Legislative Council

Tuesday, 13th July, 1954.

CONTENTS.

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

QUESTIONS.

MIDLAND JUNCTION ABATTOIRS.

As to Slaughtering Charges.

Hon. N. E. BAXTER (for Hon. A. R. Jones) asked the Chief Secretary:

(1) Is it a fact that slaughtering charges have been raised at the Midland Junction Abattoirs since the opening yesterday under Government management?

(2) If the answer is "Yes" to question No. (1) by how much per head for—

(a) sheep;

(b) cattle;

(c) pigs?

(3) Also, if the answer to question No. (1) is "Yes," why have charges been increased?

The CHIEF SECRETARY replied:

(1) Slaughtering charges have not been previously made at Midland Junction Abattoirs.

(2) and (3) Answered by No. (1).

SEWERAGE.

As to White Gum Valley and Fremantle District Connections.

Hon. E. M. DAVIES asked the Chief Secretary:

Adverting to my question and the Minister's reply of the 7th July relative to the extension of sewerage in the White Gum Valley district, and contiguous industrial areas, can he give any indication when this work will be proceeded with?

The CHIEF SECRETARY replied:

No indication can be given as to when this work will be undertaken.

RENTS AND TENANCIES.

As to Deputation to President of Legislative Council.

Hon. Sir CHARLES LATHAM asked the President:

(1) Is the report in "The West Australian" of the 7th July, 1954, correct, that he received a deputation introduced by Hon. Mrs. Hutchison?

(2) Did he receive the deputation as President of the Legislative Council, or as a member for the South Province?

(3) If, as stated in the report, he received the deputation as President of the Legislative Council, is this not setting up a dangerous precedent by placing future Presidents in a very embarrassing position (as well as departing from constitutional practice) by asking them to express themselves on highly controversial political subjects, such as the rents and tenancies legislation?

(4) Is not the usual approach to the Legislative Council by way of petition, or through one of the members on the floor of this Chamber expressing the views of the aggrieved person or persons?

(5) Will he state the reply that was given to this deputation, as the newspaper report did not furnish the information?

(6) Will he table all—if any—letters received by him on this subject?

The PRESIDENT replied:

(1) Yes.

(2) As President.

(3) No. Before the deputation was introduced, I explained that I, as President, would not discuss the merits or otherwise of legislation, but if they would care to express to me their own positions I would be prepared to listen.

(4) Yes. Chapter XI of the Standing Orders sets this out fully.

(5) I thanked the deputation and agreed that there were definite cases of hardship.

(6) No, as no letters have been received.

BILL—RENTS AND TENANCIES EMERGENCY PROVISIONS ACT AMENDMENT.

Second Reading—Reasoned Amendment.

Debate resumed from the 8th July.

HON. H. K. WATSON (Metropolitan) [4.39]: As this is the first occasion on which I have risen to speak since your election as President, I wonder, Sir, if I may digress for one moment to offer my good wishes and congratulations. Since 1832 this House has been presided over by many distinguished Presidents. I have no doubt that during your term of office you will follow their example both in the orderly conduct of this House, and in protecting its ancient rights and liberties should necessity arise.

When introducing the Bill, the Chief Secretary put forward the opinion that members were probably sick and tired of this rents and tenancies legislation. I think that most members of this House can heartily subscribe to that view.

The Chief Secretary: At least we start off agreeing.

Hon. H. K. WATSON: No, we do not; because whilst I and many other members are sick and tired of this legislation, the Chief Secretary can hardly say he is—that is, sincerely—because he has the remedy in his own hands.

The Chief Secretary: Do you doubt my motives?

Hon. H. K. WATSON: We thought that this question had been settled once and for all in December last. We, having settled the question, as we thought, it was rather ridiculous for the Government in April last to attempt to revive it and, having failed then, to bring it forward again this session. It seems to me that the Government, far from being sick and tired of the question, regards it as something of a political lottery box, or a Pandora's box out of which it hopes, either by opening the lid or giving the handle a turn now and then, to produce a few votes from somewhere. I suggest to the Chief Secretary that the question of rents and tenancies should be settled, and that there is one very quick way of settling it, and that is for the Government to approach it, not as a political cheapjack, but in an atmosphere of statesmanship.

The Chief Secretary: I know who approaches it as a political cheapjack, as you say, and it is not the Government.

Hon. H. K. WATSON: In the past six months the Government's approach to this question has been devoid of any statesmanship or attempt to reach a real and satisfactory solution of it. That was amply demonstrated at the special session which was held in April last when amendments which were moved by this House, and which were calculated to curb any voracious landlord from giving a tenant notice to quit for no other purpose than to raise his rent, were included. The Bill was amended to preclude any such landlord from increasing the rent without the permission of the court, but the Government refused to accept the amendment.

Hon. E. M. Davies: It would not have stopped the landlords from evicting the tenants.

Hon. H. K. WATSON: It would have stopped them from obtaining any advantage from eviction. I suggest that the Bill constitutes a denial of natural justice to a very large section of the community. In the light of the legislation which we passed in December last, and the fate of the Bill which we considered at the special session in April, this measure is calculated to make a farce of Parliamentary practice, and to bring into contempt the institution of Parliament and the rule of law. After all, an Act of Parliament is not something to be tinkered with every five minutes of the day; but it does seem that the Government cannot leave this Act alone for a period much longer than that.

In some respects the method and manner in which the Bill has been presented to us represent a challenge to the House, and I suggest it is a challenge we should not lightly shirk. In another place, and in Forrest Place and elsewhere during the recent elections, this House was unjustly and unfairly criticised by the Premier and others for its attitude on this question of rents and tenancies.

On that occasion the Legislative Council was the victim of one of the most glaring pieces of political dishonesty ever attempted to be put across the electors. We expect that sort of thing from the communists and their paper, the "Tribune." They make scurrilous attacks in their issue every week, but I do suggest that it ill becomes the Premier of this State to mount the soap box and cast aspersions upon a branch of the Legislature and its members.

The Bill appears to be an attempt to perpetuate that piece of political dishonesty of which this House was the victim a few months ago. My approach to the measure on this occasion will be the same as it has been on all previous occasions—

Hon. E. M. Heenan: You should not start off by using the word "dishonesty."

Hon. H. K. WATSON: —"Do right and fear no man. Do not write and fear no woman." In order to get at the objects and implications of the Bill, it is necessary first of all to have a look at the general background, and in order to do that I need go no further than to read the statement which was presented to the House on the 18th December last, which is to be found at page 2892 of the 1953 Parliamentary Debates. These remarks were made by the Chief Secretary on the occasion of his reporting to the House in connection with the amendments which had been agreed to by the conference of managers when he dealt with the state of the law as it would continue to exist from that time on. He said—

> The provisions of the existing Act in respect of recovery of possession of premises, and control of rents of premises both for residential and business purposes will continue until the 30th April next.
>
> On and after the 1st May next and until the 31st December, 1954, in regard to evictions affecting both residential and business premises, 28 days'

notice to quit or a period of notice under rights at law, whichever is the longer, will be necessary in order to terminate a lease.

On and after the 1st May next and until the 31st December, 1954, in regard to rents of both residential and business premises the rent will be that mutually agreed upon between the lessor and the lessee, subject to appeal by either party to the inspector or the court, or in the event of there being no agreement, either party may appeal to the inspector or the court, as the case may be.

The inspector or the court shall determine a rent taking into account such factors as are considered relevant, but so that such rent will allow to the owner a fair net return being not less than 2 per cent., and not more than 8 per cent. on the capital value of the premises as at date of application.

Where parts of premises are let the foregoing formula will apply, and the inspector or court as the case may be, will have discretion to make some adjustment of the rent to compensate for the letting of the premises in parts instead of as one unit.

Rents of parts of residential premises may be determined by an inspector either upon his own motion or upon application being made by either the lessor or lessee. The inspector will be clothed with adequate powers to enter parts of residential premises for the purpose of inspection and in order to obtain necessary information. These provisions will continue in operation till the 31st December, 1954.

It will be noted that the provisions relating to protected persons have been maintained in their present form and will continue till the 31st December, 1954.

That sets out the position fairly clearly, and those provisions were embodied in Sections 13 and 20B of the principal Act. Those sections, as the Act stands today, contain virtually the whole of the effective provisions of the legislation: Section 13 deals with rent control and Section 20B with evictions. I would invite members to remember that so far as evictions are concerned—or, to put it another way, so far as giving a person the right to recover possession of his own premises and to do what he likes with his own property is concerned—the position, up to the 31st December, 1953, was this: The State Housing Commission had full control of its premises; it could evict any tenant after seven days' notice. Of course, even though it had the power, that does not mean to say that the commission exercised that power. Similarly, landlords who let premises after the 31st December, 1950, had full power and control over their premises, and they could evict any tenant after seven days' notice. Again, because they had the power to do so, that is not to say that they did do so.

But there is one special class which has been subjected to restrictive legislation from 1939. Owners who let premises prior to 1950 were in a special class and had no control over their own properties. For all practical purposes they were compelled to retain as tenants the persons who were already tenants of those premises, and who may have been, by force of law—even though temporary wartime legislation—tenants as far back as 1939. In December last, Parliament decided that the third group—that is the 1939 owners—should, as from the 1st May this year, have the same right as other landlords; that is, the same rights as the State Housing Commission and as persons who had leased or let properties since the 31st December, 1950.

Parliament decided that as from the 1st May, 1950, anyone could do what he liked with his own property so long as he gave 28 days' notice. I would emphasise the fact that a landlord still had to give a tenant 28 days' notice, at the very least, even though he might be burning the place down. I use the words "burning the place down" because only this week a solicitor stopped me in the street and said that he had been consulted by a client whose tenant was, in fact, burning the fence and other parts of the property down. The landlord wanted to know what he could do about obtaining possession of his premises, and he was informed that he had to give 28 days' notice, even though the tenant was "burning the place down."

This Bill proposes to repeal the decision which Parliament made in 1953, even though four months' notice was given to both landlords and tenants. Parliament gave ample and adequate notice, on the 31st December last, that on the 1st May the position I have outlined would come into operation and that 1939 owners would be placed in the same position as all other owners so far as recovery of possession of their own properties was concerned. For the first time since 1939 they would have the right to select their own tenants. I suggest that the proposed repeal of that decision is wrong, and nothing that the Chief Secretary has said has convinced me that it is right.

Let us have a look at the arguments in support of the Bill advanced by the Chief Secretary on Thursday last. He informed us that a number of eviction notices have been recorded at the State Housing Commission. He said that up to the 30th April, 1954, 393 had been recorded and a further 620 had been listed since the 1st May, 1954; that makes a total of 1,013. He went on to say that the officers of the State Housing Commission had also

interviewed other callers who were to be evicted, but who as yet had received no notices. That group totalled 321, making a grand total of 1,334. The Chief Secretary then said, "We can see that in round figures 1,000 people within the past few months have been—in fact, at the moment, are—awaiting a hearing of their cases by the court." I notice that his expression in those words misled the Press to publish the statement in a manner contrary to the true position. In a moment or two I will show that his statement that there are 1,000 cases awaiting hearing by the court is sheer nonsense. But in any event, if it were correct, what of it? It represents one in every 1,000 of our population, after 15 years of control.

When the legislation is lifted, in respect to one particular class we must expect a bit of a bubble for a month or two. We cannot expect a complete transformation without some slight trouble; but I suggest that most of these eviction notices will be settled without the intervention of the court. After all, there is a vast difference —and I would emphasise this point—between an eviction notice and an eviction order by the court, and a mere notice to quit by a landlord does not mean that the full rigour of the law will be applied to that tentant.

For example, I heard of a case where the owner of a block of flats has 28 tenants, and within the last month he gave the tenants notice to quit. He did not intend to put the tenants out, but gave them notices to quit simply out of fear occasioned by the action of the Government in bringing down this Bill. He said, "The Government is going to try still further to control my property. For what it is worth, and in the hope that it may protect me to some extent, I am giving them formal notice to quit." For all I know the 1,000 cases cited by the Chief Secretary may include the 28 persons I have mentioned who have received notices to quit purely as a formality.

The Chief Secretary: It may not, too.

Hon. E. M. Heenan: He would be ready to jump in the moment the notice was filed.

Hon. H. K. WATSON: He would not.

Hon. C. W. D. Barker: What was his object?

Hon. H. K. WATSON: He was trying to protect himself from any legislation that was brought down. Those are the doubts and confusions that arise from tinkering with the law. If we let tenants and owners overcome their own problems, we would be doing better than tinkering with the law every five minutes of the day, as we are doing now. That sort of thing creates chaos and confusion and does not help to establish harmonious relationship between the two classes. We should bear in mind the distinction between an eviction notice and a notice to quit, because there is no doubt in my mind that all genuine—

Hon. E. M. Heenan: What is the difference?

Hon. H. K. WATSON: The hon. member, as a lawyer, asks me the difference between a notice to quit and a court order for eviction.

Hon. E. M. Heenan: An eviction notice.

Hon. H. K. WATSON: An eviction order from the court.

Hon. E. M. Heenan: You said an eviction notice.

Hon. H. K. WATSON: These eviction notices are pieces of propaganda that have been worked by the Government, and overworked by the Government. Evictions will be made in very few cases and, as I explained to the Chief Secretary by interjection, there have been two evictions executed by the bailiff during the last eight months.

Hon. E. M. Heenan: That does not answer my interjection.

The Chief Secretary: You think the court is playing around. It gave 47 in a fortnight.

Hon. H. Hearn: You will get your answer in due course.

Hon. H. K. WATSON: I think the Chief Secretary should explain the following, because it is important. He says there are a thousand notices to quit flying around. I would like to know how many of those thousand notices to quit are in respect of premises that have been let since the 31st December, 1950. Even the Bill does not apply to those premises, so I think we have to bear that point in mind. If the Chief Secretary would make an analysis of notices to quit, I would ask him how many of them relate to premises let since the 31st December, 1950, and how many to premises prior to that date.

He also said that if we read our newspapers we would see that the court is dealing with a lot of cases; a moment ago he mentioned, by interjection, 47 cases in a fortnight. With a population of 600,000, and having regard to all the circumstances of the case, surely 47 cases in a fortnight is nothing out of the ordinary. We must deal with these matters relatively. Besides this, the Chief Secretary said that if we read our newspapers we would see certain things. I did read my newspaper and found something the Chief Secretary had apparently forgotten to tell the House. When speaking last Thursday, he told us that during the previous fortnight 47 evictions had taken place—that was, 47 court orders had been given; 30 in the first week—

The Chief Secretary: No, 17 in the first week.

Hon. H. K. WATSON: Seventeen in the first week, and 30 in the succeeding week. But we find that on Tuesday, the 6th July

—the Tuesday before the Chief Secretary spoke—the number of court orders issued was 13.

The Chief Secretary: That was for one day; I was not touching the following week.

Hon. H. K. WATSON: The Chief Secretary was supposed to be giving us up-to-date information to the time he was speaking.

The Chief Secretary: I could not give you the information for the week during which I was speaking.

Hon. H. K. WATSON: The Chief Secretary invited us to read the newspapers, but apparently did not do so himself, no doubt because he thought that, since the number was down to 13, it would not help his case.

The Chief Secretary: I could not give you the week's total on Thursday.

Hon. H. K. WATSON: I understand the cases are only heard on one day in each week.

The Chief Secretary: They are also heard at Fremantle and Midland Junction.

Hon. H. K. WATSON: It would appear that for the rest of July there were about 30 or 40 per week. That is not out of the ordinary, having regard to the fact that for the first month or two after this legislation came into operation we must expect a certain number. I understand cases listed for August show quite a substantial falling off compared with those listed for July.

The Chief Secretary: They would need to.

Hon. H. K. WATSON: Although four months' notice was given of this question, the Government made no effort to meet the situation.

The Chief Secretary: Because it was deprived by your fellow politicians.

Hon. H. Hearn: Statesmen!

Hon. H. K. WATSON: The Government made no effort at all to meet any emergency that might arise. It would also appear that it sat back hoping an emergency would arise, for political reasons.

The Chief Secretary: Maniana was not an emergency; it was something that would have been completed by June this year.

Hon. H. K. WATSON: The Chief Secretary cannot blame this House.

The Chief Secretary: I can blame your party.

Hon. H. K. WATSON: I do not follow the Minister's argument. I am referring to the actions of the State Government. The Government has not done anything, except to bring forward a proposal to stifle the 1939 owners for a further period.

The Chief Secretary: It was your party that stopped Maniana. It is now not going to proceed.

Hon. H. K. WATSON: The Chief Secretary said that there were 47 court orders during the fortnight he mentioned. I would like to know how many of those orders related to premises let after the 31st December, 1950.

The Chief Secretary: We will endeavour to get that information.

Hon. H. K. WATSON: I would be obliged, because I do think it is material in helping us to understand this question. We must bear in mind that when a house becomes vacant, and it is owned by a person whose business it is to let that house, it will not continue to remain vacant. He may kick out one undesirable tenant, but he will admit another tenant who has been evicted from another place.

Hon. F. R. H. Lavery: Are you suggesting that the tenants who have been evicted are undesirable?

Hon. H. K. WATSON: Not at all; but when we read of the thousand eviction notices—

The Chief Secretary: Thirteen hundred.

Hon. H. K. WATSON: —it does not mean that there are going to be a thousand families looking for homes. If there are a thousand evictions, there are a thousand vacant homes to be filled.

Hon. R. F. Hutchison: I know of a house in North Perth that has been vacant for two months.

Hon. H. K. WATSON: I know of two houses that could be let tomorrow, if it were not for this Bill. The owners of the houses feel that they would not mind letting them for three or four months to tide anybody over an emergency. They feel, however, that there is no sense in their rendering a public service if they cannot get people out once they are in. Accordingly, because of this Bill, there are two houses lying vacant which would otherwise be occupied.

Hon. C. W. D. Barker: How would the Bill stop them?

Hon. H. K. WATSON: Because the owners would only be able to get the tenants out by going to the court, and the magistrate could suspend the order for four months, another four months, and then another four months. If that is not likely to stop landlords from letting houses, I do not know what is.

The Chief Secretary: Those are unusual circumstances.

Hon. H. K. WATSON: No; it is at the discretion of the court. This clause of the Bill really defeats its own purpose. At the moment, the court has no discretion under the Rents and Tenancies Emergency

Provisions Act, though it has some discretion under the Local Courts Act. But if there were to be a limit, and the court were to be given discretion under the Rents and Tenancies Act, I suggest that a discretion of three or four months would be adequate to meet all cases; it would be particularly adequate for business premises. As to the home-owner, he has had five months' notice that this position is likely to arise.

Hon. C. W. D. Barker: Suppose he cannot get anywhere else to go?

Hon. H. K. WATSON: In the case of businesses, they have had five months' notice; and, while they may suffer some hardship, I would suggest that a three months' discretion to the court in suspending the execution of the order would be more than adequate.

The Chief Secretary: You have not much faith in the court.

Hon. H. K. WATSON: It is three months from the date of hearing.

Hon. C. W. D. Barker: Then there would be circumstances under which it could come up for review again.

Hon. H. K. WATSON: We would then be getting back to the old system; some cases have run on for two years.

Hon. C. W. D. Barker: What if people have nowhere to go?

Hon. H. K. WATSON: They will have somewhere to go if they know they can approach a magistrate.

The PRESIDENT: Order!

Hon. H. K. WATSON: We must bear this in mind: Under this legislation and the manner in which it is framed, it is the landlord who stands the racket.

The PRESIDENT: Order! I would refer members to Standing Order 398 relating to interruptions of a speech, and ask them to observe it as closely as possible.

Hon. H. K. WATSON: For the last 13 years, this legislation has really blinded many of us, and also a substantial part of the community, to the ordinary difference between right and wrong. People have almost come to believe that the owners of properties put their thousands of pounds into those properties for no other purpose than the unlimited use by, and profit of, tenants. That is not the position. We also have the situation arising of businessmen who have given notice claiming that they are entitled to payment for goodwill. I cannot imagine anything more ridiculous than that. The goodwill of any retail shop is connected with the site.

The Chief Secretary: Not always; it is often personal.

Hon. H. K. WATSON: It is connected with the site; and if it is personal, it will go with the person when he removes his premises.

The Chief Secretary: If he can get another shop; that is the trouble.

Hon. H. K. WATSON: Shops are available. For instance, I can cite a case that has been given quite a bit of prominence in my province. It is one of a chemist who has been in certain premises since 1941. He is making his £2,000, £3,000, or £4,000 a year profit—I do not know how much it is—and since 1941 he has been occupying premises worth probably £12,000 and has been paying a rent of £3 a week. Out of this amount, the landlord has had to pay rates and taxes, repairs and maintenance. Incidentally, I understand the chemist has sublet a small portion of the premises to a doctor and a dentist and has practically recovered the entire rent he is paying the landlord.

Thus he has been carrying on his business on a very good site rent-free. It so happens that he occupies a building in which there is also a butcher's shop; and a few years ago, I understand, he and the butcher were offered leases of the premises. The butcher agreed to take a lease, and is still carrying on under that lease. The chemist said he would not go to the expense of having a lease drawn up as he was protected under the Act. He did not avail himself of the opportunity of taking a lease and thus securing his tenancy. When the Act was amended in December last, the owner of the premises, not unnaturally, decided to give the chemist notice. The owner had another tenant to whom he desired to let the place for a different class of business. Accordingly he gave the chemist notice, but offered him a shop three or four doors away that was then in course of construction.

Interrupting my line of argument for a moment, the number of new shops and other premises that have been built following the legislation passed in December last is surprising. People realised that they were at last getting a fair deal and did not mind building shops and other premises. I understand that the chemist refused the offer of the other shop. However, there was the shop two or three doors away which he could have applied for either to purchase or to rent. For the life of me, I cannot see that a man in those circumstances has a right to suggest that he is being hardly dealt with or is entitled to the payment of compensation for goodwill. The man that needs consideration is the owner of the premises who, for 13 years, had had that chemist on his back.

Let me again remind members of what Parliament decided in December last. We decided under Section 13 of the Act that landlord and tenant could agree upon the rent to be paid, and either of them was at liberty to appeal to the court or to the rent inspector, as the case might be, for the determination of a fair rent. If

either of them went to the court or to the rent inspector, there were specified provisions as to what the court was to do. The court was to take into consideration the capital value of the premises and fix the rent to give a fair net return on the capital value, being not less than 2 per cent. and not more than 8 per cent. per annum. In addition, we provided that the rent inspector could, of his own motion, enter and fix the rent of rooms.

According to the Chief Secretary, the rise in rents that has taken place since we made that amendment has been extraordinary and is not under control. I cannot see that that is so. The Chief Secretary, in his speech last week, spoke of a block of four flats at Mt. Lawley for which the April rent was £2 18s. 3d. and the May rent £5 10s. He cited that as an instance of exploitation. It so happens that the owner of those premises was in the gallery that afternoon and heard this illustration of rents being increased from £2 18s. 3d. in April to £5 10s. in May, and he has written me a letter. The letter is from Mr. J. J. Plunkett. He is a landlord who is so satisfied about his case that he has no objection to its being mentioned here. He says—

> I was present when Mr. Fraser quoted two or three of my blocks of flats in the Council. He quoted flats in Mt. Lawley, rent raised from £2 18s. 3d. to £5 10s. I have two blocks on which I raised the rent from £2 18s. 3d. to £5 10s. with the agreement of the tenants, being a 4 per cent. net return. These are residential flats of five rooms totally self-contained, comprising 16 squares each flat, and a 20 x 10 ft. garage not included in above measurements.

I should say that for a flat of 16 squares, a rent of £5 10s. a week is by no means out of order. The Chief Secretary also quoted some Nedlands flats for which the April rent was £3 9s. 9d. and the May rent £5 15s., an increase, according to the Chief Secretary of 65 per cent. These also are Mr. Plunkett's flats, and he goes on in his letter to say—

> He also quoted Nedlands, raised from £3 9s. 9d. to £5 15s. This is Kingston, Stirling Highway, corner Tyrell Street. These are the same as above flats, on land I would say worth £3,000. This block also returns 4 per cent. net.

It does not matter whether the rent is £3 9s. 9d., £5 15s. or £10. If the return is only 4 per cent. on the capital value, this is all that matters. When the Chief Secretary was citing these cases I asked him what was the capital value of the premises. He replied that he did not know, and he also indicated that he did not care. I suggest that if the Chief Secretary approaches the question in that manner, he will go down as a man who knew the price of everything and the value of nothing.

The Chief Secretary: I was taking the standard rent, and that should be a fair basis.

Hon. H. K. WATSON: It is not a fair basis. He told us of another case where the April rent for a house was 15s. and the May rent £1 15s., an increase of 133 per cent. The place was occupied by a pensioner, who had been given notice to quit. The landlord in that case was not an avaricious man; he was none other than the Public Trustee operating under the jurisdiction of the Minister for Justice.

The Chief Secretary: That does not make it any better.

Hon. H. K. WATSON: Surely the Minister does not imply that the Public Trustee would set out to take down a pensioner! An official in that position has his duty to perform to the estate he is administering and has to ensure that the property is returning a fair rent. It is not his duty to assist in legally robbing anyone. I think it would be very interesting if we could secure, for the purpose of comparison, a list of the rents being charged for properties controlled by the Public Trustee, showing the amounts in April and at present.

Hon. F. R. H. Lavery: Why not a list from all the trustee companies?

Hon. H. K. WATSON: Yes; that would be interesting. When the Public Trustee increased the rent for premises from 15s. to £1 15s., it was nothing more than an ordinary business operation. There could be no question of exploiting anyone, but it was a question of at last obtaining a reasonable rent for the premises. I suggest that if the Government were honest in its desire to reduce expenses, it might look at the charge imposed by the Royal Perth Hospital—£12 5s. a week for a lounge in a passage or on a verandah. Yet Ministers come here and raise no end of a storm because a landlord charges £5 10s. for a flat of 16 squares.

In my opinion there is no necessity for the so-called special fair rents court. I believe that 90 per cent. of landlords and tenants, by proceeding under the Act, would be able to reach agreement without reference to the court. Of course, we shall always have an odd five per cent. of bad on both sides, but we have to legislate on the principle of the greatest good for the greatest number. There is no doubt in my mind that agreement would be reached by the great majority of landlords and tenants.

The Chief Secretary: This measure will not make them go to the court.

Hon. H. K. WATSON: In order to verify my information, I communicated with a few agents and others who control considerable numbers of properties. I asked them these questions—

How many properties do you control?

How many complaints did you have when you increased the rent?

Did you reach amicable unanimity with most of the tenants or have some of them complained?

If some of them have complained, how many were there and what was the nature of their complaints?

The replies I received were rather illuminating. One concern acts as agents for and controls 500 houses and the number of complaints received was five.

The Chief Secretary: No wonder those agents got that result in view of the provision for the 28 days' notice!

Hon. H. K. WATSON: That is not the point; even those complaints were not on the score of the increase in rent. The tenants said, "Now that the rent has been increased, we feel that we are entitled to have some repairs made." That was quite a reasonable request. Another concern controls 600 houses and reached an agreement with 590 tenants without any trouble at all. I was told by this concern that the tenants were surprised that the increase had not been greater. They had some objections to make, but there was no question about the increase in rent.

The Chief Secretary: What difference would the court make for them? We are legislating not for them but for those who take advantage of the position.

Hon. H. K. WATSON: The Act and the existing facilities at the court are quite adequate to deal with the position.

The Chief Secretary: That is where we differ.

Hon. H. K. WATSON: Coming to the next concern, which controls 700 houses and which had increased the rents of at least 85 per cent. of them, I was informed that a number of objections had been received, and that all but one had been satisfactorily settled with the tenants. That one has not been settled and is going to the court. In that case, the big stick of the 28 days' notice was not held over the tenant's head, nor was he told to get out. The landlord and tenant disagreed and the matter is now to be settled by the court, and I suggest that what I have outlined here will be found to apply in most instances.

The Chief Secretary: It will be the same if the Bill goes through.

Hon. H. K. WATSON: The next instance I wish to mention is that of a company which controls 900 properties. Here 600 increases in rent were made and only 25 were objected to. Of that 25 objections, nine have been adjusted, while in eight instances the properties are being valued ready for revaluation by the court, leaving eight tenants who have vacated the premises because of the increase in rent. There we have roughly 3,000 houses; and, out of that number, in not more than 30 instances have the tenant and landlord failed to reach agreement. These are most illuminating figures.

Hon. N. E. Baxter: That is only one per cent.

The Chief Secretary: Then the 99 per cent. of those landlords have no fear of this Bill.

Hon. H. K. WATSON: The Chief Secretary makes a lot out of this big stick in the form of the 28 days' notice, but I would like to mention to the House the position where Plunkett is concerned. If any of Plunkett's tenants are dissatisfied with the rent they are paying, he will not endeavour to kick them out. He has no objection to their going to the Fair Rents Court because he is satisfied that if they did so, the court would probably award him more than the £5 10s. per week which he is asking at the moment. There is no question of the tenant's being victimised or having 28 days' notice held over his head there.

The Chief Secretary: Then Plunkett does not fear this measure.

Hon. H. K. WATSON: Presumably not; but why have another court?

The Chief Secretary: We want to deal with those landlords who are not being fair. You have not mentioned the instance of the 231 per cent. increase.

Hon. H. K. WATSON: My attitude—and I think that of the House in March last, when members here made it clear that they were not prepared to make it easy for the landlord to raise the rent to a ridiculous figure and say to the tenant, "If you do not agree, out you go"—was illustrated when we passed an amendment to that effect. Much has been said of the 28 days' notice; but, in effect, it is really two months' notice. The 28 days' notice must first be given, and then the landlord applies to the court. A period of a month, or possibly six weeks, elapses before the case can be heard, and then the magistrate may make an order which becomes effective in a further two or three weeks' time.

Hon. H. Hearn: It is actually three months' notice.

Hon. H. K. WATSON: I repeat that it is not really 28 days' notice; but in order to make the position doubly sure, I think we should provide that if the tenant applies to the court for a reduction of rent, the landlord shall not have the right to issue him with an eviction notice for a period of three months from the date of his application, or, if the court determines the matter, before the expiration of three months from that date.

Hon. E. M. Heenan: What if neither party applies?

Hon. H. K. WATSON: Then the position continues as it is in the vast majority of the cases which I have cited, and the rent goes on. The suggestion I have put forward is to protect the tenant who applies to the court to determine the rent. As I mentioned in connection with the figures I gave, 99 per cent. of the tenants have agreed, and there is no question of the landlords applying for an increase or of tenants applying for a decrease. If any tenant wanted to apply for a reduction of rent, the Chief Secretary says that as soon as he did that the landlord would give him 28 days' notice and out he would go. I think we should give that man three months' protection, so that the landlord could not give notice to vacate for a period of three months after the application was lodged. If that were done, there could be no question of a tenant going out before his case was heard. When a fair rent has been determined, there is no reason why the landlord should not still have the right to say whether he will have "A" or "B" in the premises.

I come now to one feature of the position which has not been touched upon by the Chief Secretary on this occasion. I refer to the scandal in relation to the high charges being made for rooms. I raised this question in December last. At that time the Chief Secretary brought forward numerous illustrations of the high rents being charged for rooms, in an endeavour to support his argument that houses should be controlled. He said that houses were being let for £2 per week, and that tenants were being charged £3 or £4 per week for a single room in those dwellings. At that time every member of this House made it clear that he was prepared to give the Government the fullest power to deal with excessive charges for rooms.

In December last we amended the Act to provide that the rent inspector could of his own motion go into rooms and fix the rents of them, and we naturally expected that the Government would proceed promptly to reduce those rents by getting the rent inspectors on to the job. In April last, when I was debating the rents and tenancies legislation then before this Chamber, I said—as reported at page 120 of "Hansard" of the 13th April, 1954—

> In the last two or three days it has been publicly admitted that in not one case has the rent inspector fixed the rent, although this provision became operative on the 1st January last and, incidentally, is to remain in operation until December next—a whole 12 months. Notwithstanding all the illustrations that the Chief Secretary quoted, in not one case has the rent inspector fixed the rent.

The Chief Secretary then interjected and said—

> No; you have ruined what good we did by further amending the Act.

That was his explanation, but there was no truth in that interjection.

The Chief Secretary: Yes, there was.

Hon. H. K. WATSON: The Act has not been further amended since then, but the rent inspector is not operating in respect of these rooms about which we were so concerned; and we find that, although he was at no time intended to deal with flats, he is concerning himself largely with interfering in the fixing of rents of flats and is doing it, if he has any power at all—which I doubt—purely on a technical quibble, on a provision that was never intended to give him that power. Ever since this legislation has been in operation—under the old Act up to 1950, and under the new Act from 1950 onwards—it has always been accepted that the rent inspector's province was rooms.

Parliament took the stand that the magistrate, who is a much more responsible person, should deal with houses and flats, as houses involve some thousands of pounds each and blocks of flats represent tens of thousands of pounds. The attitude was that the magistrate should deal with houses and flats and that the rent inspector should deal with rooms. It is the logical thing that the rent inspector should examine a room and determine the rent on the spot; but we find that, during the past few weeks, these inspectors have been interfering in the question of the rents of flats, under the special power which we gave them in December last, and which we intended to confine to rooms. This is taking place in respect of a number of flats around the city of Perth. On the 1st July of this year, a notice was addressed to a landlord in the following terms:—

> Requirements under Regulation 7 of the Rents and Tenancies Emergency Provisions Act Regulations, 1952, as amended 13th April, 1954.
>
> Take notice that for the purpose of determining the fair rent of the parts of premises situated at 43 Walcott-st., Mt. Lawley, I require you to complete the attached form and furnish the information sought therein, and to return it to me within seven days from receipt by you of this notice.
>
> And further take notice that you are required and obliged to comply with this requirement by virtue of Regulation 7 of the Rents and Tenancies Emergency Provisions Act Regulations, 1952, and your failure to so comply would be a breach of Regulation 7 (2) of the said Regulations punishable by a penalty not exceeding £500.

My advice to the landlord who received that notice would be to consult his solicitor and tell the rent inspector, in polite language, to jump in the lake; because Parliament never intended, and in my submission never empowered, the rent inspector to interfere with flats, the intention being that he should confine his operations to rooms. The form attached to the notice read as follows:—

> To be completed by a lessor/sublessor of part of premises who has been notified of the Rent Inspector's intention to determine a fair rent under Section 13 (2) (a) of the Act.
>
> 1. Name of lessee (submit list when more than one). 2. Weekly rent (submit list when more than one). 3. Whether part premises furnished or unfurnished. 4. Annual municipal road board rates. 5. Annual water rates. 6. Annual land tax. 7. Annual fire insurance premium. 8. Maintenance and repairs previous 12 months (submit details). 9. Caretaker's wages (if any). 10. Gardener's wages (if any). 11. Name of collecting agent (if any). 12. Date when building erected. 13. If you are renting premises, weekly rent paid by you.

There is no question, on that form, of the principal item which Parliament has told the rent inspector or the court has to be taken into consideration; and that is the capital value of the premises.

I would now like the House to listen to this one. In addition to serving a notice upon the landlord that he is going to determine the rent—incidentally he does not ask the landlord what he considers to be a fair rent for the premises or how he arrives at it—he sends this notice to the tenants of the flats—

> Pursuant to the powers conferred on me under Section 13 (a) of the above Act, it is my intention to determine a fair rent of the part of premises leased by you situated at...
>
> Please furnish me in writing, within seven days from date hereof, what rent you claim should be the fair rent to be charged, and on what grounds you base your claim.
>
> A determination will subsequently be made.

I think that is priceless. It does not matter if it is Lawson Flats, which building is worth £200,000 or £250,000, because presumably this rent inspector imagines that he can enter a building of that magnitude and determine what rent he likes, apparently upon what the tenant thinks is a fair rental. If the Act as it stands now leaves any room for doubt as to whether the rent inspector's activities should be confined to rooms, I think Parliament should lose no opportunity to make it clear that his operations are confined to rooms and not to flats.

Hon. E. M. Heenan: Section 13 refers to flats.

Hon. H. K. WATSON: It seems ridiculous that although a rent inspector cannot determine the rental of a house worth £2,000, he can conceivably interfere with a building worth £200,000.

Hon. E. M. Heenan: From the Act, it is quite clear that he can.

Hon. H. K. WATSON: There is a lot of room for doubt there. I have seen legal opinions from both sides which have differed.

Hon. E. M. Heenan: Well, you should read Section 13 (2).

The Chief Secretary: Let the hon. member read it out.

Hon. H. K. WATSON: It is all part of premises. However, I will read it out.

The Chief Secretary: Yes do! That is what I want.

Hon. H. K. WATSON: First of all, I would mention that up to 1950, under the 1939 Act, the expression used was "shared accommodation." Since 1939 the rent inspector has been making every effort to have flats brought under his jurisdiction in order to build up his department. That is obvious. The definition of "shared accommodation" in the 1939 Act reads as follows:—

> "shared accommodation" means any premises leased, or intended to be leased for the purpose of residence, including premises leased with goods therewith, and forming part of other premises, but does not include any premises forming a complete residence in themselves.

Then under Section 13 (2) of the 1950 Act the wording is—

> Where the premises are part of premises which part is leased separately .....

The understanding that was given to us at the time was this—

Hon. E. M. Heenan: But read on.

Hon. H. K. WATSON: Very well. It reads—

> Where the premises are part of premises which part is leased separately for residential purposes, the lessor or the lessee may make application in writing to a rent inspector.

The words, "leased separately" were clearly intended to apply to rooms. The principle was that the whole flat was leased, but one leases a part of a room.

The Chief Secretary: Did you say, "lease part of a room?"

Hon. H. K. WATSON: A room is part of a house. When one leases a room one leases part of a house.

The Chief Secretary: If one leases half the house, one does not.

Hon. H. K. WATSON: If one leases half the house, one leases part of the premises. If one leases three-quarters of the house one still leases part of the premises; but if one leases a self-contained flat, one leases the whole flat. A flat is completely closed in, and the whole flat is leased.

Hon. C. H. Simpson: It is a complete dwelling.

The Chief Secretary: A complete dwelling my foot!

Hon. H. K. WATSON: In fact, if we follow this through very carefully, it will be seen that in December last an attempt was made to make the position clearly in favour of the rent inspector. But this House refused to agree to an amendment that would give effect to that.

The Chief Secretary: After hearing your explanation, I am satisfied that one can read anything into words.

Hon. H. K. WATSON: One could submit those words to two lawyers and get a different opinion from each of them. My advice to those owners of flats who have received a peremptory notice such as that from the rent inspector is to consider their legal position and fight the case in the courts, failing any suitable amendment that we might pass to make the position clear. Then we come to the extraordinary retrospective provisions in the Bill which read—

> In this section, "specified period" means the period between the first day of April, one thousand nine hundred and fifty-four and the day on which the Rents and Tenancies Emergency Provisions Act Amendment Act, 1954, comes into operation.
>
> Where during the specified period the lessor of premises
>
> has given to the lessee notice to quit or terminate the tenancy of the premises;
> has commenced proceedings for recovery of possession of the premises;
> has obtained a judgment or an order for recovery of possession of the premises; or has caused to be issued a writ or warrant to enforce a judgment or an order for recovery of possession of premises;
> the notice is cancelled;
> the proceedings are discontinued;
> the judgment or order is rescinded; and
> the writ or warrant is of no further force or effect.

It then reads—

> Where the lessee of premises has prior to the expiration of the specified period agreed to pay as rent of the premises for a term, being or including the whole or part of the specified period, an increased amount above the rent lawfully chargeable for the premises immediately prior to the commencement of the specified period,
>
> the lessee is not bound to pay the amount of the increase; and
> the lessee may, in a court of competent jurisdiction, recover from the lessor to whom he has paid it the amount of the increase;
>
> unless within three months of the expiration of the specified period
>
> the lessee in writing signed by him, confirms the agreement to pay the increase; or
> the court or inspector as the case requires, determines the rent of the premises for the term as being not less than that agreed.

Taking the few cases I have mentioned, one can understand that there has been a good deal of work in adjusting those. The Bill now proposes that all the work that has taken place shall go overboard. Although 99 per cent. of the increases in rents have been made amicably between both parties, the Bill proposes to provide that the tenant can recover all the increase in rent he has paid unless he agrees in writing to the contrary or unless the court otherwise specifies.

Hon. C. W. D. Barker: Did you say that the tenants had agreed in all those cases?

Hon. H. K. WATSON: Yes.

Hon. C. W. D. Barker: There would be no need for that provision with them.

Hon. H. K. WATSON: All those tenants that I have mentioned—that is, 2,990 out of 3,000—can recover all the increases that have been made unless the agent or the landlord obtains from them a written document confirming the increases. That is the height of stupidity. The same applies to eviction notices. Here is one case that came under my notice which reads—

> One tenant whom we are trying to evict has refused to pay more than £2. He is a bad tenant. He paid key money when the Government considered it was illegal. He owes eight weeks' rent. He has a woman living in the flat with him who is not married. He interferes with the other tenants. He parks his vehicle in front of the rubbish bins and when other tenants object, he abuses them. He also says some nasty things about me.

And so on. The House might say that that tenant could have been evicted before. He could not, because the owner had to prove that he was a bad tenant. Although the other tenants in the property had to put up with him, the owner is still landed with that man. Under the new provisions, the owner promptly gave him 28 days' notice. That case is coming before the court next week or the week after.

The Chief Secretary: Section 19 of the Act dealt with that person all the time.

Hon. H. K. WATSON: Yes; but one had to prove the case.

The Chief Secretary: It is not hard to prove that the man had not paid his rent. You are making a very weak case.

Hon. H. K. WATSON: It is not a weak case. The case is being heard either this week or next week. The Chief Secretary will not deny that that man should have an order issued against him.

The Chief Secretary: Such a man has never been given protection.

Hon. H. K. WATSON: He has been given protection under the Bill, because it says that the order which is to be issued against him in a fortnight or so shall be null and void, and to the owner he can still put his fingers to his nose.

The Chief Secretary: The old Act covered such a position all the time.

Hon. H. K. WATSON: I am pointing out to the House some of the real absurdities that will occur if these notices are nullified. Let us revert to the tenant who was setting fire to the property. That tenant has had a 28 days' notice issued against him and his case is coming up before the court. Under the Bill, such notice will be cancelled, and will be declared null and void. No doubt a hundred and one cases will be similarly affected.

Hon. C. W. D. Barker: They can be dealt with separately.

Hon. H. K. WATSON: No; they cannot. If they could, why not say so in the Bill? It just proves that the Bill has been drawn up slovenly, and is not concerned with the real merits; the Government has put up something which, according to Dr. Hislop, is a conglomeration of words.

Hon. E. M. Heenan: Of course, the case you quoted can be dealt with under the Criminal Code.

Hon. H. K. WATSON: I realise that; but that does not help the landlord.

Hon. Sir Charles Latham: And it will not get rid of the tenant.

Hon. H. K. WATSON: That is so. He might end up serving a gaol sentence, but his family could carry on the tenancy. The Chief Secretary said that unless the retrospective provisions remain, we might as well forget the rest, because the bottom will fall out of this Bill. The attitude of the Chief Secretary was that the retrospective provisions were essential; and unless we agreed to them, we might as well forget the Bill. That being so, I say, "Let us forget the Bill," because I shall be greatly surprised if members do agree to provisions such as these.

I would like to say a word or two about the drafting of the Bill. It is a most extraordinary document. I asked the Chief Secretary to explain Clause 15, and one or two other clauses, but he very skilfully dodged the issue. I would like to mention this: When we amended the Act in December last, Section 20A provided that Sections 17, 18, 19, and 20 should cease to operate as from the 30th April. The wording was very definite. Sections 17 to 20 were the ones which contained all sorts of complicated provisions regarding evictions and so on. The amendment provided that as from the 1st May, Section 20B should operate. That section contained all the provisions relating to evictions, and was drafted in eight lines instead of eight pages as it was before.

We having said that Sections 17 to 20 were to cease to operate as from the 30th April; and that, as from the 1st May, Section 20B was to be the sole effective section relating to evictions, I would suggest that the only logical way to amend the Act, if it is desired to modify the provisions of Section 20B, is to insert one or more subsequent subsections. At present, Section 20B says that a tenant cannot be evicted unless he is given 28 days' notice. If it is desired to give a tenant protection, it is possible to provide that he cannot be evicted when he is applying to the court for a reduction of rent; and if it is desired to give a tenant four months within which to bring his case before the court, that can also be done by amending Section 20B. That would be all that was required; yet we find that the Bill repeals Section 20B and 20A, and restores to life Sections 17 to 20 in a manner which should provide lawyers with a competence for a few months if this Bill becomes law.

The Chief Secretary: It will have quite the opposite effect.

Hon. H. K. WATSON: If any amendments are desirable, they should be made to Section 13, which deals with rents, and Section 20B which deals with evictions.

I suggest that this House should strenuously oppose the restoration and resurrection of something which is really dead, and which should remain dead; namely, Sections 17 to 20 of the Act. For my part, I am quite prepared to support any Bill which does not contain any of these conflicting and confusing features, and without any other undesirable tag such as the political kite-flying on the subject of fair rents.

I would be prepared to support any Bill containing the following provisions:—Firstly, that there shall be no increase of rent after a landlord has given notice to quit—for he should not be permitted thereafter to increase the rent without the approval of the rent inspector or the court; secondly, an amendment of Section 20B of the Act so as to give the court three months' discretion in eviction cases, where there is severe hardship; and also a provision that, while a tenant is applying to the court or the rent inspector for a determination of rent, no notice to quit shall

be issued until the case is heard, with a maximum suspension of three months; thirdly, a provision to make it clear that the court and not the rent inspector controls flats, and fourthly, a provision to continue the existing Act as so amended until the 31st December, 1955. I am prepared to support a Bill which contains only such amendments as those.

The Chief Secretary: What are we to do for the period from the 1st May to the passage of the Bill?

Hon. H. K. WATSON: We disregard that period entirely, except that any landlord who has given notice to quit since the 1st May shall not be permitted to increase the rent of the premises in question, and the rent as from 1st August next or whenever the Bill becomes law shall be reduced to that which was paid in April, unless he goes to the court. What has happened during the intervening period of three months, I would say, cannot be nullified, because the landlord was acting in good faith and acting legally. A landlord is entitled to assume that Parliament means what it says, and he cannot be blamed for so thinking.

The Chief Secretary: You will be leaving a big gulf.

Hon. H. K. WATSON: That becomes a closed book. I suggest that retrospective legislation is bad at any time, and it is doubly bad in this case. After studying the Bill very carefully since Thursday last, I do not see anything which, short of a major operation on the Bill and a change of attitude on the part of the Government, can convert the measure into a clear and simple piece of legislation of the nature I have indicated. I suggest there is no reason for giving the Bill a second reading and amending the provisions in Committee, as we did at the special session, only to find that our efforts were wasted.

I would remind the House that the Government was not a bit interested in the amendments which we then introduced. If they had been accepted, then the necessity for the Chief Secretary to interject as to what should be done in the intervening period from April to now, would not have arisen. Had the amendments been agreed to, no landlord who had given notice to quit could have increased the rent from the 1st May without going to the court. The Government was not interested in accepting the amendments we put up. If the Chief Secretary is now prepared to table some suitable amendments to make, in the Bill, the major alterations I indicated, well and good.

As things stand, and in the absence of any such move by the Chief Secretary, I am going to urge upon the House that no good purpose will be served by giving this Bill a second reading. But on this occasion I would suggest that we be careful to see that what we do, and the reasons for what we do, are not shockingly distorted and grossly misrepresented, as was the case during the last session. We should proclaim our reasons, put them on record and see that they are published.

The Chief Secretary: You will get them published all right. Do not worry about that.

Hon. H. K. WATSON: I propose to move an amendment. Whether I press the amendment to a division will depend on the trend of the debate, and any assurance which may be given by the Chief Secretary by such means as are available to him; and on amendments to the Bill which may be tabled by him between now and the conclusion of this debate. In my submission, this Bill should be withdrawn or rewritten. But that task ought to be placed fairly and squarely on the shoulders of its sponsors, and not on individual members of this House. The question before us is that this Bill be now read a second time. I desire to move an amendment—

> That all the words after the word "That" be struck out and the following words inserted in lieu:—
>
> inasmuch as this House is of the opinion that, in order to ensure fair rents and full justice and equity for both landlords and tenants, the principles policy and provisions as embodied in the Principal Act by Act No. 45 of 1953 ought to continue in operation (with such precise additional precautionary and temporary safeguards in Sections 13 and 20B of the Principal Act as may be deemed necessary or desirable to curb those landlords, if any, who may be minded arbitrarily to terminate existing tenancies for no other purpose than to thwart tenants' applications to the Court for a determination of rent, or to otherwise unconscionably exploit tenants); and inasmuch as this Bill seeks to repeal or cancel most of the principles policy and provisions embodied as aforesaid in the Principal Act by Act No. 45 of 1953; and inasmuch as this Bill also seeks wrongfully and unjustly to invalidate and nullify transactions, agreements, payments, notices, proceedings and judgments lawfully made or taken in good faith under the Principal Act; and inasmuch as this Bill, both in its form and substance, is calculated to create chaos and seriously to confuse and confound landlords and tenants and their legal advisers and the Courts, this House declines to give this Bill a Second Reading.

The Chief Secretary: That is not an amendment; it is a Press statement.

Sitting suspended from 6.15 to 7.30 p.m.

Point of Order.

The Chief Secretary: I would like to ask your ruling on the amendment, Mr. President.

The President: I would direct members to Standing Orders 182, 183, and 184 on page 36 of the Standing Orders of the Legislative Council. They read as follows:—

Second Reading.

182. On the Order of the Day being read for the Second Reading of the Bill, the Question shall be proposed, "That this Bill be now read a second time."

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

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

I would now refer members to page 474 of the 15th edition of "May," where the following occurs relating to the second reading of a Bill:—

> The second reading of a bill is the stage at which general principles of the Bill are considered. As soon as the order for the second reading is called by the Clerk of the Parliaments, the Peer in charge of the Bill explains its purposes and the manner in which it achieves them. At the conclusion of his speech, the question "that this bill be now read a second time" is proposed from the woolsack and a debate may ensue. It is irregular at this stage to examine minutely the details of the clauses, which can be discussed more properly in committee. Frequently, however, an indication is given of the directions in which, in the opinion of the speaker, the bill requires amendment and of the general nature of amendments which he will propose.
>
> Methods of Opposition to Second Reading.
>
> A bill may be opposed on the second reading in three ways.
>
> Delaying amendment.—The most usual method is by an amendment to postpone the second reading until after the end of the session, the formula for this amendment being to leave out the word "now" and add at the end of the motion "this day six (or three) months." Notice is generally given in the order paper of this amendment and the mover of it usually, though not invariably, if he wishes, speaks after the mover of the motion for the second reading. An amendment of this kind has, however, been moved without previous notice. As soon as the amendment has been moved, it is proposed from the woolsack, and the question before the House then is that the word "now" stand part of the motion. A decision on this question is usually decisive of the fate of the bill. If the amendment be withdrawn, or if it be defeated on a division, the original question is put "that this bill be now read a second time", and agreed to without further discussion. If, however, as a result of the division, the word "now" is omitted, the addition of the words "this day six (or three) months" is put and agreed to as a natural consequence of the first decision.

Then we come to the second way of opposition to the second reading, and this is the method that the hon. member has proposed by his amendment—

> Reasoned amendment.—The second method by which a bill may be opposed on second reading is by means of a reasoned amendment, notice of which is always given. The main question being "that this bill be read a second time", the usual form of the amendment is to leave out all the words after "that" for the purpose of inserting words to the effect that the House declines to proceed with the bill for certain specified reasons, or until further information upon the subject matter of the bill from specified sources has been made available.

Then the third reason is given as follows:—

> Opposing without moving amendment.—The third method of opposition is by challenging a vote on the motion for the second reading. It not infrequently occurs that, although no notice of opposition has been given in advance, objection to the measure transpires in the course of debate and the motion is opposed and may be negatived. Strictly, in theory, when this occurs the second reading is only negatived for that particular day, but in practice it is usual to treat it as a rejection of the bill, which is thenceforward removed from the order paper. It could, however, be reinserted at the request of the Peer in charge of it.

For those reasons, I rule that the amendment is in order.

Dissent from President's Ruling.

The Chief Secretary: I am sorry, Sir, that you have ruled that way. In fact, I regret very much that so early in the session I am forced to move that your ruling be disagreed with. You have looked at only portion of the subject in reading from "May". I have said in this House before, and I say it again, that I do not care what

"May" says. We have our rules, and surely we do not have to go to some other country for a direction as to their meaning.

The President: Order! I would draw the Chief Secretary's attention to Standing Order 386, which indicates that a member who has spoken to a question may not speak on any amendment thereon until such amendment has become the main question. The hon. member has already spoken to the question that this Bill be now read a second time, and is not entitled to speak again until any amendment to the motion becomes the main question.

The Chief Secretary: I am sorry that I went off at a tangent before I informed you that it was my intention to move that your ruling be disagreed with.

The President: Very good. Thank you.

Hon. L. A. Logan: It must be put in writing.

The Chief Secretary: That can easily be done. You, Sir, mentioned "May," and I repeat what I have said many times in this Chamber when a similar position has arisen, that I do not need to go to "May," or to anyone else outside Australia, to give me the interpretation of our Standing Orders. If any person requires to go to "May" to explain what Standing Orders 182, 183 and 184 mean, he should not be in this Chamber. There is a very definite provision to the effect that in connection with the second reading of a Bill amendments can be moved only regarding the time.

You, Mr. President, are hanging your hat on the Standing Order which makes reference to no other amendment being moved except in the form of a resolution strictly relevant to the Bill. But is there not also a standing practice that no amendment can be a direct negative to the motion to which it is moved? Read the end of this so-called "reasoned amendment," and see what it says! The motion is that the Bill be read now, but what does the end of the amendment say? Forget all this business about a so-called "reasoned amendment." I would say it is the most unreasonable thing I have seen put up in any Chamber in Australia. Members talk about this being "reasonable." All they are trying to do is to defeat the measure in a cowardly way. Why not come straight out and defeat the Bill and take the consequences? This is one of the most vital measures introduced into this Chamber. I take second place to no one with regard to that. Let us debate the Bill on its merits. Are members afraid to do that? Let members speak on the merits and demerits of the Bill, and not adopt hole-and-corner methods like this to defeat it.

Is this what members call democracy? I heard during the war years the statement that might is right. Is that the principle that is going to operate in the Legislative Council tonight, or are we going to deal with the Bill on its merits? My friend says it has none. Let us get into Committee on the Bill. Then I will show him its merits, and he can endeavour to show me its demerits. The last few words of the amendment make it a direct negative of the motion. I do not care what Standing Order is quoted, whether it be by "May," June, July, or anyone else. Members will not find that an amendment can be accepted which is a direct negative to what has been proposed.

Hon. H. K. Watson: You would like to by-pass Parliament, if you had the chance.

The Chief Secretary: The hon. member is by-passing every known rule of debate.

Hon. H. K. Watson: No; I am not.

The Chief Secretary: Of course you are! The amendment proposes that the House shall decline to agree to the second reading of the Bill. The motion is that the Bill be now read a second time. Do members want "May" to interpret what is meant? Do members need "May" to tell them what is the meaning of the words, "This House declines to agree to the second reading"? The amendment is an absolutely direct negative to the motion; and I am astounded that you, Sir, should rule that it is in order, with those concluding words in it.

I say again that this is just a cowardly way of defeating the measure. Let members oppose it if they like. If they believe that what the measure sets out to do should not be done, let them stand up like men and oppose it. But do not use subterfuges in order to defeat the Bill. I said when the amendment was read out—and I think I put my finger on the pulse—that this was not an amendment but a Press statement; and that is what it is. It is a statement that some members want published to the world tomorrow morning in an endeavour to show what good fellows they are and what bad fellows we are. It has been said in the course of these debates that this is a political football. I know who has made it one.

Hon. A. R. Jones: You should!

The Chief Secretary: I do not have to point to something that occurred during the election campaign. I will ask what happened in this House when another Government was in power. This House passed its legislation.

Members: No we did not!

The Chief Secretary: But the first time a Labour Government is on the Treasury bench members say it is time this legislation went overboard, and they do everything in their power to defeat it. Who has played political football?

Hon. C. H. Simpson: This House rejected a similar measure previously.

The Chief Secretary: Who supported the previous Government when it brought down similar legislation? We have been consistent since the war years in supporting our political opponents on measures of this kind; but have members facing me done that?

Hon. N. E. Baxter: Yes; we have.

The Chief Secretary: No.

Hon. N. E. Baxter: Too right we have!

The Chief Secretary: When their Government was in power they carried the legislation.

Hon. N. E. Baxter: Not the members you are facing over here.

The Chief Secretary: The majority of members in this Chamber said that this legislation should go on the statute book; but ever since the Labour Government has been in power, there has been a turnaround, and they have said that it is to go out. And they talk about kicking the political football!

Hon. Sir Charles Latham: On a point of order, Mr. President, is the hon. member discussing the members of this House, or your ruling?

The President: The Chief Secretary is discussing my ruling.

Hon. Sir Charles Latham: Is he within the Standing Orders in discussing the ruling in this way?

The President: The Chief Secretary may proceed.

The Chief Secretary: I was saying that, so far as we are concerned, there is no political football about this matter. If I was genuine about anything in my life—and I have been in public life for a long time—it is this Bill, as being something that should be on the statute book.

Hon. N. E. Baxter: You told us that about price fixing.

The Chief Secretary: Whether the particular measure that I have brought forward is 100 per cent., remains to be seen. But how can we find out? It is only by going into Committee and delving into the different points. I have come forward honestly and sincerely believing, as a result of my experience in my portfolio—

Hon. Sir Charles Latham: You are blaming the House for a ruling of the President.

The Chief Secretary: Should I get up and, to suit Sir Charles, say, "I disagree with the President's ruling," and then sit down? Would that suit the hon. member?

Hon. Sir Charles Latham: No; but you could give your reasons.

The President: The Chief Secretary disagrees with my ruling, and I will allow him to say what he thinks is necessary.

The Chief Secretary: I am giving my reasons.

The President: I would like the Chief Secretary, also, to address his remarks to me.

The Chief Secretary: I was never more genuine in my life than in my belief that in this measure I had put up a Bill that was fair to everyone in the community. I would like to hear members tell me, either on the second reading or in the Committee stage, where I am unfair in the measure. Instead of doing that, they appear to be afraid to stand up to the debate that will ensue, or to justify themselves if they want to oppose the Bill.

Hon. L. C. Diver: Who is acting now?

The Chief Secretary: In order to avoid that, they move an amendment like this. I am surprised, Mr. President, and I regret that you have decided that the amendment is in order. I put this point to you, Sir, that it is a direct negative; and I will defy anyone, under any rules of debate, to prove that a direct negative can be accepted as an amendment. I will be pleased to hear someone tell me by what authority that can be done. I draw attention again to the words, "This house declines to give this Bill a second reading." They constitute an amendment to the motion—"That the Bill be now read a second time." I move—

> That the House dissent from the President's ruling.

Hon. Sir Charles Latham: The Chief Secretary has lashed himself into a fury. I have never in my long period in Parliament heard members charged as the Chief Secretary has charged members here in order to make out a case against your ruling, Sir.

Point of Order.

Hon. H. K. Watson: I rise on a point of order. Standing Order 405 states—

> If any objection be taken to the ruling or decision of the President, such objection shall be taken at once, and in writing, and motion made—

May I inquire whether written objection has been submitted to you, Sir? I understand that the motion has been made and seconded. The Standing Order proceeds—

> —which, if seconded, shall be proposed to the Council and debate thereon forthwith adjourned to the next sitting day unless the matter requires immediate attention.

I submit the matter does not require immediate attention, and that it should be adjourned to the next sitting day in accordance with that Standing Order.

The President: In reply to what the hon. member has said, I have received the objection in writing from the Chief Secretary. My interpretation of Standing Order 405 is that the debate must be adjourned until the next sitting of the House unless the matter requires immediate determination.

As to Adjournment of Debate.

Hon. C. H. Simpson: I move—

> That the debate on the dissent be adjourned until the next sitting of the House.

Hon. H. K. Watson: I respectfully submit that the Standing Order governs the matter. It provides that the debate shall be forthwith adjourned.

The Chief Secretary: Unless!

Hon. H. K. Watson: Yes, unless the matter requires immediate attention.

The President: Mr. Simpson has moved the necessary adjournment to the next sitting day, and I have accepted his motion. The motion before the House now is that the debate on the dissent from the President's ruling be adjourned until the next sitting day.

The Chief Secretary: Have I the right to oppose the motion?

The President: It is the motion before the Chair, and the Chief Secretary may speak on it.

The Chief Secretary: I hope members will not postpone this matter. Surely we do not need 24 hours to make up our minds whether the ruling is right or wrong.

Hon. H. K. Watson: You need 24 hours to give consideration to some of the remarks you have made.

The Chief Secretary: I had five minutes to look at the amendment moved by the hon. member. It is courtesy, even amongst the most bitter political opponents, when moves like this are to be made, to give an advance statement to the Leader of the House or the Minister concerned. I will pay this compliment to the hon. member and his colleagues, that I did not hear a whisper about this matter until he got up and moved his amendment this afternoon. Surely we do not have to do that sort of thing! We can play ball with one another, and not to try to catch each other on the hop. I think the matter is of sufficient urgency to be dealt with here and now.

Hon. C. H. Simpson: I purposely refrained from making any supporting remarks on my motion, because I thought that under the terms of the Standing Order the House had no option but to adjourn the matter forthwith until the next sitting of the House.

The President: I do not consider the matter urgent, and I have accepted the motion from Mr. Simpson. The House can disagree with the ruling if it so wishes.

Hon. E. M. Heenan: Is the motion that the debate on the objection to your ruling, Sir, be adjourned?

The President: Yes.

Hon. L. A. Logan: That is not open to discussion.

The President: I take it that you, Mr. Heenan, are rising on a point of order.

Hon. E. M. Heenan: I was going to oppose the motion.

The President: If you rise on a point of order you may speak, but otherwise the Standing Orders lay down very definitely that the vote shall be taken.

Hon. C. W. D. Barker: Is it possible for a member to move—

> That in the opinion of this House the measure requires immediate determination?

The President: I refer the hon. member to Standing Order 406 which has the side heading, "Motions not open to debate."

Hon. J. G. Hislop: I submit that you, Sir, need not have taken a motion from Mr. Simpson, because Standing Order 405 gives no alternative but to adjourn the debate forthwith in view of the fact that you have ruled that the matter is not one requiring immediate attention. The debate automatically ceases when you give that ruling; and any motion moved after the ruling, or any contravention of it, would be out of order. I think that Standing Order 405 makes it mandatory that the debate be now adjourned to the next sitting of the House.

The President: That is my reply to Mr. Heenan.

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

Ayes	13
Noes	12
Majority for	1

Ayes.

Hon. L. C. Diver	Hon. L. A. Logan
Hon. A. F. Griffith	Hon. H. L. Roche
Hon. H. Hearn	Hon. C. H. Simpson
Hon. C. H. Henning	Hon. J. McI. Thomson
Hon. J. G. Hislop	Hon. H. K. Watson
Hon. A. R. Jones	Hon. J. Murray
Hon. Sir Chas. Latham	*(Teller.)*

Noes.

Hon. C. W. D. Barker	Hon. W. R. Hall
Hon. N. E. Baxter	Hon. E. M. Heenan
Hon. G. Bennetts	Hon. R. F. Hutchison
Hon. E. M. Davies	Hon. J. D. Teahan
Hon. G. Fraser	Hon. W. F. Willesee
Hon. J. J. Garrigan	Hon. F. R. H. Lavery
	(Teller.)

Pairs.

Ayes.	Noes.
Hon. L. Craig	Hon. H. C. Strickland
Hon. A. F. Griffith	Hon. R. J. Boylen

Motion thus passed.

ADDRESS-IN-REPLY.

Eighth Day.

Debate resumed from the 7th July.

HON. G. BENNETTS (South-East) [8.0]: Allow me to congratulate you, Sir, on being elevated to the position of President of this Chamber. From what we have seen of your actions so far, we are confident that you will uphold the dignity displayed by your predecessors.

Since the last session, four new Labour members have been elected to this Chamber. We have Mr. Teahan, who was Mayor of Boulder for some years, and who is well-known to all Goldfields people. I am sure he will make his mark in this House. Then there is Mr. Garrigan, who was one of our machine miners in Kalgoorlie, and who worked underground for many years. Mrs. Hutchison, another of our new members, has already made herself

known by the speech she made on opening day. I am sure members will agree with me when I say that she will be a valuable member in this Chamber and will be able to present the women's point of view. I congratulate her on being the first woman member of the Legislative Council. Mr. Willesee, the fourth new member, is a young man, and I only hope he will follow in the footsteps of his brother, Senator Willesee. If he does so, he will do a good job.

Sir Harold Seddon, who was recently defeated at the polls, occupied the Chair of President of this Chamber. He is well-known on the Goldfields, and always did a good job for the district he represented. Mr. Jack Cunningham, too, was a member from my own district and was well respected; the same applies to the other two members who are no longer with us. Of course, a Bill similar to the one we discussed this evening, led to the downfall of those members who were defeated.

Hon. N. E. Baxter: Do not tell us that.

Hon. G. BENNETTS: The Premier called together a special session of Parliament to give members a chance to withdraw their remarks, and agree to what our Government put up. But some members of this Chamber would not take any notice, and the electors said, "We will have to appoint some new members to the Legislative Council"; and that is the position: We have four new Labour members. Many other Bills, as well as the rents Bill, received the axe; and, of course, the people are not going to stand for that sort of thing. It is a pity that the Labour Party did not put up more candidates to oppose other members; had it done so, it would have had a majority in this House. So members can think themselves lucky that we did not have more candidates available.

Hon. N. E. Baxter: You are a little optimistic.

Hon. L. A. Logan: Have a look at tonight's paper.

Hon. G. BENNETTS: The other evening Mr. Baxter spoke about the railways and their administration. I support his remarks because I have always said that the railways are top-heavy with administration; and, of course, the previous Government is to blame, because of the appointment of three commissioners. The appointment of these commissioners has no time limit; they are there for the rest of their lives.

Hon. N. E. Baxter: No; they are not.

Hon. G. BENNETTS: Yes; they are, unless they commit some serious breach. I do not blame the commissioners, Mr. Hall and Mr. Clarke—they are gentlemen. The other commissioner I do not know. But one commissioner is sufficient to control our railways. The burden of the extra costs must fall on the people living in the remote areas, and they are called upon to pay higher freights because of the bigger staff. Previously we had one commissioner, and he had far less money at his disposal than is now available. In addition to being Commissioner of Railways, he was also in charge of the tramways, the East Perth power house, and the ferries. He did a good job during the war period, when little money was available.

I mentioned previously that our railways are losing more money all the time, and are getting further into the blue. Of course, ours is not the only system in Australia doing that. Because of motor transport, the railway systems of Australia are losing more passengers, and we cannot blame those who operate motor transport. If a person owns a car and wishes to give a lift to his friends, we cannot blame him for it. But it is a loss of revenue to the railways. Our railways must be improved; and, to that end, the trains must haul bigger loads. We must canvas the people in order to get more freight for the system; and to encourage the people to use our railways, we must give them service.

I recently visited the Eastern States, and whilst in New South Wales I made inquiries regarding the transhipment of goods from one State to the other. Because of the different systems involved, I would say that there are few goods clerks in this State who could work out the freight rates for the different States in Australia. In Perth the clerks have the rates worked out and printed on cards; but that would not be the case in many other sheds. A truck in the goods section might have six different classes of goods aboard and the rates on all those different classes have to be worked out and charged to the firms concerned. Every State has a different charge. Some States charge a tarpaulin rate, some charge for shunting, others for ropes and so on. Consequently it is awkward for a clerk to work out the costs.

At Kalgoorlie the goods must be transhipped from one truck to another, and many of the parcels are wrapped up in brown paper. This all causes confusion, and it becomes even more difficult when one realises the number of systems involved. In transhipment the goods are likely to become damaged and therefore are classed as ullage. That means that they must be opened in front of the owner, checked, resealed and then sent forward. This takes a good deal of time and increases the costs of shipment; and that, in turn, must be borne by the people in the remote areas by way of increased freight rates.

Recently the Commissioner of the Commonwealth Railways, with officials from his department, came to Western Australia

to try to get the State railways to use the freightex system. But our railway people did not agree with the suggestion and would not listen to the arguments he put up. Since then the New South Wales railways have adopted a system of their own, and an Eastern States newspaper I have in front of me advertises the system used. They have the latest type of trains hauled by two powerful diesel locomotives. These locomotives are capable of hauling from 750 to 800 tons and provide a 24-hour service, on the freightex system, from New South Wales to Melbourne.

In addition, they have the system in use on other lines. A factory can hire a truck from the Railway Department, load it, seal it, and have it taken to Albury where the goods are transhipped and taken to Melbourne. The railway personnel have nothing to do with the goods, and consequently there is a great saving in labour costs. In addition, the goods arrive much quicker than they did under the old system. The railways do not have to worry about ullage; and, as I mentioned last year, it would be a good idea if we adopted the same system.

I also said that we could adopt the box system; and this, too, would be an improvement. Under this system, a person has a container in which all his parcels are loaded, and the container is transhipped from one truck to another without the necessity of handling each individual parcel. The container is similar to a furniture box; and while in Albury, I saw this system in operation. At that centre they have a big electrical traverse crane which picks up the boxes from one truck and loads them on to another. They are then sealed down and the whole process takes only ten minutes. Yet it used to take us 3 to 3½ hours to transfer the contents of one Commonwealth wagon into a State wagon. We must adopt a scheme similar to this to cut our railway losses. The railways were built to develop the outback parts of the State, but we will not keep the people in these remote areas if we continue to charge high freight rates. The people in the outback areas are being charged far too much for necessary commodities.

Hon. A. R. Jones: What do you think about raising metropolitan fares?

Hon. G. BENNETTS: The metropolitan people now have the best railway service that we have ever had in this State. These new railcars will be the means of bringing back to the railways the traffic they lost. The diesel railcars are powerful and speedy; and if we could run a 20-minute service from Perth to Fremantle, a good deal of traffic lost to private buses would be obtained. The money saved by the use of these diesels and railcars should help to reduce freights and fares. However, I am not too keen on the type of diesels and engines that we have; I would prefer the type which is operating on the Commonwealth railways. Those engines can be coupled together and worked by one crew.

I do not want to dispense with railway workmen; but because of the difficulty of obtaining staff, the Commonwealth railways have found their system to be ideal, and they have not found it necessary to dispense with any crews. If we used the same type of diesel as the Commonwealth railways, we could increase the loading from here to Kalgoorlie, and the surplus crews could be utilised on other branch lines.

Today the Commonwealth Railways are building a line, which is not quite complete, between Port Augusta and Leigh Creek. With their large railway building equipment they have reduced all the grades, and have got the matter down to a fine art. Two diesel locomotives coupled will pull 3,500 tons. At present, they are pulling 410 tons; that is, two steam locomotives with five men on each as crews. The new engines will pull that greater load. The present diesels are four-wheeled coupled with motors, but the diesels on the Leigh Creek line will have the six wheels coupled and will be able to pull the greater load. Last year the Commonwealth railways showed a profit of £320,000 as compared with losses in previous years. I think it is up to us to confer with the different railway commissioners throughout the Eastern States in order to bring about a different system of freight carrying to help us compete against shipping.

Hon. F. R. H. Lavery: What about a standard gauge?

Hon. G. BENNETTS: I am coming to that. One of the main subjects I brought up recently was the standardisation of the railway gauges. I know that Western Australia and Queensland voted against the unification of the gauge of the railways; and if we wanted that unification to be effected today, it would cost about five times as much as it would have cost then. However, I am not losing hope, because I think it is not yet too late to get a standard gauge. The plant being used on the Leigh Creek line is available at Port Augusta, and I think there will be a move very shortly to bring it through to Kalgoorlie. I think that matter has been given consideration at Canberra.

Hon. J. McI. Thomson: That was recommended by the Royal Commission.

Hon. G. BENNETTS: That is so, but it was turned down. The sooner we get it the better. We would then have a through service from New South Wales to Perth in 41 hours. Today one arrives at Kalgoorlie at about 7.30 a.m. and leaves at about 9.5 reaching Adelaide where one spends about three hours, and then on to Melbourne, arriving 9 a.m. and departing

7 p.m. for Sydney, arriving there at 9 a.m. It is then necessary to get a train at 7 o'clock or 7.30 which arrives at Brisbane about 3.15 the following day. To make this journey, one travels many different gauges by many different trains. Our new trains are as good as any of the others in Australia, except perhaps those of the Commonwealth railways.

Hon. J. McI. Thomson: Do they compare with the Spirit of Progress?

Hon. G. BENNETTS: Yes. We provide hot and cold water in our sleepers, and the cars run beautifully. I am perturbed about our Kalgoorlie express.

Hon. J. G. Hislop: Why do you call it the express?

Hon. G. BENNETTS: It is called that. I know it takes longer now by one hour to make the journey than it did 30 years ago.

Hon. A. R. Jones: What is the reason for that?

Hon. G. BENNETTS: I do not know; but when we get the diesel locomotive into service, the time will be cut from 17 hours to 12½ hours.

Hon. J. G. Hislop: You will still have your stops because of the signals.

Hon. G. BENNETTS: We will have a good, fast service, and the timetable will permit the trains to go through. For the last two weeks our Goldfields express has been late. If it is half an hour late, and it gets into the busy traffic and strikes obstacles, it has to be pulled up because, as an express, it is a fast-timetable train. It may also be blocked by signals. This, however, is a good thing; because if it were not for the protection of those signals, we would have a number of accidents, of which we have not been entirely free of late. There are, however, reasons for that.

I have had some experience of putting men through railway examinations. They have perhaps spent a fortnight under me, and have then had to be pushed through a station, even though they might be incompetent. This was necessary, however, because of the shortage of men at the time. I saw a dreadful accident on the service on which I was employed. I know recently that while my son was a traffic inspector on the Commonwealth railways he did not like it, because he had to push men through the service even though they were not capable of carrying out the work. The railways have to go on, however, and these men have to do the work, because it is very hard to get the necessary men in the remote areas.

To my way of thinking the fettler—the man who maintains the road—is one of the most important men. He is generally not considered to be so. But unless the foundation is in good order, it does not matter what we put on top; it will be no good. I take my hat off to the maintenance gangs for the work they are doing. They are isolated, and do not enjoy the amenities provided for other people. We must do something for them.

The Commonwealth railways build beautiful homes for their maintenance gangs, equal to any in the metropolitan area. They supply them with kelvinators; and the rental, including the kelvinators, is about 27s. a week. Very few of the gangs on our State railways are at full strength. Men just cannot be induced to go to areas where no amenities are provided. Recently New Australians have been doing the work, but I do not know how long they will continue.

I want to make an appeal for better conditions for second-class passengers on our railways. It sems that today we are catering only for the first-class passenger. I think I am right in saying that the second-class passenger is a much bigger financial asset than the first-class passenger. I am a pretty keen observer on the train; and if the figures of first-class passengers were taken, I feel sure it would be found that two-thirds of them travel on passes. The second-class passengers, the women and children, are the paying passengers. We have the first-class cars beautifully fitted and supplied with hot and cold water, plenty of rugs, and nice beds to sleep on. Morning tea is also supplied and one of the latest innovations is a hot-water bottle to keep the passenger warm.

The conditions for second-class passengers are the same today as they were in my day on the railways, except that the compartments contain four berths instead of six. Because of my agitation, they are now provided with sheets. The beds are of the oval type which form the back of the seat in the day. The water system is that used by Paddy Hannans; namely, the water bag. In the hot weather we see men putting their hands into the bags to take their bottle of beer out. Cinders get into the bags, and the old mug is so chipped, that one does not know whether it is an empty jam tin or an enamel mug. The department should see that there are plenty of men on these trains to ensure that the people are well catered for. Their main object should be the comfort of the women and the children and the elderly people.

Hon. J. G. Hislop: What is the difference in cost?

Hon. G. BENNETTS: I cannot tell the hon. member; but it is not a great deal. The sleeping berth is 11s. in the second-class and £1 in the first. The second-class cars have an old type of sitting-up car

for passengers who join the train at different points. It is called an A.R. car. It is a sitting-up car without any doors, and in the cold weather it is terribly draughty for these poor unfortunate women and children. I once noticed an A.R. car on one of these trains, and at the same time there was another empty second-class car locked up on the front of the train. There are a number of sleeping cars, and they should be provided for the comfort of passengers. If we want people to use the railways, we should see that they are given the attention they deserve.

Hon. L. C. Diver: I do not think the hon. member often travels on this train.

Hon. G. BENNETTS: I travel on it to and from Kalgoorlie every week.

Hon. L. C. Diver: You should change places with the second-class passengers.

Hon. G. BENNETTS: I have travelled second-class before, and I would always be prepared to do so again. When we were going on holidays years ago, we would bundle our children into a second-class compartment. We would often hear people say, "Don't go in there; it's full of children." People do not want to have anything to do with children these days. In my days, my instructions to those fellows trained under me were, "Attend to the elderly people and the women and children first, and then see about the others." If we want young people and children in our country, we must do something for them.

We are still using the old type of engine on the express, and that is why it is comparatively slow. This type of engine has been in operation for about 50 years. Members may recollect that some time ago the Government obtained engines of the P.M. and P.M.P. type to replace the old locomotives then being used on the express trains. For some reason they were found to be unsuitable for hauling fast traffic, and we have not heard anything of them since. I do not know what happened to them or why they were taken off.

To regain patronage for the Kalgoorlie-Perth service, second-class passengers should be provided with a cool water system similar to that installed for first-class passengers. Better washing facilities should be provided similar to those made available for first-class passengers, who have the comfort and convenience of hot and cold water. If these facilities can be provided in the first-class coaches, they could be made available in the second-class. All that would be needed would be to carry an extra tank under the car from which the water would be forced up into the compartments.

Every train in the Eastern States has a hot-water-bottle system on the floor of the coaches, both first-class and second-class. Surely the Railways Commission could consider the advisableness of providing on our cars these facilities which add so greatly to the comfort of passengers! They are needed in cars where people have to sit up overnight. There are only eight compartments in each car, so 16 of these drums would provide the additional comfort for which I am asking. Another point is that second-class passengers should be given a cup of tea in the morning, just as first-class passengers are.

Now I wish to bring to the notice of members the importance of the goldmining industry. I hope that the Prime Minister will fulfil the promise he made during the election campaign to give some assistance to the industry. I have heard it said that some of the mines are showing a handsome profit; but when we read in the newspapers of handsome profits, we should bear in mind that the cost of producing gold nowadays is far too high. High costs, costs including higher freight rates, mean that certain grades of ore have to be by-passed, and by by-passing these low-grade ores, the life of the mine is shortened. If ore of an equal value had been available 15 years ago, it could have been worked very profitably, whereas today it cannot be worked. We must not forget the very important part the industry played during the depression years. If a slump occurs in wool and wheat, the goldmining areas will have to come to the rescue.

Some questions were tabled by Mr. Hall about the prospectors. We cannot do without the genuine prospector, the man who goes out into the back-blocks seeking uranium and other valuable minerals. But for these men, we would not have the wealth that today is being produced in the back country. The cost to the prospector of getting into the bush is now greater than ever before. A prospector must have tools and equipment of the latest type, as well as motor transport. I hope that the Government will consider these matters and do everything posssible for the mining industry and the prospectors.

I feel concern about the water supply. Frequent reference has been made to the shortage of water. In my opinion, the provision of water should receive the highest priority possible throughout the Commonwealth. This is not the only State where shortages occur. In Brisbane, I made inquiries and found that on three days a week during the summer months, the residents are allowed only half-an-hour to water their gardens. Victoria and New South Wales are similarly placed during the summer months. Last year when in Adelaide I found that bore water was being used

in the summer and that, owing to the increase of population, the supply had become so low that the water was getting brackish. This year a pipeline is being laid to convey a supply of water from the River Murray to the city.

In this State, a small increase in the rates charged in the metropolitan area, say 9d. or 1s. per 1,000, would result in people in the remote areas being able to get water at 2s. 6d. a thousand gallons instead of 7s. 6d. as at present. But for the people pioneering the outback parts, where would the people of Perth be? They would be finding it very hard to exist, and the city would certainly not be able to continue carrying the population it has today. I understand that a board is likely to be set up to control water supplies; and if that is done, I hope it will consider imposing a flat rate for water throughout the State.

I heard a member representing a farming province and also a member for the North Province mention the need for bituminising roads in their areas. Such work is essential. Gravel roads have been laid down and have had to be rebuilt, and their maintenance becomes very expensive. The Western Mining Corporation has spent half-a-million of money in developing its mine at Bullfinch, and the only way to get to the mine is by road, a distance of 22 miles from Southern Cross. There is a gravel road, but it is in very bad order. This road should be surfaced with bitumen.

I also feel concern about the provision of a five-years high school for Merredin. This is a busy farming area with a large population, and application is being made for a high school. If any centre is justified in getting a high school, this is the one. The former R.A.A.F. building could be converted into a hostel to house the children who would attend the school.

Another matter causing me concern is that of swimming pools. The previous Government promised on the platform to assist country towns in the provision of swimming pools. Applications were made from Southern Cross, Merredin and Norseman, but the reply received was that those places had not sufficient population and therefore could not be granted Government assistance. What has happened? At Norseman, the Western Mining Corporation appreciated the difficulty of keeping people contented in such dry and dusty areas. When the Government would not grant assistance for a swimming pool, the company decided to provide this amenity for the residents of the district. It installed a swimming pool at its own cost, and it is a beautiful pool.

However, when it came to getting the water, the company was charged the ordinary domestic rate for it. Kalgoorlie was obtaining water for its swimming pool at 2s. 6d. a thousand gallons, while the company at Norseman was charged 7s. 6d. If we could get a State-wide flat rate declared for water, it would prove of immense assistance to the outback areas. The residents of Merredin hold all sorts of entertainments to raise funds for their swimming pool. They need a little assistance, and I hope they will get it from the Lotteries Commission. When we have live bodies in these remote areas prepared to raise funds to provide amenities for the people, the Government should encourage them by granting financial assistance. Mr. Teahan has been associated with many organisations in Kalgoorlie formed for the purpose of raising funds to provide amenities there.

Last year there was considerable discussion about the Forests Department. From what I am told by a forests officer, the change that has been made has resulted in a great saving of revenue to the Government and the department is working better than ever before. Additional officers were appointed to the Forests Department and, as they were men who had obtained their credentials in Canberra, they were put in charge, at big salaries, over men who had learned their work in a practical way in our own bush. Now, however, they have been withdrawn and the practical men have been put in charge. That means a saving of those high salaries, and the work is going forward much more smoothly. In spite of what Mr Murray said would happen if we lost a certain officer from the Forests Department, I am glad to say that the departmental affairs are now much improved. I wish to pay tribute to the Under Secretary for Lands, his secretary, and all the officers of the Lands Department, as well as those of the Titles Office, the Town Planning Commission, and other departments. Last year; I think I handled as many titles and transfers as did any member of this House, and the service rendered and courtesy shown me was a great credit to all the officers concerned.

Next I feel that I must again mention the Esperance light land, and I know that Dr. Hislop will support me. Since last year, great progress has been made in that area, and I think it was Mr. Diver who said that one well-known stockbreeder who visited Esperance expressed the view that if he were a younger man, the Esperance area would be his choice of the whole of Australia. It is light land and is available at 2s. 6d. per acre, although it is within the 26 to 28-inch rainfall belt, and subterranean water is available only a few feet below the surface. Clover established only two years ago on Mr. Button's farm is doing extremely well. When we inspected that property last year, we saw 30 cwt. of clover per acre being cut. Some people called Sampson cleared 5,000 acres of that land in six weeks, using an 18-ft. log roller. One of the main requirements

of the Esperance district is a serviceable road through Ravensthorpe to Albany, so as to enable the use of refrigerated vans.

Hon. L. C. Diver: They need a regular shipping service.

Hon. G. BENNETTS: Yes. I hope that after my plea tonight, the Minister for the North-West will return the "Kybra" to that run.

The Minister for the North-West: But you would grow more than it could carry.

Hon. G. BENNETTS: If we produced more than the "Kybra" could carry, the Minister might then make another ship available. I have great faith in the Minister for Agriculture, who was present at the last field day in the Esperance district and has set up a committee to investigate the possibility of a land settlement scheme for that area. He is convinced that the land in the Esperance district is at least the equal of that available anywhere else in the State. Last year, I got together there a party of 22 good farmers, and they were all of the opinion that the Esperance district was one of the best parts of the State but that it must have adequate transport, and particularly a good road through to Albany, as well as a shipping service. There is, at Norseman, a great pyrites industry, the product of which will be sufficient to supply the State for the next 50 to 100 years. The development of the new mine will increase the output of pyrites by at least 50 per cent.

I would like to see a superphosphate works established at Esperance. At present, the pyrites is hauled by rail from Norseman to Bassendean and then the superphosphate is transported back by rail to the Esperance district, and that is extremely costly. If either the Government or some private agency established a superphosphate works at Esperance, it could supply the whole of the area up to Southern Cross and the Goldfields and as far west as Ravensthorpe. Norseman is 130 miles from Esperance, which is the natural seaport of the Goldfields, and is the site of the second biggest goldmining industry in the State—

Hon. J. McI. Thomson: Do interstate vessels call at Esperance?

Hon. G. BENNETTS: Yes, a quarterly shipping service.

Hon. C. W. D. Barker: Have you sufficient water there?

Hon. G. BENNETTS: We have at Esperance one of the finest harbours in the State, and I could show the hon. member something better there than he has in the North-West. The prospects of the successful mining of uranium at Norseman are now bright. I would remind the House that Norseman is the most easterly town on the Eyre Highway, which connects Perth with the Eastern States, and would point out that the section from Coolgardie to Norseman urgently requires a bitumen surface. It is a stretch of 130 miles, and I hope the Government will consider doing something in that regard.

I noticed in the Press, either today or yesterday, mention of a home for the aged being built in the metropolitan area, but I appeal to the Government for some assistance for the old people of the Goldfields, among whom are many of the real pioneers of the State. By spending their lives in the outback, they missed many of the attentions and amenities that would have been available to them in the metropolitan area, and a large number of them are in need of glasses or artificial teeth. An old person on the Goldfields requiring attention of that kind has to be sent to Perth. Some of them are quite feeble, and they must all be provided with accommodation here and with extra clothing, which in most cases costs more than would a denture or pair of spectacles, if it could be provided on the fields.

It is our hope that the Lotteries Commission will eventually give us help to make an addition to the Government hospital at Kalgoorlie and provide the services of a dental mechanic to make teeth for pensioners. I think arrangements could be made with a local optician to test the sight of old people in that area, and then the glasses could be obtained for them. In conclusion, I hope that you will continue in office for a long time, Mr. President, and I am quite certain that you will always preserve the dignity of your position. I have pleasure in supporting the motion.

On motion by Hon. L. C. Diver, debate adjourned.

House adjourned at 8.55 p.m.