

Legislative Council,

Tuesday, 3rd October, 1939.

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

QUESTION—PROFITEERING PREVENTION.

Action by Commonwealth and States.

Hon. C. F. BAXTER asked the Chief Secretary: Regarding the statement by the Chief Secretary on Wednesday, the 27th September, during the debate on the motion to suspend Standing Orders in connection with the Profiteering Prevention Bill, that the first question discussed at the meeting of Premiers presided over by the Prime Minister, was profiteering: 1, Were the Premiers present at the Conference aware of the fact that the Federal Government would introduce, as that Government has now introduced, regulation and control of commodities? 2, What was the exact scope of the legislation which it was suggested the Governments of the various States should enact? 3, Was it understood that the Commonwealth and the States or any of them should each introduce legislation fixing or controlling prices? 4, Was it agreed that certain commodities should not come under the control of the Federal authorities? 5, If so, what were such commodities?

The CHIEF SECRETARY replied: 1, Yes. 2, The resolution passed by the Conference is as follows:—"That the States at present without authority to control prices or rents should pass any legislation they consider necessary to enable them to do so." 3, Yes. 4, No commodities were specified but there was a general under-

standing that the States should control any commodities they thought fit in which the Commonwealth Government did not intervene. 5, Answered by No. 4.

QUESTION—CORNSACKS.

Importation and Sale.

Hon. C. F. BAXTER asked the Chief Secretary: 1, Is the Government aware that there is a serious shortage of cornsacks for use in this year's harvest? 2, That it is freely stated that merchants are not inclined to purchase their requirements unless for resale at prohibitive prices? 3, Will the Government through the Industries Assistance Act or by some other method purchase a reasonable number of cornsacks to enable wheatgrowers to market their grain instead of being forced to place it in heaps on their property?

The CHIEF SECRETARY replied: 1, Yes. 2, The Government has no such knowledge. 3, In view of the statement of the Minister for Customs, Senator McLeay, as published in the "West Australian" on the 2nd instant, that no delay in delivery of cornsacks was expected, there should be no necessity for the Government to purchase, as supplies should be available through ordinary trade channels. So far as Agricultural Bank clients are concerned supply through the merchants has been arranged.

MOTION—WORKERS' COMPENSATION ACT.

To Disallow Regulation.

Debate resumed from the 28th September on the following motion by Hon. C. F. Baxter (East):—

That Regulation 19 made under the Workers' Compensation Act, 1912-1938, as published in the "Government Gazette" on the 12th May, 1939, and laid on the Table of the House on the 8th August, 1939, be and is hereby disallowed.

HON. C. F. BAXTER (East—in reply) [4.36]: For a period of years the major portion of the labours of this Chamber has been the dealing with industrial measures and industrial regulations. In fact, they seem to supersede all other matters considered by Parliament. The present regu-

lations are an exception to some that have been tabled in the past, because these are all one-sided and impose a heavy burden on those engaged in industry. Section 6 of the Workers' Compensation Act imposes a liability on the employer as follows:—

If in any employment personal injury by accident arising out of or in the course of the employment, or whilst the worker is acting under the employer's instructions, is caused to a worker

Paragraph 4 of the First Schedule to the Act provides that where a worker has given notice of an accident he shall, if required by the employer, submit himself for examination by a duly qualified medical practitioner, provided and paid for by the employer, and, if he refuses to submit himself for examination, or in any way obstructs the same, his right to compensation or to take proceedings under the Act is suspended until such examination has taken place and shall absolutely cease unless he submits himself for examination within one month after being required so to do. According to the Chief Secretary Paragraph (a) of regulation 19 will "prevent the summary termination of such payments by employers and insurance companies." This can be accepted in principle, but it is quite unnecessary because neither the employer nor the insurance company has the right to stop payment of compensation during such time as the worker furnishes a medical certificate as to his incapacity. If the employer or the insurance company is doubtful as to the genuineness of the incapacity, as stated, Paragraph 4 of the First Schedule enables the worker to be examined by the employer's medical practitioner. The Chief Secretary also stated "If the worker refused or neglected to do so, there would be absolutely no liability upon the employer if he decided not to pay compensation." This is not correct because it would have to be proved, according to Paragraph 4, that the worker "refuses to submit himself to such examination or in any way obstructs the same." Paragraph 4 also states that compensation "shall absolutely cease unless he submits himself for examination within one month after being required to do so." Therefore, unless a straight-out refusal by the worker is given to the request of the employer for an examination, it would be extremely difficult to prove that the worker

was in any way obstructing the examination. In other words, the practical effect of Paragraph 4 of the First Schedule is that unless the worker gives a straight-out refusal to go to the employer's doctor, no compensation can be suspended until one month elapses. Members will note that the "twenty-four hours" provided for in Paragraph 2 of Regulation 19 will create a further difficulty for the employer or the insurance company. Paragraph 12 of the First Schedule to the Act has the same effect as Paragraph 4 but applies to periodical examinations.

This infliction, in itself, should be sufficient to warrant the disallowance of Regulation 19, but Paragraph (b), apart from being unnecessary in view of Paragraph (a), must be rejected because of the words "as estimated" in line 5. To explain the effect of these words, let us assume that the worker's doctor has given a certificate that the worker has been injured, the duration of the incapacity being estimated at 12 weeks. The employer or the insurance company would, under paragraph (b), be bound to pay weekly payments for the period estimated, namely 12 weeks, unless the worker was examined by the employer's doctor. Surely there can be no objection to the worker's supplying progress reports from his own doctor, particularly in view of the fact that the employer pays for that doctor's attention and certificates! From the worker's point of view it seems ridiculous that he should be asked to go to the employer's doctor when in fact he is already attending his own doctor who knows the case, and when the employer has no reason to doubt the worker's doctor, but merely requires a review of that doctor's original estimate of incapacity. Thus members will realise that the provision of twenty-four hours in Paragraph (a) of Regulation 19 is unreasonable and unwarranted, and that the words "as estimated" in Paragraph (b) inflict hardship and create an extraordinary departure for which there is no justification. The House should agree to the motion and reject the regulation; otherwise industry will be further harassed by unnecessary restrictions.

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

Ayes	..	..	..	..	18
Noes	..	..	..	..	6
Majority for	..	..	..	..	<u>12</u>

AYES.

Hon. E. H. Angelo
Hon. C. F. Baxter
Hon. J. Corneli
Hon. J. A. Dimmitt
Hon. J. T. Franklitt
Hon. V. Hamersley
Hon. J. J. Holmes
Hon. J. M. Macfarlane
Hon. W. J. Mann

Hon. G. W. Miles
Hon. J. Nicholson
Hon. H. S. W. Parker
Hon. H. V. Plesse
Hon. H. Seddon
Hon. A. Thomson
Hon. H. Tuckey
Hon. G. B. Wood
Hon. C. H. Wittenoom
(Teller.)

NOES.

Hon. J. M. Drew
Hon. E. H. Gray
Hon. E. H. H. Hall

Hon. W. H. Kitson
Hon. T. Moore
Hon. G. Fraser
(Teller.)

Question thus passed.

BILL—INCREASE OF RENT (WAR RESTRICTIONS).

Received from the Assembly and read a first time.

PAPERS—LOTTERIES COMMISSION.

Perth Hospital, Interest and Sinking Fund.

HON. A. THOMSON (South-East)
[4.50]: I move—

That all papers containing the conditions of agreement made between the Lotteries Commission and the Government whereby the Commission has agreed to pay interest and sinking fund on the sum of £445,000, being the estimated cost of the Perth Hospital, be laid on the Table of the House.

I offer no apology for moving this motion. Hon. members will recollect a statement appearing in the "West Australian" whereby the Premier notified that arising out of discussions as to the finances of the Perth Hospital the Lotteries Commission had agreed, on certain conditions, to provide interest and sinking fund on the cost of the first section of the new hospital building, such cost being estimated at £445,000. I voice my strong protest against the Government's action in submitting, through the Chief Secretary, its reply of the 27th September in this connection. Members of this Chamber, who represent the electors of the State, are entitled to ask the Government any question dealing with any department or with any expenditure of any money and to receive a courteous reply.

The Chief Secretary: In what way was the reply not courteous?

Hon. A. THOMSON: If that reply is in the Minister's opinion courteous, then I differ very much from him. The reply is an insult to the intelligence of this House. The

questions I asked, and the replies given by the Chief Secretary, read as follows:—

1, Is the report appearing in the "West Australian," dated the 26th September, correct, wherein the Premier states that a cheque for £20,000 has been paid by the Lotteries Commission as a first instalment toward the erection of the new Perth Hospital? 2, What are the "certain conditions" entered upon between the Commission and the Government whereby the Lotteries Commission has agreed to pay interest and sinking fund upon £445,000, being the estimated cost of the first section of the Perth Hospital? 3, Will the same "certain conditions" apply to all hospitals erected or proposed to be erected in areas outside the metropolitan area? 4, By what section of the Lotteries Act do the Commissioners pledge the future policy and financial operations of the Commission?

The Chief Secretary replied: 1, Yes. 2, Prevention of illegal lotteries within the State and alteration of system of conducting lotteries, so as to enable the Commission to assist the Perth Hospital without impairing the assistance being given to country hospitals. 3, The Commission assists all country hospitals to the utmost extent that its finances will permit. 4, Section 2.

If those are courteous replies, and such as seek to supply the House with information it has a right to demand, I have much to learn. I regard the replies as insulting, and refuse to submit to them. We are here as custodians of the public purse. If the Government has nothing to be ashamed of in the matter, if everything is fair, square and above-board in regard to the agreement with the Lotteries Commission, why are such answers given? Why could not straight-forward replies be given to straight-forward questions? Possibly some clever departmental officer was asked to prepare the replies. If that is the case, it is time the officer in question was informed that he must not make such insulting replies to reasonable questions asked by members of Parliament.

The insulting nature of the replies justifies me in raising my voice in protest. I hope the House will carry the motion I have submitted. Plainly it is most essential that this Chamber should retain control of the Lotteries Commission, and that the Act under which that body functions should come up for consideration annually. I ask, what section of the Act authorises the Commission to provide an annual sum of £20,000 by way of interest and sinking fund? I assume that such annual payment is to be made by the Lotteries Commission under

specified conditions. Under its Act that body has a life of only one year. The House can terminate its existence at the end of any period of 12 months. Yet the Lotteries Commission has entered into an agreement to provide an annual sum of £20,000 for interest and sinking fund indefinitely. For last year the Commission's income was £78,000. On the other hand, the yield of the hospital tax was £264,000. While on this subject let me express my wonder why, in effect, there is a certain law for the metropolitan area and a different law for the country districts. The Province I have the honour to represent has no fewer than 15 hospitals, and every taxpayer in that Province has had to contribute his quota towards the capital cost of the hospital provided in his district. Not one of those hospitals has been placed in the happy position of the Perth Hospital, having the whole of the cost of its building provided by the Government, with the Lotteries Commission undertaking payment of interest and sinking fund.

Hon. J. J. Holmes: It cannot be done.

Hon. A. THOMSON: It is being done. My point is that if such terms can be extended to the metropolitan area, they should also be extended to country districts. I wish it distinctly to be understood that I am in no way averse from Perth having the most up-to-date hospital and the most modern appliances available. I do, however, object strongly to the principle upon which the Government insists, that of providing the most modern hospital and most up-to-date appliances for city-dwellers and exempting them from paying anything at all towards the cost of the building. If that principle is to be applied to all country hospitals as well, I withdraw my objection. I acknowledge that country hospitals have much for which to thank the Lotteries Commission. That body has shown itself most sympathetic in rendering assistance to country hospitals, but it has never given more than a third of the cost of construction of any such hospital. Country people as a rule are told that the Health Department will provide so much towards the cost of a proposed hospital, and the Lotteries Commission so much, the balance to be provided by local residents; roughly, a third each. Then we have to pay our 1½d. hospital tax, and so we pay both ways. We are expected to contribute, and rightly so, by way of

taxation to the extent as I have said of 1½d. in the pound. May I say in reply to an interjection by the Honorary Minister that the Perth Hospital would also be regarded as a country hospital, that statistics supplied to me in this House clearly prove that in four country towns that I selected a considerably greater percentage of residents outside the particular areas of those towns, use those hospitals more than do the people living outside the city of Perth avail themselves of medical attention at the Perth Hospital. It is time the Government considered the advisability of paying more attention to country hospitals than they actually do. I strongly object to those who live in the metropolitan area being exempted from paying. In the district in which I live the people have to find their quota, approximately £400 per annum. They are taxed to the extent of 1½d. to meet their portion of the expenditure towards erecting Government hospitals and, in addition, are rated by the local authorities for the same purpose. The people are rated under the Road Districts Act in exactly the same ratio as are the people in the metropolitan area, and while that is so they have not the facilities that are available to the people in the metropolitan area, facilities such as water supply, sewerage, etc.

The Honorary Minister: Rates are higher in the metropolitan area.

Hon. A. THOMSON: The Honorary Minister's interjection has no force. I do not know that because I own a motor car I can run it more cheaply in the country than I can in the city. I pay the same tax but a good deal more for petrol. We who live in the country are under greater expense because of the living conditions. To use a vulgarism, the Government is greasing the fattened pig. It amounts to this, that to him that hath shall be given and from him that hath not shall be taken away even that which he hath. I have just been handed by Mr. Mann a note that the Government proposes to close the Cue and Greenbushes hospitals even though the local residents in both instances have contributed towards their establishment. That illustrates what I have just said. I strongly object to the attitude adopted by the Minister, though I know he is not responsible for the replies that were given to my questions. Those replies, I assume, were prepared by a departmental officer. Whoever did prepare the replies should be warned that this

House will not submit to evasive and insulting replies of that type. I asked a simple question and I was entitled to the information I sought. The Chief Secretary, when speaking to the motion, may be able to show members how the Lotteries Commission is empowered to pay interest and sinking fund on the cost of building the first portion of the Perth Hospital. When we go into the whole matter, it seems to me that the action of the Government is not just and equitable. I have raised this question before, and I do not expect to be able any time to amend or alter the policy of the Government, but I do intend to see that I get a civil answer to a reasonable question, a question that seeks information. I have no desire to labour the subject any further but will ask the House to support the motion.

THE CHIEF SECRETARY (Hon. W. H. Kitson—West) [5.7]: In submitting the motion the hon. member used very strong language for which there was no justification. The replies given to the questions asked by the hon. member a day or two ago contained the whole of the facts of the case; consequently, there could be nothing evasive and certainly nothing insulting in the information that was conveyed to him. The Government has no objection to laying on the Table any papers containing the terms of any agreement made between the Lotteries Commission and the Government, but in this case, unfortunately for the hon. member, there are no papers at all. Thus, the reply that was given to his question was in accordance with fact. Surely the hon. member does not require anything more than that. I need only take the hon. member's mind back to last session, when the Lotteries Control Act was amended. I remind him also that I told the House that the Commission had advised the Government that the amendments would mean the saving of a considerable sum of money, and that that money would be available for charities and particularly, in the opinion of the Commission, for rendering assistance to the Government in connection with the financing of the new Perth Hospital. The hon. member is aware of that fact and as a result, the Lotteries Commission is in a position to do, as its members said they would, more than it would have been possible to do before. The hon. member takes

exception to the Lotteries Commission providing a sum of money for the purpose of paying interest and sinking fund on the amount of £450,000 and in doing so he said that the Government was making a distinction as between the town and country. He also added that while he did not want to interfere with the policy of the Government he would protest as strongly as he could against action of that kind. I venture to assert that the activities of the Lotteries Commission are appreciated in every part of the State.

Hon. T. Moore: Hear, hear!

THE CHIEF SECRETARY: I think I am also right in saying that every hospital in the State has cause to be thankful for the establishment of the Lotteries Commission. While the Lotteries Commission does not find interest and sinking fund on money that might be required for the building of a hospital or the extension of a hospital in the country, it does nevertheless find a proportion of the actual cash required; and as the hon. member has admitted, in many cases local people are called upon to provide only a third of the cost.

Hon. G. B. Wood: It is pretty hard to find that too.

THE CHIEF SECRETARY: I can understand that. But the conditions are considerably improved compared with what they were before the Lotteries Commission came into existence. When the hon. member raises the cry of town versus country I ask him to take into consideration the huge amount of money spent in this country in many other directions. He has no justification for making any comparison whatever in regard to the expenditure of money by the present Government in the country and in the city.

Hon. J. J. Holmes: You say there is no agreement between the Government and the Lotteries Commission?

THE CHIEF SECRETARY: Just a moment. I claim that no Government, not even the Government with which Mr. Baxter was associated, can claim to have the same record, as has this Government, in respect of the moneys spent in the country.

Hon. C. F. Baxter: You are referring to expenditure on roads.

THE CHIEF SECRETARY: No, outside road construction. Hundreds of thousands of pounds have been spent by the present Government in the country. Last session I submitted a table which I feel sure was

conclusive proof of the statement I have just made. There was very little criticism, if any at all, in regard to it after it had been presented to the House. Mr. Holmes asked whether there was an agreement in existence. There is no agreement, except what I have just informed the House, that the Lotteries Commission intimated to the Government that if illegal lotteries could be controlled to a greater extent and the Lotteries Control Act amended, the Commission would be in a position to provide more money for charity and would be only too pleased to assist the Government to finance the Perth Hospital. That is the only agreement in existence.

Hon. W. J. Mann: Did the Premier make a statement that there was an agreement?

The CHIEF SECRETARY: The Lotteries Commission intimated to the Government through the Premier that if certain things were done the Commission would be in a position to assist the finances of the Perth Hospital.

Hon. A. Thomson: What were the certain conditions?

The CHIEF SECRETARY: I have already told the hon. member—if illegal lotteries could be controlled to a greater extent than they have been in the past and if the Act were amended.

Hon. C. F. Baxter: You have the power to control illegal lotteries.

The CHIEF SECRETARY: Of course we have the power.

Hon. C. F. Baxter: Why do not you use it?

The CHIEF SECRETARY: We are using it.

Hon. C. F. Baxter: Not with regard to street collections.

The PRESIDENT: Order! The Chief Secretary may proceed.

The CHIEF SECRETARY: I do not know what street collections have to do with illegal lotteries.

Hon. T Moore: Nothing at all.

The CHIEF SECRETARY: If the hon. member describes street collections as illegal lotteries, I think he will fall foul of some of his own friends. It seems to me that more often than not street collections are for very deserving causes and whether the street collectors can catch the passers-by or not seems to be the only direction in which a lottery is involved. More often than not they seem to catch me. If there is anything

insulting or evasive in my giving the actual facts of a case to this House, I am afraid the hon. member will feel that way on a number of occasions. One thing I do endeavour to be certain about is that any information I give in reply to questions, shall be in accordance with the facts. In this instance the information is in accordance with the facts. Were there any papers in the form of an agreement containing terms or anything of that kind I would be only too pleased to table them, but I am advised there are not any such papers. A letter may have passed between the Treasurer and the Lotteries Commission. I understand that the Under Treasurer has had discussions over a lengthy period with the Chairman of the Lotteries Commission, but there are no papers dealing with the terms of an agreement. Again I wish to say it is a gratifying circumstance that the Commission is in a position to do as much as it is doing for hospitals throughout this State. If the hon. member wishes to object to the Commission's providing money for the Perth Hospital, that is a different matter altogether. He may even object to the form in which the money is being provided. I am inclined to think he does so in view of the fact that he questions the reply given to him in regard to the section of the Act under which the Lotteries Commission has the power to do what it has done. If I remember rightly, I replied that the Commission derived its power from Section 2.

Hon. A. Thomson: Can the Chief Secretary tell me what part of Section 2 gives the Commission that right?

The CHIEF SECRETARY: I have not the section before me.

Hon. A. Thomson: I will hand it to you.

The CHIEF SECRETARY: Section 2, provides that money raised by the Commission shall be available for charitable purposes.

Hon. A. Thomson: You said—

The PRESIDENT: Order!

Hon. A. Thomson: You should be able to quote the section.

The CHIEF SECRETARY: Is not the power given in Section 2? Whatever the section is, the power is contained in the Act. Section 2 is a lengthy one and I do not propose to read it. It begins—

In this Act the following terms shall have the following meanings unless inconsistent

with the context—"Charitable purpose" means any purpose which is designed to raise funds for all or any of the following:—(a) Any public hospital in the State as defined in Section 2 of the Hospitals Act, 1927

That of itself should be sufficient for the hon. member.

Hon. W. J. Mann: Now read Section 19.

The CHIEF SECRETARY: While I have no objection to any member asking for information—which will be supplied if possible—I do take strong exception to the language used by the hon. member on this occasion, for there is nothing evasive and insulting in the reply I gave.

HON. A. THOMSON (South-East—in reply) [5.20]: I thought I clearly indicated that I appreciated the excellent work done by the Lotteries Commission and the assistance it has rendered to country hospitals. I also hope I conveyed the impression that I was not opposed to the Commission's giving assistance to the Perth Hospital. In his reply the Chief Secretary stated that he considered he had given the fullest information in reply to my questions. He definitely assured the House that there is no agreement—none whatever—between the Lotteries Commission and the Government. If that is correct, the Premier must have been—

Hon. J. J. Holmes: Misinformed.

Hon. A. THOMSON: Yes: the Premier must have been misinformed when he made certain statements on this matter. In view of what the Chief Secretary has said, I feel compelled to read the whole of the Premier's remarks so that they will be recorded in "Hansard."

The Chief Secretary: Do not misconstrue my remarks.

Hon. A. THOMSON: The statement that appeared in the "West Australian" of the 26th September, read as follows:—

Perth Hospital.

Financing New Building.

Lotteries Grant of £20,000.

The Premier (Mr. J. C. Willecock) announced yesterday the receipt of a cheque for £20,000 from the Lotteries Commission. He said that this remittance was the first instalment of the assistance to be rendered by the commission in financing reconstruction of the Perth Hospital.

"It will be remembered," Mr. Willecock said, "that when the problem of the hospital was under consideration the Govern-

ment appointed a special committee, one member of which was the chairman of the Lotteries Commission (Mr. J. J. Kenneally), to advise as to what amount was urgently required for the building of the hospital, and as to how the cost should be financed. Arising out of the discussions the Lotteries Commission agreed on certain conditions to provide interest and sinking fund payments on the cost of the first section, which was estimated at £445,000.

"It is proposed to raise the loan money required for the work from the new Superannuation Board. Preparatory work, principally on the foundations of the new building, has been in operation since March this year. I am advised by the Principal Architect (Mr. A. E. Clare) that the work on the construction of the new building will be going ahead fairly rapidly from now on and expenditure this financial year should be in the vicinity of £95,000.

"The money received from the Lotteries Commission is being paid into a special account at the Treasury entitled 'Perth Hospital Trust Account.' The receipt of the cheque for £20,000 from the commission is an earnest of the desire of the commission to render the assistance promised some time ago, and I am indeed grateful to the members of the commission for this gesture in making the money available at this stage."

Replying to my question, the Chief Secretary definitely stated there were no conditions, that no arrangement had been made and no agreement entered into; that there had been only an oral promise.

The Chief Secretary: Mr. President, I wish to make an explanation. I cannot allow the hon member to accuse me of making a statement I did not make. My statement, if I may repeat it, was that there are no papers concerning the terms of an agreement, but that there has been an intimation from the Commission that in the event of certain things being done—that have been done—it would be in a position to provide money in this way. I do not wish the hon. member to misconstrue my remarks.

Hon. A. THOMSON: When I asked the Chief Secretary to make a further explanation and tell us what were the arrangements entered into—

The Chief Secretary: You received the explanation.

Hon. A. THOMSON: I did not. According to the Chief Secretary there are no papers and no conditions have been imposed or agreed upon. We have been informed by the Chief Secretary that there is nothing in writing; that there are no papers or conditions in existence relating to the payment

of the £20,000. According to the Premier's statement the Government has put in hand the construction of a building on which it is proposed to expend £95,000 a year, and the interest and sinking fund are to be paid by the Lotteries Commission. If no agreement exists why did the Premier make that statement? I am sorry the Chief Secretary adopted the attitude he did. Of course, if the Chief Secretary declares there are no papers in existence and that the arrangement was oral, I must accept his word. I do not say he is not correct; but if what he has said is true, that is a most remarkable way of financing the affairs of this State. I repeat that there was a definite lack of information in his reply, which was not an answer to the question I asked. That is the reason I moved this motion.

Hon. T. Moore: Is it usual for the Lotteries Commission to make agreements with hospitals?

Hon. A. THOMSON: Yes. The Lotteries Commission definitely lays down conditions. The hospitals must provide a certain amount of money. That sum must be in hand before the Commission will advance its third. That has been my experience, and I think it has been the experience of every other member.

Hon. T. Moore: When a particular district has raised its share of the money the Lotteries Commission provides the amount agreed upon. That is all there is in it.

Hon. A. THOMSON: That is so.

Hon. T. Moore: The same applies to the Perth Hospital.

The PRESIDENT: Order!

Hon. A. THOMSON: I would again draw the attention of the House to the fact that the Lotteries Commission is pledging to one particular fund an amount equal to a quarter of its annual income for the last seven years. I reiterate that I do not object to the Commission assisting the Perth Hospital, but I do say there is a vast difference between the conditions on which it helps the country hospitals as compared with those upon which it assists hospitals in the metropolitan area. There is not the same equality of sacrifice or of citizenship either. Recently the Perth Hospital Committee tendered its resignation because it was unable to carry on with the money at its disposal. I suppose we shall have further information about that later on. The Perth Hospital is now a Government

hospital, managed by a committee of public officials. In effect, the institution receives no outside assistance. As a member representing country interests, I have done my duty in bringing forward this matter. In my province are 15 hospitals, and each has had to contribute half the money allotted to it. This motion cannot be carried into effect, even if it is passed, for the Chief Secretary has definitely stated that no documents exist, no agreement has been made, and that no conditions have to be complied with. My motion, therefore, goes by the board. Nevertheless, I maintain that some agreement or understanding must exist.

The PRESIDENT: Does the hon. member wish me to put the motion?

Hon. A. THOMSON: Yes, Mr. President.

Question put and passed.

BILL—INDUSTRIES ASSISTANCE ACT CONTINUANCE.

Read a third time and *passed*.

BILL—WAR FUNDS REGULATION.

Second Reading.

Debate resumed from the 28th September.

HON. A. THOMSON (South-East) [5.32]: I have carefully read the Bill, which has my hearty support. I am not altogether in accord with the remarks of Mr. Nicholson, who suggested that the Red Cross Society should be exempt from the provisions of this measure. The point raised by Mr. Fraser is worthy of consideration. We know that the society has many branches throughout the State, and that quite a large number of sub-committees engages in sewing and in other activities, for which we honour them. They are also the means of money being raised. I was at a certain place on Saturday last and saw articles being sold on behalf of the society. I believe in that instance the money raised will go through the proper channels. We recall that on the occasion of the last war many people in their enthusiasm started various funds, upon the collection and expenditure of which there was no check. Mr. Fraser appropriately suggested that the Government should provide for the ap-

pointment of officials, under the Chief Secretary, to issue permits for collections in each district. Reference was made to this by Mr. Cornell and Mr. Seddon. Something should also be done for the family of the man who enlists and assists in the defence of his country. Many such men are married, and by their enlistment will make a great personal sacrifice. I suggest to the Government that a practical way to help these married men would be to re-establish the Patriotic Fund referred to by Mr. Macfarlane. A certain sum could be allocated to that purpose by the Government, and the State Lotteries Commission could perhaps also give a subsidy towards the same object, the contributions to which could be supplemented by private subscriptions. By means of such a fund a child endowment scheme, similar to that in vogue in Commonwealth circles, could be brought into being. Every married man who enlisted would then know that his wife and family would not have to subsist solely on a soldier's pay. I commend the suggestion to the earnest consideration of the Government as a means of assisting married men who answer the call, and softening the blow of personal sacrifice they make. The original Patriotic Fund did a great deal towards supplementing the pay of our soldiers, and proved of great value during the last war in assisting their dependants.

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

BILL—PROFITEERING PREVENTION.

Second Reading.

Debate resumed from the 28th September.

THE CHIEF SECRETARY (Hon. W. H. Kitson—West—in reply) [5.38]: Many suggestions have been made by a majority of the members who have spoken on the second reading. I am somewhat surprised at the reception given to it by one or two members. Generally speaking it can be said that all are agreed upon the necessity for this legislation. On the other hand, several members have qualified their support by suggesting methods somewhat different from those proposed in the Bill. At least one member said that, whilst he agreed with the principle of price-fixing in war time, there was

no necessity at present for the State to pass such a measure, seeing that the Commonwealth Government had initiated legislation of the kind and had already brought quite a large number of commodities within its scope. It must be apparent that the legislation applying to many commodities, the price of which requires to be controlled in this and other States, is not of Australia-wide application. I ask members, whether we are to wait until the Commonwealth Government issues a proclamation or regulation dealing with particular commodities before we take action?

In reply to a question this afternoon it was made clear to members that the conference of Premiers agreed upon the necessity for the States introducing legislation of a price-fixing nature as early as possible, and that such legislation should be complementary to that brought down by the Commonwealth Government. That is the sole reason for the introduction of the Bill. An objection has been voiced because the measure refers to the 31st August, the prices ruling on that date having to prevail until a decision is given by the price-fixing authorities to alter them. More than one member complained it was not fair to fix that date. I would reply that if it is fair for the Commonwealth Government to fix that date in its legislation, it cannot be unfair for the State Government to make a similar arrangement with respect to its own Bill.

Hon. G. Fraser: Some traders cannot be given a month's start compared with others.

THE CHIEF SECRETARY: A month has already expired since the 31st August. The Government is anxious to have this legislation put through with the least possible delay. Mr. Holmes stated that I said this legislation was aimed at the traders of this State, and that there was nothing in the Bill dealing with the workers who were called upon to perform work on behalf of the Government. I did not say, as the hon. member suggested, that the traders of this State were profiteering. I accused no section of the people. What I said was that from past experience we knew that unscrupulous people would take advantage of war conditions, that it was necessary to put this legislation through as early as possible, and that the longer it was delayed the more difficulty would be created for those traders who wished to know where they stood. I suggested that traders themselves were

anxious to know whether the Government intended to do anything, so that they could make the necessary preparations to conform to such action. Hence we have introduced the Bill now before members. I hope its passage will not take long, although a scrutiny of the notice paper, which contains a number of amendments, suggests there is likely to be some delay. I have not found it possible to examine the amendments to an extent enabling me to gain a full understanding of their meaning.

Hon. J. Nicholson: I think they are all helpful.

The CHIEF SECRETARY: I do not suggest they are not helpful.

Hon. T. Moore: Yes, some of them will be helpful to profiteers!

Hon. J. Nicholson: That is very unfair.

The CHIEF SECRETARY: All I say is that there is necessity for the amendments to be examined carefully. That being so, I am not in a position to proceed with consideration of the Bill in Committee this evening unless it be to deal with the formal clauses and report progress on Clause 4. A casual glance at the amendments suggests that they will make the position easier for some people. I may be wrong, but that is how they appeal to me. If we are to have price-fixing legislation, an Act is essential that will provide no loopholes at all, if that be possible.

Hon. H. S. W. Parker: Quite right.

The CHIEF SECRETARY: The Act should provide no loopholes whatever to allow anyone to take advantage of war conditions to his own profit. When I make that statement, I mean that no one should be allowed to make profits to an extent greater than would be possible for ordinary trading operations in times of peace. I am sorry that one or two members took the point that because a Bill to deal with price-fixing was introduced last session, and because the measure under discussion is somewhat on all fours with the earlier proposed legislation, there is necessity drastically to amend the Bill. I particularly regret that one member went so far as to refer sneeringly to the Trades Hall as the instigator of the Bill. If the Trades Hall is the instigator of the legislation, then it is entitled to be complimented.

Hon. G. Fraser: I suppose the Trades Hall got the Prime Minister to move in the Commonwealth Parliament.

The CHIEF SECRETARY: If the instigator of the Bill was the Trades Hall, then that body is entitled to credit for taking the initiative.

Hon. J. Nicholson: I did not hear anyone make that remark while I was in the House.

The PRESIDENT: Order!

The CHIEF SECRETARY: I am not referring to the hon. member. Mr Holmes was particularly vitriolic in his condemnation of this legislation, his main reason, I take it, being that in his opinion the Bill had not emanated from the Premiers' Conference, but was instigated by the Trades Hall. I remind the hon. member that the Trades Hall is representative of a large number of men who will be called upon, if the war develops, to sacrifice more than the mere opportunity to make profits. That being so, the Trades Hall is to be complimented upon being very keen to ensure that there shall be as little delay as possible in passing legislation of this description. Mr. Dimmitt agreed to the necessity for such legislation, but he was afraid it would break down of its own weight. He suggested an alternative that would allow the merchant to fix his own price and permit the provisions of Clause 12 to police the Act, should the Bill reach the statute-book. Mr. Dimmitt's reason was that, in his opinion, competition is the best leveller of prices.

Hon. G. Fraser: It would be easy to get over that.

The CHIEF SECRETARY: Mr. Dimmitt is entitled to his point of view, but I am afraid that a large proportion of the people will not agree with him. To make a suggestion such as he did might be all right as affecting the great majority of traders and merchants, but there are unscrupulous people amongst that section, just as there are in other sections of the community. As to the suggestion that the Bill emanated from the Premiers' conference with the Prime Minister, the claim has not been made that the contents of the measure were even discussed at that conference. I have already indicated that the agreement was that the various State Governments should introduce what legislation they thought fit in order to deal with the fixation of prices and control of commodities, or, in other words, the prevention of profiteering. A Bill to deal with those par-

ticular phases must necessarily provide machinery to give effect to the intention, and the measure before members contains nothing to which strong exception can be taken. It certainly provides a method by which we can appoint a commissioner and for the accomplishment of certain details to which we desire to give attention. While differences of opinion may arise regarding the method suggested, members will admit that the Bill provides the groundwork for the accomplishment of that which we set out to achieve.

Some members mentioned the difficulties that traders are experiencing at present. From their remarks, one would imagine that the Government was not aware of that position, and did not recognise that the price fixing commissioner, whoever he may be, would have to secure much information regarding that phase. The Government has already decided that, if it is at all possible—and it will be possible—the services of the present Deputy Commissioner, who has been appointed by the Commonwealth to act in Western Australia, will be availed of. The Government will use the same organisation and employ the same machinery. As a matter of fact, the State is expected to provide portion of that machinery and some of the accommodation that will be used by the Deputy Commissioner. In those circumstances, members who have expressed fears regarding the possibility of dual control, to which they took strong exception, can rest assured that the Government is seeking a procedure whereby the legislation now under consideration can be made operative with the least possible interference to the trading community. In other words, we are looking for the co-operation of traders, and I believe it will be forthcoming. I think I am correct when I say that most of the organisations representative of the trading community have already expressed a desire to be helpful, and I have no doubt that the commissioner when appointed, should the Bill be agreed to, will act as he is expected to act under the Commonwealth legislation. In many instances, he will doubtless consult with the organisations that represent the various sections of the trading community, seeing that those bodies have a wide knowledge of the ramifications of the trades, industries and businesses with which they are connected. Members will be interested to note that the Commonwealth

Deputy Commissioner, who has already attended a conference in the Eastern States, has supplied the Government with a report on the conference proceedings. I do not propose to read the whole of his report, but a few extracts will be rather illuminating to at least some members of this House. Here is one paragraph—

It will be impossible to avoid some increases in the cost of living and some rise in prices because the war has caused certain increases in costs over which Australia has no control, and there are other increases which are inevitable under war conditions. The following factors are among those which have to be allowed for when adjusting prices:—

1. Increases in sales tax and customs and excise duties.
2. Increases in overseas prices of imported commodities, including materials and equipment for Australian industry.
3. Increases in costs of exchange.
4. Increases in shipping freights and war risk insurance.
5. Increases in the costs of production of commodities formerly imported and now produced under higher domestic costs.
6. Recovery of export prices under Imperial purchase schemes with the British Government or under the influences of greater world demand.

These are some, not necessarily all, of the points that will have to be taken into consideration. Several of the items cover points raised by members during the second reading debate. Then again, there is this paragraph—

The control of prices will inevitably cause some interference with business. The Government is determined to prevent profiteering, but every endeavour will be made to administer the scheme in such a way as to impose the minimum obstruction to the legitimate operation of industry and trade. To this end the co-operation of the business community will be essential.

That bears out what I said when I moved the second reading of the Bill, and provides a particularly good reason why there should be little delay in finalising the consideration of the measure. Dealing with the principles of price-control, we find the following in the report of the Deputy Commissioner:—

In very many instances it will be possible to determine and to specify, by proclamation or otherwise, what are fair prices. It will be administratively practicable in such cases to enforce observance of these prices, to prosecute offenders and secure imposition of

penalties upon persons who sell in excess of such prices.

But in many other instances the proclamation method is ineffective or difficult to apply—

- e.g., where quality, content, design and factors vary rapidly with fashion; or
- e.g., where supplies, prices, quality, etc., vary seasonally.

Many commodities fall within these groups and in respect of them effective indirect methods of price control must be found and applied.

Considerable success has been achieved in Queensland in dealing with these problems for the past nineteen years.

Under the administration in that State, the methods followed in controlling prices have been—

1. Investigation,
2. negotiation,
3. adjudication and
4. proclamation when desirable and necessary.

The existence of a system of investigation itself has a deterrent effect. The method of negotiation after investigation has been found very effective in ensuring that prices approved by the Commissioner or Deputy Commissioner are observed. Supervision ensures faithful observance of any price arrangement approved by the Commissioner. The power to issue a proclamation enables the Commissioner to ensure that any breach of agreement is punished by taking price policy out of the hands of the offenders and exercising direct control himself.

In my opinion, it should be apparent to all members that if the Bill is passed and we can secure the services of the Deputy Commissioner and his staff no question of dual control—in the real sense of the term—can arise. The same principles will apply as apply under the Commonwealth Act. I cannot see why any objection should be raised to that. An amendment appears on the notice paper providing for five commissioners. In my opinion there is no necessity for such a large organisation. We are hopeful of being able to deal with any questions that may arise with little interference in trade and to deal with them expeditiously, in a way that will meet the requirements of the situation and be approved by the people concerned. With this in view, I feel the House will not only agree to the second reading, but will assist me to put the Bill through as it stands or with but little alteration. I do not say that every clause of the Bill should necessarily be agreed to, or that there should be no alteration of a word or no addition to a particular clause. That

remains to be seen when the Bill reaches the Committee stage. I urge the House, however, not to delay longer than is absolutely essential the passing of the Bill, because not only are traders being affected at present, but I believe that in one or two instances advantage is being taken of the fact that we are at war to raise the prices of commodities not covered by the Commonwealth proclamation. If the Bill be not passed, the Government's only alternative will be to rely entirely on Commonwealth legislation and this would mean the following of methods adopted in Tasmania in regard to rents.

Hon. J. Nicholson: Will the Minister give us some instances of profiteering that have already taken place?

The CHIEF SECRETARY: I prefer not to. They should be the subject of investigation. I believe, however, there are some instances which should be investigated without delay, although I do not desire to accuse anybody. No doubt many members could mention commodities the prices of which have increased tremendously in the last week. I do not propose to say more on the subject. I know the House will agree to the second reading. I regret I cannot take the Bill very far into the Committee stage. The House will not be sitting to-morrow, as we shall be adjourning till Thursday, but I hope that on Thursday night we shall be in a position to pass the Bill through its remaining stages, so that any amendments made here may be submitted to another place without undue delay. I could say quite a lot about some of the statements made by hon. members, but perhaps the least said at this moment the better.

Question put and passed.

Bill read a second time.

In Committee.

Hon. J. Cornell in the Chair; the Chief Secretary in charge of the Bill.

Clauses 1 to 4—agreed to.

Progress reported.

BILL—MORTGAGEES' RIGHTS RESTRICTION ACT CONTINUANCE.

Second Reading.

THE HONORARY MINISTER (Hon. E. H. Gray—West) [6.7] in moving the second reading said: This Bill proposes to

continue the operation of the Mortgagees' Rights Restriction Act for a further period of one year. As members are aware, the provisions of the principal Act extend only to mortgages and agreements for sale contracted prior to the enactment of this legislation, and to any mortgages subsequently executed which are collateral security for moneys secured by other mortgages current at the commencement of the Act. Briefly, the Act provides that no mortgagee shall be entitled to enforce his security unless he obtains an order from the Supreme Court. The Court will not grant the mortgagee leave to proceed unless it is satisfied, having regard to the nature of the security, the conduct of the mortgagor, the financial circumstances of the mortgagor and mortgagee, the economic and financial conditions prevailing generally and other relevant circumstances, that it would be unjust and inequitable to refuse the application. Similar restrictions apply in the case of a vendor of land under a contract of sale which, under the Act, is deemed to include a lease of land containing either an optional or conditional purchasing clause. However, where a purchaser under such a contract is, for a period of twelve months, in arrears with any payment of principal or interest and has made no payment of any portion of the amount due during any period of six months, he must approach the Court and justify his position if he desires to be afforded the protection of the Act.

As this brief outline indicates, the Act preserves the original rights of vendors and mortgagees in all cases where they can show that it would be inequitable for the Court to withhold the making of an order for the enforcement of their remedies. It will be realised, I feel sure, that the Act cannot be allowed to lapse at a time such as the present. While the prospective improvement in wheat and wool prices will doubtless afford some relief to mortgagors and purchasers in the rural areas, the fact remains that the future is clouded with uncertainty. So long as these conditions persist, it would be most inadvisable to take any action that might tend to aggravate the instability of the existing situation. For that reason, I feel sure the House will approve the continuance of the Act for a further term of twelve months,

although I know that for some years past some members have desired the repeal of this legislation. I move—

That the Bill be now read a second time.

HON. L. CRAIG (South-West) [6.11]: The iniquitous Act, the Mortgagees' Rights Restriction Act, which I have always strenuously opposed, is to be continued for another year. I know we will agree to it, but nevertheless it will not have my support. Year after year some new excuse is brought forward for the continuance of the Act. It is having a detrimental effect on estates. I myself am trustee of an estate which has been wound up, except for one mortgage. The mortgagors simply say, "We have no intention of paying off the mortgage," and that is the end of it. In the meantime they are trying to dispose of the property and have fixed a substantial reserve on it.

Member: Do they pay their interest?

Hon. L. CRAIG: Of course they do, but that is no good to the estate, which it is desired should be finally wound up. Had the Government but made some effort to amend the Act the position might not be so bad. Had the Government decided that the Act should now apply only to rural lands the measure would meet with my approval, although such an amendment would affect my own particular case.

Hon. J. Nicholson: In my amendment last year I provided for rural lands.

Hon. L. CRAIG: By the Bill we shall merely alter the date; that is all we can do. The Government might have placed upon the mortgagor the onus of showing cause why he should not repay the mortgage.

Member: That would be reasonable.

Hon. L. CRAIG: Yes, and it would have my support. It was done in Victoria years ago. Each year, however, as I have said, some excuse is made to continue this legislation.

Hon. G. B. Wood: Do not you think 1s. 2d. a bushel for wheat is sufficient excuse?

Hon. L. CRAIG: Farmers have been promised 3s. Another point is this: if people have been in the mire for seven or eight years, will they be in a better position in another seven or eight years? In the meantime their properties are depreciating in value. I recently received a most pathetic letter from a man who was not being paid his interest and who said that necessary repairs were not being effected to the property.

I am not sure whether the occupiers were pensioners, but if so they could not be dispossessed. However, I have been saying these things year after year. It is time some amendment was made. If people are bankrupt, it is better to say they are bankrupt now, instead of carrying them year after year. It is no use my saying any more. The Bill is on a par with the Financial Emergency Act Amendment Bill, another iniquitous measure. These Bills are the only survivors of such legislation passed during the depression. We have had our salaries restored, as has the rest of the community, but the mortgagee is not restored to his original position. I shall oppose the second reading.

On motion by Hon. G. B. Wood, debate adjourned.

Sitting suspended from 6.15 to 7.30 p.m.

BILL—FINANCIAL EMERGENCY ACT AMENDMENT.

Second Reading.

THE CHIEF SECRETARY (Hon. W. H. Kitson—West) [7.30] in moving the second reading said: This Bill proposes to continue the operations of the Financial Emergency Act for a further period of 12 months. Members are familiar with the provisions of this legislation which, since the principal Act was amended in 1935, has simply stipulated that there shall be a reduction of 22½ per cent. in the interest payable on all mortgages in force before 1931, provided that the interest is not thereby reduced below 5 per cent. per annum. The Act also contains a provision that enables a mortgagee to appear before a commissioner appointed under this measure and make application that the mortgagor shall pay the rate stipulated under the mortgage in lieu of the reduced rate mentioned in the Act. The commissioner is empowered thereupon to declare what is a reasonable rate to be paid having regard to the circumstances of the mortgagor and to the financial and economic conditions prevailing in the State. Probably a number of mortgages executed before the enactment of the principal legislation have since been converted to lower rates of interest. However, in view of the grave uncertainty of conditions, the Government

considers it advisable at this juncture to continue the operation of the Act for another year. I move—

That the Bill be now read a second time.

HON. H. S. W. PARKER (Metropolitan-Suburban) [7.32]: I have opposed Bills of this kind year after year, but to oppose it on this occasion, in the circumstances now prevailing, is difficult. I should like to point out that this legislation is creating considerable hardship. Money is likely to become very tight, and people who have money out on mortgage cannot get the rate of interest agreed upon when the contracts were made. In order to make ends meet, they have to borrow, and they might have to pay for the accommodation a considerably higher rate of interest than that at which they have lent their own money. I know of instances of great hardship that have arisen because mortgagees cannot call up their mortgages, cannot get the rate of interest stipulated in the mortgages, and have to borrow and pay the current rate of interest, which is higher than that permitted under this legislation. Although circumstances are such that we are being asked to pass a price-fixing Bill and various other measures of the kind, I feel inclined to vote against any continuance of this Act. To offer any strenuous opposition to the Bill will probably be of little use, but I shall be consistent in my attitude so that in future nobody can say that I ever approved of this legislation.

HON. J. CORNELL (South) [7.34]: I, like Mr. Parker, have opposed a continuance of this legislation for the last two sessions at any rate, and I oppose it now. The argument that we are involved in war and should therefore continue the Act is not a valid one. This legislation was framed and passed during the emergency period, and the fact that we are at war is not sufficient reason for re-enacting it. Neither this Act nor the Mortgagees' Rights Restriction Act should be continued in its present form. Those who are affected by this legislation have had to carry right up to the present, and are now being asked to bear for another year, all the restrictions imposed upon them when we were in the middle of the depression, whereas all other individuals who were subject to restrictive legislation at that time have been relieved of the burden. A part

from the burden imposed by the Act, mortgagees will probably be compelled to bear an additional burden arising out of the war, as Mr. Parker has pointed out. My opinion is that this Act should not be continued, but if there is need for such legislation, the law should be re-cast in the light of present-day circumstances. To contend that some people who are paying interest are going to be hard hit if the Act is not continued is all balderdash; the people who are suffering the greatest hurt are those to whom interest is due. To my mind it savours of hypocrisy to argue that legislation introduced during the depth of the depression should be carried forward because we are at war. We should face the situation and re-cast this restrictive legislation in the light of present day conditions. If the second reading is carried to a division, I shall vote against the Bill.

HON. G. B. WOOD (East) [7.38]: I intend to support the Bill.

Hon. J. Cornell: Of course you will.

Hon. G. B. WOOD: I shall support it, not because we are at war, but because of the present day conditions to which Mr. Cornell referred. Conditions in the country were never worse than they are at present. Mr. Cornell said that this legislation should be re-cast in the light of existing circumstances. I venture to say that circumstances were never worse. The producers who are called upon to pay a large amount of interest—and this is one of the greatest burdens on industry—have been receiving as little as 1s. 3d. a bushel for their wheat and 10d. a lb. for their wool.

Hon. J. Cornell: And all of them are buying motor cars.

Hon. G. B. WOOD: Not all.

Hon. J. Cornell: Most of them are.

Hon. G. B. WOOD: If the hon. member had visited the backblocks, as I have done recently, and seen the vehicles some of the farmers are driving, he would not make such a remark.

Hon. J. Cornell: I have been there.

Hon. G. B. WOOD: The Bill will certainly receive my support.

HON. J. NICHOLSON (Metropolitan) [7.40]: I would have had pleasure in supporting this Bill had it been introduced in a different form, had its purpose been extended to provide for a reduction in the salaries or remuneration paid to members

and others, so that there might be some justification for saddling with a burden, as we have unjustly done, one section of the community to the exclusion of all others, and even ourselves. As a Parliament, we are setting a bad example to the whole State in discussing legislation of this kind without first showing that we ourselves can point the way in a fitting and proper manner. On the contrary, we have presented to us a Bill that has come before us for a number of years. The legislation originally introduced has gradually been whittled down until only one section remains, namely, that which binds the mortgagee. Is that fair? In years past instances have been quoted in this Chamber of hardship inflicted upon many widowed persons and others in distressed circumstances. Not only has the income of those people been reduced to a point which scarcely gives them the wherewithal to live, or to live in any degree of comfort, but, because of other legislation that is allied to this, they have been prevented from taking steps that are essential for the protection of securities that are gradually decreasing in value. The result, in many cases, has been serious loss and distress. If there is any justification for this legislation, I ask the Government to set the example I have suggested. If that were done I would support the Bill.

HON. E. H. ANGELO (North) [7.42]: Some years ago, when the depression was at its height, I was a member of another place. At that time all agreed that because of the depression a certain amount of sacrifice had to be made, and we therefore passed a number of emergency measures providing that every section of the community, including members of Parliament, should contribute its quota. Gradually the majority of those Acts has disappeared, but this measure, dealing with mortgagees' restriction, has remained on the statute-book. For the last three or four years a Bill similar to that now before us has been brought down, and I have voted against it. As it was possible to give relief to certain sections of the community, the section now under review should also be given relief. I fear, however, that this particular legislation must be retained on the statute-book. I would vote for its retention if those Acts which have been allowed to lapse were re-

enacted. Let us all contribute to the sacrifice, so that it may not fall upon this one section of the community. If the Government will re-enact the other emergency legislation to which I have referred, and will then bring down this particular Bill, I will vote for it. Failing such a course being followed, I must vote against this measure, which deals only with one section of the community.

HON. W. J. MANN (South-West) [7.45]: For several years we have been told, when a Bill similar to this has come before us, that it was being brought down probably for the last time. I have expressed the view that the time for such a measure has long passed and, 12 months ago, when speaking to the second reading of the continuance Bill, I said I would give it my support for the last time. To be consistent, I shall carry out the intention I then expressed. The present condition does not warrant the passing of this legislation. I am in agreement with other members who have said that, if this legislation is found to be necessary later on, we can deal with the position as it is then presented to us. I feel that the situation has endured long enough, and that certain people have suffered to such an extent that I cannot conscientiously vote for the second reading of this Bill.

HON. C. F. BAXTER (East) [7.47]: In the second year of the depression, Australia was faced with a very serious position, and the Commonwealth Government and all the State Governments agreed to pass certain legislation to meet it. One of the most important measures was that dealing with the subject matter of the Bill now before us. The original measure has been extensively whittled down. When I was Leader of the House in 1931, the Bill consisted of several parts, but some of those parts have now been deleted. No member of the House can say that it will not be necessary to re-enact those particular parts, for we do not know what lies ahead. Now is not the time to discharge from the statute-book financial emergency legislation; rather is it a time when we should consider an extension of that particular policy. At the most, Parliament will not be in session for more than another three months. How are we to know what will happen in the space

of a few weeks, at a time when Parliament might not be called together? We might be faced with a position that will lead to great damage being done. Mr. Wood referred to the important question of the price of wheat, and the unfortunate position in which farmers found themselves. That alone renders it necessary to have a measure like this in force.

Hon. H. S. W. Parker: It does not affect farmers.

Hon. C. F. BAXTER: Mr. Cornell interjected that some farmers bought motor cars. That is quite right, for some of them have been able to do so. I know of a farmer who last season paid tax on an income of £11,000, as against other farmers who had little or no income. The present is no time to do away with the Act.

Hon. E. H. Angelo: Let us adjourn the matter.

Hon. C. F. BAXTER: There is not the slightest justification for saying at this juncture that the Act should be allowed to lapse. To have the measure available is more important now than it was at any time during the past four or five years. I hope the House in its wisdom will agree to leave the Act on the statute-book. I support the second reading.

On motion by the Honorary Minister, debate adjourned.

BILL—TOODYAY CEMETERIES.

Second Reading.

THE HONORARY MINISTER (Hon. E. H. Gray—West) [7.52] in moving the second reading said: The purpose of this short Bill is to permit of the establishment of a public cemetery at Toodyay. The lands at present used for burial purposes are held by the Church of England and the Roman Catholic Church. The local road board, however, desires to provide a public cemetery and has already acquired lots 77 to 81 for this purpose. To enable the road board to carry out its scheme, the Church of England and Roman Catholic Church have agreed to surrender lots 76 and 143 and lots 142 and 75, respectively, for inclusion in the proposed cemetery, which will also take in a portion of Quinlan-street no longer required for road purposes. The Bill provides for the closure of this particular section of the street, and the

revesting of the land in the Crown. It is also necessary to provide for the determination of all rights or trusts in the lands held by the board and the churches. These lands are described in the Second Schedule, and under the provisions of Clause 3 they are revested in His Majesty as Crown land under the Land Act. The remaining provisions of the Bill relate to the dedication of the lands as a reserve for a public cemetery under the Cemeteries Act; for the appointment of trustees; and the lodging of records at the Titles Office. I lay on the Table a plan relating to the measure. I move—

That the Bill be now read a second time.

HON. G. B. WOOD (East) [7.54]: I support the Bill. Some little time ago a similar measure was introduced relating to the York cemetery. Exactly similar conditions prevailed at York as in this case, except that at York the cemetery was taken from the church people and vested in the York Municipal Council. When the York Road Board wanted a cemetery, separate provision had to be made. I observe that this Bill provides for the vesting of a cemetery in the road board or any other public body.

Question put and passed.

Bill read a second time.

In Committee.

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

BILL—RAILWAY LEVEL CROSSINGS.

Second Reading.

THE HONORARY MINISTER (Hon. F. H. Gray—West) [7.58] in moving the second reading said: This Bill seeks to establish a board which will be empowered to direct the closure of unnecessary level crossings over railways. In these days of fast moving traffic, all railway crossings are more or less dangerous; and it is therefore desirable to eliminate all those that are not really necessary. There are over 50 level crossings in the metropolitan area alone. Some of these are very little used, and could be closed without any inconvenience to the public, as other

crossings are provided within reasonable distance. About four years ago a conference representative of metropolitan local governing bodies and interested government departments was convened to consider the level crossing question in general. At this conference a committee was formed to consider, inter alia, the possibility of closing certain of the crossings in the metropolitan area. After inspecting all the crossings concerned, the committee drew up a list of those that it considered should be closed. The local authorities in whose districts these crossings were located were then approached in an endeavour to obtain approval for the proposed closures. It soon became apparent, however, that the individual local governing bodies were unwilling to bear the responsibility of closing crossings in their own districts; for in each case approval was refused.

Further overtures were then made to the local authorities, and these having proved abortive, a Bill was introduced into Parliament in 1938 for the purpose of amending the Public Works Act in order to provide for the establishment of a Railway Crossings Closure Board. That Bill was defeated mainly because the proposed board would have contained a preponderance of Government officials. During the recess, further negotiations were carried out with the Local Government Association, and that body has now agreed to the proposal set out in this measure which provides for the appointment of a board consisting of a representative of the Commissioner of Railways; a representative of the local authority in whose district is situated any crossing to be reviewed, and an independent chairman agreed upon by the Local Government Association and the Commissioner of Railways. Where, however, an application before the board relates to a crossing outside the metropolitan area, the chairman shall be the resident or stipendiary magistrate of the district. The board will be required to consider applications by the Commissioner for the permanent closure of level crossings. When it has taken evidence and satisfied itself that it is in the public interest to close a crossing, the board may make an order to that effect. Such an order, as from the date of its publication in the "Government Gazette," will be binding upon all persons, authorities and courts. Similarly, the board is empowered to consider applications by local authorities and other persons for the rescis-

sion of any order previously made, and to make, where necessary, further orders rescinding previous determinations. The remuneration and expenses of the board will be borne by the Commissioner of Railways. Applications under the Act will probably not be numerous, and we are providing that the members to constitute the board shall be nominated only as, and when, the board is required to function and the members of that body shall hold office only until they have finally dealt with the application which they have been constituted to consider. That provides a short explanation of the Bill. When a somewhat similar measure was before this Chamber last session, a keen debate ensued and I anticipate, in view of the improved provisions in the Bill now before members, that the House will pass it without amendment. I move—

That the Bill be now read a second time.

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

BILL—GOVERNMENT RAILWAYS ACT AMENDMENT.

Second Reading.

Debate resumed from the 20th September.

HON. A. THOMSON (South-East) [8.2]: The Bill is one we may reasonably support. Under the parent Act the Commissioner of Railways is permitted to lease railway property for a period of seven years. I do not know why the extension of the leasing period to 21 years is regarded as necessary because there is nothing to prevent leases from being renewed after the seven-year period has elapsed. I presume the explanation is to be found in the remarks of the Chief Secretary when he said the Government was desirous of assisting industry. Possibly the provision for the extended leasing period may enable encouragement to be extended to anyone desirous of establishing a factory. I have made inquiries in my electorate where the department has leased properties and has ascertained that no injury has resulted to the local authorities who, on the other hand, are able to collect rates from lessees. Obviously the granting of the extended period of leases will not be detrimental to local authorities in whose territory railway property will be leased. I am also in accord

with the proposal to give the Commissioner control over lighting.

Hon. J. Nicholson: That is very desirable and important.

Hon. A. THOMSON: Yes, particularly in these days when Neon signs are made use of to such an extent. In some instances they have been proved to be dangerous to the safety of the travelling public. I support the second reading of the Bill.

Question put and passed.

Bill read a second time.

In Committee.

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

BILL—MARKETING OF EGGS ACT AMENDMENT.

Second Reading.

HON. G. B. WOOD (East) [8.13] in moving the second reading said: The Bill is short and seeks to amend the Marketing of Eggs Act passed by Parliament last session. Members may wonder why the necessity arises for such an early amendment to the Act. Last year the Council passed the Bill almost as presented but the measure was drastically amended in another place. Owing to the hour at which this House was asked to consider the Assembly's amendments—it was about 2.30 a.m. on the last day of the session—I did not feel disposed to contest the amendments made in another place for fear of losing the Bill altogether. Hence my reason for now submitting the amendments embodied in the Bill. Owing to the rush of business, certain cross references and other errors were made in the Bill which practically rendered it useless. Some of the amendments included in the Bill seek to put those matters right. There are other amendments also, but I feel sure Parliament will not object to those to which I have just referred, because they merely rectify obvious mistakes. I am prepared to accept—but not on the same conditions—one amendment which was made last session and which proved to be a veritable bone of contention. That amendment relates to the poll, and provides that a majority of three-fifths of the producers voting is necessary to bring the board into existence. In my opinion, it is a most undemocratic

principle that there should be a majority of three-fifths of the electors.

Hon. G. Fraser: Of the electors or voters?

Hon. G. B. WOOD: The voters are the electors in this case.

Hon. G. Fraser: There is a distinction.

Hon. G. B. WOOD: The amendment provides that the majority must be three-fifths of the producers who vote. The producers contend that a simple majority should suffice. A sitting member of Parliament is not liable to be displaced by such a majority; and that is the position in other elections. I do not know why a majority of three-fifths was fixed.

Hon. G. Fraser: It would be bad luck if a three-fifths majority applied to the Legislative Council. We would not have many members.

Hon. G. B. WOOD: The producers are fair in their contention, because they desire that the amendment to which I have referred should apply to a later provision of the Act dealing with the dissolution of the board. If it is fair in the one case it is also fair in the other. It was intended that the owner of 75 head of poultry should have a vote. The producers do not consider that altogether fair, because a person owning 75 head of poultry is not in the true sense a commercial poultry farmer. Many people have 75 head of poultry in their back yards, and those people cannot be termed commercial poultry farmers.

Hon. W. J. Mann: And perhaps they have the poultry there for only a few weeks.

Hon. G. B. WOOD: That is so.

Hon. J. Nicholson: What about an old lady keeping a boarding house?

Hon. G. B. WOOD: She is not interested in the commercial marketing of eggs.

Member: She is interested when she has to pay for them.

Hon. G. B. WOOD: I think 250 head of poultry is little enough. Most commercial poultry farmers have 500 to 2,000 or 3,000. At all events, it seems quite reasonable that a person owning 250 head of poultry should be entitled to a vote. In regard to the people who are to be brought under the control of the board, we desire to include persons owning 25 head of poultry. While at first sight this may not appear altogether equitable, I point out there are thousands of people in the State owning 25 head of poultry, and if not brought under the con-

trol of the board, they collectively could undo any good the board might do.

Hon. W. J. Mann: Twenty-five head of poultry only provides sufficient for a family's own use.

Hon. G. B. WOOD: Not necessarily. I know persons owning 25 head of poultry who sell their eggs to the local store.

Hon. J. Cornell: But they might be all cockerels.

Hon. G. B. WOOD: Had the hon. member read the Act, he would know that it does not apply to cockerels. The Act applies to female poultry. When I speak of poultry I wish members to understand that I mean female poultry. I venture to say that in view of the present crisis in our primary industries it is a great pity there is no board in existence. I notice that in one of the Eastern States where a board was formed to control the sale of eggs to the Imperial Government, the chairman was selected from one board and two members from another board. Our Act provides for a board, but owing to the unfair conditions governing the poll no board has been brought into existence. There is a kind of voluntary committee. That committee finds it is being overridden by producers who do not desire to enter into the voluntary scheme. Those producers are not standing up to their obligations to pay the stabilisation levy of 1½d. Many people deplore the fact that a board is not in existence. Had another place not so drastically amended the Bill passed last session, a board would be in existence to-day, much to the benefit of the people concerned. Parliament has accepted the fact that a statutory board is desired; there is no question about that. Both Houses are agreed on that point. The difficulty is that the provision regarding the poll has prevented the bringing into existence of the board. The producers desire that there should be a majority of producers on the board. Another place decided against them. By this Bill it is hoped to give the producers majority representation. The board desired is to consist of three producers and two representatives appointed by the Government. Mr. Baxter made a very sensible suggestion last session. He said that one of the Government nominees should be a man well versed in the export trade, and I entirely agree. From consultations I have had with the organised

poultry producers I find they too are in agreement with the suggestion.

Hon. J. M. Macfarlane interjected.

Hon. G. B. WOOD: The hon. member is raking up the decision of the Full Court in Victoria, but that decision will be very quickly altered by legislation. An amending Bill is being introduced. Some technical point was raised in connection with the Queensland Act. Advantage was taken of that point; but, as I have said, legislation is being introduced to overcome the difficulty. I submit the Bill in the reasonable hope that it will be passed. The contentious part is that relating to the poll for the board, and this the producers are prepared to accept. Should members consider other amendments desirable and necessary, they will meet with my approval. I move—

That the Bill be now read a second time.

On motion by the Chief Secretary, debate adjourned.

ADJOURNMENT—ROYAL SHOW.

THE CHIEF SECRETARY (Hon. W. H. Kitson—West) [8.19]: I move—

That the House at its rising adjourn until Thursday, the 5th October.

Question put and passed.

House adjourned at 8.19 p.m.

Legislative Assembly.

Tuesday, 3rd October, 1939.

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

BILL—ROAD DISTRICTS ACT AMENDMENT.

Introduced by Mr. Marshall and read a first time.

BILL—TRAMWAYS PURCHASE ACT AMENDMENT.

Message.

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

BILL—INCREASE OF RENT (WAR RESTRICTIONS).

Read a third time and transmitted to the Council.

BILL—LAND TAX AND INCOME TAX.

Second Reading.

THE PREMIER (Hon. J. C. Willcock—Geraldton) [4.36] in moving the second reading said: This is the usual annual Bill that fixes the rates of land tax and income tax for the current financial year. The rates are the same as those levied last year and for several years past, except that the rebate of 20 per cent. on income tax that has been allowed for some years has been reduced to 10 per cent. The necessity for this reduction in the rebate was fully explained to the House when I introduced the Budget on Thursday last. The Government considers that this is the fairest and most equitable