# Legislative Assembly,

*Thursday, 29th September, 1932.*



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

## QUESTION—ELECTORAL DEPARTMENT.

Mr. DONEY asked the Premier: Is it the intention of the Government to order an inquiry to be held by either a Judge of the Supreme Court or by a magistrate into the allegations referred to yesterday by the Chief Secretary as having been made by a member in another place against the department controlled by the Chief Electoral Officer?

The PREMIER replied: The Government consider it unnecessary to have any inquiry into the department controlled by the Chief Electoral Officer.

Hon. P. Collier: This is the first time I have known a dispute in another place to be brought down here immediately. Let them look after their own quarrels.

## QUESTION—GRADE HERD TESTING.

Miss HOLMAN asked the Minister for Agriculture: 1, Is it the intention of the Government to commence grade herd testing in the Donnybrook district? 2, Are the Government receiving any grant from the Commonwealth Rural Credits Development Funds? 3, Have the Government received any grant from the Rural Credits Department of the Commonwealth Bank? 4, If so, for what purpose was it used? 5, Do the Government consider that grade herd testing is essential to enable low grade cows to be eliminated, thus raising the grade and productivity of the herd?

The MINISTER FOR LANDS (for the Minister for Agriculture) replied: 1, Yes, if satisfactory arrangements can be made. 2, It is anticipated that a grant will be received from this fund. 3, Yes. 4, Purchase of stock. 5, It is considered most desirable.

## QUESTION—MINING RESERVE, LENNONVILLE.

Mr. RAPHAEL asked the Minister for Mines: 1, What were the conditions under which the mining reserve of 500 acres at Lennonville was granted to C. de Bernales? 2, How many men were to be employed thereon? 3, In the event of the labour conditions not being adhered to, could a forfeiture application succeed? 4, Have any fees been paid on this reserve? 5, Has any guarantee been given that the reserve will be worked?

The MINISTER FOR MINES replied: 1, Conditions are as attached.* 2, Applicant was subsequently advised that the reserve would be kept in force until 30/6/33, and possibly longer, subject to the department being satisfied that every effort was being made, with some evidence of success, to raise and subsequently expend large sums of money for the development of the property. 3, No. 4, £5 5s. per annum. 5, Answered by No. 2.

*Conditions of the reserve laid upon the Table of the House.

## QUESTION—METROPOLITAN WATER SUPPLY.

Mr. RAPHAEL asked the Minister for Works: 1, Is he aware of the bad state of the water supplied in the metropolitan area? 2, Is he aware that the water supplied destroys plant life? 3, Is he further aware that the water ruins clothing? 4, Will he have an investigation made to ascertain if the water is injurious to growing children? 5, If the departmental engineers are unable to effect an immediate improvement, will he consider the advisability of obtaining the advice of an expert on a possible remedy?

The MINISTER FOR WORKS replied: 1, The department is aware of the state of the water. 2, No. 3, No. 4, The water is

regularly tested by Health and Chemical Departments, and is found not injurious. 5, Immediate improvement is obtained by flushing when consumer reports discolouration to department. Permanent improvement to avoid discolouration is being effected by cement lining the pipes.

## QUESTION—KALGOORLIE HOSPITAL.

Hon. J. CUNNINGHAM (without notice) asked the Minister for Health: What action has been taken in response to the application made for the reconditioning of the hospital road and grounds at Kalgoorlie?

The MINISTER FOR HEALTH replied: The Public Works Department has been asked to get in touch with the Kalgoorlie Municipal Council with a view to having the work done.

## QUESTION—MINERS' PHTHISIS ACT.

Mr. MARSHALL (without notice) asked the Minister for Mines: Can he give the House the approximate date when he is likely to introduce the proposed Bill to amend the Miners' Phthisis Act?

The MINISTER FOR MINES replied: I will give notice on Tuesday next of my intention to introduce the Bill.

## BILL—ROAD DISTRICTS ACT AMENDMENT.

*Third Reading.*

Read a third time and transmitted to the Council.

## MOTION—STATE FORESTS.

*To revoke dedication.*

Debate resumed from the 27th September, on the following motion by the Minister for Forests:—

That the proposal for the partial revocation of State Forests Nos. 4, 7, 14, 15, 17, 20, 21, 22, 24, 25, 26, 27, 28, 29, 30, 34, 35, 36, 37, 38, and 39, laid upon the Table of the Legislative Assembly by command of His Excellency the Lieut.-Governor and Administrator on 30th August, 1932, be carried out.

**HON. P. COLLIER** (Boulder) [4.37]: I have examined the plans of the areas which it is proposed to make available to settlement, and which were laid on the Table by the Minister for Forests with the notes of the Conservator of Forests attached. In the majority of cases, practically in all cases, they consist of small areas in the State forests, which it is thought might be excised and made available for settlement, running mostly from two or three acres up to a few hundred acres. I have no objection to offer, except to one of them, namely, the area comprised in Nos. 14 to 22 in the Greenbushes district.

The Minister for Forests: They are all small.

Hon. P. COLLIER: Yes, they are. They surround the Greenbushes townsite. But the aggregate area is not small, for it runs into 2,115 acres. I am convinced that this is being done as the result of pressure brought to bear by the local road board. As we know, Greenbushes has been a mining town for many long years, and mining has become extinct there. Consequently things are bad—as indeed they are in most districts—and the local people are anxious to have as much settlement as possible carried out. I find from the notes that during the Minister's visit to the district the local road board waited on him and asked that some of these areas might be made available for settlement. As a result of that interview it is proposed to excise these 2,115 acres from the forest. There is no doubt in my mind that the 2,115 acres, although comprised in several small areas surrounding the township of Greenbushes, are first-class forest country. The note by the Conservator says that the land is on the fringe of the forest and is good forest country. I recall that during the time I was Minister for Forests I had similar representations made to me on several occasions, representations that these areas be made available for settlement. The Conservator of Forests at that time strongly resisted any of this area being given away. It was all prime forest country, and ought to be reserved for forest purposes. That was the opinion of the Conservator in years gone by, and I fear that as a result of the importunity of the local road board in order to have a little settlement around the town to try to keep things going, the interests of the Forests Department are being sacrificed to those of the local road board. No doubt it is good forest country, although perhaps not as good as certain other areas; still it is good forest country and so, notwithstanding that it might be

suitable for settlement, it ought to be reserved for forest purposes. All the others are small areas, but we should jealously guard our forest country and see to it that it is reserved for forest purposes for future generations. It is true the people in the South-West argue on these lines: That because land is suitable for agricultural settlement it should be made available for that purpose, irrespective of whether it might also be first-class forest country. But that is not the view of the Forests Department, nor is it in accordance with forest policy. Although land may be first-class for both purposes, still from the forest point of view it ought to be reserved for timber. When at the Forests Department I had many requests made to me on those lines, the people down there making it the one consideration that if land were suitable for settlement it ought to be made available for that purpose. That is a wrong policy, and if pursued it would mean giving away the major portion of our timber areas for settlement purposes. So although there are about seven of these areas surrounding the townsite of Greenbushes, I feel the proposal is being put forward as the result of the pressure of the local road board in order to help them over their difficulty. I think the Minister would have no objection to my reading the Conservator's note on these areas.

The Minister for Forests: No, certainly not.

Hon. P. COLLIER: I notice that the Conservator makes no recommendation in regard to this, that he merely states the facts without expressing any opinion. I know what his opinion really is.

The Attorney General: Silence does not give consent.

Hon. P. COLLIER: No, not the silence of the Conservator of Forests. He says—

> About 2,115 acres in the vicinity of Greenbushes. Following application by the Greenbushes Road Board to have areas in the vicinity of Greenbushes excised from State forest for settlement purposes, the Minister for Forests visited Greenbushes and discussed the matter fully with the board. As a result, a plan showing various areas considered suitable for settlement was prepared by the board and submitted to the Minister. Following a careful examination of these areas and surrounding country, and in consideration of the special and peculiar disabilities claimed by the Greenbushes Road Board, it was decided to recommend excision from State forest of nine areas (totalling approximately 2,115 acres) which, it will be noted from the reference plan, are situated on the fringes of the best jarrah country.

It seems to me this is being done out of consideration for the special and peculiar disabilities claimed by the road board. There may be other disabilities, but the only one I know of would be that the town is down and out, that the people want more settlement around it, and not that they are suffering any special disabilities because this area is reserved around the townsite. They think that the throwing open of this land for settlement would bring more life, business, and settlement to the town. If these are the only disabilities they are suffering they ought not to be considered by the department or this House. I suppose these special disabilities apply to every townsite in the South-West, adjacent to forest areas, and they could put up a similar claim.

The Minister for Lands: This is a mining area.

Hon. P. COLLIER: It was a mining area. The people living in townsites near forest reservations consider they are suffering special disabilities because the surrounding country is all lying idle. No business comes from it, and nothing is being done with it. If the land were made available for settlement and clearing operations were carried on, to be followed subsequently by farming operations, it would be better for these townsites. That is not the policy of the department nor of the State. I know the Minister is just as jealous as any of us in guarding every acre of forest country for forest purposes. Although we may not realise it to-day, we have passed on many of our present-day troubles to posterity, but in preserving these magnificent forest areas for the future we are doing something for posterity. We shall not reap the benefit ourselves, but those who come 30, 50 or 100 years hence will do so. By that time our hardwoods will be more scarce in the markets of the world than they are to-day, and will be most valuable. I hope the Minister will be able to say that there are some special disabilities of which I am not aware, in connection with this area at Greenbushes, which justify the attitude of the department in giving it away, otherwise I shall be inclined to oppose the motion.

**THE MINISTER FOR FORESTS** (Hon. J. Scaddan—Maylands—in reply [4.50]: I regret when the motion was submitted to the House I did not give an outline of the proposals in detail. As the motion was put ahead of the Orders of the Day, I presumed it would be accepted as formal. Largely because in the past I have made explanations regarding the revocation of part of our State forests for settlement purposes, and as the position does not vary very much, it seemed that any further remarks I might make would merely be a repetition of what had been said before. I should apologise to the Leader of the Opposition that I did not follow the practice, through an oversight, that I have previously followed, of handing him in advance a copy of the notes provided for me. It has been the practice in matters of this kind to advise the House fully of the reasons for revoking any part of our State forests. It is too serious a matter to submit to the House without full and detailed information. The Leader of the Opposition has stated that from time to time portions of our Crown lands, which have been dedicated to State forests, could well be released for settlement purposes. As a rule it is desirable that great care should be exercised in seeing that no portion of our forest land is excised. It is very difficult to make a clear line of demarcation between what is more suited for a permanent forest, and what is more suited for agriculture or horticulture. There ought at least to be a guiding principle. One of the guiding principles is that, if the claims are equal, we should take into account the particular situation of the land it is proposed to release from the State forests. In the case under review it is the settlement side of the land that has prompted the action of the department and myself in submitting this area in Greenbushes. The town possesses all the public facilities in the way of a post office, court, banks, hotels, schools, etc. Except for a little mining activity, the land surrounding it has been held up. The town has been materially affected because of the lack of agricultural land for people who want to settle on it. Both my predecessor and I have been approached on several occasions by the people of Greenbushes to release some of the land for agricultural purposes. I declined to do so until I had an opportunity to go down there. I then visited a show at Greenbushes, and had an opportunity of seeing the result of settlement in the district on similar land to that which it is now proposed to make available. I also heard from others who had been working on the land the success they had achieved. I was therefore prompted to suggest that this was a matter which ought to be settled by the Forests Department and Lands Department acting together. I promised to ask the departments to confer. They subsequently did confer. Although the Leader of the Opposition suggests that the Conservator did not make a recommendation, the notes themselves are evidence that he did. He was not influenced by me in any way and did make a recommendation, which I accepted. His recommendation in the circumstances was the wisest course to adopt.

Hon. P. Collier: He had previously refused me.

The MINISTER FOR FORESTS: He is not only the Conservator, but on forest matters is very conservative, and rightly so. It is not easy to stand up against the pressure that is brought to bear from time to time in the South-West by local governing bodies, and those who attend what is known as the South-West conference. This additional land should be made available for settlement. Without going into the pros and cons I have tried to explain that unfortunately too many people lose sight of the tremendous value, as a permanent asset, that is represented particularly by our jarrah forests. The trouble is that when once we make a small block available, there are continual demands for additional areas to enable settlers to make a living from their land.

Hon. P. Collier: They are continually nibbling away at the forests.

The MINISTER FOR FORESTS: They are continually encroaching upon them. There are several blocks in the gullies throughout the timber forests that we are continually objecting to release, because of the disadvantage from the point of view of the settler, the absence of reasonable means of communication, and the isolation from all facilities that are necessary for the marketing of his produce, and also from the point of view of the inroads that are made in our forests once people are permitted to settle there. If the Leader of the Opposition were to visit Greenbushes and were to see what has happened in recent years, he would find that practically the whole area has been cut

over to a large extent. The best of the timber has been removed, and a fair percentage of the land is swampy. There is a little forest in it, but nothing that would tend to reduce any portion of our prime jarrah assets. Neither is there anything that would interfere with future cutting. In the circumstances I think the Leader of the Opposition might agree that, taking into account the fact that Greenbushes possesses all requisite facilities, that there is a fair amount of settlement around it already, that the evidence of the settlement there is satisfactory, and that only a small additional area of approximately 2,000 acres is involved, it would be better to allow the land to be released than to hold it up as it is at present. Probably many years will elapse before it could become useful for the further supply of timber. I hope the Leader of the Opposition will offer no further objection to the motion. It is not a question of any recommendation on my part. I merely obtained the particulars and submitted them to the Conservator. He and the Lands Department agreed that we would not be doing anything seriously detrimental to our forest policy if we released this land adjacent to Greenbushes.

Question put and passed.

On motion by the Minister for Forests, the resolution was transmitted by message to the Council and its concurrence desired therein.

## BILL—LOCAL COURTS ACT AMENDMENT.

*Second Reading.*

**THE ATTORNEY GENERAL** (Hon. T. A. L. Davy—West Perth) [4.57] in moving the second reading said: This Bill and the Debtors Act Amendment Bill deal with the same thing but under two different jurisdictions. It is generally supposed that imprisonment for debt has long ago disappeared, and that to-day a person can only be imprisoned in relation to debt for contempt of court. I do not think that is so. Being dissatisfied with the sections of the Local Courts Act which are headed "Execution against the person," I want to put the matter on what appears to me to be a more just basis, one that will be less likely to work hardship. As the law stands, if a judgment is procured in the local court or the Supreme Court the creditor may obtain what is called a judgment summons. On the judgment summons the debtor must attend the court, and then if the creditor can prove to the satisfaction of the court that the debtor, since the date of the judgment against him, either has then or has had since the date of the judgment means whereby to pay the sum in respect to which he has made default, or if he has refused or neglected to pay that sum, the court can order him to go to prison for not more than six weeks. Generally the court orders that the debtor shall go to prison for the specified period, and suspends the operation of the order whilst the debtor pays so much a week. It may well be that since the judgment was obtained against him he has had a sum of money, and has not paid the sum the subject of judgment. Perhaps he had other debts equally pressing with the one about which judgment was obtained. Or he may have been foolish and wasted the money in some way; or perhaps he may have had the misfortune, for that matter, to have the money stolen from him. It does not matter. If it can be proved that since the date of the judgment he has had the money, then the order can be made. I will not say that as a general rule magistrates exercise this jurisdiction harshly. It is extremely difficult, as a rule, to get such an order from a magistrate. But in some parts of the State this jurisdiction is exercised by justices of the peace; and one knows, with all due respect to justices of the peace, that sometimes through inexperience, sometimes through lack of judgment, they are inclined to do rather foolish things. It is said that this execution against the person is really only for contempt of court, but that argument will not hold water, because a man can immediately release himself from imprisonment by going bankrupt. If the imprisonment is for contempt, there is no conceivable reason why going bankrupt should salve the man's offence; that is, if he is really committed for contempt of court.

Hon. P. Collier: I thought the writings of Charles Dickens had done away with all that gaol business.

The ATTORNEY GENERAL: Not quite. On another measure I shall presently show the House a very important and serious reminder of Dickensian imprisonment for debt.

Hon. P. Collier: Imprisonment for debt was extremely common up to Dickens's time.

The ATTORNEY GENERAL: Yes. If a man got himself seriously into debt during that period, he could easily spend the rest of his life in gaol. Now, if I followed my private opinion of what really ought to be done, I would simply repeal Section 130 of the Local Courts Act entirely. However, I do not think the time is yet quite ripe for that. Again, I do not think the House has any sympathy for the man who, while able to pay, refuses to pay; say the man who runs up a bill with the storekeeper, puts all his property in his wife's name, and then simply defies his creditors. We do not want to spare that man. Where it can be definitely shown that the debtor is of that type, he certainly ought to be punished. So I propose that we shall retain some power in the court to imprison a man who callously refuses to pay his debts; but, at the same time, we ought to improve the existing measure so that we can be quite sure no innocent person shall be put in gaol in respect of a civil debt. I propose, therefore, that instead of the provisions which exist at present, there shall be a provision by which a creditor may issue a summons and bring the debtor to court, when it will be for the creditor to show that the debtor will be able to pay, that after that date the debtor is going to have some means which will enable him to meet his debt; and the magistrate has to take into account, in giving his decision, the means of the debtor, all his obligations, including the reasonable maintenance of himself and his family and/or any other persons dependent upon him. Then, if the magistrate is satisfied that after meeting those continuing obligations the man can afford to pay something off his debt, he may order that payment to be made. Then, if the debtor fails to make that payment, the creditor will be able to bring him to court again and call upon him to show cause why he should not be punished for contempt of court. That procedure enables the debtor to come to court and explain that he has lost his job, say, or that there has been sickness in his family, or any one of the hundred and one things which may happen to a man and alter his circumstances, thus making it impossible for him to carry out his obligations. That, in effect, is all the measure does.

Hon. A. McCallum: The debtor goes to court twice?

The ATTORNEY GENERAL: Yes. At present the debtor does not get another chance, because if he fails to pay his debt the creditor can, without further reference, get him put in gaol. Under the Bill it is the creditor who must go to court under those conditions and the debtor must be heard before he is seized and thrust into gaol. It appears to me that this Bill is long overdue, and that its passage will prevent the possibility of people being put into prison—which is a place for wicked people—merely because they are unfortunate or perhaps silly. I move—

That the Bill be now read a second time.

On motion by Mr. Marshall, debate adjourned.

## BILL—DEBTORS ACT AMENDMENT.

*Second Reading.*

**THE ATTORNEY GENERAL** (Hon. T. A. L. Davy—West Perth) [5.9] in moving the second reading said: I am glad that the last measure did not go through its second reading straightaway, because I want hon. members to scrutinise this legislation. There may be points of view which I have missed.

Mr. Corboy: All the same, it is amusing to hear a Minister say that he does not want his measure to go through straightaway.

The ATTORNEY GENERAL: These are entirely non-party measures, and hon. members may be able to point out additional factors which ought to be considered. As regards the present Bill, it is practically the same as the measure we have just discussed. This is a Bill to amend the Debtors Act. That Act is the measure which creates the machinery for enforcement of Supreme Court judgments in the same way as the Local Courts Act provides machinery for enforcement of local court judgments.

Hon. P. Collier: It is practically on all fours with the Bill which you have just explained?

The ATTORNEY GENERAL: The wording is practically the same as that of the previous Bill, with some consequential changes.

On motion by Mr. Marshall, debate adjourned.

## BILL—JUSTICES ACT AMENDMENT.

*Second Reading.*

**THE ATTORNEY GENERAL** (Hon. T. A. L. Davy—West Perth) [5.11] in moving the second reading said: I am perfectly sure that every member of the House will be surprised at some of the information contained in this Bill. A few minutes ago I said that I would bring to hon. members' notice a much more serious relic of imprisonment for debt than that which exists under the Local Courts Act. It is a relic which, if one can increase a relic, has been increased without Parliament knowing what it was doing. I do not think hon. members are aware of what has been going on for many years. Under numerous Acts, many of which are set forth in the Eighth Schedule to the Bill, what are truly civil debts are allowed to be recovered in the police court. If an order for payment of money is made in the police court, certain results immediately follow, as set forth in Section 155 of the Justices Act. The order that the magistrates have to make is that the defendant pay such and such a sum of money, that in default of payment execution shall issue—that is, execution against goods and chattels and land—and in default of execution, imprisonment. So that if an order is made by the police court under any of the Acts enumerated in the Schedule, Acts which allow a sum of money to be recovered before justices, or any court of summary jurisdiction, or in a summary manner—there are half a dozen different phrases used—then, automatically, if the debtor does not pay and has not the property out of which payment may be made, he must go to gaol. I am perfectly sure no one thinks that is right. Gaol is for wicked people, and not for unfortunate or silly people. I have no doubt whatever that hon. members will support me in saying that the legislation alluded to needs changing. The proper way to do it, in the long run, would have been to take each Act in which what is in the nature of a civil debt is made recoverable in a police court, and make an amendment there, substituting a local court for a police court. That course, however, would have meant bringing down amendments to a huge number of Acts, and that could not be done—we would be here for weeks and weeks on that matter only.

Mr. Corboy: Then the whole thing wants remodelling?

The ATTORNEY GENERAL: It does; but there is no way of doing that other than the long method I have mentioned. Hon. members will observe that the operative portion of the Bill is quite short. In effect it says that wherever a judgment is obtained for one of the things mentioned in the Eighth Schedule, the order shall be treated as if it were an order of the local court. The person who gets the order from the police court obtains a certificate, and then simply marches round to the local court and records the certificate there. Then the judgment of the police court becomes just as if it were a judgment of the local court.

Mr. Corboy: Do not you think there is a danger of making confusion worse confounded? Why not clean the matter up thoroughly?

The ATTORNEY GENERAL: The only way to clean it up properly, really well, would be to amend separately each one of the Acts mentioned in the schedule.

Mr. Corboy: You are adding another Act now. You are only making the position worse.

The ATTORNEY GENERAL: No. This will make the position perfectly plain. Every lawyer will know just what the position is with regard to this matter; and when he gets an order which he knows to be really of a civil nature, he will just check up and see whether it is one of the things mentioned in this measure. Moreover, the court will know. The court will not issue a warrant for imprisonment without checking up to see whether the matter is one of those dealt with in this measure. Hon. members cannot be aware how frequently people are imprisoned under the existing provision. I myself have come across no less than three such cases within the last year. For example, under the Master and Servant Act a man may proceed for his wages in the police court, or the employer may proceed against the worker for damages for breach of contract in the same court, the latter position arising when the worker leaves his employment without giving notice. In such circumstances the worker can be proceeded against for damages in the police court, and may be ordered to pay such and such a sum of money by way of damages, and in default of payment,

execution, and in default of execution, gaol. The other day a man came to me in a great state telling me that a friend of his, paralysed completely from the waist down, was in gaol at Fremantle for debt. What had happened was that the paralysed person and three other men had started some sort of a business. A man who had been working for them took out a summons for wages under the Master and Servant Act in the police court. It was never served on this cripple, but simply left at the place of business, and he knew nothing about it. The next thing was that he was seized, placed on a stretcher—he is unable to stand up—and conveyed to Fremantle and thrust into gaol. Fortunately I was able to get hold of a lawyer and induce him to take immediate action. The lawyer whipped in a writ of habeas corpus, and we had the man out in about forty-eight hours.

Hon. P. Collier: What was the charge against him?

The ATTORNEY GENERAL: He was charged with not having paid the man his wages. Of course, he said he did not owe the money, but that is beside the question. That was one instance. Another relates to a friend of mine, who is also one of my constituents. I had missed him for some time. He frequently came to see me on Sunday mornings and for some time he did not enter an appearance. Then one day he came along and I said, "Hallo, old chap, where have you been?" He said, "I have been in gaol." I knew him to be a decent man, who had never done anything that would cause him to be imprisoned, so I was naturally astonished at his reply. It appeared, according to his statement to me, that he and three other men entered into a partnership venture, which proved a failure. The other men claimed they were not partners of his but his servants. Their story may have been correct; I do not know whether it was. At any rate, they proceeded against my friend in the police court for the payment of wages and secured judgment against him. The man had not a penny; he was living on sustenance. Suddenly they descended upon him with a warrant, and into gaol he went. It must be remembered that the gaol that a man enters under the provisions of the Justices Act is the same as that to which a man charged with murder is despatched. A man who has been proceeded against under the Local Courts Act is incarcerated in a separate part of the gaol altogether, a part that is supposed to be of a higher class.

Mr. Corboy: A respectable gaol, in fact.

The ATTORNEY GENERAL: Yes. Men who are proceeded against in the police court are not necessarily criminals, but they are treated as such in the gaol. The third instance that came under my notice arose under the provisions of the Industrial Arbitration Act, but the same principle applies. Hon. members will realise that, actuated by a desire to avoid unnecessary difficulties, we decided in connection with enforcement cases, which are really prosecutions for breaches of industrial awards, that the order for the payment of wages, and the order for the payment of back wages, should there be the two orders made against a man, should be taken, together with any fine imposed, as one fine. In the instance under the Industrial Arbitration Act, the man concerned was a barber carrying on business in a very small way. He employed a man but had not paid him the full award rates. That fact was discovered, and the barber was prosecuted. He was fined £5 and ordered to pay £70.

Mr. Kenneally: The larger amount represented back pay?

The ATTORNEY GENERAL: Yes. Immediately further proceedings were taken against the man, and he was imprisoned. That man was faced with the possibility of being detained in gaol for about a year. He had a wife and a very large family, and his business had been practically ruined. His wife and family went on sustenance and then subsequently they came to me and asked that the man should be given his liberty. It was pointed out to me that the position that had arisen savoured of injustice. I could not release the man from prison without wiping out what was really a civil debt. I had no intention of doing that. Finally, we got into touch with the secretary of the union, and he proved to be a good, sensible type of man.

Mr. Kenneally: They are, as a rule.

The ATTORNEY GENERAL: I think they are; I would not dream of saying anything to the contrary. We arranged that the barber, who was in gaol, would consent to judgment against him under the provisions of the Local Courts Act for the back wages. Then I was able to remit the fine—the man had already served about three weeks of his time in prison—and he was

allowed his liberty so as to give him an opportunity to earn money to pay the back wages. Imprisonment following upon police court proceedings wipes out a debt; imprisonment under the provisions of the Local Courts Act does not have that effect, although a man may not be imprisoned twice for the same debt. It is really surprising what ramifications of the law exist under which persons can be sent to gaol for what is really a civil debt. For instance, if the City Council were to issue an order against persons to have their right-of-way paved, and they did not comply with the order—incidentally it is impossible for persons to comply with such an order and pave it as set out because the order is that each man paves the lot——

Mr. Raphael: No, only his proportion of it.

The ATTORNEY GENERAL: No, the order is that each man paves the lot. The only way the order could be complied with would be for all the owners to get together and do the work together. So far no one has been persuasive enough to get people to do that and, as a rule, the council have carried out the work themselves. Of course, they have the right to recover the cost of the work by means of proceedings in the police court.

Mr. Hegney: The council generally call tenders for the work.

The ATTORNEY GENERAL: Yes, but actually they have the right, when people do not carry out an order, to do the work themselves and then recover a portion of the cost from each person concerned, by means of proceedings in the police court.

Mr. Raphael: And they get a lot of abuse for doing so.

The ATTORNEY GENERAL: I dare say. Let me give another instance. A surveyor makes a mistake. The Surveyor General's department can put the mistake right and the cost involved may be recovered in the police court from the surveyor. In these days, when there is no work being undertaken, and the surveyor concerned may not have the cash, he simply goes straight into gaol, should the Surveyor General adopt a harsh attitude. There are a huge number of such headings embodied in the Schedule to the Bill, under which men can be imprisoned for debt. I hope hon. members will scrutinise them, although it may be that in some instances they may consider there is a suspicious savour of wickedness in some, with failure to treat particular matters as almost criminal offences. Personally, I do not think there are any. Under the Water Supply Act action for recovery of water charges is taken in the police court.

Hon. P. Collier: I would not send a man to gaol for not paying his water rates.

Mr. Corboy: But the trouble is it does not apply to rates but to excess water charges.

Mr. Raphael: Are you going to wipe that out?

The ATTORNEY GENERAL: No. All I am doing is to say that if a man cannot pay those charges, he shall not be put in gaol for debt. Payment will be regarded as a civil debt and not as a fine.

Mr. Raphael: What about those who can but will not pay?

The ATTORNEY GENERAL: They will be efficiently dealt with under the Local Courts Act, even if amended as I propose.

Mr. Raphael: Plenty of people work under bills of sale and will not pay anyone.

The ATTORNEY GENERAL: Had the hon. member been here when I introduced a previous measure, he would have understood that we do not attempt to protect the man who can, but will not, pay. He will be dealt with according to his merits in due course. As a result of a most casual glance through the list, hon. members will appreciate the extraordinary diversity of civil debts that can be dealt with in the police court. For instance, under the Education Act, recovery of fees for instruction is a police court matter. Here is a beautiful instance! If my property is stolen and is later found in a pawnshop, an order can be made against me for the payment of compensation to the pawnbroker.

Mr. Corboy: That is frequently done.

The ATTORNEY GENERAL: And if I do not pay the pawnbroker, I can be taken to the police court and possibly be sent to gaol.

Several members interjected.

Hon. P. Collier: Some members seem to have an intimate knowledge of the law relating to pawnbrokers.

Mr. Raphael interjected.

The ATTORNEY GENERAL: Does the member for Victoria Park (Mr. Raphael)

intend to deliver a speech on this Bill? If he does, I suggest he should save his wind for that occasion.

Mr. Raphael: I have plenty, you know.

Mr. Marshall: Was not a mistake made in regard to the inclusion of the Legal Practitioners' Act in the schedule?

The ATTORNEY GENERAL: I would like to feel that I can hope to save the position we are now trying to remedy by the Bill and that the difficulty will not grow again in the future. I trust members will not think I am lecturing them, but I urge them to remember that the evil the Bill seeks to remedy can be stopped only by hon. members safeguarding the position themselves. They should remember that every time they empower action to be taken in the police court or a court of summary jurisdiction, they will revert to the state of affairs that I hope is being cleared up by the Bill. Before any Bill is allowed to embody a provision along the lines I have indicated, it should be thoroughly checked up to ascertain whether the amount to be recovered is really a civil debt or a payment to be made on account of some piece of wickedness or breach of the law. I shall be disappointed if we allow to grow up again what has been happening in the past. I shall be disappointed if we pass the Bill to avoid such a position only to find the evil starting up again. The reason we have got into the habit of allowing such provisions to be embodied in Acts of Parliament is that reference to a court of summary jurisdiction read as though the action to be taken would be more expeditious and the penalty, or amount involved, would be recovered quickly in a summary way. We thought it would be quicker than the result of action taken in the local court. The fact was overlooked that as the result of allowing action to be taken in the police court, we also allowed persons to be imprisoned for debt. I hope hon. members will see to it that that practice is never again allowed to creep into an Act, but that they will detect any such clauses and hesitate before allowing an action to be treated as a quasi criminal offence. I move—

That the Bill be now read a second time.

On motion by Mr. Marshall, debate adjourned.

## BILL—INDUSTRIAL ARBITRATION ACT AMENDMENT.

*Second Reading.*

**THE ATTORNEY GENERAL** (Hon. T. A. L. Davy—West Perth) [5.28] in moving the second reading said: The Bill is identical in purpose and almost in language with the one I have just dealt with. I referred to the experience of the unfortunate barber who, because he had failed to pay his employee the proper rate of wages and had in consequence to pay back wages as well, was regarded as a criminal and placed in gaol. I do not think there is any need for further explanation. I move—

That the Bill be now read a second time.

On motion by Mr. Marshall, debate adjourned.

## BILL—ROCKINGHAM ROAD DISTRICT (LOAN RATE EXEMPTION).

*Second Reading.*

**THE MINISTER FOR WORKS** (Hon. J. Lindsay—Mt. Marshall) [5.30] in moving the second reading said: This is a simple Bill. The Rockingham Road Board had reason to borrow money to make a road from the Mandurah turn-off to Rockingham, and struck a rate over the whole of the road board area. At that time the group settlement Crown grants had not been issued, and therefore the group settlers had no voice in the proposal. Those settlements have since become rateable, and the settlers have protested against the payment of the rate. The road does not benefit any portion of the group settlement. The Bill will exempt the group settlers from the rating for the two loans and will be retrospective inasmuch as the loan rate already levied will be removed and where paid will be refunded. The rate levied was 4d. in the pound. As both parties are agreed, and as the proposal is just, the Bill has been introduced.

Hon. W. D. Johnson: Will not the board have to increase the rate to the remaining ratepayers?

The MINISTER FOR WORKS: I move—

That the Bill be now read a second time.

On motion by Hon. S. W. Munsie, debate adjourned.

## BILL—STATE TRADING CONCERNS ACT AMENDMENT (No. 1).

*Second Reading.*

**THE MINISTER FOR WORKS** (Hon. J. Lindsay—Mt. Marshall) [5.32] in moving the second reading said: This is another simple little Bill to which I hope members will agree.

Mr. Raphael: It does not sound so.

The MINISTER FOR WORKS: The State Implement Works have been in what one might call liquidation for over 12 months and no work has been carried on there as a trading concern. As the works are named in the State Trading Concerns Act and the accounts have to be kept in the manner prescribed in that Act, and as it is no longer possible so to keep them, we are asking to be relieved from that position.

Hon. S. W. Munsie: No other business in Western Australia could continue under the provisions of the Act.

The MINISTER FOR WORKS: The expression "trading concern" means—

> Any concern carried on with a view to making profits or producing revenue, or of competing with any trade or industry or of entering into any business beyond the usual functions of State Government.

Then the Act proceeds to describe how the accounts shall be kept. The nature of the operations of the Implement and Engineering Works are defined in the schedule to the Act as follows:—

> General engineering and jobbing work, manufacture, and sale of agricultural and farming machinery, accessories, and spare parts; purchase and sale of imported agricultural and farming machinery, spare parts, oil, twine, and general farming and agricultural sundries, and the carrying on of any business appertaining or incidental to above, including the purchase of stores and raw material required; establishing of agencies on commission, etc.

I intend to trace the history of the works. In 1912 the then Government started the State Implement and Engineering Works. The State had in operation at the time the North Mole workshop—a small jobbing department that did work for the Government and for the Fremantle Harbour Trust. In addition there was a plant for making cast-iron pipes. When the Government decided to establish the State Implement Works, the North Mole workshop was amalgamated with them and conducted as a joint concern at Rocky Bay. Mr. Davies was appointed manager. In order to establish the State Implement Works material and machinery were acquired from the Triumph Plough Works in South Australia and from an engineering firm in Victoria. In addition to workshop equipment the purchases included a considerable number of farm implements and portions of implements. A little later the Government acquired for the works certain assets of a business conducted by James Haydon at Victoria Park. It was unfortunate that a start should have been made in that way. Because of the false start, it was impossible for the Implement Works to be successful. The assets taken over from Haydon included a number of composite implements such as harvesters and seed drills, of which very few were sold, and which for the most part were broken up and scrapped. It was later demonstrated that the lay-out of the workshops was unsatisfactory. In 1914 there was quite a lot of controversy in the Press about the works, and in 1915 a judge of the Supreme Court was appointed a Royal Commissioner to inquire into the works. In May of that year the manager resigned and Mr. F. E. Shaw was appointed in his stead. On assuming control, the new manager found the works seriously overstaffed and the plant unsatisfactory. One of his first acts was to dispense with the services of 250 employees as there was no work for them to do. The works rendered useful service during the war to various British ships that had occasion to call at Fremantle. Some fine electric cranes were built, a new hull was constructed for the dredge "Fremantle," and several smaller steel vessels for coastal purposes were built. As regards the manufacture of agricultural implements, however, the works have always been a financial failure. In 1910 when the idea of establishing implement works was contemplated, there were no large agricultural machinery works in Australia. The firm of H. V. McKay had just started and came rapidly to the fore as agricultural machinery manufacturers. Those implements were acclaimed, and it was very hard for the works in Western Australia to carry on. Difficulty was experienced in securing good reliable agents to represent the implement works in the country districts, and it was still more difficult to keep them.

Hon. W. D. Johnson: Competitors offered better conditions.

The MINISTER FOR WORKS: Agents usually left and went over to the opposition firms. Since 1927 there has been a very serious decline in the number of implements sold by the works. The decline was manifested before the depression occurred. The loss for the year ended 30th June, 1930, was £12,692, and for the year ended the 30th June, 1931, the loss was £25,527. Assets at the 30th June, 1931, included stock £54,066 and stores £18,499. Owing to the serious financial position of the works, the Government, in 1930, appointed a committee to investigate, and the committee recommended the closing down of the works.

Hon. P. Collier: Who were the members of the committee?

The MINISTER FOR WORKS: I intend to give the names. The value of parts sold in 1929-30 was £9,487, and in 1930-31 £5,590. It is a remarkable fact that, of the 76 different implements made at the works, only 15 were manufactured and sold at a profit. To illustrate the heavy losses I quote the following:—

Heavy stump-jump disc ploughs, 4 to 8 furrows, loss from £11 to £22 each.
Disc cultivating ploughs, various sizes, loss from £1 to £33 each.
Standard stump-jump mouldboard ploughs, loss from £8 to £17 each.
Spring tyne cultivators, loss from £14 to £18 each.
Drills, loss from £20 to £40 each.
Light stump-jump mouldboard ploughs, loss from £11 to £17 each.

Taking the whole range of implements manufactured, the figures disclose that the selling prices totalled 86.54 per cent of the total cost, equal to a loss of 13.46 per cent.

Hon. W. D. Johnson: Almost as bad as the freezing works at Fremantle.

The MINISTER FOR WORKS: Some good might have resulted from the sale of implements at less than the cost of manufacture, but each year the number of implements bought by the farmers has shown a considerable decline. In 1931 the Minister for Trading Concerns appointed a departmental committee, consisting of Mr. F. E. Shaw (manager), Mr. A. M. Howe (State Mining Engineer), and Mr. H. H. Brodribb (Treasury inspector), to inquire into the methods employed by the various Government departments with regard to engineering works. The committee submitted a very comprehensive report and recommended the appointment of a mechanical engineer under the control of the Director of Works, whose duty it would be to control all workshops practice and to co-ordinate engineering requirements of all departments and institutions. They also recommended that, as far as practicable, all work should be carried out at the North Fremantle workshops. Those recommendations were approved by the Government, a mechanical engineer has been appointed, and considerable economy has been effected by co-ordination. We now have simply engineering workshops that do not compete for private work, and there is no necessity for the State Implement Works to remain under the provisions of the State Trading Concerns Act. In 1930 the Government appointed a committee consisting of Mr. Howe (State Mining Engineer), Mr. Courtenay (Accountant, Lands Department), and Mr. Brodribb (Treasury investigating accountant) to make a general investigation of the concern. The facts disclosed by the committee showed that not only had the implement section failed to realise the object for which it was created, but that there was no prospect under existing conditions of its being successful in future, no matter what additional effort and expenditure might be incurred. On that recommendation the manufacture of implements was discontinued, but if in future any person wants an implement and is prepared to pay cash for it, it will be supplied. The financial position of the works is rather interesting. The capital account at the 30th June, 1914, was as follows:—

| | £ |
|---|---|
| Loan .. .. .. .. .. | 52,980 |
| Revenue .. .. .. .. | 2,885 |
| Plant from P.W.D. .. .. .. | 3,523 |
| | 59,388 |
| Consolidated Revenue Account .. | 46,582 |
| | £105,970 |

Since then there has been a considerable writing-off of capital. The writing off on the 30th June, 1917, was—

| | £ |
|---|---|
| Plant .. .. .. .. | 20,447 |
| Buildings .. .. .. .. | 22,323 |
| | 42,770 |
| Less Depreciation .. .. .. | 18,791 |
| | 23,879 |
| Plus accrued losses .. .. | 96,161 |
| | £120,140 |

Hon. W. D. Johnson: There was gross over-capitalisation at the start.

The MINISTER FOR WORKS: That amount was the capital.

Hon. W. D. Johnson: You know perfectly well that that was not the actual capital.

The MINISTER FOR WORKS: I have already stated my view that it was unfortunate the enterprise was not started aright. We sent to Victoria and South Australia and elsewhere to collect a lot of machinery and a great many implements that proved of no use. The loss from 1913 to date amounts to £206,656. That is the accrued loss for the period. Capital written off plant and buildings at 30th June, 1917, amounted to £23,978. Interest on re-adjusted capital and losses to the 30th June, 1930, amounted to £102,754. These sums make a grand total of £333,388. The committee have made certain revaluations of the assets existing at present. Naturally, those revaluations can really be only guesswork. For example, there are in the hands of agents in the country districts numerous parts, and the prices to the agents of those parts have been reduced by us in the hope that the parts will move a little more quickly than they have done in the past. Accepting the committee's revaluations, however, we arrive at what the cost of running the works has been to the State. Plant and buildings are revalued at £47,771, agricultural machinery at £11,000, spare parts at £15,000, stores at £18,499; a total of £95,270. Bills receivable at 30th June, 1931, amounted to £9,494, which sum, with the previous total, gives an aggregate of £104,764. Thus the gross loss is £333,388, which will be reduced to a net loss of £228,624 if the assets realise their present estimated value of £104,764. The Government do not intend to carry on the works as a State trading concern. They are now being used as a jobbing department for the various Government departments. In the circumstances, the works cannot well be carried on under the conditions laid down by the State Trading Concerns Act; that is to say, from a legal point of view.

Hon. A. McCallum: What are you doing with the stores?

The MINISTER FOR WORKS: We are selling them off as fast as we can get rid of them. Entirely new agreements have been made with country agents in order to get the implements and machines shifted at reduced prices, in the same way as is being done with spare parts. If anyone wants to buy an implement, we are prepared to sell it to him at a price considerably below that charged in the past. According to the Auditor General, the books of the works have not been kept in accordance with the State Trading Concerns Act; therefore something must be done to make the position legal. Not for some considerable time has work been carried on under the conditions of that Act. The works are no longer a trading concern and the Government ask the House to carry the Bill so that the position may be legalised.

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

## BILL—REDUCTION OF RENTS ACT CONTINUANCE.

*Second Reading.*

Debate resumed from the 27th September.

**HON. P. COLLIER** (Boulder) [5.50]: This is one of the continuance Bills which I can support without any reservation. It is a matter for regret that in dealing with this and other Bills already before the House we are not in a position to make any amendments: it is a question of either continuing, which is to say re-enacting, the principal Acts as they stand, or of rejecting the continuance Bills. The Reduction of Rents Act is one of the measures which became law last year. It provides for a reduction of 22½ per cent. in the amount of rents payable under current contracts only. At the time the Bill was before the House, we on this side endeavoured, though unsuccessfully, to amend it in that respect, because we felt then, as we know now to have been the case, that the measure would really apply to only about 10 or perhaps 20 per cent. of the people of Western Australia. It applied only to current contracts of one month or over, and thus the numerous people paying rents for private residences obtained no benefit whatever. Only business people who had leases or contracts for one month or over were able to derive any advantage from the Act. I do not know that rents generally have been reduced. There may have been some reduction since last year; but still, whatever happens, people must have homes, and the scarcity of private residences possibly enables landlords to exact rents which are higher than they ought

to be. As I say, the Act has had only a limited operation. From newspaper reports I have noticed that the matter has been mentioned to the Commissioner, but nothing could be done in that direction. People who had leases with high rents fixed in prosperous days have succeeded in obtaining relief. To such persons the Act has proved a very real benefit. They were able, thanks to the Act, to obtain reductions which otherwise they might not have been able to secure. To that extent the measure has proved beneficial. I regret that the great majority of the people of Western Australia, namely those occupying private residences, have not been benefited in any degree whatever, simply because their cases do not come within the scope of the Act. As we are not able to amend the principal Act in this direction, nothing is to be done except to continue the operation of the measure for another year. I have no objection to the Bill, and support the second reading.

**MR. PANTON** (Leederville) [5.53]: The Leader of the Opposition has stated that this Bill affords no opportunity to amend the principal Act. There is one matter, however, which requires amendment, and to which I desire to draw attention. I regret that the Minister for Education is not in his seat at the moment.

The Minister for Lands: He will be here in a minute.

Mr. PANTON: There is a section of the community which has been somewhat penalised by the principal Act, probably through thoughtlessness but certainly with unfair effects. School teachers are compelled to live in Government quarters; and although they have had their salaries reduced by 22½ per cent., they have been granted no reduction whatever in the rents of their quarters. In the case of railway officers—I shall be glad to be corrected if I am wrong—the quarters are part and parcel of the salary. If a railway officer's salary goes up or down, his rent automatically accompanies it. But that is not so in the case of teachers. Their salaries have been reduced by 20 per cent., chiefly on the argument of reduced cost of living; and there has been no reduction whatever in their rents. I am not too certain—not having obtained an opinion from one of the learned counsel seated in front of me—where teachers stand in the matter of contracts. The teachers are paid yearly salaries, and I think it would be a good legal argument that that fact constitutes their tenancy of quarters a contract for more than one month. Perhaps the Attorney General could advise the Minister for Education whether the fact of the teachers being on yearly salaries constitutes their tenancies a contract for over one month, and consequently entitles them to a reduction of 20 per cent. in their rents. The landlords of houses situated about and around teachers' quarters have been compelled by the principal Act to reduce rents, but the teachers have to continue paying unduly high rents for quarters which, regarded as homes, are in many cases obsolete; certainly they do not offer the facilities and conveniences of a modern cottage. I suggest that the Minister for Education go into the question. It seems to me that the teachers have been penalised during the past 12 months; and the teachers themselves are certainly of that opinion, especially in view of the different conditions which apply in the case of railway officers.

The Attorney General: It is the same with the teachers, too.

Mr. PANTON: I do not think so. If it is the case, they have been exploited for 12 months, because the rents of the quarters have not been reduced.

The Attorney General: I was not quite correct in my statement. I shall explain later.

Mr. PANTON: I appeal to the Minister to go into the question and see that justice is done to the teachers. All sections of the community should receive the same fair treatment.

**HON. A. McCALLUM** (South Fremantle) [5.57]: I regret that the Attorney General has brought down this Bill in a form which prevents us from moving any amendments to the Act, or even putting them forward. Although the Act has done some good, its benefits have certainly been circumscribed in many ways. As this side pointed out at the time the measure was before the House, it applies only to persons having leases for a period of one month or more. Any number of people whose position was just as difficult as that of the lessees had no leases; and the Act does not give those people the relief which lessees have received. The Attorney General's statement on that aspect was that competition would bring about re-

duction of rents. It was argued that those people, being weekly tenants, could shift about at will. However, a man in business cannot shift about. There is a certain goodwill attaching to the location he occupies, and he cannot shift that goodwill about. Frequently he cannot obtain the benefit of the Act, simply because he is no more than a weekly tenant, not bound by a lease for a month or more. Of the great number of tenants, those few who secured the benefit of the Act have now lost it. The Attorney General eulogises a measure that cannot benefit those people at all. Of those who got the 22½ per cent. reduction, many obtained renewals when their leases had expired; but in the new leases the 22½ per cent. was put on again.

The Attorney General: But that is against the Act.

Mr. Marshall: No.

Hon. A. McCALLUM: I would like the hon. gentleman to point out how it is against the Act. The Act applies only to leases that were current at the time of its being passed.

The Attorney General: There is a provision in the Act that during the currency of the measure such premises cannot be leased again at any higher rental.

Hon. A. McCALLUM: What I have described is commonly done in the city. Higher rents have been charged to make up for the losses represented by the reductions.

The Attorney General: But that is against the Act.

Hon. A. McCALLUM: I am in a position to say that a legal firm in the city pointed out that there was no redress.

Hon. P. Collier: A person can contract himself outside the Act, and people frequently do so in order that they may continue in their businesses.

Hon. A. McCALLUM: That is a nice position! Under the law as it stands now, leases have been renewed at a higher rental and the reduction of 22½ per cent. has been quite nullified. No relief is accorded people in that position, which applies to persons whose leases are expiring now and who have entered into new leases. Those people are without protection. If the Act itself had been before us so that we could discuss the whole of its provisions and amend it with a view to affording relief that is now denied so many people, it would have been much better. We realise there has been some reduction in house rents but the benefit has not been as great as we desired. The trouble is that in many instances a number of families occupy one house. They cannot afford separately to pay the rent demanded and therefore two or three families reside in one house, under which conditions the landlord is able to get the rent he requires. I am aware that in many instances there have been fairly substantial reductions in rent, but it is almost impossible to get rents in respect of some cottage properties, in working class districts in particular. People who are on the dole cannot possibly pay rent and landlords cannot expect it. Many people formerly relied on the rent from one or two small cottages, but now they do not derive any income from them at all. There is a proportion of the landlords who persist in extracting the last penny from tenants, but it has to be realised that there are extreme elements in every section of the community. I cannot subscribe to the views enunciated by the Attorney General when he said that the mere fact that people occupied houses on a weekly tenancy meant that they could move somewhere else when they chose.

Hon. S. W. Munsie: If a person owns much furniture, it probably takes the equivalent of the rent for two or three weeks to enable him to move.

Hon. A. McCALLUM: A number of reasons prevent people from moving from place to place. Those who pay rent weekly and cannot get a lease of even a month or three months, should be protected by legislation. I realise it is impossible to oppose the Bill because the parent Act has proved serviceable in its limited sphere of operation. We know that what we said originally has been borne out by results, and the operations of the legislation have proved altogether too circumscribed. It would have been quite easy, without damaging the interests of anyone, to have extended its operations, but the Government did not listen to our requests in that direction. Now the Bill is before us, we find that the Government intend the operations of the Act still to be limited. Because of the manner in which the Bill has been introduced, we cannot move to amend the parent Act. We must take the Bill as it is or reject it and so, I presume, the existing conditions must operate for another year. No one would like to see the legisla-

tion lapse, and there is nothing for us to do but to support the Bill.

**HON. S. W. MUNSIE** (Hannans) [6.5]: The Act requires amendment to deal with the anomalies that are apparent, more particularly with regard to cottage property. Twelve or fifteen months ago it was quite easy for a tenant to secure a lease, thereby assuring that he would not be asked to vacate his private dwelling house for 12 months. Evidently landlords were frightened when the legislation was passed and came to the conclusion that if they granted leases, the provisions of the legislation would operate against them. Whether they could be compelled to reduce the rent under the circumstances they indicated, I do not know. I do know that it is almost impossible for any tenant to secure a lease of a private house for a month or more at the present time. Land and estate agents will tell the tenants frankly that they have nothing to worry about and that the cottages are theirs so long as they like to occupy them at the rentals charged. In one instance I know of, that statement was made to a tenant who could not secure a lease. He rented his cottage and was given an assurance—it was given verbally because the agent would not put it in writing—that if he wanted the house for five years, he could have it. Within three months the owner sold the property and the tenant had to move out. It cost him between £3 and £4 to move into the house and a similar amount to move out. That clearly indicates one of the defects of the Act, and the Bill should include a provision making the legislation apply to weekly tenancies. As the member for South Fremantle (Hon. A. McCallum) has pointed out, we are not to be given an opportunity to amend the Act and, in the circumstances, we can merely point out what is happening to-day. I know of one instance where a person endeavoured to get a guarantee that for a period of two or three months the house would not be sold over his head, but he could not get even that assurance. Apparently the impression among landlords is that if they grant a lease for more than a month, they automatically bring themselves under the provisions of the parent Act. Of course that is not the position, but that is the explanation that is furnished.

**MR. SLEEMAN** (Fremantle) [6.7]: I protest against the manner in which the Bill has been introduced. It places me in the position of having to oppose the Bill, which I do not desire to do, or to agree to it as it stands, to which I object. The Attorney General should have given us an opportunity to amend the Act itself. When it was first introduced we discussed the measure at length and showed clearly that it was not satisfactory. Our predictions have been fulfilled, and I am forced to describe the measure as one relating purely to rich men and their property. Although there are exceptional instances where poor men may have benefited under the operations of the Act, I still maintain that it is a rich man's Act, rather than one for general benefit. The wealthy people who hold premises on a basis of monthly rentals are the ones who benefit, while the large proportion of tenants, who are on a weekly basis, are unprotected. People in my electorate have been compelled to pay exorbitant rentals for small dwelling houses. Those people have to continue on because they cannot shift about just as they like. If they desire to leave their present premises, they must find another house that is suitable in a convenient locality with the rental in accordance with their requirements. It is not easy to do that. I protest against the House being placed in a position of being unable to amend the parent Act. Had I realised that was the position, I would never have agreed to the order for leave in the form the Minister moved it. It is a pity we were not alive to the position because we could have promoted a debate and indicated to the Minister the wrongfulness of his attitude.

**MR. BROWN** (Pingelly) [6.10]: I support the second reading of the Bill. It is essential that protection be given to people who are renting houses in these times of depression. Some time ago I spoke about the rental charged by Government departments to school teachers and other Government employees. I do not know whether the position has been rectified. My attention was drawn to the fact that the Government had demanded excessive rents for school premises. Although the salaries of the teachers and others have been reduced by 20 per cent. or more, their rentals have not been reduced correspondingly and it is only right that they should have been so reduced. I was surprised at remarks made by the Leader of the Opposition when he said that

many people were not reaping the benefit of the rent reduction legislation. If a person is paying £2 a week for the house in which he lives, he can remove to other premises and pay 50 or 100 per cent. less than that rental.

Members: Nonsense!

Mr. Raphael: Bank books have to be produced.

Mr. BROWN: Unfortunately I own a house or two in Perth. My tenants have never been asked to produce their bank books. They are there for a week, and then out they go. I know that some of my rents are 100 per cent. to 150 per cent. less than they were a year ago.

Members interjected.

Mr. BROWN: In fact, my houses are empty. Getting down to solid facts, where the rent was £2 a week formerly, it is now £1 a week. In one instance the rent was £2 5s. and it is now 15s.

Mr. Millington: I suppose that is the 150 per cent. reduction!

Mr. Raphael: That is taking the broad view.

Mr. BROWN: I claim that I am a philanthropist in that respect. Many people live in houses although they pay no rent.

Mr. Marshall: They cannot pay for food, let alone pay the rent.

Mr. BROWN: I would prefer to have a person living in a house of mine rather than it should remain empty. I would prefer that even though I received no rent from the tenant. It would be better for landlords if their houses were tenanted even under those conditions. What is required, in my opinion, is a Fair Rents Bill.

Opposition Members: Hear, hear!

Mr. BROWN: Some relief should be given to people in these hard times. I support the second reading of the Bill.

*Sitting suspended from 6.15 to 7.30 p.m.*

**MR. PIESSE** (Katanning) [7.32]: I desire to say a few words in support of remarks made by the member for Leederville and the case he put forward on behalf of those school teachers who are housed in departmental quarters. I have no knowledge of the basis on which the rents of those quarters are assessed, but I do know that shortly after the passing of the Act some of the teachers complained that they were not privileged, as occupants of private dwellings were privileged, to secure under the Act relief in respect of rent. I think it may be said that the occupancy of Government quarters is equivalent to a lease, seeing that the teacher has been officially appointed to that station, and so I think he is justly entitled to the reduction given to others. Furthermore, he has not the opportunity that private tenants have to seek cheaper premises. The rent, no doubt, was fixed when times were good, but there is a certain diffidence on the part of teachers impelling them to suffer an injustice rather than press their claims for a reduction. Teachers in receipt of salaries of £500 or £600 per annum have suffered a reduction of salary to the extent of £100 or £120, and so I think the Minister would be justified in looking into the question of the reduction of rents for departmental quarters.

**MR. MARSHALL** (Murchison) [7.35]: I object to the re-enactment of an important measure such as this without opportunity being given to the Opposition to move amendments. When, 12 months ago, the parent Act was introduced, it was argued that it would have but very limited application, and I think its operations have proved that contention to be well-founded. Moreover, leases that were in existence on the passing of the Act have since been altered in character, or even cancelled, in order to avoid the effects of the Act. When the parent Act was being subjected to a fairly rough passage through the Chamber, I did not pay particular attention to the definition of "lease," but I think the parent Act applies in this way: Suppose I were the lessor, and one of my friends opposite the lessee, provided the lease is so worded that neither of us can dissociate ourselves from the contract without giving at least one month's notice, then the Act applies. But if we alter the contract to read that the required notice of termination shall be only a week or a fortnight, then the Act does not apply.

The Attorney General: How do you measure the duration of a lease, except by the notice required?

Mr. MARSHALL: No, no! All sorts of contracts are arranged. You might arrange with a person to render you service for 12 months or two years at so much per annum, but that does not say you must give 12 months' notice of intention to break that contract.

The Attorney General: Of course it does.

Mr. MARSHALL: Certainly not! The Minister must admit that the length of notice required to end the contract has no relation to the period of the contract. There are in the city leases for periods of even five or ten years. Does the Minister argue that in order to break such a contract a similar period of notice must be given?

The Attorney General: Of course not.

Mr. MARSHALL: Well, that is what I am arguing, and is what the hon. member's Act does not cover if only a week or a fortnight's notice is required. I agree with the member for Hannans (Hon. S. W. Munsie) that if contracts expire and are renewed, or if a new contract is made, the Act applies

Hon. A. McCallum: But what if it is renewed and put on a weekly basis?

The Attorney General: They cannot do that.

Mr. MARSHALL: Yes, they are doing it all over the place. Surely the Minister gives us credit for having watched the operations of the Act during the last 12 months. The member for Hannans raised the point that if you go to a property owner desirous of leasing his property, and you want a long tenure of lease, he will refuse. "No," he says, "I cannot give you a lease, but you can have occupation of the premises if you pay me a weekly rental, and I will guarantee verbally that you can hold it for 12 months or two years, but I will not sign any lease." I should like the Minister to give us some information or figures to show exactly the number of people affected by the Act. I do not think there are many leases in the city in respect of which the Act gives any relief at all. Even if there were no possibility of evading it, the Act would not interfere with many leases. Only a very small number of people can get any advantage from the Act itself. When the Act was under discussion, we on this side tried to get ordinary dwelling-houses included. Even when the Act first came into operation very few leases in the city, lengthy leases in important localities, were affected by it. Certainly the Act did not benefit the large number of people the Minister would have us believe it did; in other words, recalling the statement he made when introducing the Financial Emergency Act, that there was to be a general scaling-down, the Act now under discussion failed, inasmuch as rents for dwelling-houses were not brought down. Of course I know we shall hear from the Minister more about the law of supply and demand.

Hon. S. W. Munsie: Yes, Billy Hughes promised us that a long time ago.

Mr. MARSHALL: One can go into any suburb around the city and find homes to let. But those homes could not be rented for a shilling less to-day than was charged for them 12 months ago. They are being held out of use rather than that they should be let at a lower rent.

The Attorney General: Rubbish!

Mr. MARSHALL: I happen to have a number of relatives living in the suburbs, and most of them are renting their homes. If the Attorney General taunts me with talking rubbish, let him go with me to-morrow, and I will show him examples. A home in Newcastle-street could be rented for 27s. 6d. a week two years ago. My sister-in-law asked for a reduction and could not get it. The house has been empty for a month, and the rent quoted is still 27s. 6d. a week. The Attorney General, in his cheap snarling manner, talks of rubbish. He seems to regard himself as a human encyclopedia in this Chamber. As a matter of fact he knows little about anything.

Mr. Brown: That landlord must have plenty of money.

Mr. MARSHALL: Yes, like the hon. member. The Minister does not know everything. I am in touch with relatives who rent houses in the city, and I object to the Minister throwing contemptible remarks across the Chamber. I do not say that there has been no reduction in all instances, but in the majority of instances there is no such thing as open competition. A friend of mine recently desired to get the tenancy of a house in Roberts-road, Subiaco. He was in a position to pay, but he had to undergo quite an inquisitorial examination as to his affairs before he could get possession, and then he had to pay 25s. a week. I believe that rental represented a reduction of 2s. 6d. compared with two years ago. To satisfy the landlord he had also to obtain credentials from people of high standing before he could get possession. It is almost necessary for a man nowadays to show his bank book before he can get a house. So the argument that the law of supply and demand will adjust the value of houses no longer holds. There is no such

thing as competition in trade and commerce; there are too many organisations and combines controlling affairs. Competition does not reduce house rentals or commodity prices to those who require them. The Bill represents a snide method of preventing the Opposition from obtaining what they desire, namely, an amendment of the Act. In order to amend the Act, one of us would have to introduce an amending Bill. This legislation is of such importance that the Minister should have introduced it in a form to enable us to move amendments. The Minister need not imagine that rents are much lower than they were 12 months ago. If he doubts my word, let him make inquiries, and he will ascertain that what I have said is true. In very few instances have landlords reduced rents. Rather they would close up their premises and keep them unoccupied. Many of them are in the happy position of being able to do that. They seem able to live without letting their properties. There are exceptions to the rule. A civil servant who has to leave the city must keep his home occupied in order to enable him to meet expenses, but from the landlords little advantage has been obtained by the workers. Before a house can be rented the landlord has practically to be given an insight into the prospective tenant's affairs, and reputable people have to be found to give credentials. I am sorry that the Bill does not provide for such matters. The Minister is inconsistent. The general slide down has applied only to workers' wages, whereas rents are maintained as before. The Government would have been well advised to give some relief and let the landlords participate in the slide-down. Only the people on the lowest rung of the ladder have slipped down; those on the top still swing there.

**THE ATTORNEY GENERAL** (Hon. T. A. L. Davy—West Perth—in reply) [7.52]: In considering this measure we ought to recollect just what place it took in the Premiers' Plan. The idea of the Premiers' Plan was that with the conversion loan, the reduction of expenditure by Governments and the reduction of interest on mortgages, there would be a scaling down of all costs. The question of rents was never broached at the Premiers' Conference, except insofar as it was considered necessary to break leases current at the time to enable rents to be reduced to their true economic value. Everybody at the conference thought that, with the troubles facing us, rents would fall in accordance with the law of supply and demand—that law which the member for Murchison impatiently suggests was repealed some years ago, or, if not repealed, it should have been.

Mr. Marshall: No, placed on the statute-book by William Morris Hughes.

The ATTORNEY GENERAL: Nobody at the conference, not even Mr. Theodore or Mr. Lang, suggested as part of the Premiers' Plan a general supervision of rents. All that was said was that rents fixed in the boom period ought not to be allowed to continue in the slump period, and as part of the general sacrifice, it was considered that contracts for boom rents should be broken with the idea that the true economic rent would be fixed for such premises.

Mr. Kenneally: But none of the other Premiers said that the 22½ per cent. should apply to outside employees. The hon. member was the only member of the conference who advocated that.

Mr. Marshall: And put it into effect

The ATTORNEY GENERAL: I did not advocate it.

Mr. Kenneally. If you did not advocate it, the report of the proceedings was false.

The ATTORNEY GENERAL: I do not know what that remark has to do with the question before the House.

Mr. Marshall: It has a lot to do with your attitude at the Premiers' Conference.

The ATTORNEY GENERAL: My attitude at the conference, as the reports denote to any intelligent person, was perfectly logical. However, the interjection of the member for East Perth has nothing to do with the Bill.

Mr. Kenneally: Why introduce the question of what Mr. Lang said there if you are not prepared to follow the matter to its logical conclusion?

The ATTORNEY GENERAL: I do not know why the member for East Perth should be so upset because I mentioned Mr. Lang's name.

Mr. Kenneally: Why deny what you said?

Several members interjected.

Mr. SPEAKER: Order! I must ask members to obey the Chair. I can hear only one member at a time.

The ATTORNEY GENERAL: Hoping to be allowed to continue, let me say that anything more than is contained in the Reduction of Rents Act would not have been in accordance with the Premiers' Plan. All that was logically consistent with the Plan was that leases fixing rents in boom times should be broken so that the rent appropriate to the slump period could be the one charged. That is the reason why the breaking of such rents was confined to leases having a duration of more than one month. Ninety per cent. of the rents for houses are fixed on a weekly basis, and whatever the member for Murchison may say, such rents have fallen in accordance with the law of supply and demand, and have come down far more than the 22½ per cent. mentioned in the Bill. I do not imagine that some of the criticism in opposition to the Bill is really very serious, but I should like to deal with one or two of the points raised. The member for Leederville (Mr. Panton) spoke about the rents paid by school teachers. The rents charged to teachers by the Education Department are on an extremely low scale, and on a rather illogical scale. The basis of them is a percentage on capital value, but in addition, the income of the teacher is taken into consideration. In a particular place Smith, a teacher, occupies a particular house and pays, say, £100 per annum rent. He leaves the district and his place is taken by Jones, and because Jones is on a higher scale of salary, the rent goes up to £150 per annum. That, I think, is quite absurd. I do not consider that the 22½ per cent. reduction should have applied on a flat basis to rents charged to teachers. The teachers were not being charged an economic rent; they were not being charged a rent fixed on boom conditions; they were charged a rent based purely on a formula. The times have changed to such an extent as to justify an alteration in the rents.

Miss Holman: They were being charged rent on the wages they were receiving before the deductions were made.

The ATTORNEY GENERAL: The basis of the rentals was a percentage of the capital cost of the buildings, with a variation according to the salary received.

Miss Holman: Before the reduction was made.

The ATTORNEY GENERAL: They were, however, paying extremely low rents, much lower than ordinary citizens had to pay in boom times. The matter has been discussed at considerable length between the Premier and myself, and by the department and the teachers. I have suggested a formula for fixing the amount of rent to be paid, and am expecting to hear in the near future whether that basis will be accepted or rejected. The position of the teachers should not be compared to that of the people this measure was supposed to help, that is people who, in boom times, had entered into a lease, and in slump times were faced with the necessity of paying boom-time rents.

Mr. Panton: The rents should come down as well as everything else which has come down.

The ATTORNEY GENERAL: The lease of the premises has nothing to do with the salary the tenant is drawing.

Mr. Panton: I wish the Arbitration Court would take that view when we go before it.

The ATTORNEY GENERAL: That is not the problem with which we are faced.

Mr. Panton: It is the problem with which the workers are faced.

The ATTORNEY GENERAL: I am taking about school teachers.

Mr. Panton: I presume they are workers within the meaning of the Act.

The ATTORNEY GENERAL: So is the hon. member.

Mr. Panton: A lot of people will not agree with you there.

The ATTORNEY GENERAL: I say that the hon. member is a worker. I think the member for South Fremantle (Hon. A. McCallum) missed the fact that in Committee an amendment was made to the measure, and that this side of the House can claim credit for it. The amendment was moved by the member for Geraldton.

Mr. Raphael: You do sometimes listen to us.

The ATTORNEY GENERAL: This met the case which he suggested had not been met. It does not matter that the lease should have run out. Section 3 of the Act says—

> It shall not be lawful for the lessor, under any lease hereafter granted or entered into in respect to any land which is or has been subject to a lease current or in operation at

the date of the commencement of this Act, to reserve, charge or receive a greater or higher rental in respect to such land than that permitted by or under this Act to be charged and received under the lease current or in operation at the date aforesaid.

If a person was a lessee when the Act came into operation, the lease reserved would have been reduced 22½ per cent. by the Act. When the lease ran out the landlord was prevented from re-leasing, either to him or anyone else, at any higher rental than the old one, less 22½ per cent.

Hon. A. McCallum: The landlords only leave their tenants in occupancy on a weekly basis, and can thus put the rent up.

The ATTORNEY GENERAL: I do not think that makes any difference.

Hon. A. McCallum: But they are doing it.

The ATTORNEY GENERAL: I daresay they are.

Hon. P. Collier: Because they do not come under the Act.

The ATTORNEY GENERAL: Some people are always trying to evade the law, and sometimes succeed in doing so.

Hon. A. McCallum: I am informed that the Act does not apply in these cases. People will not give more than weekly tenancies.

The ATTORNEY GENERAL: Houses may be let on a weekly tenancy.

Hon. S. W. Munsie: That is what is going on week after week. Landlords will not give leases of their premises.

The ATTORNEY GENERAL: It is no use saying that people cannot move to other premises.

Mr. Raphael: They have not the means with which to move.

The ATTORNEY GENERAL: The law does not prevent them from moving.

Hon. A. McCallum: It is pretty difficult for a man to establish a business under such conditions, when he cannot get a lease of premises.

The ATTORNEY GENERAL: It is difficult to get leases when times are bad. If the hon. member owned property he would not be prepared to commit himself to a rental based on present values.

Hon. S. W. Munsie: In the case that I had in mind, that of a private residence, the house was let on a 12 months written guarantee at 25s. a week. The tenants are still paying on a weekly basis and cannot get a lease even for a month. There is no reduction in rental there.

The ATTORNEY GENERAL: If the hon. member owned the house, would he be prepared, in times like the present, to give a two-years' lease at the rental he could get now?

Hon. S. W. Munsie: Yes, if the rental was the same as I was getting 12 months ago.

The ATTORNEY GENERAL: He would not be showing much business acumen if he did so.

Hon. S. W. Munsie: Do you think rentals will go higher than they were 12 months ago?

The ATTORNEY GENERAL: They were beginning to slump badly then.

Hon. S. W. Munsie: The rents for private houses had not begun to slump.

The ATTORNEY GENERAL: Yes, they had.

Hon. S. W. Munsie: They were as high as they had ever been.

Mr. Marshall: Very few rents had come down.

The ATTORNEY GENERAL: They had definitely started to slump long before that. Anyone can quote instances of particular landlords who have kept their tenants paying a rental above the market value.

Hon. S. W. Munsie: I am speaking of a new tenant, not the old one.

The ATTORNEY GENERAL: Why did he pay the rent?

Hon. S. W. Munsie: Because he could not get a cheaper house anywhere else. I wish the Attorney General had gone round with me when I was trying to get a house.

The ATTORNEY GENERAL: Was the hon. member trying to get a house at a lower rental than he would have paid 12 months ago?

Hon. S. W. Munsie: For a suitable house, yes.

The ATTORNEY GENERAL: Perhaps the hon. member required a miniature palace.

Hon. S. W. Munsie: I wanted an ordinary four-roomed cottage. If one requires a brick cottage of that size in the metropolitan area one cannot get it for less than 25s. per week, and there are tenants willing to pay that at any time.

The ATTORNEY GENERAL: I could take the hon. member to ever so many cottages like that, the rental for which varies between 11s. and 15s. a week.

Hon. P. Collier: Not in West Perth.

The ATTORNEY GENERAL: Yes.

Mr. Raphael: You could not get them in Victoria Park for that, and it is supposed to be the cheapest suburb to live in.

The ATTORNEY GENERAL: I am sorry to have displeased members by bringing the Bill down in this form. It is entirely in the hands of members to move, if they desire to do so, that the Act be amended.

Hon. A. McCallum: You know private members on this side would not have any chance of amending the Act.

The ATTORNEY GENERAL: Last year the hon. member complained of the same thing with regard to the Tenants, Purchasers and Mortgagors Relief Act. I told him then that if he would bring down a measure embodying the views he held, he would be given every opportunity to have it discussed and brought to a vote. He did this, and his Bill was brought to a vote.

Hon. A. McCallum: Of course it was, and that was the end of it.

The ATTORNEY GENERAL: Of what is the hon. member complaining? He cannot ask for more than to be able to express his views.

Hon. A. McCallum: I am telling you what a waste of time it is for us to bring down Bills with the majority opposite against them.

The ATTORNEY GENERAL: Why does the hon. member complain of the form in which the Bill is presented? If he wants to amend anything, he has only to persuade a sufficient number of members of the House to vote with him.

Mr. Marshall: We could persuade them to do so if you would decline to persuade them not to do so.

Hon. A. McCallum: Fancy trying to persuade them with the following the Government have behind them. Members opposite never express an opinion.

Member: They are loyal to the Government.

The ATTORNEY GENERAL: I doubt if any Government had a more loyal following.

Mr. SPEAKER: Order! There is no reference to them in this Bill.

Hon. A. McCallum: No Government ever had a more dumb following.

The ATTORNEY GENERAL: I do not know that that is any reflection on the Government. I should imagine when a Government has a following such as this one has, and it has not the machinery for dealing with its members such as exists in the case of some other party, that that is something upon which it should be congratulated.

Mr. SPEAKER: I think the Minister is off the track.

The ATTORNEY GENERAL: I have nothing more to say except that I hope the second reading of the Bill will be agreed to.

Question put and passed.

Bill read a second time.

*In Committee.*

Mr. Richardson in the Chair: the Attorney General in charge of the Bill.

Clause 1—Short title:

Mr. MARSHALL: I move an amendment—

That the word "rents" be struck out.

This Bill merely deals with annual tenancies or leases, and does not deal with rents. In the case of dwellings, shops, etc., it is the word "rent" that usually applies.

The CHAIRMAN: I cannot accept an amendment to a continuance Bill. Such a measure must either be vetoed or accepted as a whole.

Hon. A. McCallum: We can amend the date.

Mr. Marshall: I want to amend the Title of the Bill. I am not amending the parent Act. If this is your ruling I must move to disagree with it.

The CHAIRMAN: Does the hon. member propose to substitute another word for "rents"?

Mr. Marshall: Yes, the word "lease".

The CHAIRMAN: There is nothing on the statute-book called a Reduction of Leases Act.

Mr. Panton: We must make one.

The CHAIRMAN: I am afraid I cannot accept the hon. member's amendment.

Mr. MARSHALL: You have ruled, Sir, that I am not in order in moving that amendment?

The CHAIRMAN: That is so.

Mr. MARSHALL: All right.

Clause put and passed.

Clause 2—Continuance of Act:

Mr. RAPHAEL: I do not oppose the continuance of the Act, but the eloquence of hon. members opposite causes one to think there must be some catch in this Bill. Certainly, the Attorney General cannot have

investigated the position as to rents, or he would have brought down a Bill enabling the Chamber to amend the Act. We on this side never believed that the Act would benefit the great mass of the people, the working classes, for whom we must do the best we can with the minority we have here. The member for Pingelly was eloquent regarding——

The CHAIRMAN: The Committee are now discussing the question whether the Act shall be amended by altering the words "thirty-two" to "thirty-three".

Mr. RAPHAEL: The continuance Bill is our one channel for dealing with that responsibility which so far the Government have succeeded in dodging.

*Point of Order.*

The Attorney General: On a point of order, Mr. Chairman. Will you please inform me what is before the Committee?

The Chairman: The alteration of the words "thirty-two" to "thirty-three". I ask the member for Victoria Park to confine his remarks to that phase of the subject. If the hon. member desires to amend or alter the words "thirty-three", I think possibly he is in order.

Mr. Marshall: I absolutely disagree to your ruling, Mr. Chairman. We on this side are advancing reasons why the Act should not be continued.

The Chairman: Does the hon. member disagree with my ruling?

Mr. Marshall: If you rule, Mr. Chairman, that we cannot move to amend the parent Act, I certainly must disagree with your ruling.

The Chairman: I think the hon. member has agreed with my ruling. I am pointing out that the only question before the Committee is whether the principal Act shall continue for 12 months longer.

Mr. Withers: We can show cause why it should not.

Mr. Raphael: Whether I agree or disagree with the Attorney General's opinion, I am still entitled to put my own opinion before the Committee. If necessary, Sir, I shall move that your ruling be disagreed to. Although we accept what the Attorney General gives us, small though it be, the principal Act is unfair and unjust to that section of the community which we on this side of the Chamber represent. I had expected that this Bill would be in a different form from last year's Bill.

The Minister for Railways: It is entirely different.

Mr. Raphael: For once I agree with the Minister for Railways. We on this side thought the Attorney General would recognise the defects of the principal Act and bring down a comprehensive measure which would answer the needs of all sections of the community instead of only those of the favoured few.

The Attorney General: I take it, Mr. Chairman, that there is some definite difference between the speeches which may be made in Committee and the speeches which may be made on second reading.

Mr. Panton: That depends on the nature of the clause.

The Attorney General: We have already had the second reading discussion on the principles of the Bill.

Mr. Marshall: Who is going to rule this Chamber—the Attorney General, or the Standing Orders?

The Chairman: Order! I ask the member for Murchison to keep order.

The Attorney General: You, Sir, are of course the person who determines what is in order and what is not in order; but I am entitled to call your attention to what appears to me a breach of the Standing Orders. The principle of this Bill is that a particular Act shall be continued, and I submit that the only question which can be discussed on this clause is whether it shall be continued for the period mentioned in the clause, or for some other period. The member for Victoria Park is making a speech which would have been entirely in order on the second reading, but which I submit has no place whatever in a debate on this particular clause.

The Chairman: In giving my ruling on the point of order raised by the Attorney General, I wish to say that I agree with the Attorney General's remarks. We are now discussing purely and simply whether the Act shall continue until the end of 1933. I ask hon. members to confine their remarks to that point. If they do not desire the Act to be continued until 1933, or if perhaps they desire it to be continued for a longer period, or for a shorter period, I am prepared to listen to them.

Mr. Panton: I am sorry to have to disagree with your ruling, Mr. Chairman. From a perusal of the clause I am of opinion that if you are giving your ruling on the sub-

clause, the ruling is perfectly understandable, because then there is the question of the two dates. But I still contend, like the member for Murchison, that the mere fact of some members having spoken on the second reading does not, at any rate in the opinion of that hon. member and in mine, preclude them from giving their opinions on this particular clause, which beyond a shadow of doubt is the Bill. In Committee it is quite common to discuss not only the clause itself, but also subclauses, and further, amendments to the clause or the subclauses. I am not concerned about the rights and wrongs of doing so; but I am concerned about the right of members to discuss, in Committee, portions of a clause. I regard your ruling, Mr. Chairman, as dangerous. I fear it may prove a dangerous weapon in the hands of some future Chairman. Much as I should regret it, I fear I may have to move that your ruling be disagreed to.

*Dissent from Ruling.*

The Chairman: I have given my ruling. Do you move that it be disagreed to?

Mr. Panton: Very well, Sir, I shall move—

That the Committee dissent from the Chairman's ruling.

We shall thus let the House decide the question.

Hon. P. Collier: I suggest that it will clear matters up if you state the question, Mr. Chairman, state what is before the Committee.

The Chairman: The question before the Committee is Clause 2, the side note to which reads "Continuance of Act." The clause itself begins—

(1) The principal Act shall continue in force until the end of the year nineteen hundred and thirty-three, and no longer.

Then there is Subclause 2—

(2) Section nine of the principal Act is amended by deleting the words "thirty-two" and inserting in lieu thereof the words "thirty-three."

I have ruled that the debate should be confined to the question whether the Act should be continued from 1932 to 1933. The member for Victoria Park desires to enter into a general discussion on the Act as it stands to-day. I have ruled that in connection with this Bill the discussion should confine itself to the two subclauses of Clause 2.

Mr. Kenneally: You also stated, Sir, that we could likewise take into consideration whether the continuance should be for a longer or for a shorter period.

The Chairman: Yes, I have stated that.

Mr. Kenneally: Following that up, I take it that a member desiring either a longer or shorter period would be entitled to give reasons why the continuance should be for a longer or for a shorter period. Naturally members do not desire to proceed with a motion to disagree with your ruling, if it can be avoided. If we are debarred from giving reasons why the Act shall continue for a shorter period than that specified in the Bill, it will be absolutely useless to have the right of discussion at all. The member for Victoria Park was giving reasons why the Act should not be continued when he stated that it applied to a limited number of people only, and he desired to have its scope extended so as to bring a larger number of persons within the purview of its sections. I may desire to give reasons why the Act should not be continued for as long a period as that mentioned in the Bill. Under your ruling, Mr. Chairman, I will be debarred from giving my reasons why I am convinced a shorter period should be adopted.

Hon. P. Collier: I endorse the remarks of the member for East Perth, and submit that whatever range of discussion was permissible on the second reading of the Bill, is equally permissible on the clause, which is the Bill. There should be no greater restriction imposed upon the debate in Committee on Clause 2 than was imposed during the second-reading stage. The question is whether the legislation shall stand for a further year or for a shorter period. If one member desires to give reasons why the operations of the Act should not be extended for another 12 months another may desire to give reasons why it should not be re-enacted at all. It is impossible to restrict the discussion on the clause as you suggest, because it is the Bill.

The Attorney General: Would it not be preferable to confine the general discussion to the second-reading stage?

Hon. P. Collier: It might be preferable to do so, but if a member desires to do otherwise, he should be allowed to cover the same ground in discussing the clause as he did

during the second-reading stage. There is nothing to prevent his doing so. It is our right to have that discussion. Unquestionably that is the position.

[*The Speaker resumed the Chair.*]

The Chairman stated the dissent.

Mr. Panton: It is with great reluctance that I have moved to disagree with the Chairman's ruling.

Hon. P. Collier: It is obviously a wrong ruling.

Mr. Panton: If a Chairman of Committees is reasonably right in his decisions, members should uphold him. In this instance, a question of members' privileges is involved. The Bill is framed for the purpose of continuing the operations of the Act, which contains nine sections, the last of which states that the Act shall continue until the end of the year 1932, and no longer. The eight preceding sections deal with the machinery of the Act itself, and they represent the Act. The Bill contains two clauses, the first of which is the formal one dealing with the short Title, and Clause 2 comprises two sub-clauses, the first of which states that the principal Act shall continue in force until the end of 1933, and no longer. The second sub-clause provides for an amendment of Section 9 by inserting "thirty-three" in lieu of "thirty-two", thus extending the operations of the Act from 1932 to the end of 1933. My contention is that so long as Subclause 1 of Clause 2 remains in the Bill, members have the right to discuss any matter arising out of Sections 1 to 8, inclusive, of the Act, so that they may give reasons why any section of the Act should not be continued until the end of 1933. If the Chairman had confined his ruling to Subclause 2 of the clause, and had insisted upon the member for Victoria Park confining his remarks to the question of extending the Act to the end of 1933, he would have been quite right, but the Chairman of Committees went further, and gave his ruling on the basis of the clause as a whole.

Mr. Marshall: The ruling represents obviously an oversight on the part of the Chairman of Committees; otherwise he could never have given such a decision. Generally he is pretty fair and just. What happened was that the Chairman confined his attention to Subclause 2, and failed to take cognisance of Subclause 1. It must be obvious to anyone that under Subclause 1, we can offer any remarks we desire in support of our contention that the Act should not remain in force one minute longer.

The Attorney General: Do you think the Act should not continue for one minute longer.

Mr. Marshall: I would not worry about it for one second. It does not help the masses, but a few individuals only. The member for Victoria Park desired to give reasons why he opposed the continuance of the Act, and the Chairman prevented him from doing so. If we cannot discuss every phase of the Act under Subclause 1, what can we discuss? You, Mr. Speaker, will rule that the Chairman's ruling cannot be upheld, because it will establish a bad precedent. Obviously the decision was given in error, and I trust you will see to it that it is not placed on record to be taken as a precedent at some future time by any irresponsible person, such as myself, who might take advantage of it to the discomfort of members at present sitting on the Government side of the House. The Chairman gave his ruling when he was concentrating on Subclause 2 of Clause 2. It is difficult for a Speaker to refuse to uphold a ruling given by the Chairman of Committees, but unless that be done on this occasion a precedent will be set up for future guidance which may lead to a great deal of trouble.

The Attorney General: I should imagine there must be some difference between the second reading debate on a Bill and the argument which can take place on the clauses of the Bill in Committee. The contentions put forward are that because the clause under discussion, if it were defeated, would leave the Bill valueless, therefore the discussion on that clause is to be as wide as a second-reading discussion. In the clause are two subclauses, one of which appears to me to be unnecessary. The first prescribes that the principal Act shall continue in force until the end of the year 1933 and no longer, while the other subclause amends a section in the original Act and so brings about the same effect. I should have thought that either one of the two subclauses would have done equally well standing by itself. Obviously when the House is discussing the general principles of a continuance Bill any member is entitled to advance reasons why

the Bill should not be continued or, alternatively, should be continued; but when we get into Committee surely the discussion should be confined, or at any rate defined. The point of order taken by the Chairman of Committees was that the member for Victoria Park was making a general second-reading speech on whether or not the principal Act was a good Act.

Mr. Raphael: You, not the Chairman, raised that point.

The Attorney General: I drew the attention of the Chairman to it.

Mr. Raphael: You told him what to do.

Mr. Panton: The Chairman ruled that we could discuss only 1932 or 1933. That was his ruling.

The Attorney General: As I understood it, his ruling was that the speech the member for Victoria Park was delivering was a general second-reading speech, a general review of the principles of the principal Act, and therefore was not in order in a discussion on a clause.

Mr. Kenneally: The Chairman did not say that; they are your words.

The Attorney General: I did not say he did.

Mr. Raphael: But you are suggesting that he did.

The Attorney General: I wish the hon. member would give one a little chance to express his views, instead of shouting and yelling at him all the time. I should imagine that any amendment to Clause 2 in the way of a proviso limiting the operations of the principal Act, or in the way of an alteration of the time to which that Act is to be extended, would be in order, but I submit the Chairman of Committees was perfectly right in ruling out of order a general discussion not attached to any motion for amendment, but merely condemnatory of the principal Act. I submit that the Chairman's ruling was a correct one.

Hon. P. Collier: I submit that the Attorney General is entirely wrong. Of course it would not be permissible for a member to traverse the whole of the Bill on a clause in Committee if it were a Bill of many clauses, dealing with many phases of the subject. But this is a Bill of two clauses, and the clause under consideration is the whole Bill. That is what has to be kept in mind. I submit the Chairman of Committees has fallen into error, in that he had his mind on Subclause 2 of Clause 2. Clause 2 was under discussion, and the first subclause of that clause prescribes that the principal Act shall continue in force until the end of the year 1933 and no longer. There is nothing else in the Bill, and so anything that was permissible on the second reading of the Bill is also permissible under that clause. There can be no question about it. There is no limitation in that clause, no restriction whatever, and anything that could be dealt with on the second reading can be repeated in Committee on that subclause. The Attorney General seems to have taken the attitude that it is not permissible to have the same range on a clause as on a second reading. That depends entirely on the Bill, and what the question may be. But when we have a Bill like this, where one clause is the whole Bill itself, there can be no distinction whatever between a discussion on that clause and a second-reading discussion. Can you, Sir, imagine any limitations on the discussion of a clause which says "The principal Act shall continue in force until the end of the year 1933, and no longer"? One could cover the widest possible field in discussing that clause, showing why the Act should continue for an hour or a day or a week or any period at all after the end of the year. And one would be entitled to give reasons why the Act ought to continue only for a limited period after the end of the year, or ought not to continue at all after the end of the year, or why it ought to be made permanent. There can be no limitation whatever on the line of argument a member might put forward as to the period of extension; he might give reasons why the Bill should be enacted for a year or for a further period, or even permanently, or why it should be rejected forthwith. There cannot possibly be any restriction to the range of discussion on this clause, any more than there would be restriction on the range of discussion on the second reading. The clause is the Bill, and anything permissible on the second-reading is equally permissible on this clause.

Mr. Kenneally: The Chairman said it would be permissible to direct one's remarks to the question whether the time mentioned in the clause should be extended or curtailed. If that be so, I ask you, Sir, whether it is any use giving that privilege or right to members unless at the same time they are given the right to say why the period should be extended or curtailed. When we are dealing with ordinary measures containing a large number of clauses,

naturally the clauses deal with different questions or different aspects of one question and, the second reading have been completed, we cannot go through the whole gamut again in Committee. But in this instance the clause we are considering is the Bill itself, and I submit that if we cannot give reasons why we think the term mentioned in the Bill is either too short or too long it is useless our having the right to discuss the question in Committee at all, for there is nothing left to discuss. The Chairman indicated that he was prepared to allow discussion on the question as to whether the period stated in the clause should be extended or curtailed. That being so, if we cannot give reasons for the views we hold, what are we to do? Stand up and give our opinion and keep on repeating it?

Hon. P. Collier: Keep on repeating that, and nothing else.

Mr. Kenneally: Consider the ridiculous position members would be placed in if they had simply to stand up and keep on saying "1932" or alternatively "1933," knowing that if they were to give reasons they would be ruled out of order. I do not think the Chairman of Committees desired that. There are members who want to give reasons why this measure should be for a shorter period than that provided in the clause, and the ruling of the Chairman is that once we begin to give reasons for that we are out of order.

Mr. Richardson: No.

Mr. Kenneally: I did not believe the Chairman intended that, and now he denies it. The member for Victoria Park was indicating that he wanted a shorter period than that stated in the clause, and he was proceeding to give reasons why the Act should come up earlier for revision when he was ruled out of order on the score that he was discussing the whole aspect of the Act. It seems that when we have a Bill like this we might as well do away with the second reading, because the clause under consideration is the Bill itself. I hope, Sir, your ruling will be that on a measure like this members must be given opportunity for stating the reasons behind their viewpoints.

Hon. A. McCallum: The ruling is of considerable importance because there are four other continuance Bills on the Notice Paper on which the same question might arise. The Attorney General has answered his own case. He made a point that the discussion must be limited to the question of the time for which the Act is to be extended. If I desired that the Act be extended for two years, I would have to give reasons why I preferred two years to one year. Those reasons could be based on any one of the eight sections of the Act. I could say that I liked Section 3 so well that I wanted it extended for five years, not one year: or I could say that I disliked Section 4 so much that it should not be extended even for one year. I might suggest that the Act should be extended not for one year but for five minutes, because it was objectionable to me. The whole Act must be open for discussion if the period of the continuance is the governing factor. Any discussion would be empty if the Chariman's ruling were upheld. I have no doubt that the Chairman had Subclause 2 in mind when he gave the ruling, but Subclause 1 was under discussion. The rights of members should not be limited, as proposed. The ruling might be used against members on some future occasion.

Mr. Richardson: As Chairman of Committees I thank members who have spoken because they have indicated that, if I made a mistake, it was not due to any desire to burke discussion.

Hon. P. Collier: This is the first time the Chairman has defended his ruling on the floor of the House.

Mr. Richardson: If there is any objection, I shall resume my seat.

Hon. P. Collier: It has never been done before.

Mr. Richardson: I have a good defence.

Hon. P. Collier: I do not think you have, but you cannot be Chairman and debater, too.

Mr. Richardson: Very well.

Mr. Speaker: The Bill is one to continue the operations of the Reduction of Rents Act, 1931. On it a general discussion was allowed by me during the second reading. It is not competent for any member to move an amendment to the Bill at any stage, but any member, feeling that the measure is not a just one, has a perfect right to divide the House on the question whether the Act should be continued. The point raised by the member for Leederville in objection to the ruling of the Chairman that the member for Victoria Park was not in order in discussing the main principles of

the Act I must uphold, and give my ruling that a discussion on every section of the principal Act can take place and there is no restriction. I should like members to understand that "May" definitely decides the point regarding any amendment, as follows:—

> It is not within the scope of a committee on an expiring laws continuance Bill to amend the provisions of the Acts proposed to be continued or to abridge the duration of such provisions.

That is definite and distinct. As to the discussion, there can be no limitation, except the ordinary limitation of second reading speeches in Committee. I cannot uphold the Chairman's ruling.

*Committee Resumed.*

Mr. RAPHAEL: I refrained from speaking on the second reading because I believed I would have equal opportunity to speak on the Bill in Committee. The Attorney General has attempted to gag members from the inception.

The Minister for Lands: You are not justified in saying that.

Mr. RAPHAEL: I intend to say it so long as the Chairman does not object. Thanks to the fairness of the Speaker, the difficulty has been overcome. The member for Pingelly assisted members to come to a conclusion by quoting rent reductions for properties in which he was interested. Landlords must be faced with chaos if rents are being reduced to the extent of 150 per cent., as the hon. member said. I suppose a fair amount of the rent previously paid has been refunded by the hon. member to his tenants. The Bill is not sufficiently comprehensive to achieve what we desire. It benefits only a few. The working class receive no protection from it. In Victoria Park the rent question is acute. The Attorney General spoke of large reductions that had been made in West Perth. It is strange that such reductions do not apply elsewhere. The Attorney General would have shown broad-mindedness had he gone further afield. I am opposed to the Bill. However, a few people are receiving a small benefit and so we must allow the measure to pass.

Mr. MARSHALL: The Attorney General said the Premiers' Conference did not consider it advisable to deal with rents of dwelling houses because the law of supply and demand would adjust such values. The Attorney General quotes the conference when it suits him, but he can also hide a lot of the things that happened at the conference when it suits him to do so. The Premiers' Conference did not ask for the extension of any financial emergency legislation to private employers. The Attorney General was the only individual attending that conference who advocated such a thing, and this is the only State that has adopted it. We have other measures of the kind coming forward, all tragedies in themselves. They were all conceived and given birth at the wonderful Premiers' Conference. The Attorney General says he brought down this legislation because the Premiers' Conference desired it. That does not carry much weight seeing that he did not give full consideration to all that was desired by the conference.

Hon. J. CUNNINGHAM: I regret that we cannot amend the parent Act. There is no doubt high rentals are being charged on the eastern goldfields. The residents there signed a petition some time ago asking for the appointment of a fair rents board, and they thought that when this legislation came up for review, provision could be made for an amendment along those lines. We are now told we cannot amend this particular Act. It deals only with leaseholds and not with rents. I have requested the Premier to bring down legislation to deal with the situation on the eastern goldfields, and I am still awaiting his decision on the point. The Government were advised long ago of the state of affairs, but landlords on the goldfields are still allowed to charge the workers rentals that are on too high a basis altogether.

Mr. BROWN: I am surprised at the opposition to the Bill. It must be giving some relief to tenants.

Mr. Marshall: We want it to give more

Mr. BROWN: If a man considers he is entitled to a reduction of 22½ per cent. on his rentals, why cannot he get it?

Hon. J. Cunningham: This Bill does not deal with rentals.

Mr. BROWN: Then it only applies to leases.

Hon. P. Collier: Yes.

Mr. BROWN: If so, we require another Bill. Members opposite had better let this Bill go through and bring down another. I

am astonished that the time of the Committee should be wasted in this way. There is more behind it than meets the eye. There is no doubt that the measure will go through.

Mr. Panton: That is the only argument which counts.

Mr. BROWN: If there are anomalies in the existing legislation, this is not the time in which to put them right. The discussion is futile because the parent Act cannot be amended. I say there is hardly a house in Perth the rental of which has not been reduced.

Hon. P. Collier: Some have been reduced 150 per cent.!

Mr. BROWN: The Irish in me must allow me to make an occasional bull.

Hon. J. Cunningham: What does the Bill mean?

Mr. BROWN: A reduction in rents.

Mr. Raphael: It does not touch rents. We tried to amend the Act but were not allowed to do so.

The Attorney General: You got a lot of the amendments you put up.

Mr. BROWN: No doubt members opposite are looking at the Bill from their point of view, while we are looking at it from our point of view.

Hon. J. Cunningham: I imagine you do not know what your point of view is.

Hon. P. Collier: Don't know nothing: always will.

Mr. BROWN: The member for Kalgoorlie complained about rents on the fields, where, however, there is a shortage of houses. The law of supply and demand always rules. In Perth several families are living in one house, simply because they cannot each pay the rent of a separate home.

Mr. KENNEALLY: The member for Pingelly, after speaking awhile, admitted that he did not know the contents of the Bill. Thereupon he expressed surprise at our opposing the measure. He spoke of rentals having been reduced by 100 and even 150 per cent., to his personal knowledge. The existing position in connection with the Act was not unexpected. When the Attorney General applied for leave to introduce this Bill, it was pointed out to him that the kind of measure he contemplated would not permit of amendment of the principal Act. In abnormal circumstances abnormal measures have to be passed. The Government's attitude prevents the Chamber from benefiting by experience gained since the principal Act was passed. Such measures are necessary, but they must be largely experimental. In disregarding the results of experience a member is not considering the best interests of the people. It has been found that certain provisions of this Act do not operate as intended. In spite of those facts, are no amendments to be permitted? Many people who it was believed would be covered by the measure are now known to be absolutely outside its scope. All that the Bill permits us to say is whether we will let the Act continue for another 12 months or let it drop altogether. The Attorney General's attitude on this measure is an indication of the attitude he will adopt in regard to other emergency measures. Still, in the case of this particular measure, members from both sides could have co-operated to amend the Act so as to meet the people's wishes.

Clause put and passed.

Title—agreed to.

Bill reported without amendment, and the report adopted.

## BILL—STATE TRADING CONCERNS ACT AMENDMENT (No. 2).

Received from the Council and read a first time.

## BILLS (2)—RETURNED.

1, Main Roads Act Amendment.

2. Closed Roads Alienation.

Without amendment.

*House adjourned at 9.41 p.m.*