. Fraser's intention is with regard to the matter to which he has just referred.

Hon. G. FRASER: The suggestions speak for themselves. They do not need very much discussion. The idea in bringing the

matter forward was with a view to requesting the Government to give the suggestions consideration and, if it thought fit, to bring in a Bill to amend the Constitution Acts Amendment Act, covering the points concerned. Unless we can move some motion and get the feeling of the House on this question with a view to the Act being amended, I cannot see any value in discussing it.

THE CHAIRMAN: I think it would be desirable if the hon. member gave notice of his intention to move that a recommendation be made to the Government to bring in a Bill along these lines. It could then be put on the notice paper and would come up for consideration in the ordinary course.

Hon. G. FRASER: I will do that, but I would like members to study the suggestions so that they will be in a position to vote on the matter.

Recommendations reported with amendments and the report adopted.

BILL—LIBRARY BOARD OF WESTERN AUSTRALIA.

Assembly's Further Message.

Message from the Assembly received and read notifying that it no longer disagreed to the amendment on which the Council had insisted.

BILL—PRICES CONTROL ACT AMENDMENT (No. 2).

Assembly's Message.

Message from the Assembly received and read notifying that it had agreed to the Council's amendment.

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

Assembly's Further Message.

Message from the Assembly received and read notifying that it no longer disagreed to the amendment on which the Council had insisted.

BILL—TRUSTEES ACT AMENDMENT.

Assembly's Message.

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

BILL—HOSPITAL BENEFITS AGREEMENT.

Received from the Assembly and read a first time.

BILL—FISHERIES ACT AMENDMENT.

Second Reading.

THE MINISTER FOR AGRICULTURE (Hon. G. B. Wood—Central) [5.28] in moving the second reading said: The object of this Bill is the protection of the

valuable crayfishing industry which members know is chiefly in operation between Geraldton and Dongara.

The Minister for Fisheries, who is also the Attorney General, has stated that the task of regulating this industry is extremely difficult, and that the more important amendments in the Bill have demanded technical drafting on what is a very difficult and abstruse subject, namely, the question of the territorial rights of Western Australia in relation to its off-coast waters. To this end the Solicitor General has spent many hours in consultation with other legal officers of the Government and with officers of the Fisheries Department. In addition, the opinions of eminent senior counsel from the Eastern States were also obtained.

I have no doubt that members are aware of the increase that has taken place in recent years in the crayfishing industry. In 1947, the catch was 2,336,000 lb. This had risen to 5,121,000 lb. in 1949 and in the 1950-51 season 7,786,985 lb. were taken, representing an increase of 333 per cent. since 1947. The industry has proved to be very profitable, and, provided that it is properly cared for, there is every possibility that it will continue to improve. It is most necessary that if this improvement is to be maintained and if the crayfish grounds are to be preserved, certain restrictions should be imposed in regard to the taking of undersized crayfish and female crayfish in spawn.

Members will recollect that, some little time ago, newspaper publicity was given to threats by certain parties that they would catch crayfish outside the three-mile limit and process them aboard boats within the three-mile limit, and that there was no State or Commonwealth regulation in existence that could prevent them from taking crayfish of any size or in spawn outside the three-mile limit. The Minister for Fisheries and the Superintendent of Fisheries took a very serious view of these threats, which, if put into effect, would constitute a serious danger to the industry.

It is essential in the interests of the industry and the State that regulations made for the purpose of preserving our fishing grounds should be valid. To this end the advice was sought of the legal officers of the Crown Law Department. These officers reported that, in their opinion, the regulations were ultra vires the Act. Briefly, they said that there appeared to be nothing in the Act or regulations to prevent the persons referred to from carrying out their threats and from escaping punishment; nor was there any power to make additional regulations which would alter the present position.

To ensure that no possible doubt could exist, the advice was obtained of outside counsel in this State and of senior counsel in the Eastern States, the latter being no less an authority than Mr. G. D. Barwick,

K.C., and these counsel confirmed the opinion of the Crown Law Department. Mr. Barwick's advice was—

- (a) These persons could not be successfully prosecuted under the existing Fisheries Act or regulations if they catch or process crayfish as threatened;
- (b) no further regulations and no further conditions could lawfully be made or imposed under the existing Act to render the threatened action unlawful;
- (c) the State has power by new legislation to authorise restrictions related to fisheries off the coast of Western Australia without limitation to the three-mile limit. It could also provide against the landing of processed fish;
- (d) if the fact be that the spawning grounds extend for 20 miles, then offences could be created with respect to acts committed in relation to crayfish within an area of 20 miles of land. Further, the State of Western Australia could make it an offence for boats, or persons, to land crayfish taken within such an area, except upon conditions designed to protect the fishing grounds.

The position, therefore, is that, under existing legislation, any person could take undersized crayfish or female crayfish in spawn outside the three-mile limit, and could process the fish at sea or on land without any restrictions whatsoever. On receipt of Mr. Barwick's confirmation of the opinion of Western Australian counsel and Crown Law officers, the Minister for Fisheries took immediate steps for the drafting of a Bill that would rectify the position.

As I have already said, the Solicitor General has taken great pains and given a lot of his time to ensure that the provisions of the Bill in regard to fish taken in extra-territorial waters are correctly worded and completely cover the situation. In this work he was assisted considerably by the advice of the outside counsel to whom I have referred.

The Bill, if passed, will enable regulations to be made to prohibit the bringing of undersized crayfish or female fish in spawn into Western Australian waters from outside the three-mile limit. It will also prevent fish from being processed in extra-territorial waters and brought inside the three-mile limit. If the tails of crayfish were removed or the spawn scraped off outside the three-mile limit, there would be no check on their original size or on whether they had been in spawn.

There are several minor amendments in the Bill, the first of which deals with the period for which members of the Fishermen's Advisory Committee, formed

in 1946 to advise the Minister on matters pertaining to the industry, are appointed. They comprise the Superintendent of Fisheries, who is chairman, and representatives of the crayfishermen, the deep-sea fishermen and the estuarial and beach fishermen, together with a person who is not commercially engaged in the industry.

Each of these five members holds office for three years. This term has been found to be inconvenient, as it does not provide a continuity of representation of persons experienced in committee matters. The Bill, therefore, proposes that the Minister may appoint the members for terms varying from 18 months to three years. This would ensure that at all times there would be experienced men on the committee and would preclude the appointment of an entirely new committee at the end of three years.

Since its inception, the committee has travelled throughout the fishing areas of the State and has discussed problems with fishermen. It has made a number of recommendations to the Minister, some of which have proved of value and have been adopted. The committee enables the Minister to obtain the point of view of the fishermen, as well as that of the department.

Power is given in the Bill for the Minister, at his discretion, to cancel any license, there being no provision in the Act for cancellation. Members may note that the Act does provide for the removal of a license. This section of the Act is based on the old Pearling Act under which the "removal" of a license, meant the transfer of a license from one boat to another. A "transfer" which is also mentioned in the Act mean a transfer of a license from one person to another.

The Bill also seeks to increase the maximum penalty for infringements of the Act from £50 to £200. In view of the profitable nature of the crayfishing industry and of its value to the State, it is considered that the present maximum is not a sufficient deterrent.

The last amendment deals with the sale of undersized fish. The principal Act provides that no person shall sell or consign for sale undersized fish. It is proposed to delete the words "or consign for sale" and insert in lieu "give or consign", the reason being the difficulty in determining whether fish, which have been consigned and are of an illegal size, have been consigned for sale or not. A man could give undersized fish away, though he could not sell them. There is no advantage in retaining the words proposed to be struck out. I move—

That the Bill be now read a second time.

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

BILL—RENTS AND TENANCIES EMERGENCY PROVISIONS.

Second Reading.

Debate resumed from the previous day.

HON. E. M. DAVIES (West) [5.40]: I confess at the outset that I do not rise with any great enthusiasm to speak on this Bill. After a review of recent events, the Government a little while ago introduced a Bill dealing with a similar question, but it did not then include some of the provisions contained in this measure. I venture to say that the Government has succumbed to the pressure of certain groups that have been agitating for the legislation they desire.

Hon. N. E. Baxter: What groups do you suggest?

Hon. E. M. DAVIES: I leave that to the hon. member; possibly he knows who they are and may have been identified with them.

Hon. N. E. Baxter: That is not so.

Hon. E. M. DAVIES: The Bill provides for an overall increase in rent of 10 per cent. When Mr. Baxter was speaking on the Bill, he suggested that rents should be based on the capital value of the premises. I personally would offer no objection to that, because then we would have a clear indication to the people of the rent that should be charged. On the other hand, many premises, particularly those in and around Premantle—one of the first and oldest established places in the State—have practically reached the end of useful service, and, but for the acuteness of the housing problem now existing, those places would have been condemned. As it is necessary for people to have some place in which to live, they are permitted to continue in occupation of such premises.

When a 20 per cent. rental increase was authorised last year, landlords of such places were the first to take advantage of that provision and increase their rents accordingly. If the rent were calculated on the capital value of the property, some of those houses would not be returning more than 5s. a week. It is futile to draw comparisons between houses that have been erected during the last few months or the last year and suggest that they are being let at rentals returning a greater interest than those of some of the older properties. Some of those houses were built 20, 30 or 40 years ago and today are commanding rentals far in excess of their capital value.

Instead of the Government's bringing down a proposal for an overall increase of 10 per cent. in rents, it would have been far better to appoint a tribunal to which tenants could appeal and prove the actual capital value of the home, and the rent could then be assessed on that basis. That would have given equality, but to

provide for an overall increase of 10 per cent. on top of the 20 per cent. granted under the previous legislation, would bring the rents for some of those homes far in excess of what they are worth.

Hon. H. Hearn: Would it pay for the repairs?

Hon. E. M. DAVIES: I am glad that the hon. member has raised that point, which has been advanced only during the last few days. I believe that members of the Property Owners' Association have agreed not to do any repairs to premises, and have told tenants that, if any repairs are necessary, they themselves will have to pay the cost. As one who has been associated with local government for a period of years, I know the difficulties that local authorities have had in compelling certain landlords to carry out the most necessary repairs. Many landlords have had to be forced by law to do so. In the case of the majority of houses let for rent, repairs have not been carried out to any great extent. This is borne out by the fact that many such premises have not had a coat of paint for years. It is futile to say that large sums have been expended on the upkeep of these places.

A number of houses in my province would be condemned were it not for the acute housing problem. They are in this condition because the landlords have not been prepared to spend the necessary money to keep them in decent repair. Regarding the decision of the Property Owners' Association to refuse to do any repairs, all I can say is that it will be necessary for the health authorities, if essential repairs are not carried out, to take action. If the tenant has to do the repairs, then the cost should be deducted from the rent.

I do not agree that an overall increase in rent of 10 per cent. is necessary. I am supporting the Bill merely because there is nothing better before the House. If there were no legislation, certain people who have no conscience or regard for others, would have the opportunity to increase rents far beyond what is proposed. Indeed, some would see that their tenants were given notice to quit forthwith. So, it is necessary for me to support the Bill, notwithstanding the fact that I am not in accord with a number of the provisions it contains.

In my opinion a fairer compromise would be five per cent.; and whilst I say that, I do not believe that everyone is entitled to even that much. When I refer to unscrupulous people without a conscience, a case comes to mind of a certain landlord who was receiving 25s. per week rent for a single-fronted house on a block of land with a 33ft. frontage. He told the tenants, who were old-age pensioners, that he required £2 10s. per week. When they told him they could not afford to pay

that sum, he took advantage of the Act and went to court. In the witness box he swore that the house cost £1,000 some 16 years ago. Those of us who live in the locality know that that is not right.

Hon. H. Hearn: How did the magistrate view that?

Hon. E. M. DAVIES: Because the old-age pensioner was unable to provide legal advice, and could not combat the evidence of the landlord, only one side of the question was taken into account, and the magistrate granted the increase of 100 per cent. As a result, the old-age pensioner was called on to pay £2 10s. a week rent. I believe there are a number of decent landlords. The reason for bringing down this measure is because there are certain people who have to be protected; and we cannot legislate for one section and not another.

I believe that more equitable consideration should be given to the matter because I do not think a 10 per cent. increase all round is fair. It will, I understand, mean an increase of about 32 per cent. in the rents of dwellings, and approximately 43 per cent. in the rents of business places. Many business premises have been standing for a number of years so that their capital cost has been recouped over and over again, yet we find people who expect to receive rents based on what it would cost to build the premises today. That is decidedly unfair and should not be permitted.

Personally, I regret that the Government has allowed itself to be browbeaten into including some of the provisions that we find in the measure. As a result, I feel it has sacrificed its right to govern. It has been influenced by a certain section of the community, and has taken the easy way out instead of saying, "We represent the people as a whole and not just a section."

The position with regard to recovery of premises has been bad for quite a while. It is unfair for people to say that no one has been thrown out on to the streets, because some people have been put on to the street before the State Housing Commission has been able to do anything for them. In my district there are three camps. There are about 150 to 160 people living in one of them. At Naval Base, another camp accommodates 100 people, and the third camp, which is adjacent to the City of Fremantle, has about 16 huts divided into flats. In addition, what was known as the Base Hospital, which should have been demolished years ago, is now occupied by people who have nowhere else to live.

Whilst these places provide shelter for many people, they are not conducive to the best interests of family life; and they are certainly not hygienic. Yet the Minister has said in the House that in approxi-

mately six months' time the Government will be able to lift controls on rents and properties, and in connection with the eviction of tenants. I fail to see how this can be done.

At present the State Housing Commission is at its wit's end. It is endeavouring to build small places, some of which consist of three small rooms—one bedroom, a living room and a kitchen. In other instances it is attempting to build, in the residential parts of Fremantle, small places consisting of a bedroom, living room, small sleep-out and a composite lavatory, bathroom and laundry.

Whilst such accommodation would be suitable for a married couple with no children, or perhaps only a small child, we find that in Fremantle there have been instances of people, who, with their families, have been evicted from their homes; and they have accumulated during their married life a reasonable quantity of household goods and furniture. The result of being put into one of these places has been that they have had to dispose of their goods and furniture, or pay storage on them.

It is ridiculous to say that the housing question is resolving itself for the better, because that is far from the truth. The Housing Commission is compelled to erect these places and is thereby doing something which is not in conformity with the building bylaws of the local authorities. In many instances, they do not comply with the health bylaws. Yet, the local authorities cannot do anything because the people must have somewhere to live. In some instances, local authorities have had to approve of tents and so on, being placed on vacant allotments, and to make provision for temporary sanitary arrangements so that the people concerned might have somewhere to shelter from the elements.

It is futile to say that in the near future these controls can be lifted. It seems quite wrong for members to suggest that these regulations, which are wartime provisions, can be lifted because the war has been over for six years. What a happy position we would be in if this could be done. Everyone, particularly members of this House and another place, would be extremely glad if it could. But how can it be done? The State has been in agreement with the Commonwealth Government in its migration policy. I do not think anyone would be prepared to say that he did not agree with that policy, particularly from the point of view of the security of the country.

We must do something to try to fill our vast open spaces. They cannot be populated by natural increase, so it is necessary to have an intense migration policy to bring our population to a reasonable level, if only from a defence point of view. The

last figures I saw showed that the population of Western Australia has increased by more than 80,000 since the war ended.

Hon. L. Craig: By 100,000 would be nearer the mark.

Hon. E. M. DAVIES: Probably that is so, but the latest figures I have show 80,000. If we bring this number of people into the State, we throw something out of balance. It is not possible to provide homes for everyone that we have here now as a result of natural increase and immigration. The time will arrive when something will have to be done either to restrict the immigration policy or for the Government to find ways and means of providing a greater amount of material and labour so that everyone can be accommodated.

If we continue to bring people into the country, we will find it impossible to overcome the present housing difficulties. I fail to see that some of these controls can be lifted within six months. Furthermore, if the controls are lifted, instead of having just a housing problem with which to contend, we will have many others, and I do not think any of us wants that. We must give the Bill serious thought, and we must take into account the fact that proper consideration will be given to people who have lived in houses for a number of years, because, unfortunately we find that some people arrive here and are able, because they receive 25 per cent. exchange on their money, to buy property.

In my opinion, the only way is to try to do something to make provision that a person who arrives in this State, notwithstanding the fact that he has lived here for two years, shall be a British subject before he can evict a person from his home and so obviate the misery and concern that has been apparent during the past, and is being caused at the moment. I have had an opportunity of glancing at the South Australian Act and in it there is a provision which states that a person must own a house for five years and be a British subject before he can evict a tenant.

In view of what is happening in my province, and because people who migrate to this State from European countries are able to purchase houses, such a provision would be most useful. These migrants, if they do not buy houses themselves, usually get someone else to purchase for them and in a short space of time they are in possession of houses while those who have lived and reared their families in this country—in many instances members of those families have fought for this country—are compelled to seek the small shelters erected by the State Housing Commission.

This is a question of paramount importance and is something that neither this House, the Government nor another

place can view lightly. Consideration must be given to it and houses must be built somewhere of sufficient size to accommodate families. It is of no use having small places that will take only a man and wife, or perhaps a man, wife and one child. I trust that even at this late hour the Government will realise the responsibility that rests upon its shoulders. Residents of this State are at least entitled to have a roof over their heads and something to keep out the elements.

I notice, with a certain amount of regret, that under the particular portion which deals with recovery of possession, the following is provided—

for occupation by the lessor, or its agents or servants or by another body which is the lessor's partner.

It appears to me that that is very broad; it can cover anybody at all and will give the lessor the opportunity to evict people from his house simply because he desires it for some other person. I do not agree with that, and I hope that when the Bill is in Committee some amendment can be moved to eliminate that particular provision.

There is another point that has caused a good deal of concern and which was commented upon by certain magistrates—that is the word "requires," where a lessor "requires" premises for his own use or that of his married child or his mother and father and so on. The Bill does not actually say that because he "requires" it, he has nowhere to live. I think the interpretation that has been placed upon it is different from what was meant when it was originally put in the existing Act.

To overcome that difficulty it has been suggested that the words "reasonably needs" should be used in lieu of the word "requires." The words "reasonably needs" are used in the South Australian Act and that Act has admirably suited the needs of that State. There are many people who claim that the Government of South Australia is the acme of perfection and it might do this Government some good if it followed the examples laid down in the South Australian rent legislation.

I am not too sure of the actual meaning of Clause 26 and I am hoping that the Minister, when replying, will be able to inform me as to whether this clause provides for penalties for anyone accepting key money or trafficking outside the Act.

Hon. A. R. Jones: Such as the Housing Commission.

Hon. E. M. DAVIES: Clause 26 states—

A person who receives rent or any other payment or consideration, or makes any charge contrary to the provisions of this Act, commits an offence against this Act.

I do not know whether that covers the point I have raised; but if it does not, then I should say the question should

receive some consideration during the Committee stage. I am certainly not enamoured of this Bill because I do not think it covers in a fair and equitable way, the subject of tenancies or rents as it should. However, the Bill is before Parliament and as it is better than nothing I am compelled to vote for the second reading.

HON. A. R. JONES (Midland) [6.5]: I was one of those members who opposed the Increase of Rent (War Restrictions) Act Amendment and Continuance Bill when it was before the House, and I consider this measure to be much more equitable, although I do not agree in principle with this type of legislation. However, I believe there are some persons who need protection and for that reason I support the second reading in the hope that some of the amendments placed on the notice paper will be agreed to.

I am rather surprised to hear the plea put up by some members in this House, particularly Mr. Davies, for those people who have been renting houses for a number of years. I believe that anybody who has the will, has enjoyed good health and has been able to work for a number of years should at least have a roof of his own over his head and not have to rely upon someone else, who has been diligent and thrifty, to build a property and let it to him.

Hon. J. M. A. Cunningham: And then be abused as a landlord.

Hon. A. R. JONES: I believe that while we have a measure such as this to give protection to people forever and anon, we will never have a race of people who are prepared to do things for themselves. I have voted against almost every measure that contained provisions of a restrictive nature, especially those imposing restrictions upon the free traffic of all types of goods. If we do not return to the ways of free enterprise and the free flow of goods, we will never be much good as a State or Commonwealth.

When we have restrictive measures such as this one, we shall have people who will never provide for themselves because they are protected; such people will never make an effort to provide themselves with homes. If we continue in that way, the country will merely backslide. I have mentioned before about the general laxity that is prevalent throughout the country, but I believe there is a stirring because wherever one goes today one finds that people are thinking a little more of their jobs and are endeavouring to do a little more in their day's work.

Hon. G. Fraser: Did you have a home before you went on the farm?

Hon. A. R. JONES: The only way to get sufficient houses for our people, including those who migrate to this coun-

try, is to step up the hours of work; by that I do not mean only a few hours extra a week! If we are to supply the needs of all our people, we will have to work 44 or even 48 hours a week. When we reach the stage that all our people are housed, competition will be such that there will not be any trafficking or any need for protective measures such as this. When that happens, I believe that a person who wants to rent a house will be able to do so and secure it at a reasonable figure. The sooner members, who stand up and support a Bill such as this, go out among their people and suggest longer working hours, the better it will be.

Hon. G. Fraser: I will give you an invitation to come down to the Fremantle wharf and you can put that case up to the men.

Hon. H. Hearn: That is a good job, is it not?

Hon. A. R. JONES: I would remind Mr. Fraser that before I went on to the farm, I did not have to rely upon anybody for a house. I did not have a house then, but I put up a couple of tents and I lived a decent life until such time as I could build a house for my family. Thousands of people could do the same thing if they wished. I know of a man in the hills who has a family of six. He earns no more than many other wage-earners today, but he bought himself a block of land and lived in a couple of tents for three years. He reared his family and built a home. It is paid for now and that happened merely because he had the will to do it; and I believe any man, if he wished, could build a house for himself.

Hon. G. Fraser: They will not permit you to put up a tent in the metropolitan area.

Hon. L. Craig: But they do.

Hon. A. R. JONES: It is not necessary to clutter up the metropolitan area. There are many other places where one can live outside the metropolitan area. The trouble is that too many people want to live near the city; there are many homes available in some of the outer parts of the State, but people will not work in those areas.

Hon. E. H. Gray: Where is that?

Hon. A. R. JONES: I will provide a good home for a person who is willing to work—not 40 hours a week but a decent day's work. I could find a good home and provide a good wage for such a man, and if any member likes to take up that challenge, then I am quite prepared to accept it.

Hon. H. C. Strickland: What is the wage?

Hon. A. R. JONES: Better than the award rate if the person concerned will do a decent day's work. I could provide

a good home for such a man and his family and if any hon. member knows of such a person, I would be glad to employ him.

Hon. G. Fraser: What do you think is a good day's work?

Hon. L. Craig: More than you would do.

The PRESIDENT: Order!

Hon. A. R. JONES: The Housing Commission will not make provision for any person until he is actually thrown out into the street. I quoted a case in the House a month or so ago of a person who was given notice of eviction. Everybody agreed that the person would have to get out as the lessor required the house for a married daughter. However, the lessee went to the Housing Commission and was told to sit pat until he received an eviction order.

Hon. A. L. Loton: How could he sit pat?

Hon. A. R. JONES: Stop in the house. However, the lessee was taken to court—the fees being £10—and an eviction order was granted. When the lessee went to the Housing Commission again, he was told to stay where he was until the bailiffs threw him out into the street. Are we going to pass a Bill which will condone that sort of thing?

Hon. A. L. Loton: Would you say that before a Commissioner?

Hon. A. R. JONES: Yes, and I would bring the two parties together. That is a damnable state of affairs, and the sooner we can remove that sort of provision from an Act of Parliament, the better it will be for all concerned. I reluctantly support the second reading of this Bill because I believe that many people are not doing as much as they could to provide homes for themselves.

HON. C. H. HENNING (South-West) [6.14]: When this Bill's predecessor was finally disposed of, I recorded a silent vote. However, I want to say a few words on this measure which, in the main, is a fair and equitable compromise on what has existed in the past in comparison with conditions existing at the moment.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. C. H. HENNING: I was saying that I consider that the Bill on the whole is fair and reasonable. It contains certain features that could be improved. We have heard a lot of horror tales about tenants. We have heard that chaos would result after the end of June and again after the end of September. I think, in the main, that most of these tales have been unfounded. Certainly they have not been substantiated. However, we hear nothing whatever of the host of satisfied tenants and good landlords.

Immigration was mentioned by Mr. Davies as one of the causes of the shortage of accommodation. That, of course,

is perfectly true, but I for one would not like to see our immigration policy suspended. The policy implemented shortly after the end of the war is the first real immigration policy we have had in Australia. Rather than suspend it to allow the lag in building materials to be overtaken, I think the obvious solution would be to increase the output per man-hour. We hear that Broken Hill Pty. Ltd., which is manufacturing most of the vital supplies we need and all those that are short, is only working to 60 per cent. capacity.

As we have been told by the Minister that most of our shortages, other than iron and steel, can be overcome during the next year, I feel that if we could only step up the production of Broken Hill Pty. Ltd., we would be well on the way towards making up our lag in the supplies of these vital materials. Another change that would help to increase production, apart from increasing the output per man-hour and the working capacity of the people, is the more rapid turn-round of shipping. Frequently we are held up in this State for supplies from the Eastern States.

I agree with Mr. Parker who remarked that eviction orders should cease to operate, provided reasonable warning was given to all concerned. If that were to occur, it would not affect in any way the number of houses available but, with a measure of rent control, I am certain that landlords would not evict good tenants. On the other hand, a landlord controlling his property would be able to ensure that he had tenants who would look after the houses that they were occupying. I am also sure that there are certain people—not a great number, fortunately—who, the more we protect them the less they will do for themselves.

On the question of the protection of ex-servicemen, Mr. Roche struck the right note. I think that if too much protection is given to any class of people, it will be found that they will have increasing difficulty in getting accommodation. They can also get accommodation and be protected amongst an older generation of their own kind. I dislike intensely that portion of the Bill dealing with the fixing of rents, but unfortunately it has to be done because we must have some control in that direction. It is most unfortunate that, owing to the rantings and vapourings of a few, many people—too many—have come to look upon the landlord as a bad man. I think a landlord is, and should be looked upon as, an honoured member of the community. In most cases landlords have arrived at their position by saving their earnings.

A man can either save his earnings for investment or spend or squander them, as the case may be, as they are earned. We should give every consideration to a man who has saved and invested his money, with a certain element of risk, so that he can support himself in his declining

years. But there are quite a few people who look upon him as a sort of menace in the community. Landlords many years ago, and particularly during the nineteen-thirties, were not in a very good position. They had paid, at that time, reasonable prices for their properties. The earning capacity of the people dropped and naturally the income of the landlords decreased. The result was that they were getting a poor return from their investments.

Hon. R. J. Boylen: They could have sold out.

Hon. C. H. HENNING: After the depression, we were on the uphill road for a long period but, when there should have been a chance for landlords to equalise on their losses, they found that controls were clamped down on them. In other words, we find the landlord's property is conscripted; the properties of a few for the benefit of many. That is not a very fair approach to the matter. I should say that there were not a great number who were tenants 10 years ago, occupying two-bedroom houses, who are today paying their landlords 35s. a week. Yet we find that the tenant of a Commonwealth-State two-bedroomed house is paying in the vicinity of £2 a week.

One of the members opposite spoke of migrants walking off ships straight into houses. I am inclined to think that regulations similar to the one gazetted under this legislation are the cause. A man is unable to increase his rent, but if he occupies the house he owns, he can then sell it at a greatly enhanced price compared with what he paid for it. Is it any wonder that he sells and invests his money elsewhere?

Is it any wonder that people who have saved their money for a long time, occupy those houses and ultimately bring their friends and relatives into them? I honestly think that is one of the major causes why such houses are becoming available for the people the hon. member mentioned. I am a firm believer in free enterprise and because of that I believe in the profit motive or urge—whatever one may call it—but a lot will not admit it.

Hon. H. Hearn: But they still like it.

Hon. C. H. HENNING: Everyone who works as an employee or who works in whatever vocation he chooses, does so for profit. It is free enterprise and free competition that have made Australia what it is today. If we curb that unduly, where are we to get the money to develop Australia as we should?

Hon. H. Hearn: Or the energy.

Hon. C. H. HENNING: Yes. Where is the Commonwealth Treasurer to get his money or taxation to carry on the services of the country other than from what he collects from private enterprise? We must have in mind who is to get the most consideration—the man who saves and invests

with an element of risk to benefit Australia as a whole, or the man who fritters away and squanders his money as it comes to him. I think the answer is obvious. To develop this country, we must give consideration to the man who saves and invests. Although I believe a 10 per cent. increase of rents is definitely too small, I shall support the second reading of the Bill, hoping that certain amendments will be made to it in Committee.

Hon. R. J. Boylen: That increase is over and above the 20 per cent. they got last year.

HON. G. FRASER (West) [7.42]: At the outset I say that I have little love for the Bill for reasons entirely different from those advanced by members who have spoken to it. I think it is an absolute surrender to the Legislative Council on the Government's part.

Hon. A. R. Jones: Then let us toss it out!

Hon. G. FRASER: It appears to me that this House has taken upon itself the responsibility of governing the country and is not acting in its true capacity as a House of review. Here we have, in another place, a Government elected by the people to govern the country, and what do we find? It introduces what it considers is the right thing for the people, after due consideration of all aspects of the problem, and now we find this so-called Chamber of review putting the Government into the position of having to prorogue one session and start another in order to bring this new Bill down.

The Minister for Agriculture: What would you have said if you had done that?

Hon. G. FRASER: I can just imagine Cabinet considering the Bill and all the time saying, "Well, we want to do so-and-so, but we cannot do it because the Legislative Council will not allow it", and then, from a huddle of that description, we find this Bill emerging. It is such a shandy-gaff affair as to make me say that I have no love for it.

Hon. H. Hearn: Well, throw it out!

Hon. G. FRASER: I would be inclined to do that, but I could visualise that a number of my constituents would suffer because, admittedly, there is a little virtue in the Bill. In the first place I want to know from the Minister why this measure is confined to December, 1950. Here we are in December, 1951, with legislation introduced to overcome the position that has arisen within the State. Why should the Bill be limited in that respect? The legislation will terminate at the end of 1952 and here we have a measure in December, 1951, dealing with something that occurred prior to the 31st December, 1950. If there is any need for the Bill, why should it not apply to everyone up to the time of the passing of the Bill or

from the ceasing of the previous Act to function? There is ample justification for that being done. When the Minister replies to the debate, I hope he will explain the reason for that proposition. He should tell us why the Bill should operate prior to December, 1950.

Hon. A. L. Loton: Is that not sufficient?

Hon. G. FRASER: No, because what operated in 1950 is operating in 1951 and, unfortunately, I believe will continue to operate in 1952. In this State we have some fanatics whose only call is for decontrol.

Members: Hear, hear!

Hon. Sir Charles Latham: And it is a very appropriate cry.

Hon. G. FRASER: Such people can think of nothing else. They must have decontrol of everything. They do not recognise the circumstances that made it necessary for the re-enactment of control legislation. Mr. Henning referred to free enterprise. No one believes in free enterprise more than I do.

Hon. Sir Charles Latham: Oh!

Hon. G. FRASER: There is a place for free enterprise and a place for Government enterprise. I have an open mind. I realise there are certain instances where the activity can best be run by private enterprise, and there are others that can best be conducted as a State enterprise. I do not believe that everything must be controlled by the Government. Both systems can operate with advantage.

Hon. A. R. Jones: What point are you trying to make?

Hon. G. FRASER: I am pointing out the attitude of those who call for nothing but decontrol, irrespective of the merits or demerits of the situation and whether the cry for decontrol is justified. To my mind, the controls indicated in the Bill do not go far enough. I have already mentioned the lifting of controls since December, 1950. Why should some of these controls be lifted now, because they would be justified? In other respects some alteration is required. In the Bill there is a definition of "lease." Under it the Government has thrown overboard a provision that was of great value in the old Act. I refer to the matter of shared accommodation. That was one of the most important features of the Act.

Now the matter of shared accommodation is hidden under the cloak of "lease." The only way we can refer to shared accommodation now is to mention sub-leasing. That is where a lot of trouble will arise and I will deal with that phase as I progress. It makes it very difficult for anyone desiring to deal with leasing matters. Under that heading we can refer to ordinary leases, leased premises, the leasing of premises as a whole or

rooms in lodging-houses and apartment-houses. Formerly a rent inspector was permitted to deal with what we then knew as shared accommodation but which now we must mention under the heading of sub-leasing. The position under the Act in that regard was satisfactory.

Hon. H. L. Roche: Satisfactory to whom?

Hon. G. FRASER: The matter of shared accommodation or sub-leasing applies nowhere in the State more than in the West Province. There are many apartment-houses there, and during the whole period of the operation of the old method, I did not hear one complaint from apartment-house keepers about the rents assessed by the inspector.

Hon. H. L. Roche: It would not be any good going to you.

Hon. G. FRASER: In my province, the people know me as a fairminded man.

The Minister for Agriculture: And we know you as that here.

Hon. G. FRASER: People will come to me to discuss such matters. I know of no instance where dissatisfaction has been expressed regarding the work of the rent inspector. Some members seem to think that because the rent inspector is called in, he will invariably decrease rentals. That is not so. I can quote instances where increases have been granted, and in all instances it was done to the satisfaction of both lessee and lessor. In these circumstances, I want to know from the Minister why there has been a departure from a system that proved so satisfactory in the past.

The Bill contains a provision setting out that only where the amount of rent is under £2 can a rent inspector deal with an application for a review. Previously no amount of rent was specified as a bar. I hope in Committee we will be able to alter that provision and allow the present policy that has proved satisfactory hitherto to operate once more. The proposal now is that if the rent is over £2 the parties concerned must approach the court for a review. Which is the more satisfactory? Which is better—for the matter to be fixed up by the rent inspector without all the humbug and clattering up of courts with applications for the increase or decrease of rentals, or for the rent inspector to be called in, deal with the matter on the spot, and give his decision without any bother? There is the saving provision that if either party is dissatisfied, there is the right of appeal to the court. Is not the method that has prevailed so far much more sane?

Hon. A. R. Jones: It would be cheaper.

Hon. G. FRASER: Yes, for everyone concerned. Now people will be forced to go to the court and I can think of no argument in support of such a provision.

The Minister for Agriculture: Why not try to amend it?

Hon. G. FRASER: I have placed an amendment on the notice paper. Another unsatisfactory feature of the Bill is that it contains no definition of "lodger." In the circumstances we know what could happen. A lodger has no protection under the Bill. In fact, he is mentioned only once where it is set out that he is exempted from this legislation. Let members consider the apartment-houses that abound, particularly in the metropolitan area.

The lessor of one of those premises can class the whole of the inmates as lodgers and fix rentals at £2 1s. If he does that, the only redress the lodgers have is to approach the court. In apartment-houses the inmates are mostly drawn from the poorer sections of the community. Some members will say that a rental of £2 will cover the position of lodgers. Let them endeavour to engage a room in the metropolitan area and see how they will get on.

As the Bill stands, we are likely to leave the position wide open and encourage lessors to charge excessive rentals. The substitution of the present proposal for the old system under which a rent inspector could adjudicate and fix the rental is certainly a weakness in the Bill, and I hope that position will be adjusted in Committee.

Another unsatisfactory feature of the Bill has reference to protected persons, and in this regard I want some explanation from the Minister. I am fully aware that most of the provisions embodied in the Bill have been taken from the old Act. I was not in the House last year when this matter was discussed, and could not ask for an explanation then, but I do so now. Paragraph (d) of the definition of "protected person," included in Clause 22, reads—

A person who has enlisted in the armed forces or auxiliary forces connected therewith of the Commonwealth for service outside the Commonwealth and by direction of the particular service in which he is serving has left, or in the opinion of the court will be required to leave Western Australia to complete his training in another part of the Commonwealth prior to his departure outside the Commonwealth, while so serving.

I draw the attention of the Minister to the latter portion with regard to the protected person leaving Western Australia, and I want his interpretation of the meaning of the paragraph. Take the position of a single man.

Hon. H. L. Roche: What you are referring to was put into the Bill by a private member.

Hon. G. FRASER: What happens to the single man who enlists in the armed forces when he leaves? His home is here and he may be living with his parents who are in the position of tenants or lessees.

Hon. H. L. Roche: Do you think he should get protection under that paragraph?

Hon. G. FRASER: I consider that any man who enlists to go away to fight should be protected.

Hon. L. Craig: But he has left here.

Hon. G. Fraser: His home is here!

Hon. L. Craig: Who will pay the rent while he is away?

Hon. G. FRASER: Under the old Act there is a provision which, under the heading of "protected person," includes not only a member or discharged member of the forces, but his dependants and parents. But in the true sense of the word the serviceman is not the lessee of the premises. Nevertheless that does not make it any the less his home.

Hon. L. Craig: You are stretching it a bit.

Hon. G. FRASER: No. I want an explanation as to whether that person who is in the forces and is away, gets any protection under this measure.

Hon. H. L. Roche: Do you think he should?

Hon. G. FRASER: Yes.

Hon. L. Craig: Even his parents?

Hon. G. FRASER: Would it not be nice if he came home and found his people evicted!

Hon. L. Craig: Would a soldier be living with his parents at that age?

Hon. G. FRASER: Are not any number of them doing so?

Hon. L. Craig: In rented rooms?

Hon. G. FRASER: No. I am dealing with homes. I am talking of the unmarried man who has grown up with his family. His parents are the lessees of the property. He goes away in one or other branch of the services, and we say we are giving protection to people! We say that people who have left Western Australia with the services will have protection. What protection will such a man as I have mentioned receive? None at all.

Hon. N. E. Baxter: Do you know of any cases where that has occurred?

Hon. G. FRASER: No. But we legislate for cases that might occur, and it is possible that this would occur. As a matter of fact, I suppose that the majority of men enlisting in the services at the moment would be single men, and I want to know what their position would be. I want to know whether something on the lines of what was in the 1939 Act, which gave protection to the parents of a member of the forces, and which in effect protected that person's home, cannot be included in this measure.

There is another feature of the Bill deserving attention, and that is the question of increased rents. I oppose as hotly as I can the proposed increase of 10 per cent. I have no objection to such an increase where it is justified, but why should we give an increase of 10 per cent. to all leased premises in this State? There is property in my province that was old 40 years ago. That property enjoyed the 20 per cent. increase granted some time ago, and if we are going to judge it on the return on the capital invested, the capital has been returned three or four times over.

Hon. H. L. Roche: What would it sell for today?

Hon. G. FRASER: If anybody bought it, he would be foolish.

Hon. H. L. Roche: The interest returned cannot be very high.

Hon. G. FRASER: The interest returned is so much that they are getting 20 per cent. more than they did 20 or even 10 years ago, and their capital was returned 40 years ago.

The Minister for Agriculture: How are you going to discriminate?

Hon. L. Craig: Is there anything wrong with that?

Hon. G. FRASER: Yes; there is something wrong with giving everybody 10 per cent., because it is not justified in many cases. We are going to give a 10 per cent. increase to some people who are obtaining 100 per cent. more than they should get. In many places in the city, rents are twice what they should be. Yet we are going to give the landlords a 10 per cent. increase over and above the 20 per cent. they received previously. That is not right. What is wrong with establishing a fair rents court where it would be possible for application to be made for an increase in rent where it was justified? There are thousands of places in the metropolitan area the landlords of which cannot justify the rent they are obtaining today. Yet, over and above that, we are going to say to them, "Here is another 10 per cent."

This afternoon Mr. Davies mentioned the decision of the Property Owners' Association—and I was informed of it myself—not to carry out any further repairs while this legislation is on the statute book. We know of many instances where the repair of broken cisterns and jobs of that description, costing £10 or £20, have had to be done by tenants. That is not fair. Yet we are going to say to these people, who do nothing in the way of repairs and maintenance, "We will give you another Christmas box of a 10 per cent. rise in rent." There could be no justification for that attitude, and I hope that in Committee we will be able to delete that portion of the Bill. I would not mind some amendment which would give the

right to a 10 per cent. increase to those able to justify their receiving it. But I object to every person being handed 10 per cent. on a silver platter.

Another portion of the measure in which I am disappointed is that which exempts holiday homes. That is a burning question throughout this State, and has been for many years. I know it is a tough nut to crack, but it is about time someone did something about it. Only last week I had an instance of a person who cannot get protection under this measure. He is at present serving in the forces. His wife is an ex-servicewoman and she is paying £5 per week for a small beach cottage which she has been occupying since May. That house has to be vacated because the owner is going to lease it to holiday makers who will pay more than £5 for the next four or five months.

Hon. N. E. Baxter: Why exempt any place under the rent section?

Hon. G. FRASER: Would the hon. member support me in an effort to prevent them from being excluded?

Hon. N. E. Baxter: Yes.

Hon. G. FRASER: We will try him out later on. There is an instance of where £5 per week is being paid for an ordinary cottage, and the people have to get out because the owner will obtain more rent. That case could be multiplied one hundred times in all seaside areas. Is it not time we did something as a Parliament to stop people from being fleeced? If properties in other parts of the metropolitan area or other portions of the State have to submit to this legislation, why should we exempt these people and give them the right to charge what they think fit and what in some cases is four, five and even ten times more than the value of the property? Of course, people will pay it.

The Minister for Agriculture: The seasons are very short, you know.

Hon. G. FRASER: But the places are occupied most of the time; and in between the holiday periods, the owners are getting three or four times the rent they should.

Hon. H. L. Roche: Not during the winter.

Hon. N. E. Baxter: Yes.

Hon. G. FRASER: Yes. In my province I can show the hon. member every beach cottage occupied throughout the winter by people who could not obtain accommodation anywhere else. Now they are being kicked out so that the owners can get a rake-off for the rest of the summer. Heaven knows where these people are going to get accommodation! Do not members think that when this sort of thing occurs, we should attempt to do something to regulate it? Are we going to sit idly by and give people the open go that so many members in this House have said should be granted? It reminds

me of the criminals in this country. They would like to see the police decontrolled so that they could have an open go.

Let me assure members that I have just as great a respect for many of the landlords of this country as they have. There are some very fine landlords. What we are trying to do is not to harass the fine landlords, but to attempt to do something to catch the scoundrels amongst them. Yet we find a lot of members who would try to protect them.

Hon. H. L. Roche: After ten years of control, you do not seem to have dealt with the scoundrels.

Hon. G. FRASER: We have kept them within fair bounds. In many respects we could have done more, if only the hon. member had assisted my colleagues and myself during the past few years. But he said, "Let them go." And they have gone.

Hon. A. L. Loton: With the wind!

Hon. G. FRASER: Unfortunately they have remained with us. If they had gone with the wind, we would not have minded. Mr. Watson reminds me of the ostrich which puts its head in the sand so that it cannot be seen. The hon. member buries his head in the salubrious gardens of Nedlands and does not know what goes on in other parts of the metropolitan area. He said in this Chamber that because of the measure we passed last year, at the 30th June and the 30th September, there were not a great number of evictions. I forget his actual words, but he said that no-one would be put on the streets, no-one would be put to any inconvenience or to any great inconvenience. The hon. member did not know what he was talking about. He gave no consideration at all to what has actually happened.

Admittedly no-one is still living in the streets, but why have people not been in the streets for some days, or a week, or a fortnight? It is because when eviction notices have been served on them, the bailiff, instead of executing the warrant, has been in touch with the Housing Commission and stayed his hand for 14 days in order that something could be done for the individuals concerned. I do not object to that. I think it is a good method. It is much better than going along with a warrant and saying, "Out you go on the streets!" But that is what has saved a lot of people from being thrown on the streets.

Hon. N. E. Baxter: What is wrong with that?

Hon. G. FRASER: There is nothing wrong with it.

Hon. H. L. Roche: Then why complain?

Hon. G. FRASER: If there were no law of this description and no State Housing Commission, there would be any number of people on the streets.

Hon. L. Craig: But there are not. The Housing Commission has seen to that.

Hon. G. FRASER: We will come to that shortly. That is one of the reasons that no-one has been on the street, because the law has been halted so that time could be given to make provision for people evicted.

Hon. L. Craig: That is good government.

Hon. G. FRASER: The hon. member said that the State Housing Commission had housed them.

Hon. Sir Charles Latham: Were they not given six months' notice?

Hon. G. FRASER: Anybody can be given 12 months' notice, but where is he going to find accommodation? Why does the hon. member not realise what is happening? Let him, as some other members have done, go for two years trying to obtain accommodation. Let him wake up and see what is occurring.

Hon. H. K. Watson: That statement is ridiculous. Eighty per cent. of the people who have been given notice have found other accommodation.

Hon. G. FRASER: I am going to deal with that. But that is what has happened. People have not been left on the street, because the law has been halted.

The Minister for Agriculture: Sir Charles Latham quoted last night someone who had lived in a fowlhouse.

Hon. G. FRASER: Yet we find him not too favourable to this Bill.

Hon. Sir Charles Latham: Not last night. The Minister has a bad memory. At least I am willing to help, and I do.

Hon. G. FRASER: Another phase mentioned has been the finding of accommodation by the State Housing Commission. My colleague dealt with that this afternoon. I want to ask the hon. member whether he has seen the accommodation that has been provided.

Hon. A. R. Jones: At least they have bathing facilities.

Hon. G. FRASER: What did the hon. member think of the accommodation?

Hon. A. R. Jones: It is better than some people have left.

Hon. G. FRASER: When there have been a man, his wife and two or three children, it has been necessary to give them two huts in which to live. That is the type of accommodation provided. I want to pay a compliment to the Housing Commission for doing something. I am not decrying it. I have remembered the word Mr. Watson used. He said there had been no confusion. Does he consider there is no confusion when a family is evicted and is transferred by the Housing Commission either to Guildford or Naval Base, miles from their work and their usual haunts?

When there are several children in the family, they have often to be accommodated in two of these so-called flats, instead of one.

Hon. A. L. Loton: How many such cases are there?

Hon. G. FRASER: That is what happens in every case where there is a large family, and it is generally the people with large families who are evicted. They are the people who cannot come up to the standard that Mr. Jones wants, where everyone would own his home. The hon. member should get about and see things for himself and have a look at some of these two-roomed houses.

Hon. N. E. Baxter: They are no worse than the accommodation of the people who live at Safety Bay in beach cottages.

Hon. G. FRASER: I know families in my district who have lived in one house for 30 years and have paid for it over and over again in rent, yet when they were evicted the only accommodation provided for them was in these places at Naval Base.

Hon. A. R. Jones: Why did they not buy the house during the 30 years' tenancy?

Hon. G. FRASER: We are dealing with many phases of human nature. Like many other people in similar walks of life, these had during their married life collected a piano—one of their treasured possessions—and a bit of furniture and, as often happens in such cases, when shifted into the accommodation provided by the State Housing Commission there was only one thing to do.

Hon. H. Hearn: Store it.

Hon. G. FRASER: Such people have either to store their furniture at considerable cost or sell most of it.

Hon. L. Craig: Is the owner of the house responsible for that?

Hon. G. FRASER: I am not saying who is responsible, but am replying to the statement that this legislation has caused no confusion. Does not the hon. member call that sort of thing confusion? What would he think if he had to break up his home and sell half of his most valued possessions in order to go into a two-roomed flat?

Hon. H. Hearn: He would call it contraction.

Hon. G. FRASER: That is the sort of thing that is happening. Many families have been saved from being out on the street by neighbours or relatives who have come to the rescue and housed part of the family here and part there.

Hon. J. M. A. Cunningham: That is nothing new. That sort of thing happened 20 years ago.

Hon. G. FRASER: Of course, and it is happening now.

Hon. J. M. A. Cunningham: No.

Hon. G. FRASER: If the hon. member thinks it is not happening now, he must have his head in the clouds.

Hon. J. M. A. Cunningham: But there were evictions 20 years ago.

Hon. G. FRASER: Conditions then were more natural whereas today they are aggravated by the fact that we were engaged in war only a few years ago and that is why this protective legislation is required. I would like the hon. member to see some of these things for himself, and then he would not say there is no confusion caused by this law.

Hon. H. K. Watson: You are making out a good case for a man to own his home, but I do not think your remarks are relevant to the Bill.

Hon. G. FRASER: Then neither were those of the hon. member when he dealt with this phase of the question. He said, "There has been no-one put out on the street and there has been no confusion so far as this Act is concerned." I am showing where there has been confusion.

Hon. A. R. Jones: In isolated cases.

Hon. G. FRASER: The hon. member lives at Timbuctoo or some place where these things may not occur, but I am pointing out what is happening in the metropolitan area. Hundreds of eviction orders have been granted and the Housing Commission has provided something like 125 cottages at Naval Base.

Hon. H. Hearn: What percentage would that be of the evictions?

Hon. G. FRASER: Ninety-five per cent. of the evictions are brought about by the law which the hon. member agreed to last year and which I think he will agree to again this year. Under the old law there was a difference because the magistrate, after hearing the evidence, had discretion as to whether or not he should grant an eviction order. This is not the only country in the world where such things are happening. I have here a cutting from a Belfast paper.

Hon. Sir Charles Latham: I know who gave it to you.

Hon. G. FRASER: Mr. Boylen has apparently taken it. Under our law a person obtaining his house by eviction cannot dispose of it until 12 months have elapsed, where as in Ireland he would have to wait five years. I know these things are not happening in the provinces represented by some members, but I think they should acquaint themselves with what is happening in the metropolitan area before voting on this measure. If they cannot get around and see things for themselves, they should

have a talk to Mr. Prince, who handles the eviction cases for the State Housing Commission.

I think it will be impossible for the Commission to supply many further homes in the near future, as I believe they have available only about three eviction flats at Melville, and few elsewhere. I read in the Press recently where there were six eviction orders granted on one day at Fremantle, 14 in one day in Perth and over 20 on yet another day. The Housing Commission will have difficulty soon in preventing people being thrown out on the streets unless neighbours and relatives come to the rescue.

Hon. A. R. Jones: Are not relatives more entitled to help than are complete strangers?

Hon. G. FRASER: Yes, but unfortunately the relatives of these people have often insufficient accommodation for themselves and to lend a helping hand imposes an unfair hardship on them. Bad as last year's legislation was, this year's is worse; but I hope that we will be able to improve it when the Bill is in Committee. Little as I like the measure, I must support the second reading.

HON. J. McI. THOMSON (South) [8.27]: I will support the second reading because there are one or two provisions in the Bill that I desire to see amended in Committee. With the ever-increasing cost to the property owner of higher rates, taxes and upkeep in recent years, it is only fair that he should be entitled to an increase in rent greater than the 10 per cent, mentioned in the Bill. I hope that we will be able to increase that percentage. The cost of repairs and upkeep generally is a heavy drain on the house owner who takes a pride in his property.

When we consider the increase in the basic wage from 1939 until the present day, it is obvious that there is justification for a considerable increase in the rents of properties. We have always acknowledged that the freeholder of a house should be fully entitled to occupancy, but under the legislation passed by Parliament since 1939 he has been denied that right. The legislation of last year made it somewhat easier for an owner to regain possession of his premises, and I trust that before we have finished with this measure we will improve the position in that regard still further.

I acknowledge that it is necessary to have some control over rents because, as has been said, there are good and bad among both tenants and landlords, and the tenant must be protected against the grasping and avaricious type of landlord, just as good landlords must be protected against irresponsible or dishonest tenants. We should make it clear who is intended to be covered by the provision relating to protected persons, and I see on the notice paper amendments which should clearly define the position.

The serviceman, his wife and family or the widow and family of a serviceman must be protected, but I could not follow Mr. Fraser's argument that we should give protection to the son who had left. Our duty is confined to those that I have referred to. I agree with Mr. Roche that protection provisions could easily react against those they are intended to protect, but that will remain to be seen. It is one thing to write into the Bill provision that the Housing Commission shall make accommodation available within a certain period, and it is another to carry that into effect.

That brings me to a point I have discussed previously in this House—the question of production. Unless we are prepared to produce more and work harder, I am convinced we will not make much contribution to getting out of this unsatisfactory situation in which we now find ourselves. The whole community is suffering through lack of production and through not getting down to work. I would like to quote an instance that happened recently in a country town where tradesmen were called upon, or asked, to work on Saturday and Sunday to get over that section of the work which had to be completed by Monday.

The men willingly did that, but when their pay was handed out to them they said, "That is the end of overtime; we will not be prepared to work on Saturdays and Sundays double time." Because of the tax deduction on their wages, those extra hours worked were only worth 6s. 8d. over and above their ordinary wages to them. In conclusion, I would repeat that it is incentives we have got to give to these people who are expected to produce more.

Hon. A. L. Loton: To all sections of the community.

Hon. J. McI. THOMSON: I refer to that section of the community from which we are desirous of obtaining increased production. Unless we increase our hours of work—and by doing that, of course we have got to see that the taxation money is not put on to the amount earned over and above the 40-hour week, for that will be one way to encourage people to work longer hours and stick at their jobs—I cannot see how we will get out of the difficulty. I support the second reading of the Bill.

HON. L. CRAIG (South-West) [8.32]: I do not want to drag this debate on and I wish to make only one or two points in connection with the Bill. According to the speech made by my esteemed colleague over the road—who has just gone out—and to use a Biblical quotation, "A prophet is not without honour save in his own country." According to Mr. Fraser, a prophet is without honour—if the word is spelt "profit." It seems to him to be quite wrong that anybody should want to make a profit.

Hon. E. H. Gray: He did not say that.

Hon. L. CRAIG: He did in effect. I would like to refer now to a statement made by a strong and powerful, and should be responsible, body, to the effect that if any evictions took place amongst their members they would hold up the community, they would stop their work on the wharves and they would bring chaos to industry, hardship to women and children and hardship to everyone else engaged in industry. But they would only do this if evictions took place amongst their own members; it does not matter if anybody else is evicted. This is a very selfish, and, if I might say, irresponsible and ill-considered statement.

Hon. Sir Charles Latham: It is a challenge.

Hon. L. CRAIG: I regret very much that the responsible officers of the organisation did not dissociate themselves from, and repudiate, that statement. It shows what can happen when people feel themselves strong and arrogant; it shows what little regard they have for the well-being of the community as a whole. That brings to my mind the treatment that has been meted out to landlords, or owners would perhaps be the better word.

In the days when the word "landlord" was coined they were indeed lords of their land and nobody but they owned the land. Today, however, owners are being treated quite differently from people who are strong, powerful and arrogant. If owners had a very big voting strength and a powerful organisation that could influence parties, they would not today be receiving the treatment that is meted out to them; they would not take it from any Government.

Several members in this House have said they are opposed to the proposed increase of 10 per cent. in rentals. What does that represent when compared with increases that have taken place in favour of other sections of the community? Are owners different from other people? Do they have different blood in their veins? Are they a different class and in a lower strata of the community?

Hon. H. Hearn: According to some people they are outcasts.

Hon. L. CRAIG: They are treated differently because they have not sufficient strength.

Hon. E. H. Gray: They have economic strength.

Hon. L. CRAIG: If the hon. member would make an examination of the question of owners, he would find that 75 per cent. of them were poor people who had been thrifty during their lives. Because land and houses, bricks and mortar were a safe investment, they invested their money accordingly.

Hon. H. K. Watson: They believed land and mortar was a safe investment!

Hon. L. CRAIG: That is so. They believed that whatever happened, their investment would be safe. Today it is not safe because it is deteriorating, and the return they are receiving does not enable them to keep those places in first-class repair. That is no exaggeration. When the Bill is considered in Committee, I propose to move that instead of a 10 per cent. increase, owners should be allowed a 20 per cent. increase. One hon. member shakes his head. Why does he shake his head?

Supposing the Arbitration Court, on the cost of living figures supplied to it which, perhaps, warranted an increase of £1 a week said, "We will give you 5s." What would the powerful unions say about that? If on the evidence submitted an increase of £1 a week was warranted and the court said, "No, you must help the community," the answer of the unions would be, "It is the rest of the community that should carry the load; not this particular section; not our union."

Hon. H. Hearn: And rightly so.

Hon. L. CRAIG: As the hon. member says, rightly so. I think the owners can rightly say "If the increased return in our rents is going to increase the cost of living, let it be borne by an increase in the basic wage; do not put it on to us; why put it on to us?" Let me tell the House what the 20 per cent. increase which I propose to move in Committee will represent. A 20 per cent. increase would represent an increase of 44 per cent. on the standard rent of 1939. I would like to be informed of any other person who has not received an increase of more than 44 per cent. The other increases have been because of the increase in the cost of living. While the owner has that same cost of living thrust upon him, he has more than a 200 per cent. increase in the cost of the maintenance of his asset. Why then is he neglected? Why should he be? Is there any logical reason why he should? During the same period we ourselves, as members of Parliament, have had our salaries increased from £600 a year to £1,242 per annum.

Hon. Sir Charles Latham: That sounds like 100 per cent.

Hon. L. CRAIG: It represents an increase of 107 per cent., and the total increase for which I will ask is 20 per cent. Members of another party hold up their hands in horror at the thought of an increase of 44 per cent. on the standard rent of 1939, even though the owner has to bear an added imposition on the maintenance of depreciating premises. What has the increase of the working people been? In 1939 it was 82s. a week; today it is 202s. a week—an increase of 146 per cent., and the only reason for that increase is the cost of living increase.

Is it fair that they should be treated differently from any other section of the community? Are the owners different in any way? Are they inferior or have they done anything wrong? I do not think they have. I think they are decent people. As a matter of fact, most of them are the best of our people because they have shown thrift during their lives. I think we should be strong enough to put the case for the owner. We should not worry about public opinion or anything else; we should put the case for the owner.

Hon. H. Hearn: It would be different if he had political pull.

Hon. L. CRAIG: If he had political pull, we would not be debating this tonight. If a case is right and just, there is nothing to fear from anybody. I believe half the evictions would cease if the owner got a decent return. Two or three members on the other side of the House say that some of the old places have had their capital value returned two or three times, and the owners are not entitled to an increase of rent at all.

Some of these places, old though they are, may be like old furniture, becoming more valuable with age. I have some chairs in my home for which my mother paid 5s. during the period of the bank depression in Melbourne. I had them valued and they are now worth £40 each. Perhaps some of the houses are like that—almost antiques—but we do know that some of the old houses are just as comfortable as the new ones now being erected under the Commonwealth-State Housing Scheme. Can we expect an owner to accept a rental of 15s. a week for his house when the Government is charging as much as 45s. rent?

Hon. H. Hearn: Up to £3.

Hon. L. CRAIG: I am moderate; I like to understatement facts. Is it wrong for such an owner to be dissatisfied in those circumstances? Would any member go to the races and take four to one when he could get eight to one? Would it be unreasonable for him to take eight to one? There would be nothing wrong about it. Is there anything wrong in a man's saying, "The owner of the place next door is getting £3 a week for his house and I am getting only £1 a week for mine, and my place is just as comfortable."

Old as I am, I recently bought a house, and paid four times as much for it as it cost to build, because it is good value and has been kept in good order. The previous owner, by selling to me, did nothing wrong. This House must stand up for people who want justice, and if there is any burden to be borne, it should be borne by the community and not by a small section, simply because it is not strong in numbers.

Hon. A. L. Loton: Like the poor wheat-growers!

Hon. L. CRAIG: The hon member had better not raise that question at the moment.

Hon. Sir Charles Latham: It is outside the scope of this Bill.

Hon. L. CRAIG: Yes, just a little. Another point I wish to raise is that of the protected person, which was mentioned by Mr. Roche and others. If we make conditions too stringent in order to protect a very small section, they will never be able to obtain a house. Once a protected person gets into a home, goodness knows when he will become unprotected! We cannot possibly see far enough ahead to know when he will be otherwise than a protected person.

In those cases, owners will say, and quite rightly, to a prospective tenant, "I want a guarantee that you are not protected and that none of your family is protected. Otherwise, I shall not let you into this House because, once I do, I could never get you out." This must inevitably be the reaction, and it will lead to people contracting out of the law somehow or other, or else they will not be permitted to go into a house. Consequently, we ought to soft-pedal in dealing with protected persons. There is not a member who would deny protection to a genuine person who has served his country.

Hon. Sir Charles Latham: But the Government that promised protection should provide it.

Hon. L. CRAIG: I agree. If a man goes away on service and leaves a wife and children behind, the Government should give him a No. 1 priority, and the moment he wants a house he should have it, no matter how many people there might be on the waiting list.

Hon. H. C. Strickland: What about the migrants who have been brought in and given houses?

Hon. L. CRAIG: People are being brought in to build houses. They are being brought in as specialists and would not have come but for the promise that housing would be provided for them. In nearly every instance, they have been dragged away from good jobs in the Old Country. They were not looking round for something else to do.

Hon. Sir Charles Latham: They are volunteers.

Hon. L. CRAIG: I am aware of that, but persuasion has been brought to bear. They are skilled men who were offered very good inducements to come here. Most of them have come here, not because they wanted jobs, but because they can see the prospect of a better future for their children in this country. I have spoken to many of them, and they have told me that they could not see any future for

their children in England. Many of these families hated to leave England. They were born there and they love the country but, because they could not see any outlook for their children, they have come here. I support the second reading.

THE MINISTER FOR AGRICULTURE (Hon. G. B. Wood—Central) [8.51]: I hope, in the absence of the Minister for Transport, to reply to most of the comments made during the debate. I cannot give all the answers for which Mr. Fraser asked because I do not know them, but I promise that he will receive the information during the Committee stage. I hope that will be satisfactory to him. Mr. Davies remarked that some of the homes of the Housing Commission were not up to the standard of the bylaws of local authorities. That was something new to me and I was surprised to hear it. The local standard in those districts must be exceedingly high if the homes of the Housing Commission fall short of it. I have seen dozens, and perhaps hundreds of these homes, and I think it can be claimed that, generally speaking, they are all of a good standard.

As to the penalties for contracting out of the Act, I undertake that Mr. Davies will be supplied with the information he requires. I regret that Mr. Fraser saw fit to criticise the Bill to the extent he did. I wonder what he would have said if the Government, after having been defeated on the first Bill, had not taken pains to introduce a measure which it thought would be acceptable. That is not to say that the Legislative Council dictates to the Government.

Hon. G. Fraser: Then you believe what I said.

THE MINISTER FOR AGRICULTURE: As to what the hon. member said about this House, I shall not pass any comment. I admit that the Council embarrasses the Government very much at times, though it might be justified in its actions. I am not complaining, because the House is simply exercising its proper functions. The Government, having failed to get its first Bill passed, arranged for another session and introduced a different Bill, which it had a fairly good idea would be acceptable. Mr. Fraser has the privilege of reviewing legislation submitted to this House and submitting any amendments he desires. On the notice paper there are something like 56 amendments, which fact goes to show the usefulness and the democratic spirit of this House. The Government brings in a measure which it considers is a good one, and then this House introduces amendments to make it more acceptable to Mr. Fraser and others.

Hon. G. Fraser: Do you think that is reviewing or dictating?

THE MINISTER FOR AGRICULTURE: Most of the amendments can be described as reviewing.

Hon. H. Hearn: Does Mr. Fraser think that he is entertaining?

THE MINISTER FOR AGRICULTURE: The Government is very pleased at the reception accorded the Bill, both here and in another place. Although members have had some criticism to offer, not one has stated his intention of voting against the second reading. The long list of amendments on the notice paper is being considered by expert officers with a view to their being approved or rejected by the Government when the Bill comes up for consideration on Tuesday next. I am not in a position to deal with them as I shall probably be leaving for Melbourne tomorrow or the next day.

Hon. E. M. Davies: Still on wheat?

THE MINISTER FOR AGRICULTURE: Yes. I have not had time to consider the amendments, but the Minister for Transport will take charge of the measure on Tuesday next. There are certain amendments on the notice paper in the name of the Minister for Transport, which have been prepared by the Crown Law Department for the purpose of tidying up the Bill, and I am informed that they do not involve any new principles. Mr. Watson and Mr. Baxter agreed that the Bill was warranted in certain respects but that it possessed its imperfections. I suppose every Bill ever introduced has had some imperfections in the eyes of some members. No Bill could ever be what every member would desire in every respect. Landlord and tenant legislation is most difficult, but the Government feels that this Bill is a realistic approach to a very troublesome problem.

Some difficulty was expressed by Mr. Baxter to understand the methods to be applied in determining or basing a standard upon which rentals shall be fixed. In the circumstances, it seems desirable that I should clarify the term "rent lawfully chargeable" as it appears in Clause 11 of the Bill—

Rent lawfully chargeable in respect of—

- (a) Dwelling houses, is the standard rent of the premises as at the 31st August, 1939, or as at first let after that date on and up to the 31st December, 1947, plus a margin of up to 20 per cent. as provided for in last year's amending Act. Lawful rent on premises let on and after the 31st January, 1948, would be at the rental as first let (20 per cent. may not be added).
- (b) Business premises, is the standard rent as at the 31st August, 1939, or as first let after that date, plus a margin of up to 30 per cent. as may be agreed to in writing, or

A fair rent as determined by the court or rent inspector in respect of (a) or (b).

The proposal in the Bill is that, as at the date of the passing of the Act, the lawful rent of all premises, excluding those determined by a court or rent inspector, may be increased by a margin up to 10 per cent. as may be agreed to in writing by both parties, and thereafter rents shall be pegged at that rental, with provision for approach to the court or inspector after a period of six months has expired. To these rents, however, increased outgoings in the nature of rates, taxes, charges for cleaning, gas and electricity and insurance may be added.

Provision has been made in certain circumstances for increases arising from structural alterations and the like. So that in certain respects the percentage increase could be greater than the 10 per cent. Such proposals are considered to represent a fair adjustment as between rentals applying in 1939 and today. Mr. Watson is of the opinion that an additional 5 per cent. is necessary. Mr. Baxter has another opinion, and Mr. Craig still another.

Hon. H. K. Watson: I am inclined to the view expressed by Mr. Craig, that it should be 20 per cent.

The MINISTER FOR AGRICULTURE: The hon. member is just too modest! In neither Mr. Watson's nor Mr. Baxter's case have substantial grounds or arguments been submitted in support. Mr. Fraser will put up arguments against such a proposal. He has said he is against 10 per cent., so I do not know what he thinks of 20 per cent.

Hon. G. Fraser: It might in some cases be 20 per cent. Let it be adjudicated upon.

The MINISTER FOR AGRICULTURE: The hon. member would agree to 20 per cent., subject to adjustment in certain circumstances.

Hon. G. Fraser: I would not agree to that. Let a fair rents court decide it.

The MINISTER FOR AGRICULTURE: That can be argued in Committee. It would be a better proposition, according to Mr. Fraser, to agree to 20 per cent. subject to adjustment.

Hon. L. Craig: It would suit me.

The MINISTER FOR AGRICULTURE: Members can thrash that out next week. The Government gave long and earnest consideration to the measure. There was a lot of criticism in another place about the delay in bringing down the Bill, but the Government gave it a lot of consideration; it was not hastily drawn. It would not matter if the Government gave consideration to it for six months, because there would still be some members, and rightly so, who would continue to oppose various parts of it. Sir Charles Latham does not like us to mention other States.

He says that because another State does something we need not necessarily do it here.

Hon. Sir Charles Latham: You have seen the light now.

The MINISTER FOR AGRICULTURE: The Parliament of South Australia set up a committee of inquiry to report upon landlord and tenant relationships as related to the Act and the position in that State. The committee comprised four members, the chairman being Mr. W. C. Gillespie, a magistrate in Adelaide, and its report was furnished in September this year. Before submitting the report, the chairman visited this State, and inquiries were made into the legislation of all other States. I hope the hon. member does not object to someone coming from another State to inquire into our legislation and profit from what we have done.

Hon. H. Hearn: Did he profit?

The MINISTER FOR AGRICULTURE: Yes. There are many things that we do from which other States could profit.

Hon. Sir Charles Latham: I think we have some of the best industrial legislation in Australia.

The MINISTER FOR AGRICULTURE: Yes, and the same applies to the setup of our Milk Board and other organisations. I shall quote some extracts from the report of this South Australian committee—

Every one shilling increase in the general standard of rents of four- and five-roomed dwellings will automatically be followed by an increase in the basic wage of almost precisely the same amount. If sale prices of existing dwelling houses increase still further, as well they might—

Hon. L. Craig: They are on their way back.

The MINISTER FOR AGRICULTURE: I have not seen much evidence of it in the advertisements.

Hon. H. Hearn: You will notice it in another six months.

The MINISTER FOR AGRICULTURE: I agree that the top has been reached, but a member of my family recently tried to get a house built, and there was little reduction in the cost of building.

Hon. L. Craig: It does not apply to building costs, but to purchase of houses.

The MINISTER FOR AGRICULTURE: I think the hon. member will agree that there is room for it. I am sorry if he bought his house too soon. The report continues—

—so it could be argued that capital values have increased and rents would be dragged upwards to correspond with the enhanced selling prices and the process would be repeated with every upward movement of prices. To tie rents to so-called present capital values would for these reasons be unsafe.

These are not necessarily my opinions. I am quoting from the report—

Although we reject capital values as a basis for fixing rent, that does not mean that reasonable relief cannot be given to landlords. It would be unfair to think that rents must not be raised at all because by doing so further fuel would be fed to the inflationary blaze. That attitude would mean sacrificing owners of rented houses for the benefit of the community and while the committee is keenly aware and apprehensive of the harmful effects of inflation it cannot overlook that landlords are the victims of it no less than other sections of the community. To deny to them reasonable, if conservative, recognition in tangible form that money is worth much less than it was when the net income from their houses was first limited by statute would be unreasonable and would impose upon them a disproportionate share of the obligations that attach or should attach to citizens generally. The remedy for inflation is not to be found by selecting a limited section of the people and requiring it to assume its own legitimate burdens as well as those of others.

I agree with that entirely—

We have investigated many possible methods of fairly increasing the standard of rents most of which, for one reason or another, we have wholly or partly rejected. Much of our time has been occupied in gathering information relating to and discussing such methods and while we do not propose to lengthen this report by discussing them we believe that the time was not occupied profitlessly.

It will be observed that the committee rejects any move towards tying rentals to capital values as suggested by Mr. Baxter.

Hon. J. Murray: It is a pity the Minister for Housing has not read this.

The MINISTER FOR AGRICULTURE: I would say he has read all these reports. In the report the committee recommended an increase of 22½ per cent. on 1939 rentals. Here is a relevant extract from the report:—

It may be thought by some that the retention of the 1939 rental level as the foundation upon which we recommend that the 22½ per cent. increase be based, and of the 1939 cost of maintenance and repairs as the basis for determining increases to be granted in respect of maintenance and repairs, will be unsatisfactory because those levels are, with effluxion of time, receding into the past and that difficulty will be experienced in establishing that level and cost. We have not ignored that aspect of the matter but believe that in view of the fact that those factors have, through-

out the existence of control in this State, constituted the basis of rent fixation, it is safer to continue to utilise a standard with which the rent fixing tribunal is familiar than to require it to embark upon the speculative and far more difficult task of assessing present-day values and using them as a foundation. The existing basis has its imperfections but we are aware of their identity. A system grounded on today's capital values would, in our opinion, be more imperfect, even if it were practicable to arrive at them.

It will thus be observed that the result of this inquiry brought forth a recommendation for a rental increase of 22½ per cent., more than has been allowed on in a Bill introduced in the South Australian Parliament. Furthermore, such increase was based similarly to our own proposal and not on capital values as desired by Mr. Baxter. Whereas in South Australia there is a 22½ per cent. on 1939 levels, plus rates, etc.—this being the first percentage increase since then—in Western Australia we provided relief 12 months ago by adding 20 per cent. to dwelling houses and 30 per cent. to business premises. By the Bill we go a step further by proposing a further 10 per cent., plus increased outgoings, which represents 9½ per cent., more than has been allowed on dwelling houses in South Australia. This should make Mr. Craig think a little.

Hon. L. Craig: This is their first effort, and they will have another before you can say, "Jack Robinson."

The MINISTER FOR AGRICULTURE: The hon. member may have more information on the subject than I have, but I think the Government is trying to be fair to the landlord.

Hon. H. Hearn: It is a very belated effort.

The MINISTER FOR AGRICULTURE: We can do this only once each session. According to Mr. Craig, as values are coming down, we will have a reduction next session.

Hon. E. H. Gray: Could not you copy the South Australian legislation which requires a buyer to have been in the State for five years?

The MINISTER FOR AGRICULTURE: I do not know. In South Australia they have the committee which made an Australia-wide survey, and surely that speaks for itself—this survey being finalised only two months ago. Western Australian rates as against South Australian rates are: South Australian 22½ per cent. on 1939 levels; Western Australia 32 per cent. on houses and 43 per cent. on business houses. I think we have done pretty well.

The time has arrived, according to Mr. Parker's view, when we should revert to the law that prevailed in 1939. In other words, common law provisions should ap-

ply. Mr. Roche supports him in that view and says that he can see no reason why the proposal should not be put into effect at the earliest possible moment. Later on in his remarks, Mr. Parker stated that he entirely agreed that under existing conditions we must have rent control and that it would be quite unfair to remove such control, which, of course, is illogical reasoning having regard to his statement that eviction protection should cease.

The recovery of possession provisions in the Bill are a necessary complement of that part of the Bill dealing with rent control. They are there because without them efficient control of rents would be impracticable. Members might well ask why this should be so. The answer is in the unfortunate reactions of some owners towards tenants who would not be prepared to comply with unlawful demands for higher rents. If the owner's rights to recover possession were not restricted or limited in the Bill, one tenant would be ejected in favour of another who was prepared to meet the unlawful demands of the owner. That is quite logical.

Hon. H. S. W. Parker: The owner would be prosecuted.

The MINISTER FOR AGRICULTURE: It is not always easy to catch up with the owners. It is quite impracticable to argue, as Mr. Roche has, that the law will protect the tenant. We are not worrying about the owner who is law-abiding, but the owner who is not. These complementary provisions should remain while the housing shortage continues and the extent of that shortage should measure the degree of control required and be one of the main obstacles to its removal.

I think all members of the Government agree that they are not in favour of control. Why should they be? But while there is a shortage, these controls should remain in force and be eliminated as quickly as possible. Whilst it is agreed that all restrictions in respect of landlord and tenant relationships should cease to exist—excluding common law provisions—at the earliest possible moment, it should be obvious that the time is not yet opportune to put such proposals into effect. By the Bill, therefore, we are providing a reasonable compromise in easing the recovery of possession restrictions to such an extent that it would be unwise to go any further.

If I may be permitted to quote South Australia again, where, as I have already stated, there has been a full inquiry into these matters, I would point out that an owner of a dwelling-house must have owned it for 12 months or more before he has the right to give notice to quit and apply to the court for an order for possession on the ground that he reasonably needs the dwelling-house for his own occupation.

Hon. G. Fraser: That is a bit better than ours.

Hon. L. A. Logan: No.

The MINISTER FOR AGRICULTURE: The hon. member ought to be satisfied with this.

Hon. G. Fraser: With that, but not with this.

The MINISTER FOR AGRICULTURE: The hon. member can amend this Bill if he has the House on his side.

Hon. G. Fraser: I like the proviso!

The MINISTER FOR AGRICULTURE: On the other hand, if he requires absolute right of possession of his premises without any qualification whatever, he must have owned such premises for five years before he can give 12 months' notice to quit.

Hon. E. H. Gray: Why not copy that?

Hon. H. Hearn: Why not make it 10 years?

The MINISTER FOR AGRICULTURE: Obviously, therefore, the provisions in this Bill provide more liberal treatment for owners than that applying in South Australia.

Hon. E. H. Gray: For landlords.

The MINISTER FOR AGRICULTURE: That ought to satisfy the Liberal Party. However, as I said before, I intend to ask the House to agree to the Committee stage of this Bill being postponed till Tuesday. I commend the Bill to the House.

Question put and passed.

Bill read a second time.

BILL—ROYAL VISIT, 1952, SPECIAL HOLIDAY.

Recommittal.

On motion by the Minister for Agriculture, Bill recommitted for the further consideration of Clause 8.

In Committee.

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

Clause 8—Effect of special holiday on other Acts, etc.:

Hon. H. HEARN: I do not intend going over the ground I covered on the third reading, but it is vital that this Bill should be amended if we are to give effect to the Government's desires. I move an amendment—

That in line 1 the word "Where" be struck out.

Amendment put and passed.

Hon. H. HEARN: I move an amendment—

That in line 1 before the word "any" where it appears first, the figure "(1)" be inserted.

The MINISTER FOR AGRICULTURE: I might mention to members that this matter has been examined by the Department of Labour and it has no objection to the amendment.

Amendment put and passed.

Hon. H. HEARN: I move an amendment—

That all words after the figures "1912-1950" in line 4 be struck out and the following words inserted in lieu:—

"whether or not such Act, regulation, award, or industrial agreement provides for certain specified days or for a certain number of days to be observed or treated as public holidays, or empowers the Governor by Proclamation or otherwise to proclaim, appoint or declare any day as a public holiday, shall be deemed to me amended so as to provide that the special holiday shall be observed or treated as a public holiday without deduction of pay.

(2) Any person required by his employer to work on the special holiday shall—

(a) be compensated for such work in accordance with the provisions of such Act, regulation, award, or industrial agreement for work on public holidays; or

(b) in the absence of any such provision, be paid for such work at the rate of double time, or, at the option of the employer, have one day added to his annual leave, or if he works for part only of the special holiday, shall have an equivalent number of hours added to his annual leave."

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

Bill again reported with amendments.

BILL—TRAFFIC ACT AMENDMENT.

Second Reading.

Debate resumed from the previous day.

HON. J. M. A. CUNNINGHAM (South-East) [9.25]: I intend to support the Bill. However, it is my belief that the penalties provided in the measure are not sufficiently stringent. Now that the Government has decided to take action in this matter, I consider it should have gone much further than it has done in this Bill. The figures relating to traffic offences, which have been made available to members, are rather surprising, and it is a pity that we could not have perused them earlier. They are most enlightening and

we find that over 10,000 traffic offences were recorded for the metropolitan area alone last year. Of course, they were not all cases of drunken driving or caused because the drivers had consumed alcohol.

It seems stupid to me that a man, found guilty of drunken driving, should have his license suspended for three months, if it is a first offence, and yet still have his car available for his use. The second and third offences incur progressively heavier penalties, but I have heard it said before that we should not give these people a second chance. I whole-heartedly agree with that contention; but according to this measure, it is the intention of the Government to give them a second and third chance. To my mind a better way to deal with these cases is that if a man is convicted and his license suspended for three months, we should take away his ability to offend against our traffic laws during that period of cancellation.

Hon. A. L. Loton: Take his thirst away.

Hon. J. M. A. CUNNINGHAM: That would be rather difficult. To cancel a man's license for three months means that we are taking away his right to drive, but we still leave him in possession of his vehicle. If he likes to take the risk, he can immediately take the car out and drive it around. He can get a friend to drive the car out of the metropolitan area and then he can take over control himself. Of course, he could take the risk and not even go to those limits to obtain his desires. I suggest that if a man has his license to drive cancelled for three months, the license plates of his vehicles should be impounded for that period.

Hon. N. E. Baxter: Why not put him on the dog Act?

Hon. J. M. A. CUNNINGHAM: That would not prevent him from driving if he wished to do so. There is nothing to prevent him from driving, other than his own moral sense of guilt. He can still climb into the vehicle and take the risk by driving it without having his license in force. He could do it for the full three months and probably no one would know anything about it.

Hon. J. A. Dimmitt: But suppose he and his wife shared the vehicle. It would be rather rough on his wife.

Hon. J. M. A. CUNNINGHAM: No. We could make provision for such an arrangement. A man may be a driver for some of the prominent business people in Perth—say he drives a vehicle belonging to Foy's, Boans or some firm like that. Such a position could easily be overcome provided the firm made an application to the court to be permitted to take the vehicle away on the understanding that the employee who had offended would not be allowed to drive it whilst he was still under suspension.

Hon. J. McI. Thomson: That would be rather hard to police, would it not?

Hon. J. M. A. CUNNINGHAM: I do not think so. I do not think that a firm, such as Foy's, who had an employee convicted, necessitating the cancellation of his license, would be so foolish as to allow him to drive the vehicle while his license was still subject to the cancellation, particularly if the court had ruled along those lines.

Hon. A. R. Jones: The court could rule to impound the vehicle.

Hon. J. M. A. CUNNINGHAM: Yes, but it would then be necessary to provide large premises in order that the impounded vehicles could be accommodated. However, it could rule that the license plates of the vehicle belonging to the firm be taken off the vehicle and held by the proper authority. Anyone who tried to apply to have the license renewed would then have to give an explanation in the application.

If the car were sold that would immediately prevent the convicted man from driving it and cancel out the restriction on the vehicle. I believe that the growing death roll in Australia today, because of accidents is horrifying. The number of people whose deaths occurred in Australia last year as a result of road accidents would have been sufficient to populate a town the size of Boulder. That is a frightening thing. The death roll in this State was not excessive compared with that figure, although it was bad enough as the number of deaths totalled 95.

The Minister for Agriculture: How many people live in Boulder?

Hon. J. M. A. CUNNINGHAM: Just under 6,000.

The Minister for Agriculture: That is interesting.

Hon. J. M. A. CUNNINGHAM: It is more than interesting; it is frightening! The monetary penalty provided by the Bill is not sufficient. We do not attempt to get tough on an offender until he has committed his third offence; his third shot at attempting to kill some other innocent driver or bystander. In America less than 18 months ago one State decided, in an endeavour to lessen the number of road accidents, to impose a more severe penalty on traffic offenders than that which was operating. For the mere offence of speeding, the penalty for which was 50 dollars, the fine was increased to 200 dollars. From that day on the number of speeding offences dropped amazingly, with the result that at least six other neighbouring States decided to try the experiment by imposing similar laws. There is no doubt that it would constitute a great deterrent because as soon as a driver commenced to speed, the figure of 200 dollars, or whatever fine we may impose, would jazz in front of his eyes.

Some people may be inclined to say that it would not act as a deterrent because if he were travelling to some weekend spot and wanted his drink, he would still continue to indulge. In that case let us impose a penalty that will constitute a real deterrent to impress upon the minds of such people the serious nature of the crime they are committing. A car provides a wonderful source of pleasure to a family and constitutes a great asset to a business, but at the same time, in irresponsible hands, it becomes a terrible lethal weapon.

Only recently, on the Goldfields, a little girl was smashed to pieces as a result of an accident, and the man responsible offered the excuse in court that he had had a few drinks. He offered that as an excuse! Instead of asking that he be charged with the offence of drunkenness, he excused himself on the main charge by saying that he was drunk. If there had been a severer penalty provided in our legislation, I feel certain that he would have had that in mind and, as a result, the accident might never have taken place. I would, therefore, like to see the penalties increased, but I will hear other members' views on the measure and hope that they will give consideration to agreeing to my proposals. I support the second reading.

Hon. A. R. JONES: I move—

That the debate be adjourned.

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

Ayes	11
Noes	11
A tie	0

Ayes.

Hon. N. E. Baxter	Hon. A. R. Jones
Hon. G. Bennetts	Hon. Sir Chas. Latham
Hon. E. M. Davies	Hon. L. A. Logan
Hon. J. A. Dimmitt	Hon. H. C. Strickland
Hon. G. Fraser	Hon. E. H. Gray
Hon. W. R. Hall	(Teller.)

Noes.

Hon. L. Craig	Hon. H. L. Roche
Hon. Sir Frank Gibson	Hon. J. McI. Thomson
Hon. C. H. Henning	Hon. H. K. Watson
Hon. J. G. Hislop	Hon. G. B. Wood
Hon. A. L. Loton	Hon. J. Cunningham
Hon. H. S. W. Parker	(Teller.)

The PRESIDENT: The voting being equal, I give my casting vote with the noes.

Motion thus negated.

HON. A. R. JONES (Midland) [9.41]: I support the second reading of the Bill. I asked for an adjournment because I was hoping to obtain some figures from the Police Department in order that I might be able to give some information to the House. However, they are not available to me at present, and I shall have to do the best I can in the circumstances. As there is one clause of the Bill which disturbs me I trust the Minister will give some consideration to my remarks when he replies to the debate.

One provision stipulates that if a man deemed to be under the influence of liquor is caught by the police preparing to drive a motor car, he will be charged and fined. It seems to me that there is not sufficient protection for a man such as Mr. Logan mentioned last night, who enters his car and, although deemed to be preparing to drive the car, has no intention of doing so. That is one feature of the Bill that disturbs me.

I know of several charges levelled against persons who were drunk on the evidence of only one witness, who was the police sergeant. I believe that such evidence is not sufficient in most cases because a person may not necessarily be drunk. A police sergeant, who may have a grudge against him or who may be spiteful, in the circumstances could claim that he was drunk and charge him accordingly, and the evidence might be sufficiently condemnatory to have him convicted. Before the Bill goes into Committee, I hope to be able to draft an amendment to overcome such a position.

To make my position clear, I am not trying in the least to protect the person who is proved to be drunk because I believe, with other members who have spoken, that such a man should not be given a third chance or even a second one. Every person who is in a drunken state and who gets behind the wheel of a car is potential killer, and we should never allow such a person to run amuck a second time. There is something in Mr. Cunningham's suggestion of impounding a vehicle, after the commission of an offence of drunken driving, to act as a deterrent. If it were a vehicle belonging to a firm, I am sure that some proviso could be incorporated in the Bill so that the firm itself might not be penalised.

The policing of the penalties at present imposed seems to me to be entirely inadequate. Last year I know of a man who was fined £30 and his license suspended for three months, but he still used the vehicle on every day of that three months, and when I saw him during that period he was obviously under the influence of liquor again.

Hon. N. E. Baxter: He should have been put under the dog Act for it.

Hon. A. R. Jones: There is much to be said for people guilty of this type of offence being put on the prohibited list. It would be a good thing if that were provided for as a deterrent so that if a person were convicted of drunken driving he would be automatically put on the prohibited list for the duration of the cancellation of his license.

I hope to frame an amendment that will deal with the position of a man who is arrested by a policeman on this serious charge, with a view to some protection being given him. He should have the right to call in a doctor and if no medical man

were available, I think the constable should take the individual concerned before a magistrate or a justice of the peace so that he would at least have a fair chance of a proper deal. Instances have been known of persons falling foul of limbs or the law and being made scapegoats. I support the second reading.

HON. W. R. HALL (North-East) [9.47]: There are one or two points regarding which I cannot agree with the views expressed by some members. In my view, the penalty provisions do not go far enough with regard to drunken driving. I would not be prepared to give an offender three chances. I would allow him only two. If an individual was not prepared to take warning from the first prosecution, should he commit a second offence that should be the end of him for all time with respect to his license. I would certainly not be prepared to give him a third chance.

As to the impounding of vehicles, which has been suggested, I think to adopt that course with regard to a vehicle that might be worth £1,000 or more would be wrong. After all, the vehicle has nothing to do with it. The offence is committed by the person in control. Even though the car or truck, in the hands of an irresponsible driver, is a potential killer, if the vehicle were to be impounded as part of the penalty, it would be extremely severe.

The Minister for Agriculture: And you might find a policeman driving the vehicle about.

Hon. W. R. Hall: Yes, although many policemen own their own cars. The accidents due to negligent driving are appalling, and if a man is drunk while in charge of a car, inevitably accidents will happen. Today more cars than ever are on the roads, and so we must expect more accidents. One has to keep one's wits all the time in the metropolitan area, and that is quite right. One has to look out for the other fellow or else there will be strife.

Only too often when a car is parked, the owner returns to find it damaged through the negligent driving of someone; but he can never find out who is responsible. Fortunately, insurance cover will meet the expense of repairing the damage. I cannot believe that any big firm of standing would allow a man to drive a truck or delivery van if he had been convicted of drunken driving. To do so would be very foolish, and would not be in consonance with the proper standards of employment.

If it is right, in the opinion of some members, to impound a vehicle belonging to an ordinary individual who has fallen foul of the law because of drunken driving, that penalty should also apply to professional men. At any rate, I do not

agree with the proposal to impound a motor vehicle for I am convinced there are other means of inflicting adequate penalties. If a man loses his license, he can sit in the car alongside someone else. If the law were made severe enough, there would be less drunken driving. Whether or not a man is under the influence of drink can be decided only by a doctor, and the police test of walking a chalk line or picking up pins is a doubtful procedure because such a test would be difficult enough for a perfectly sober man. I shall support the Bill, but I hope it will be amended in several directions.

HON. G. BENNETTS (South-East) [9.53]: I support the second reading of the Bill. I would not be in favour of impounding a vehicle in the event of the owner being convicted of drunken driving. If the man's wife desired to use the car, the matter could be left to the discretion of the court. If there were some doubt as to whether she would use the car or allow her husband to do so, it would be better if the number plates were taken away. I have seen some dreadful cases of people driving under the influence of liquor. Some time ago my wife and I saw a young man come out of a hotel and get on his motor-bike. He was very much under the influence of liquor, and how he managed to drive the motor-bicycle I do not know.

On the Goldfields different traffic laws apply compared with those prevailing in the metropolitan area. We have traffic inspectors who are expected to work 24 hours at a stretch. They have certain time off, and while they are away offences may possibly occur. If a policeman sees a man leaving a hotel and notices that he is obviously under the influence of liquor, he has power to arrest him.

Hon. W. R. Hall: That is why there should be police control of traffic throughout the State.

Hon. G. BENNETTS: That is not the position in my province. If a man is charged once with drunken driving, it should be a warning to him. For a second offence I would take his license from him permanently. I have known of people getting into trouble in this respect and their first offence has provided the cure. In these days with high-powered cars and quick pick-ups, in the hands of anyone under the influence of drink the vehicles are likely to do a lot of damage.

On the other hand, trouble does not always arise through drunken driving. Yesterday, together with two other passengers, I got off a tram and we naturally expected an approaching motor truck to stop. We walked ahead, and it was only luck that prevented us from being cleaned up. In that case the truck was driven past a stationary tram. There are many bad drivers who do not give the proper signals, and they are liable to cause acci-

dents as well. The penalty clauses included in the Bill are certainly not drastic enough. If one is travelling long distances outside the metropolitan area, one frequently is endangered by negligent driving.

Hon. W. R. Hall: You will admit that some pedestrians should have tail-lights on them.

Hon. G. BENNETTS: And bicycles are troublesome, too. Many of them have no tail-lights and, of course, if a motorist hits them he is at fault every time. I heard of an instance that happened a few months ago. It concerned a man driving back from the races. The man was caught for drunken driving but, by employing an expert lawyer, he was able to get out of it, although he was definitely under the influence of drink. I will support the Bill and hope something will be done to provide that if a person breaks the law on a second occasion he will be imprisoned. Fines affect the ordinary working man or the person of small means. People who go to big cocktail parties would not be worried by a fine; but if they were given a term of imprisonment, that might lower their dignity and there would be no more cocktails for them!

HON. J. G. HISLOP (Metropolitan) [10.1]: Naturally, this Bill is of considerable interest to every member. It contains some very important amendments. It has become obvious that this is an age of transport, and the lives of people are ordered entirely according to the transport available. One of the proposed alterations to this Act is meant, I presume, to cover those groups of people who do not get about in normal vehicles and for whom vehicles have been specially built and adapted so that they may travel on the roads. This method of transport has altered entirely the lives of some people who were previously confined to their homes, and it is well that an amendment of this sort has been brought forward to legalise and control such transport.

Another clause makes me think for a moment on the question of granting licenses to visitors to our State. When one goes to the Eastern States from here—I would refer particularly to Adelaide—if one cannot produce one's license, and even then I believe it is necessary, one has to submit to questioning as to whether one is aware of the traffic laws of the State. There is nothing in the Bill making it mandatory that the individual when given a license shall know our traffic laws. I think it is essential, when we have one-way traffic in our city, that something of that kind should be required.

Just this year, Mr. Jones and I were in Adelaide, and we both had to sit for a certain examination before we could obtain a license, and had to make it clear that we knew the traffic laws of that State. The laws there are different from

ours and the rules of the road somewhat difficult in the city, so it was just as well we knew what they were. Even then we made a mistake which, fortunately, was not serious. It is essential that visitors to our State should give some undertaking that they know the traffic laws.

The other most important alteration which is proposed to the Act concerns increased penalties on drunken drivers. From a purely psychological viewpoint, I have been most interested all through this session to see increased penalties used as a means of combatting evils, and I have consistently voted against them. On this occasion I intend to vote for the penalties, because I can see no other possibility within this Bill. But let us think for a moment on this matter. I wonder whether these increased penalties will do what is required, and that is to reduce the number of accidents occurring in our cities and to lessen the number of cases of drunken driving.

I was most impressed recently when I listened to the Director of Road Transport of the Commonwealth who stated that the control of road accidents in Australia was not a matter of laws but of the spiritual outlook of the people. I believe that is essentially true, and that increasing penalties will not produce the desired results. We shall have to alter the whole outlook of our people towards these social errors. We must realise that we live in a different type of community from certain others where alcohol is consumed in something like the same proportion. In Malaya, for instance, no European would think of going to a party at which he would partake of alcohol, and then drive himself home. He would have a driver to drive for him. He would admit that it would not be wise for him to drive home, and that is why he would take his driver.

Such a method of living is not possible within this community. Therefore, if we are going to do anything with what we might call the social driver, we must alter social habits and make it clear to all concerned that a national outlook has arisen in regard to the consumption of alcohol whilst in control of a vehicle. I have seen men whom I know very well and some of whom have been my personal friends. They have left a cocktail party to drive home, and I have wondered how it was possible for them to drive their cars. Such behaviour is condoned by the general attitude of the people. It is regarded as an everyday happening. Until we get a different public attitude towards this sort of thing, and until the public attitude goes to the point of making it clear that this sort of thing is not appreciated or laughed at, we will make no progress in controlling the drunken driver.

I believe that the man who has had more alcohol than is good for him is much more of a menace than the man who has

had so much alcohol that he is incapable. The method of driving of the latter is easily seen on the road; but in the case of the former his judgment, when called upon to meet an emergency, is impaired, and it is when he is in that condition that accidents are likely to occur. A survey made recently in the United States on a very small intake of beer that had an alcoholic content of under 3.5 per cent. showed that after consumption of a small amount of two or three schooners the judgment of drivers was sadly impaired; and there is no question that beyond a very small consumption of alcohol there is a diminution in response to emergencies.

If we are going to do anything about this, we shall have to appeal to the people generally and make it a national outlook that the handling of a vehicle by a person who has imbibed more than a sufficient amount of alcohol is a sin against the people. Until that attitude is adopted, all the penalties in the world are not going to alter the situation, but will simply impose higher penalties on persons who are living the ordinarily accepted social ways of life in our community. My suspicion of the drunken driver is that in the main he is an habitual drunkard, and an habitual drunkard is not going to be cured by fining him or sending him to gaol for three months.

I suggest that it should be possible for a court, if it has any evidence to make the magistrate consider that the drunken driver is an habitual drunkard, to send him to the district medical officer for investigation. Then that man should not be allowed his license back until he could produce a certificate from the district medical officer that he had been satisfied that the man had given up the habits of an habitual drunkard. It is only in that way that we shall eventually control drunken driving.

There is a case of which I am aware where an individual I know has been an habitual drunkard—the sort of person who is quite likely to over-indulge in alcohol from time to time to considerable excess but would possibly be normal in between—who has been charged with drunken driving, and whose license has been taken away for a few weeks. But no penalty was attached to the return of the license, and that individual is just going to go on and will return to the road in a drunken state once more. I do not believe that the approach to this problem by way of penalties is going to produce the answer. We must get down to the basic principles of why people drink and why they are drunk in charge of motorcars.

If we were to give further support to the organisation known as Alcoholics Anonymous and refer drunken drivers to that organisation, we might make considerable progress; but we are not going to do it

simply by increasing penalties or hoping that, by imposing additional monetary fines or sending people to gaol, when they are mentally and physically ill, we shall stop drunken driving. We will not produce the answer that way, because the habitual drunkard is a sick man, a very sick man. He is in urgent need of treatment; and if a case of drunken driving is brought before a magistrate and the magistrate thinks that man is an habitual drunkard, he should send him to the district medical officer who should have power to order treatment for him. If we as a people could impress upon that individual that his cure possibly lies in appealing to Alcoholics Anonymous to take charge of him, we might take another step towards controlling drunken driving.

I think that last year or the year before I gave this House details of methods that could be used to diagnose drunkenness through blood tests, and suggested—it must be in “Hansard”—clauses by which the individual should be given the right of appeal so that he could have a blood test taken if he were charged with being drunk and felt that he was not so. Yet apparently that has been completely ignored, though I said at the time that those suggestions were given to the House because they were the studied views of the district medical officer.

Hon. G. Bennetts: Would it be possible to do that in the outback?

Hon. J. G. HISLOP: Not everywhere; but it would be possible in places where so much of this drunken driving is occurring; in places where there are hospitals, such as the metropolitan area and Kalgoorlie, and in places where regional hospitals are built. When we say a man is drunk, we may be doing him an injustice. We should not allow such an injustice to continue. There is nothing in the Bill giving a man the right to ask for a blood test in order to prove he is not drunk. I protest once more against penalties being inflicted as a means of curing a social evil or a human illness. Such action will not achieve our objective, and I hope I can impress the Minister that this is not the right method of approach.

Drunken driving can be dealt with only by tackling it as a social evil, in which we are dealing with a sick man. I would be willing to give all the assistance possible to whoever drew up a measure to deal with the problem realistically, and I am sure the district medical officer would be happy to do likewise. I am sorry that apparently all we can think of is an increase of penalty, because we have no other approach to the problem. Such an attitude appals me.

HON. SIR CHARLES LATHAM (Central) [10.16]: I am glad the Bill seeks to reduce the incidence of road accidents, but

I agree with Dr. Hislop that we are tackling the problem in the wrong way. Where a man is an habitual drunkard I feel that, unless we take from him the right to handle a motor vehicle, he will remain a danger on the roads, but we might do something by increasing the number of traffic patrols.

The Minister for Agriculture: There are many of them now.

Hon. Sir CHARLES LATHAM: I believe that 75 per cent. of our road accidents are caused by speeding. Members read in the Press a couple of days ago where a motorist knocked over a gum tree in King's Park. I saw that vehicle and I am convinced that nothing but speed caused the accident. There are on our roads many people who seem to think they are clever. A large number of our motorists are courteous, but there are those who try to show off and I think we should formulate some method of dealing with them.

Recently I waited on a cross street off Stirling Highway for a considerable time in order to get a clear road. Members know that motorists do not restrict their speed to 30 miles an hour on that highway. There was a clear way on the far side of the road and traffic on my right-hand side was reasonably clear eventually. There was one car on my right a considerable distance away and I thought I had plenty of time to cross the highway safely, but as soon as that motorist saw me come out on to the highway he speeded up and tooted his horn as though he were the only one with any right on the road.

If we had sufficient speed patrols it should be their duty to check that sort of thing and see to it that motorists extended a reasonable degree of courtesy to each other. There is also the motorist who edges up on the wrong side of one and then, if he gets into difficulty, abuses one for the trouble into which he has got himself. I realise that because one is on the right, one has not the complete right of the road and should do everything possible to avoid accidents. One of our magistrates recently fined a man who, being on the right, apparently made no attempt to avoid an accident, though I do not think anyone possessed of commonsense would deliberately become involved in an accident.

The number of road casualties is dreadful when one compares it with the number of casualties among those who are away fighting for the country, and the tragedy is that most accidents could be avoided. Clause 6 seeks to give the Commissioner the right to refuse a license to a person who is not of good character or of the prescribed age. What does “good character” mean there? This seems a wide power to give the Commissioner who would, of course, delegate to his officers

the right to refuse a license to a person whom they thought was not of good character.

The Minister for Agriculture: What is wrong with that?

Hon. Sir CHARLES LATHAM: What has character to do with driving a motor vehicle?

The Minister for Agriculture: It has a lot to do with it.

Hon. Sir CHARLES LATHAM: A man who had committed a petty theft would be considered to be of bad character.

The Minister for Agriculture: No.

Hon. Sir CHARLES LATHAM: Of course he would.

The Minister for Agriculture: Would you say a man was of bad character because he had committed one petty theft?

Hon. J. M. A. Cunningham: In most countries an habitual criminal cannot hold a driver's license.

Hon. Sir CHARLES LATHAM: A man need not have committed an indictable offence to be a bad character, and I do not think the Commissioner should be given this power. Apparently he has merely to be of opinion that a man is of bad character, and that seems a loose way of drafting legislation.

Hon. W. R. Hall: It applies with regard to conductors' licenses.

Hon. Sir CHARLES LATHAM: That is different because anyone might leave valuable property in a public conveyance. I suppose the Commissioner even today could make a youth bring proof of his age before being issued with a license.

Hon. L. Craig: Do you not think the Commissioner should be given any discretion in regard to character?

Hon. Sir CHARLES LATHAM: Do you think a license should be refused just on the opinion of a police officer?

Hon. L. Craig: Who is the Commissioner?

Hon. J. A. Dimmitt: Mr. Andersen.

Hon. Sir CHARLES LATHAM: The officer on the counter would say yes or no with regard to the license, and in defence could say that, in his opinion, a man was of bad character.

Hon. J. M. A. Cunningham: The opinion would have to be based on fact.

Hon. Sir CHARLES LATHAM: Not under this provision! It is the loosest provision I have seen framed, and I do not know how it got past another place. Members there evidently did not read it carefully.

The Minister for Agriculture: That is a reflection on members in another place.

Hon. Sir CHARLES LATHAM: I hope the Minister, when replying, will explain the words "extraordinary license" in Clause 7.

The Minister for Agriculture: I have already told you that.

Hon. Sir CHARLES LATHAM: What is it?

The Minister for Agriculture: I will tell you when I reply.

Hon. Sir CHARLES LATHAM: I do not mind if the Minister tells me now.

The Minister for Agriculture: No, but the President might mind if I interrupted your speech.

Hon. Sir CHARLES LATHAM: How innocent the Minister is becoming! Is the extraordinary license intended to be given to a person under age?

Hon. H. S. W. Parker: Is there an age limit?

Hon. Sir CHARLES LATHAM: Yes.

The Minister for Agriculture: This provision applies only on stations.

Hon. Sir CHARLES LATHAM: The age limit is 18 years.

Hon. H. S. W. Parker: From where did you get that?

Hon. Sir CHARLES LATHAM: It is in the Traffic Act.

Hon. H. S. W. Parker: There was no age limit when I was Minister for Police.

Hon. Sir CHARLES LATHAM: Does this provision mean that a person under age could get a license?

The Minister for Agriculture: In special circumstances.

Hon. L. Craig: It is stated that the Commissioner can use his discretion.

Hon. W. R. Hall: A lad of 17 years who works in a garage can get a license.

Hon. Sir CHARLES LATHAM: I can understand the penalty in Clause 8 for drunken driving, but we are asked to impose a heavy penalty on the man who may have neglected to renew his driving license. The legislation should be more explicit so that people would know what they were up against. I agree that there should be severe penalties on drunken drivers and road hogs, but not for the man who has simply neglected to renew his license. The position is more difficult now than it was when all vehicles were licensed on or about the 1st July. With the staggered periods for renewal of licenses for vehicles, a man might easily forget to renew his driving license when it became due. I think in this case a minor fine would be quite sufficient to meet the circumstances.

Hon. J. M. A. Cunningham: I agree with you there.

Hon. Sir CHARLES LATHAM: But in this case, reading the clause of the Bill, it appears to me that it does not matter what

it is, if he is found on the road without a license he will be liable to these very heavy penalties, even to the extent of a fine of £100. I hope to take the opportunity at the Committee stage of giving some consideration to amending these penalty provisions.

The Minister for Agriculture: Why should you not have the opportunity?

Hon. Sir CHARLES LATHAM: We will not if we are going through with this Bill tonight.

The Minister for Agriculture: We are not.

Hon. Sir CHARLES LATHAM: I thought the Minister wanted to go right through with it. I would also like to take up the matter about the opinion of the Commissioner concerning a person who has a bad character, because that can refer to a person who has committed some petty offence. It seems to give the Commissioner far too much power. I do not propose to oppose the Bill, but I do think that Dr. Hislop's advice is good and that the authorities would be well advised to consider it. I agree that when a man becomes drunk time and time again, he probably is suffering from a mental deficiency of some sort and requires treatment for it.

HON. H. C. STRICKLAND (North) [10.31]: I want to say only a few words on this Bill and that is concerning omnibuses in the metropolitan area. They travel very fast indeed.

Hon. Sir Charles Latham: So do the taxi drivers, but they are never pulled up.

Hon. H. C. STRICKLAND: I think these drivers of omnibuses have come to regard the road as their sole property. It is not the omnibus drivers alone, but the trolley-buses too. They should be made to comply with the traffic laws, the same as any private driver. I often wonder why something has not been done about the exhausts of some of the motor buses. If one is unfortunate enough to be in a stream of traffic behind one of the diesel or kerosene buses, one is almost asphyxiated. I feel sure one would not pass a sobriety test after having driven behind them for any length of time.

Why they do not install a chimney and permit the fumes to go up instead of allowing them to come out at the side where the traffic is, I do not know. They always seem to have their exhausts on the side on which the traffic is. I have always thought that something could be done about those buses, although I do not know whether it would be mechanically possible.

Hon. Sir Charles Latham: They are not consuming their fuel, otherwise the exhausts would not be operating so much.

Hon. H. C. STRICKLAND: I do not know what the cause is, but I do know that if one is unlucky enough to be be-

hind one of these buses, particularly when they are starting up, it is enough to blind one. It is very annoying and, I should imagine, would be damaging to the health of anybody who was there for any length of time. I propose to say a few words on some of the clauses at the Committee stage. I support the second reading.

THE MINISTER FOR AGRICULTURE (Hon. G. B. Wood—Central) [10.33]: I am sorry I had to object to the adjournment of the debate on this Bill but, in view of the proposal to finish the session next Thursday, and the fact that there is a lot of legislation to come from another place, and also because of the tremendous number of amendments to the Rents and Tenancies Emergency Provisions Bill, I think I was justified in carrying on for a little longer.

I promised members that they would have every opportunity of discussing this Bill in Committee and in order to give everyone a chance to move amendments, I do not propose to put it through tonight. The Minister for Transport, who will be here on Tuesday, will no doubt move, without notice, for the suspension of Standing Orders, and that is why I am mentioning it tonight. This is necessary to permit Bills to be dealt with the same day. It is the usual procedure. Knowing that we would not be sitting tomorrow, I did not give notice of it.

Hon. H. L. Roche: Why not sit tomorrow?

THE MINISTER FOR AGRICULTURE: We have not the legislation to carry on; we have not received any more Bills from another place, and I am not prepared to go on with the rent Bill. As I said before, I may have to leave for the Eastern States very shortly. It is unfortunate we cannot go on tomorrow and clean up some of the legislation, because I am afraid I must promise members a very busy time next week.

I think Mr. Logan was a little confused judging from his remarks in regard to the 15-day period. There are two provisions for the renewal of licenses. The Act provides that as often as a license expires, the holder of such license shall within 15 days of expiry, return the number plates and in default thereof shall be liable to pay a fee which shall be the fee payable for a license for three months or such lesser sum as the licensing authority may demand. I do not think that has been carried out very often.

In the past, 15 days' grace has been allowed by all licensing authorities for the renewal of a license and, if renewed within 15 days, the new license was dated back to the date of expiry of the old license. The court, however, has ruled quite recently that this procedure is incorrect and, under the provisions of the

Act as at present existing, any renewal of a license must date as from the actual date of taking it out. The proposed amendment is for the purpose of providing that any license renewed within 15 days of the expiry of the previous license shall date and have effect as from the day next succeeding the day upon which the previous license expired.

Hon. L. A. Logan: That is only for 15 days.

The MINISTER FOR AGRICULTURE: Therefore it will not be possible to crib 10 days or a couple of weeks. The second provision is that if an owner makes application for a license after 15 days of expiry and has not returned the number plates, the license will be dated from the date of application, but recourse will be had to the provisions of the Act whereby a fee for late registration can be demanded by the licensing authority. The fee that can be imposed may be any amount up to that payable for a license for three months. If the number plates have been returned within 15 days and an application for a license is subsequently made, the license would date from the date of application, but no fee can be imposed. Mr. Logan also referred to the proposed amendment to Section 32.

Hon. L. A. Logan: That is already in.

The MINISTER FOR AGRICULTURE: Some time ago a person was found attempting to start a vehicle whilst under the influence of liquor. The hon. member referred to that and thought that a man might get into his vehicle after having had a few drinks and that a policeman who happened to be snooping around would pick him up, thinking he was about to start it. In a subsequent court action the magistrate ruled that the vehicle had to be in motion before a prosecution could succeed. I know of a case where a man said he was asleep in the back seat of his truck. There was no doubt that he was well and truly drunk. The police came along and picked him up. I do not think he was doing any harm and he had the sense to know that he was not in a condition to drive. He lost his license for three months.

Hon. L. A. Logan: He did the right thing.

The MINISTER FOR AGRICULTURE: In a case like that, I do not think he should have been prosecuted. But, of course, he did drive his vehicle a mile out of the hotel.

Hon. L. A. Logan: They did not prove it.

The MINISTER FOR AGRICULTURE: He did have the bottles with him and he was found a mile away from the Castle Hotel which Mr. Parker will know very well. The object of this amending Bill is, of course, to prevent drunken driving. I have been impressed by what Dr. Hislop has said—and his remarks were endorsed by Sir Charles Latham—about the alco-

holic content of liquor. But we cannot do anything about that in the Traffic Act. I think the House will agree with me there. The remarks were certainly very interesting, but I do not think we can do anything about it in the Traffic Act.

Hon. J. G. Hislop: Why not?

The MINISTER FOR AGRICULTURE: What! Alter the alcoholic content of liquor in the Traffic Act!

Hon. J. G. Hislop: You can give a man a right of appeal.

The MINISTER FOR AGRICULTURE: I suggest that the hon. member think up something to amend the Act in the way he desires. I can assure members that the Government is most anxious to prevent this slaughter by drunken drivers. As Sir Charles Latham has said, it is not only the drunken drivers. I agree wholeheartedly, and I am very perturbed about the speed of Government buses. I have seen some of them tearing through Guildford and it is a job to keep out of their way. Many taxi drivers, too, think they own the road.

A few weeks ago I had an experience where a taxi driver nearly ran into me and if I had been driving a heavy truck I would have taken a chance and let him run into me, because I had the right of way and he swung into me. With a heavier vehicle I would have let him have a go at me with no hesitation at all. I am very pleased at the way in which the Bill has been received and the only objection that most members seem to have to it is that the penalties are not severe enough. That will be easy to rectify in the Committee stage. I do not think there is anything else to which I need refer, and members will have the opportunity in Committee to amend the Bill in any way thought fit.

Question put and passed.

Bill read a second time.

ADJOURNMENT—SPECIAL.

THE MINISTER FOR AGRICULTURE

(Hon. G. B. Wood—Central) I move—

That the House at its rising adjourn till 3.30 p.m. on Tuesday, the 11th December.

Question put and passed.

House adjourned at 10.46 p.m.