

# Legislative Council,

Thursday, 13th August, 1931.

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

## ASSENT TO BILL.

Message from the Administrator received and read notifying assent to the Supply Bill (No. 3), £1,370,000.

## BILLS (5)—THIRD READING.

- 1, Hire-purchase Agreements.  
Returned to the Assembly with amend-  
ments.
- 2, Finance and Development Board Act  
Amendment.
- 3, Federal Aid Roads Agreement.
- 4, Fremantle (Skinner-street) Disused  
Cemetery Amendment.
- 5, Pearling Act Amendment.

*Passed.*

## BILL—ABATTOIRS ACT AMENDMENT.

*In Committee.*

Resumed from the previous day; Hon. J. Cornell in the Chair; the Minister for Country Water Supplies in charge of the Bill.

Clause 2.—No person to knock down cat-  
tle unless appointed by the Minister:

The MINISTER FOR COUNTRY WATER SUPPLIES: Several members yesterday were doubtful whether or not this clause would bring about an increase in the cost of killing cattle. I have since made inquiries and find that the particular work of knocking down has been done by an officer of the department. He is already located at the abattoirs, and is doing certain other work there. His ordinary duties will not be interfered with, nor will there be any increase in the cost either to the department or to the abattoirs.

Hon. V. HAMERSLEY: I have also made inquiries, and approached one or two of those who were directly interested. They seem quite satisfied about the position, but gave me a lot of figures relative to the killing of cattle and the burden that was passed on to the community thereby. The charges are not passed on to the consumer, but represent a corresponding reduction in the price that is paid to the producer. I have no objection to the clause.

Clause put and passed.

Clause 3, Title—agreed to.

Bill reported without amendment and the report adopted.

*Third Reading.*

Bill read a third time and *passed*.

## BILL—FINANCIAL EMERGENCY.

*Assembly's Message.*

Message from the Assembly notifying that it had agreed to amendments Nos. 1, 2, 4 to 7 inclusive, 9 to 20 inclusive, had disagreed to No. 8 for the reasons set forth, and had amended No. 3, in which amendment the Assembly desired the concurrence of the Council, now considered.

*In Committee.*

Hon. J. Cornell in the Chair; the Minister for Country Water Supplies in charge of the Bill.

No. 3: Insert after the word "instalments." in line 16, the following words:—  
"The term shall not include or apply to—  
(a) any mortgage given to or by the Crown, or to or by any State instrumentality; or

(b) any mortgage given to or by any governing body appointed or constituted under any Act relating to local government; or (c) any mortgage given to a bank to secure a bank overdraft."

The CHAIRMAN: The first amendment made by the Assembly was to strike out paragraph (b). The reasons given by the Assembly for disagreeing to the amendment made by the Council were that local government bodies in Western Australia were in the main neither mortgagees nor mortgagors; and that the paragraph was designed to meet Victorian conditions, and did not apply to Western Australia.

The MINISTER FOR COUNTRY WATER SUPPLIES: I move—

That the Assembly's amendment on the Council's amendment be agreed to.

The matter has been further considered since the amendment was made by this Chamber and it has been found that practically no local governing body is in the position of a mortgagee or mortgagor, so that it is not necessary to include such authorities.

Question put and passed; the Assembly's amendment on the Council's amendment agreed to.

The CHAIRMAN: The Assembly has amended paragraph (c) of the Council's amendment, which reads, "(c) Any mortgage given by a bank to secure a bank overdraft," to which the Assembly has added the following words:—"unless the Governor by proclamation made on or after the 1st day of October, 1931, declares that any such mortgage shall be subject to the provisions of this Act." The reason given by the Assembly for amending the Council's amendment is as follows:—

The Legislative Assembly considers that the Government should be in a position to see that the banks do their share in the carrying out of the Plan agreed to at the Premiers' Conference.

The MINISTER FOR COUNTRY WATER SUPPLIES: The members of the Assembly are of opinion that some protective provision should be included so as to meet difficulties that might arise should a bank not fall into line. When the Bill was before this Chamber, several members expressed the opinion that such an amendment should be included to allow some con-

trol to be exercised over the banks. I move—

That the Assembly's amendment on the Council's amendment be agreed to.

Hon. H. SEDDON: The object of the Assembly's amendment is to force the banks to immediately come into line with the reductions contained in the Bill, although I understand that certain arrangements have been made, as far as possible, by the banks to meet the situation. Is it wise to do what the Assembly suggests? Members should consider that phase, seeing that the banks are helping us to deal with the crisis, and that they are carrying a terrific burden in financing the deficit. If we are to prescribe hard and fast lines as suggested, the position of the banks in October may be far more critical than it is to-day. If we agree to the Assembly's amendment, we shall then place the power in the hands of the Government to insist upon the banks making additional reductions. Already the banks are weighed down with a staggering load, and to add to it might result in the load becoming an impossible one.

Hon. Sir CHARLES NATHAN: The Committee would be in a better position to make up their minds regarding the soundness of the Assembly's amendment if the Minister would inform us what action has been taken in the Eastern States on this specific phase. Is the proposal part of the general Plan agreed upon, or does it emanate from the Government of this State alone?

Hon. J. Nicholson: What have the Federal Government done?

The MINISTER FOR COUNTRY WATER SUPPLIES: This provision was taken from two Acts already agreed to in the Eastern States.

Hon. Sir Charles Nathan: Which States?

The MINISTER FOR COUNTRY WATER SUPPLIES: I think the States are South Australia and Victoria.

Hon. J. Nicholson: What has the Federal Parliament done?

The MINISTER FOR COUNTRY WATER SUPPLIES: I am not quite sure. I know that this provision has been included by two States.

Hon. J. M. DREW: A similar provision appears in the South Australian legislation and the amendment under discussion now

leaves the matter at the discretion of the Government. If it is found in October that it is not advisable to bring the banks under the Bill, the Government, after giving the position consideration, will certainly defer the matter.

Hon. Sir Edward Wittenoom: The amendment is quite permissive.

Hon. J. M. DREW: That is so.

Hon. H. SEDDON: I understand that a considerable amount of money has been advanced by the banks in Western Australia to various clients, including farmers. The Government may be guided in their attitude towards the banks by the relief given to farmers, regardless of the fact that the banks have a comparatively small amount in deposit accounts, whereas they have large funds involved in balance accounts. The Government might be inclined to regard the position from the standpoint of immediate relief to farmers or the business community by making the reduction general, whereas the banks may be exercising discrimination in making reductions. The burden upon the banks would be considerably increased if that attitude were adopted because of the vast amount loaned out.

The MINISTER FOR COUNTRY WATER SUPPLIES: I cannot agree with the fears expressed by the hon. member. If any section of the community in this State knows what is being done by the banks, surely it is the Government. They are not likely to do anything that would adversely affect the position.

Hon. Sir Edward Wittenoom: But the Government in power may not be the present Government.

The MINISTER FOR COUNTRY WATER SUPPLIES: We know that some banks are doing all that is suggested, but others have not done so. If all the banks save one fell into line, what power would we have, if the Assembly's amendment were not agreed to, to exercise some control over the one bank that stood out?

Hon. Sir Edward Wittenoom: We would act unwisely if we agreed to the amendment. The banks have loaned enormous amounts of money, and they have to be extremely careful regarding their treatment of individual clients. If we placed in the hands of the Government power to tell the banks what they must do, it would be unwise. The authorities themselves are study-

ing the best arrangements to be made to assist in the present crisis.

The Minister for Country Water Supplies: All the banks?

Hon. Sir EDWARD WITTENOOM: Yes, all the banks. They stand to lose a lot of money, and they are trying to do what they can to help their clients at the present time. I am in a position to say that the banks will not advance money to any outside scheme because they are utilising the available funds to assist their present clients to carry on.

Hon. J. NICHOLSON: At a time of financial emergency, the first thing we should safeguard should be the position of the financial institutions. If we fail in that duty, we may bring disaster upon our own shoulders. I do not think the position has been weighed sufficiently by the Legislative Assembly. I would not object to the amendment in ordinary times, but now when danger threatens us, we should leave it to the wisdom of the banking institutions to determine the course of action to be taken. If the necessity should arise, as suggested by the Leader of the House, it would be a simple matter to introduce amending legislation later on. The provision should not find a place in the Bill at the present stage.

The CHAIRMAN: The amendment is permissive all the time.

Hon. J. NICHOLSON: I admit that, but it represents a factor that is likely to create a certain amount of sensibility.

Hon. V. Hamersley: Every other section of the community has been brought under the Plan. Why exempt the banks?

Hon. J. NICHOLSON: But surely the hon. member must recognise that our financial institutions will be guided by common sense in carrying out whatever action they deem necessary! The Assembly's amendment, although permissive, is framed in such a way that it practically becomes obligatory. I do not care what other States have done; we must act as we think best in the interests of the State. I oppose the amendment.

Hon. Sir WILLIAM LATHLAIN: I view the Assembly's proposal with some apprehension. If any people should be generous in their treatment of the Associated Banks because of that meted out by them, it is the people of Western Australia. A statement was issued by the Associated Banks some time ago in which it was shown that they had advanced some £10,000,000

in excess of the total deposits. Surely the banks must be concerned with the great amount of liabilities they have here and the precarious nature of their assets at the present time. The banks have shown a decided desire to assist in every way because, after all, the position with regard to any reaction will be their funeral as much as that of anyone else. It would be unwise to carry the amendment.

Hon. Sir CHARLES NATHAN: The amendment is permissive but it is well known to all that the banks were invited to reduce their rates of interest, and that if they do not they will be dealt with in another way. I am inclined to agree with Sir William Lathlain and Mr. Nicholson for the reason that if, by October, the banks have not shown reasonableness, it will be open to the Government to bring in legislation which will compel them to reduce their rates of interest. If we are prepared to take such serious steps as will necessitate the reduction of rents, surely we will be justified in taking steps to bring about the reduction of the rates of interest, assuming, of course, that we can do so without injury to the country. But I am not inclined at this moment to take steps that might not yet be necessary. We can be guided by the example set in connection with the conversion loan, and wait until October to see what the position then is.

Hon. G. FRASER: I cannot understand the attitude of some hon. members on this question, those hon. members who want to exclude the banks.

The CHAIRMAN: Bank overdrafts is the only question that can be discussed.

Hon. G. FRASER: Members who have opposed the amendment have adopted a peculiar attitude. I see no reason why the banks should be exempt. The Minister has explained that the banks are endeavouring to fall into line, and if that is the case, no harm can be done by carrying the amendment.

Hon. J. Nicholson: You fail to realise the importance of the banking institutions.

Hon. G. FRASER: I fail to see why they should receive treatment different from that meted out to other sections of the community.

The MINISTER FOR COUNTRY WATER SUPPLIES: By way of interjection I was asked whether all the banks had fallen into line and I replied in the affirmative. At least, with one exception, all the banks have done so. It is admitted that most

of the banking institutions are doing a wonderful service to the country, and that they did so even before any of the emergency laws were passed.

Hon. E. H. Harris: Has this particular bank a name?

The MINISTER FOR COUNTRY WATER SUPPLIES: Yes, but I am not giving it. If that bank continues to adopt its attitude of the past, how are we going to deal with it? We cannot wait until October, because in the meantime certain damage might be done. Whilst the amendment may not be made use of, the carrying of it will be bound to have a moral effect, and all banks will fall into line.

Hon. H. SEDDON: A banking institution adopting the attitude such as that described by the Minister will be bound to reap the whirlwind later on. A bank that demands its pound of flesh will be marked, and damage will be done to its business for generations. What I fear, however, is that we are going to pass legislation which will make it difficult later on to do business. We have done sufficient damage already in passing legislation without giving it the due consideration it deserved. The suggestion that this matter should be delayed for a few months is the right course to follow.

Hon. Sir WILLIAM LATHLAIN: It has been suggested that the amendment amounts practically to compulsion. The personal equation with regard to a borrower is a very important factor in respect of the amount anyone may receive on mortgage. There are some men who are fortunate enough, owing to their personality, and perhaps business ability, to obtain a larger advance than others, without those qualifications, might obtain. We must give the banks credit for knowing the best way to manage their own business. As one who has had considerable commercial experience, I say this is an important factor, and it would be unwise to tie a bank down and say what it should do and what it should not do. To pass legislation which will have the effect of placing all on the same basis is unfair and inequitable.

Hon. V. HAMERSLEY: We must not overlook the fact that all other institutions have been brought into line, and to make an exemption on behalf of the banks would be unfair to those other institutions.

Hon. Sir Edward Wittenoom: Which institutions?

Hon. V. HAMERSLEY: By the amendment it is suggested that the Government will exercise a certain amount of discretion, and perhaps will alleviate the feeling held by some other institutions that they have been left out in the cold. In fairness to those institutions, it is right that this saving clause should be inserted.

Hon. G. W. MILES: The amendment should be carefully considered. The position is that the banks, for a number of years, conducted their institutions on business lines, and it is owing to their having done that that Australia has been kept on her feet up to date. Both the State Governments and the Federal Government have to go to the banks each month and ask them to discount Treasury bills.

Hon. Sir William Lathlain: The banks have treated the Governments most generously.

Hon. G. W. MILES: Yes, and it is a great pity that the banks did not take a stand 12 months ago. The banks should now be treated justly and fairly. They are holding the deposits of numbers of people in this country. They represent the thrifty people of the community and we should not tie their hands. As Sir William Lathlain said, personal equation comes in, and an institution will probably lend more to one individual who has not such good security but has personality, than it would lend to another person without individuality. If, as the Minister has indicated, there is one bank operating in the State in the manner that he said—

The Minister for Country Water Supplies: That was some time ago; I do not know what it is doing to-day.

Hon. G. W. MILES: Then the House, when it meets at the end of next month, can bring in an emergency clause of this kind.

Hon. W. H. KITSON: The amendment deals solely with mortgages given to banks to secure overdrafts, and the proposed procedure is adopted with regard to other institutions. I cannot see any reason why we should be any more careful with the banks than we are in respect of other institutions. The amendment is not one to which anyone need take strong exception; it simply provides that if the banks do not fall into line as they have undertaken to do, they may be brought within the scope of the Bill. Mr. Miles says we should be most careful in dealing with this matter. Is the reason lest

we should hurt the susceptibilities of the banks? Will they not be prepared to carry out their undertakings? According to Press reports, there has been some doubt during recent weeks whether they are ready to carry out in its entirety the arrangement which is understood to have been made at the Premiers' Conference. I base my remarks on the published statements of the Prime Minister and various Premiers. It has been suggested on behalf of the banks that unless we leave them clear of legislative control, we shall be doing something equivalent to throwing a spanner into the works. I fail to understand that attitude.

Hon. G. W. MILES: The financial emergency to-day is so acute that the Loan Council and the Premiers' Conference are sitting in Melbourne and have formed committees to ensure that the Plan is implemented as it should be. They are now conferring as to the deficits for next year, estimated to total £15,000,000. They are also framing estimates for the continuance of Loan works. They have to go to the financial institutions, which are better able to decide how we can get out of our troubles than are the Governments of Australia. The amendment merely represents irritation tactics. The banks have already shown that they are prepared to co-operate fully in the conversion of bonds. It would be impudence on the part of any Legislature—

The CHAIRMAN: Order! The hon. member must not reflect in that way on Parliament.

Hon. G. W. MILES: I have no wish to reflect, if the expression I used is unparliamentary. However, this is not the right thing for the Legislature to do. The amendment should never have been agreed to by Ministers in another place.

Question put, and a division called for.

The CHAIRMAN: This is a highly important division, and I shall give my vote to the ayes. The question appears to me to boil itself down to this: As regards the emergency Plan and the matter of bank overdrafts are we, in the final analysis, to entrust the power of governing this country to the Cabinet or shall we leave it to the banks? My vote goes with the Government. The amendment is entirely permissive: it may not ever be put into operation. My last and highly important reason for giving

my vote as I do is that it is quite possible the defeat of the amendment made by the Assembly will mean the end of the Bill.

Hon. J. J. Holmes: It is not a Government amendment.

The Minister for Country Water Supplies: It was accepted by the Government.

Division taken with the following result:—

Ayes	..	..	..	10
Noes	..	..	..	13

Majority against .. 3

#### AYES.

Hon. C. F. Baxter	Hon. E. H. Gray
Hon. J. Cornell	Hon. V. Hamersley
Hon. J. M. Drew	Hon. G. A. Kempton
Hon. J. Ewing	Hon. W. H. Kitson
Hon. G. Fraser	Hon. E. H. H. Hall
	(Teller.)

#### NOES.

Hon. J. T. Franklin	Hon. J. Nicholson
Hon. E. H. Harris	Hon. H. Seddon
Hon. J. J. Holmes	Hon. Sir E. Wittenoom
Hon. Sir W. Lathlain	Hon. C. H. Wittenoom
Hon. J. M. Macfarlane	Hon. H. J. Yelland
Hon. G. W. Miles	Hon. F. W. Allsop
Hon. Sir C. Nathan	(Teller.)

Question thus negatived; the Assembly's amendment not agreed to.

No. 8. Clause 12.—Delete all words after "service" in line 6, page 11, down to end of clause.

The CHAIRMAN: This amendment of the Council has been disagreed to by the Assembly, and the reason given by the Assembly is—

The Legislative Assembly is of opinion that the employees of grantee bodies should be placed on the same footing as the employees of private persons.

The words struck out by the Council were—

... and provided further, that except with the previous sanction of the Court of Arbitration no reduction in the remuneration of any employee shall be made hereunder which is at variance with any industrial award or agreement applicable to such employee, but it shall be lawful for the employer to make application for such sanction to the said court at any time.

The MINISTER FOR COUNTRY WATER SUPPLIES: I move—

That the amendment be not insisted on.

Hon. members will recollect that when these words were struck out it was done under the impression that their inclusion represented a mistake made in the early hours of the

morning. However, I have since found that that is not so. My information on the point was wrong. It is considered highly necessary that the words in question should be retained.

Question put and passed; the Council's amendment not insisted on.

Resolutions reported, the report adopted, and a message accordingly returned to the Assembly.

## BILL—REDUCTION OF RENTS.

### First Reading.

Received from the Assembly and read a first time.

### Second Reading.

**THE MINISTER FOR COUNTRY WATER SUPPLIES** (Hon. C. F. Baxter—East) [5.31] in moving the second reading said: This Bill, if enacted, will spread the influence of the Plan agreed upon at the Premiers' Conference to certain rented properties, and as it is apparent that the fulfilment of that to be achieved rests mainly on the recovery of the trading of the people, the Government feel that the relief it proposes to afford should be available at the earliest possible moment. The Bill does not for a moment purport to establish a fair rents court. It merely carries out the general scheme of things decided upon at the Premiers' Conference, and proposes to reduce in spite of contracts the rents of buildings which are subject to current leases, in just the same way as the Financial Emergency Bill proposes forcibly to bring down the rate of interest in spite of current agreements. At the Melbourne Conference it was thought the Plan would cause a reduction in the market price of interest, and all that the Governments should endeavour to do was to ensure that no one, because he had a current contract at a higher rate than the market rate, should profit by it after the concerted reduction. So in this nation-wide movement for the reduction of costs, it is proposed in this Bill to extend the reduction to certain classes of rents.

Although the question of rents was discussed in a limited degree at the conference, it was not suggested that any fair rents

measure should form part of the Plan. It was urged, however, that although rents in the main had come down, there were numerous cases where current contracts were keeping rents above their true market value. Accordingly the Bill proposes only to interfere with current contracts for the payment of rent, so that persons who have the ill-fortune to be under long leases, or leases which are still current, at a rent far higher than they could be compelled to pay if the matter were open and free, should be given the same relief as any persons who have to pay interest would be given under the other provisions of the Financial Emergency Bill. Therefore the Bill may be said to be analogous in the realm of rent to the measure already passed by this House regarding the reduction of interest. It will apply only to contracts that are current for a term long enough to make their currency of importance. It will not touch rents payable under terms of less than a month. In its mission the Bill will extend to all rents preserved under leases or tenancy agreements that have a currency of longer than one month, and they will be reduced automatically by 22½ per cent.

Leave is given to the lessor to apply to the commissioner to be appointed for the purposes of Part VI. of the Financial Emergency Act, who will be a judge of the Supreme Court, to prove to him that some special circumstances exist because of which he should be exempt from the provisions of this legislation. There are large numbers of long leases under which the rents payable have not been reduced. In that regard a difficulty has arisen where a greedy landlord has a long lease and has refused relief to his tenant. In due course that tenant may become bankrupt and be absolutely unable to continue paying the high rental. In the absence of this legislation the result would be that when the premises are vacated and the value of the lease when on the market is lessened, a substantial reduction of rent is enjoyed by the incoming tenant. On the other hand, there has been a great number of sensible landlords who have realised the position, and have voluntarily granted a reduction to existing tenants rather than see them fail to carry on. That class of landlord has nothing to fear from this legislation as the consideration already extended to the tenant will be recognised by the commissioner.

By Clause 7 the Governor is authorised to make regulations for the operation of the Act. That power is essential in laying down the procedure of application and approach to the court and other incidental purposes within the provisions of the Act to facilitate its objects. To deal with weekly tenancies something more than a mere reduction would be required. It would be necessary to have a rent-restriction measure, and to set up a court that would fix rents. In the opinion of the Government a fair rents court would result in nothing but harm and would have the opposite effect to that which it was designed to secure. So-called fair rents legislation has the effect, in the long run, of putting up rents, not of keeping them down. If such legislation is effective at all, it makes the employment of capital in the building or purchase of houses less profitable than the employment of capital in other directions, with the result that it accentuates the shortage of houses which exists during prosperous times in a growing community such as Western Australia, and therefore increases the competition for the small number of houses available, thus forcing up the market value of houses to be rented. The Bill will undoubtedly provide a measure of relief to a large number of people who are paying rents under leases that cannot be renewed at anything like the present rent reserve. I move—

That the Bill be now read a second time.

#### *As to Adjournment.*

Hon. J. Nicholson: I move—

That the debate be adjourned until Tuesday.

The Minister for Country Water Supplies: I thought most members were aware that the Government propose that Parliament should adjourn to-night for six or seven weeks. This legislation before us is part of the Plan.

Hon. J. Nicholson: But we shall be here on Tuesday, shall we not?

The Minister for Country Water Supplies: No. This is the one Bill before us that is required without delay. Yesterday I spoke to many members regarding this Bill and the proposed adjournment, and they all said they were prepared to put the Bill through to-night in preference to bringing country members back for only one day next week. Therefore I must oppose the motion for adjournment.

[The Deputy President took the Chair.]

Hon. E. H. H. Hall: I support the Minister in asking members to give consideration to the Bill now.

Hon. E. H. Harris: We have no time in which to give consideration to it now.

Hon. V. Hamersley: Are you prepared to come back next Tuesday?

Hon. E. H. H. Hall: The Bill is a short one, and does not seem to me to offer any great difficulties requiring consideration.

The Deputy President: The hon. member must not discuss the Bill.

Hon. E. H. H. Hall: Very well. I content myself with asking members to support the Minister.

Hon. J. Nicholson: I desire to meet the wishes of the Minister, but I recognise that this Bill is a very important one.

The Deputy President: The hon. member must not debate the Bill.

Hon. J. Nicholson: I am not debating it. I merely recognise its importance; that is all. The Minister was good enough to send to me this morning a copy of the Bill. That was the first I saw of it, and I have not yet had time to consider it. But I notice there are in the Bill now before us certain amendments which were not in the copy I received this morning. One of those amendments requires a lot of care. I merely suggested that the debate be adjourned until the next sitting, thinking the House would meet again on Tuesday. I would not mind even if the House adjourned until to-morrow, for the matter certainly requires some consideration.

Hon. E. H. Gray: You knew all about this three weeks ago.

Hon. J. Nicholson: I knew nothing about it until I saw a copy of the Bill presented in another place.

Hon. J. Ewing: I got a copy some time ago.

Hon. J. Nicholson: Well, I did not. One member did show me a copy that he had received from somebody else, and the Minister was good enough to send me one this morning. It is only fair that members should be given an opportunity to weigh the seriousness of the proposal and consider what should be done. I am not seeking to delay the proceedings at all.

Motion put and negatived.

#### *Debate Resumed.*

HON. H. SEDDON (North-East) [5.43]: I will support the Bill, but I suggest that certain of the clauses might well

be amended, as, for instance, Clause 4. In that clause provision is made for the reduction of rents by 22½ per cent. That is all right, but I contend that where a landlord has already reduced his rent, that should be taken into consideration. Although the Government have introduced an amendment in Clause 5 prescribing that that circumstance shall be taken into consideration by the commissioner, the objection I have to it is that if the landlord wishes to take advantage of that he must go to the commissioner. Where a landlord has made a reduction it should be taken into consideration automatically, just as the reduction of rent operates automatically. Therefore, I suggest that a proviso be added to Sub-clause 1 of Clause 4, providing that the amount of reduction which a landlord has made since the 30th June, 1930, shall automatically be taken into consideration in computing the 22½ per cent. With such an amendment, I shall support the Bill.

*[The President took the Chair.]*

HON. E. H. HARRIS (North-East) [5.46]: While supporting the Bill, I note that the definition of lease covers any and every class of land. There is no reference to mining, pastoral, grazing or other leases, which of course would be granted by the Government. Is it intended that when a person holds a gold-mining lease and grants a sublease to another person to work it, the latter will get the benefit of the measure? A man might hold a large pastoral area and lease or sublet portion of it. Could the sub-lessee claim from the holder of the lease the reduction under the measure, or is it intended that the Government will grant a 22½ per cent. reduction to every person holding a lease from the Crown? My interpretation is that the latter would apply. It is provided that the measure shall apply and have effect to and in respect of all leases current or in operation at the commencement of the Act. In the little time available to consider the measure, that is the only point on which I wish to comment.

HON. J. M. MACFARLANE (Metropolitan-Suburban) [5.48]: I regret that the Leader of the House did not agree to adjourn the debate until Tuesday next, or even until to-morrow. The copy of the Bill handed to me last night contained features of which I do not think this House would



approve, but since then the measure has been amended. I agree with the suggestion of Mr. Seddon, but I am doubtful whether the 30th June, 1930, is sufficiently far to go back. The reduction should be based on the period when rents reached high-water mark.

Hon. E. H. Harris: High-water mark for the other legislation was considered to be June, 1930.

Hon. J. M. MACFARLANE: The Premiers' Plan has been based on that date. Still, I know that rent reductions of as much as 50 per cent. have been made on business premises in the city. If there is to be a further reduction of 22½ per cent., it will be unfair to landlords who have treated their tenants considerably. I am not speaking for myself, because I am not affected. To be logical, the Government should introduce another measure providing relief for property owners in respect of municipal and water rates. To meet those charges will be a matter of great difficulty for landlords. I wish the Minister would consent to defer the Bill until Tuesday next. It is not sound argument that members would have to travel long distances to consider it. To do so is their job. If members put distance before duty, I have no sympathy with them.

HON. J. CORNELL (South) [5.50]: I do not agree that the debate should be adjourned. What more valid reason is there for postponing consideration of this Bill than the Bill dealing with mortgage interest? When that measure was placed before us, we dealt with it straight away. Under that measure, mortgagees will have their interest rates reduced 22½ per cent.; under this Bill landlords will have their rents reduced 22½ per cent. There is a difference, however, in that mortgagees' interest will be reduced from the 10th July, but rents will be reduced only from a date to be fixed by proclamation. This Bill will merely bring landlords into line with mortgagees, and I cannot see any justification for adjourning the debate.

HON. J. NICHOLSON (Metropolitan) [5.52]: I regret I cannot share the views of Mr. Cornell that we should continue the debate to-day. Had he heard the remarks of Mr. Harris—

The Minister for Country Water Supplies: I can explain Mr. Harris's inquiry to his satisfaction.

Hon. J. NICHOLSON: I was about to say that had Mr. Cornell heard Mr. Harris's remarks, he might have shared my view as to the need for an adjournment.

Hon. J. Cornell: I know that Mr. Harris sets up heads in order to knock them off.

Hon. J. NICHOLSON: Heads or tails matter not, it will be for the Minister to satisfy the House on the point raised by Mr. Harris. If mining or other Crown leases have to be brought within the scope of the measure, we shall not know where we stand.

Hon. J. Cornell: The hon. member knows they have not.

Hon. J. NICHOLSON: The Financial Emergency Bill expressly provided exemption for mortgages granted by or to the Crown, but on Mr. Harris's argument, it would seem that Crown lease rentals will be subject to reduction under this measure. The interpretation clause of the Bill includes the following:—

"Land" includes any land, messuages, and premises of any description.

"Lease" means any lease or agreement, whether in writing or verbal, under which land is held by a lessee of a lessor for any term or period which is not determinable at the will of the lessor by less than one month's notice.

If Crown leases do not come within that definition, well and good. Clause 3 opens by declaring that the measure shall apply and have effect to and in respect of all leases current or in operation at the commencement thereof. The balance of the clause is new: it was inserted in another place. That portion of the clause reads—

and, except by leave of the Commissioner, it shall not be lawful for the lessor, under any lease hereafter granted or entered into in respect of any land which is or has been subject to a lease current or in operation at the date of the commencement of this Act, to reserve, charge or receive a greater or higher rental in respect of such land than that permitted by or under this Act to be charged and received under the lease current or in operation at the date aforesaid.

Briefly stated, it means that should a lease be granted later on for premises at present under lease, the rent would be limited to that permitted under the measure, namely, the existing rent less 22½ per cent. Is not the effect of that provision apparent to members? We want to help industry and we want to see the building industry prosperous, but this provision will stop building.

Hon. J. Cornell: We cannot fill the shops that are already built.

Hon. J. NICHOLSON: This is one of those statutes that will nullify our efforts in other directions where we are trying to re-establish the prosperity and industries of the State. We are building up, as it were, only to knock down again. Suppose I leased a piece of land at a rental of £5 per week, and the tenant subsequently explained that he could expand his industry if I would erect additional buildings. Suppose my request to the bank for £5,000 for building extensions were entertained.

Hon. G. Fraser: You would be lucky.

Hon. J. NICHOLSON: Suppose the buildings were extended and a lease entered into at an increased rental. Obviously I could not afford to spend £5,000 on extensions and accept the previous rental of £5 per week. Perhaps the rental should be increased to £10 a week. I would not be permitted to increase it.

Hon. J. Cornell: Is the hon. member serious, or is he romancing?

Hon. J. NICHOLSON: I am perfectly serious.

Hon. J. Cornell: Then your law is not very good.

Hon. J. NICHOLSON: If the hon. member can show that the clause bears any other interpretation, I shall be glad to hear it.

The Minister for Country Water Supplies: I shall show that it has another interpretation.

Hon. J. NICHOLSON: The clause says—

Except by leave of the Commissioner—

He may not give leave. Persons may unwittingly enter into such an arrangement without realising the position.

—it shall not be lawful for the lessor under any lease hereafter granted or entered into in respect of any land which is or has been subject to a lease current or in operation at the date of the commencement of this Act to reserve, charge or receive a greater or higher rental in respect of such land—

That includes the buildings upon the land.

—than that permitted by or under this Act to be charged and received under the lease current or in operation at the date aforesaid.

We have to look back to see what the rental was at the time. In this particular case the rental was £5 a week. If the parties

unwittingly and without the Commissioner's consent entered into negotiations for a higher rental, they would be committing a breach of the Act.

Hon. E. H. Gray: But a new lease would be issued.

Hon. J. NICHOLSON: This measure will prevent industrial activity, the very thing we want. It will clog the wheels of industry. The Bill requires careful consideration, and it would be wise for the Leader of the House to postpone the second reading stage until another day. Members will then have an opportunity to inform themselves fully as to its provisions, which at present they are unable to do. We cannot hurriedly draft amendments that are desired. That which is proposed by Mr. Seddon is quite a proper amendment.

The Minister for Country Water Supplies: Just wait a while.

Hon. J. NICHOLSON: Already the Leader of the House questions Mr. Seddon's amendment. There is a great difference of opinion concerning this Bill. Certain questions have been propounded, but not one seems to have appealed to the Minister. They will appeal to him when it is too late.

Hon. E. H. H. Hall: Shall we not have an opportunity in Committee to go into the pros and cons of the Bill?

Hon. J. NICHOLSON: In Committee we cannot, without full consideration of the effects of the Bill, say whether amendments that are hastily prepared will or will not meet the cases they are designed to meet. No doubt members could make suggestions in regard to cases which may arise, and these could be put into proper form if time were given to us. Legislation such as this should not be rushed through. I for one hope the Leader of the House will give members time in which to consider the measure.

HON. G. FRASER (West) [6.5]: Mr. Nicholson has certainly put up a case that can be knocked down. He referred to a certain individual who might put another building on his property. The hon. member must have a poor opinion of the officer who will be appointed to the position of commissioner, for the Bill stipulates that with the permission of that officer certain things can be done.

Hon. J. Nicholson: One may not do anything without the leave of the commissioner. Why should people be prevented from doing these things?

Hon. G. FRASER: Does the hon. member think that the commissioner would not permit a higher rental to be charged in such a case as he has outlined?

Hon. J. Nicholson: I do not think you will get people to improve their properties under this kind of legislation.

Hon. G. FRASER: The hon. member's argument that this will retard building operations cannot carry much weight, seeing that rents can be raised by the permission of the Commissioner.

Hon. J. Nicholson: You will find that it will be so.

Hon. G. FRASER: I can find nothing in the Bill that will prevent a lease being cancelled, and a new one, a weekly tenancy, being entered into by mutual consent of the parties. Whilst it would not be possible to renew a lease at a higher rental, occupation could be carried on without a lease. The difficulties referred to by the hon. member could be got over in many ways. I am disappointed that the Bill does not cover the whole of the rents question.

Hon. E. H. Harris: That was not provided for in the Plan.

Hon. G. FRASER: I am not discussing the Plan. Rent constitutes a heavy burden upon a large section of the community. Although I am pleased the Bill has been introduced, I am sorry it stops short at monthly leases and those which extend for a longer period. If the measure cannot be extended to the whole community, it should be extended to cover the whole of the business people. It will relieve only a section of the business community in the metropolitan area. If it could be made to apply to business premises that are rented by the week, a great improvement would be effected, and I hope in Committee an amendment along these lines can be made. I agree as to the points raised by Mr. Seddon. Many landlords have, during the past 12 or 18 months, reduced their rents. I do not desire to see those who have already been fair to their tenants further penalised by this Bill, as will be the case unless some amendment is made to it. I know there is a certain loophole in the measure, and that the circumstances of each case will be considered by the commissioner. We have no guarantee that

he will allow the whole of the percentage reduction in rents. I should like to see good landlords receive credit for the abatement they have already allowed. I know of warehouses the rent of which has been reduced 50 per cent. in the last few months, but under this Bill the owner may be called upon to reduce it by a further 22½ per cent. The commissioner may not give the full benefit of the reductions already made, but may order the reduction outlined in the measure. Landlords who have been fair should be given consideration. I regret that the Bill does not cover as wide a scope as I should like it to do.

**HON. J. J. HOLMES** (North) [6.12]: The first point I have to make is that we appear to be penalising the landlord who has already treated his tenants reasonably and reduced his rent, whereas landlords who have made no reduction will be compelled only to come down the 22½ per cent. The liberal landlord will have to go to the commissioner to protect himself from any further reduction. This is the type of man we ought to help. If he has reduced his rental by 10 per cent., all he can be expected to do from now onwards is to reduce it by another 12½ per cent. He should not have to go to the court to protect himself from his own generosity. That omission must be rectified in Committee. The second point is that leases are being made every day in the week, yesterday, to-day and to-morrow on the basis of the present value of rents. In some cases rents are down 60 per cent. or 75 per cent. on business premises. When leases expire, the owners are prepared to take almost anything they can get to have their premises occupied. These leases are being made every day, and are being finalised between the landlord and tenants on the basis of what is a fair thing under existing conditions. If the Bill goes through without amendment, 22½ per cent. will be taken off the adjusted rental, which has already been agreed upon as a fair thing between the parties concerned. The rental was agreed upon not under circumstances that existed 12 months ago but under circumstances as they existed at the time.

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

**HON. E. H. H. HALL** (Central) [7.30]: I listened attentively to Mr. Nicholson when he discussed the provisions of the Bill, and

I give him credit for the best of intentions in wishing to defer the consideration of the measure. He seemed to me to confine his remarks to Clause 3. He suggested that if the clause were agreed to, it would stop building operations. I presume he meant to convey that there would not be any incentive to individuals to spend money on building operations because they would not secure an adequate return. While listening to him, I wondered just how those people who have money to invest would spend it in a few years to come so that they might get what they regard as an adequate return. So far as we can see, people in future must be content with a smaller interest return than they have enjoyed in the past. In fact, I consider that those who may invest their money in building operations will be much better off, even with the application of the Bill, than many others.

Hon. J. Nicholson: If you impose restrictions, you will stop building operations and stop industry.

Hon. E. H. H. HALL: I am sorry Mr. Macfarlane is not present. He seemed to resent my reference to avoiding the necessity for coming back to deal with the Bill. I agree with him that if there is business to be transacted, it is our duty to be here to attend to it. If he were here, I would remind him that a few days ago a certain city member asked me to pair with him so that he could leave the House to attend a meeting. However, as he is not present, I shall not refer to the matter. The Government are to be congratulated upon the introduction of the Bill, but I regret that its provisions will not apply to all tenants, weekly or otherwise. There are many people who should receive relief under the provisions of the Bill, but that necessary assistance will be denied them. Those people include a most deserving section of the community. Perhaps the Minister, when he replies, will tell us why the Bill is not made applicable to people on the bottom rung of the ladder.

Hon. J. Nicholson: They were provided for in the Tenants, Purchasers and Mortgagors' Relief Act.

Hon. E. H. H. HALL: People who occupy shops in the city are in the same position. I was talking to a small shopkeeper in the city last night and was informed that he and his wife, with a few employees, were carrying on a small business and that they had to pay £25 a week as rent. Their's was a weekly

tenancy. If they held the premises under a lease, the Bill would apply to them, but there are very many such people carrying on business in a small way who are suffering acutely as a result of the depression, and the Bill will be of no assistance to them. I support the second reading, and I am sure we shall be able to give the Bill the consideration it deserves. If we cannot do that to-night, then there is all day to-morrow and to-morrow night as well.

**HON. SIR WILLIAM LATHLAIN** (Metropolitan-Suburban) [7.35]: I support the Bill. It is essential in the interests of the business community, than whom probably no section of the people is suffering more acutely. That applies particularly to small shopkeepers. An important feature is that the Bill will set a standard indicating what should be a fair basis for rentals throughout the metropolitan area. In my capacity as Lord Mayor of Perth, I can inform the House that the City Council have experienced great difficulty regarding that phase of the question. Owing to the bartering, if I may describe it as such, that has taken place regarding rentals, we have been compelled to take drastic measures with reference to property owned by the City Council. We realise our responsibilities as a public body, and are endeavouring to do what we can to relieve the situation. When a standard is set, as it will be under the Bill, it will give us not only a great deal of confidence in the actions we may take, but will assure tenants and lessees that they are getting a fair deal. I shall not speak at greater length. The Bill is necessary. Many properties are controlled by trustees who feel that they cannot accept the responsibility of reducing rents. I know a number of instances in which rents have not been reduced by a farthing. The Bill will give some indication of what is expected of landlords. Trustees themselves, while desirous of reducing the rentals of properties under their control, will now be in a position to carry out their duty with the full authority of Parliament.

**HON. E. H. GRAY** (West) [7.39]: I support the second reading of the Bill. Some of the business firms at Fremantle are heavily handicapped because they are called upon to pay the same rent now as they paid

when the State was at the peak period of its prosperity. Others have secured a reduction of 5 per cent. only, and the rent is a staggering impost that they have to shoulder. Naturally, the business men of Fremantle cannot compete successfully with those in the metropolis, and we in the Fremantle district desire to keep business in our home town as much as possible. I endorse what Sir William Lathlain has said, business people are severely handicapped. The Bill is in reality complementary to the Plan laid down at the Premiers' Conference. It will give business people a measure of relief, but I regret its provisions do not extend to rents generally. I recognise that anything that tends to fix rents may in the long run increase them owing, as has been suggested, to the suspension of building operations. There is at present a shortage of houses suitable for working people. I am sorry that no attempt has been made to reduce rents to the extent indicated in the Bill. In some instances, good tenants are still asked to pay the rents demanded in pre-depression days, and so long as those people are in work, they will have to continue paying in accordance with the landlord's demands, because of the difficulty experienced in securing other suitable homes. That cannot be justified nowadays, and people who have to pay such exorbitant rentals must be seriously affected.

**THE MINISTER FOR COUNTRY WATER SUPPLIES** (Hon. C. F. Baxter—East—in reply) [7.41]: Mr. Seddon and Mr. Macfarlane stressed the necessity for amending Clause 4. I would point out that already provision is made to meet the difficulties they mentioned in Subclause 2 of Clause 5, but I shall have no objection to the amendment that Mr. Seddon proposes to move. Mr. Harris referred to grazing leases and suggested that they might be covered as well. There may be something in what he said, and it may be found that grazing leases will be covered by the provisions of the Bill.

Hon. G. W. Miles: And pastoral leases?

Hon. J. J. Holmes: And mining leases, too?

The **MINISTER FOR COUNTRY WATER SUPPLIES**: It may be so. I shall move to insert a new clause giving the Governor power to deal with any such com-

plication should it arise. Mr. Nicholson dealt with Clause 3, and I could not, for the life of me, appreciate the hon. member's object. He stretched the meaning of the clause by a display of the wildest imaginings possible. He asserted that the clause would stop building operations. He said that a tenant might desire to have the building he occupied extended. If that were done, a new lease would be entered into, and a new arrangement made altogether. There would be a different rental. That would be subject to an inquiry before a commission if necessary, but I would remind the hon. member that all that would have to happen before the Bill was proclaimed. The commissioner, who will be a judge of the Supreme Court, will be there to hear appeals. The whole essence of the Bill is that rents are to be reduced 22½ per cent. on the basis of what they were in June, 1930. If amendments are submitted that are likely to improve the Bill, I shall be prepared to accept them. Sir William Lathlain referred to the benefits that the business community would derive from the passing of the Bill. That was the object of including it in the Plan. The reduction of rents will certainly mean the reduction in cost of goods that are sold by business people. We know at the same time that competition is very keen.

Hon. Sir William Lathlain: It is keener in Perth than in any other city in Australia.

The **MINISTER FOR COUNTRY WATER SUPPLIES**: I am aware of that, and it is hard to realise how the business people can carry on. With regard to the point raised by Mr. Holmes, we need not worry about leases that have not yet been entered into; they will not come under the provisions of the measure. Mr. Seddon's wishes can be met by an amendment to Subclause 1 of Clause 4.

Question put and passed.

Bill read a second time.

*In Committee.*

Hon. J. Cornell in the Chair; the Minister for Country Water Supplies in charge of the Bill.

Clauses 1, 2—agreed to.

Clause 3—Application of Act:

The MINISTER FOR COUNTRY WATER SUPPLIES: There is a slight alteration to be made in the second line of Subclause 1. I move an amendment—

That "therein" be struck out, and "herein" inserted in lieu.

Amendment put and passed.

Hon. J. NICHOLSON: The first part of the clause says "this Act shall apply and have effect except as therein otherwise provided to and in respect of all leases current or in operation." Later on it refers to "leases which may hereafter be granted or entered into." I draw attention to these words "and except by leave of the Commissioner it shall not be lawful for the lessor under any lease hereafter granted or entered into . . . . or in operation at the date of the commencement of this Act to reserve, charge or receive a greater or higher rental in respect of such land than that permitted by or under this Act to be charged and received under the lease current or in operation at the date aforesaid." Assume that a lease will fall in, any many will fall in even before the short period that will intervene between now and the end of 1932, under this clause the lessor must not reserve, charge or receive rent any greater than he would be entitled to under the Act, namely, 22½ per cent. The Leader of the House is under a misapprehension. He has not grasped the position that it will interfere with buildings. If a tenant or a lessee wants an addition made to a building, under the clause as it is, a landlord would not be able to carry out the additions without charging extra rent, that is, without going before a judge of the Supreme Court. Why should the parties be put to that expense? This will have the effect of arresting industrial progress; it will discourage a person from entering into an engagement he otherwise would carry out.

The CHAIRMAN: Does the hon. member propose an alteration? He explained all this on the second reading.

Hon. J. NICHOLSON: What I explained was apparently misunderstood by the Minister.

The Minister for Country Water Supplies: No more than what you are saying now. It is impossible to misunderstand you.

Hon. J. NICHOLSON: We should add some words to the clause and it is my intention to move the following amendment. I move—

That the following words be added to Subclause 1:—"Unless in the case of a lease where a lessor has carried out or may carry out improvements or make additions to the buildings at any time erected on the land comprising such lease and in respect of which improvements or additions, such additional rent may be reserved, charged or received as may be mutually agreed between the lessor and the lessee."

The MINISTER FOR COUNTRY WATER SUPPLIES: If there is an alteration in the building and a new lease is entered into, the parties can arrive at an arrangement between themselves. Mr. Nicholson's suggestion is ridiculous. A new lease would be entirely outside the Bill. What trouble is it to go before a commissioner?

Hon. J. Nicholson: The cost.

The MINISTER FOR COUNTRY WATER SUPPLIES: The cost would be infinitesimal. If a loophole to contract outside the measure is desired, this amendment will give it.

Hon. Sir WILLIAM LATHLAIN: I do not agree with Mr. Nicholson. The portion of the clause to which he takes exception is highly necessary. Without those words an unfair owner could get rid of a tenant at a rental reduced by 22½ per cent., and obtain a tenant at a higher rental. The man in occupation of premises deserves serious consideration. If a building were added to, it would not be the same building.

Hon. J. Nicholson: But it would be on the same land.

Hon. Sir WILLIAM LATHLAIN: Mr. Nicholson is not dealing with the land, but with the building.

Hon. G. FRASER: Where a lease is already in operation, there could be no addition to the rental. In view of the Minister's statements, however, what is the value of the measure?

Hon. J. NICHOLSON: The Bill does apply to future leases. They are within the scope of the measure, as will be proved when a case arises.

The Minister for Country Water Supplies: What clause brings new leases within the Bill?

Hon. J. NICHOLSON: This clause. It refers to leases "hereafter granted or entered into." Originally the position regarding future leases was quite clear, but another place amended this clause. The rental permitted by the Bill is the rental reserved in the lease, which is current, less 22½ per cent. The question would be one for decision by the courts.

The CHAIRMAN: The courts are not mentioned in the Bill.

Hon. J. NICHOLSON: The commissioner would be a judge of the Supreme Court.

The CHAIRMAN: That is not in the Bill.

Hon. J. NICHOLSON: I understood that the Minister made a statement to that effect when introducing the Bill.

The Minister for Country Water Supplies: The words I used were, "This Bill does not for a moment propose to establish a fair rents court."

Amendment put and negatived.

Clause, as previously amended, agreed to.

Clause 4—Limitation of rents:

Hon. H. SEDDON: I move an amendment—

That the following proviso be added to Subclause 1: "Provided that in ascertaining the sum which represents the 22½ per centum reduction, any amount by which due rent has been reduced since the 30th day of June, 1930, shall be included."

The MINISTER FOR COUNTRY WATER SUPPLIES: I am prepared to accept the amendment. At the same time, I desire the retention of Subclause 2 of Clause 5.

Hon. J. J. HOLMES: I was consulted to-day by a landlord and a tenant who had agreed between themselves on a rental suitable to present conditions. If they signed the lease-to-day, and this measure was proclaimed next week, the landlord would find that the rental agreed upon by him and his tenant as fair under present conditions, would be reduced by 22½ per cent. Is that fair? Hundreds of such leases have been made recently. My advice was, "You had better mutually agree not to sign the lease until the measure has been proclaimed."

Hon. Sir CHARLES NATHAN: I agree with the amendment. There is, however, the

most important point raised by Mr. Holmes. He spoke of two persons who were just on the point of signing a new lease. Since the 30th June last, hundreds of leases have been signed with full knowledge of existing conditions and at reduced rents. Such leases will not be covered by the amendment. For that reason I was glad to hear that Subclause 2 of Clause 5 is being retained. A slight amendment to that subclause will overcome the difficulty. Whilst supporting the amendment, I will move at a later stage an amendment to another clause which will cover the case quoted by Mr. Holmes.

Hon. G. FRASER: Subclause 1 of Clause 5 will get over the difficulty referred to by Mr. Holmes. Provision is there made that the commissioner may issue an order permitting the lessor to charge rent at such higher rate as the commissioner shall declare to be just and reasonable. In other words, it will be within the power of the commissioner to adjust all such cases.

The MINISTER FOR COUNTRY WATER SUPPLIES: The matter referred to by Mr. Holmes could be settled by going before a judge in chambers and getting his consent. In the making of amendments the Committee must be careful that those amendments will not allow any contracting out of a lease.

Hon. J. M. MACFARLANE: The Minister speaks of contracting out of a lease. What would be the position of a landlord who has already reduced his rent by 50 per cent.? Would he have to go back to 22½ per cent.?

Hon. V. HAMERSLEY: On the other hand, taking the landlord who has already reduced his rent by 50 per cent., presumably when the Bill comes into operation there will be another reduction of 22½ per cent. demanded of the landlord. Will this clause meet such a contingency?

Hon. J. M. DREW: Under Clause 5 the commissioner may make an order permitting the lessor to charge rent at such higher rate as he shall declare to be just and reasonable, having regard to the economic conditions prevailing in the State. If, as Mr. Holmes tells us, a lease was made yesterday, regard must have been had to the economic conditions of the State. Surely it would be easy for the lessor to prove that to the commissioner. Subclause 2 of Clause 5 provides that one of

the special circumstances to be taken into consideration by the commissioner is the amount by which the rent of premises may have been reduced since the 30th June, 1930. So it seems to me there are abundant safeguards in the Bill.

Hon. J. J. HOLMES: Will this amendment avoid the necessity for the landlord who has reduced his rent to go to the commissioner at all? I should like to be clear as to whether it will have that effect.

Hon. H. Seddon: That is the intention.

Hon. J. J. HOLMES: Suppose he has reduced his rent  $12\frac{1}{2}$  per cent., will he then be in a position to reduce it by another 10 per cent. without going to the commissioner? If that is so, I shall be satisfied.

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

Clause 5—Application to commissioner for leave to charge rent at higher rate:

Hon. Sir CHARLES NATHAN: I desire to cover the point raised by Mr. Holmes. Since June, 1930, numerous new leases have been entered into on which there has been no subsequent reduction of rent, for the reason that at the time those leases were entered into, the parties took cognisance of the existing conditions. That point is not covered by the amendment we have just passed, and I think it would be covered if, in line 3 of Subclause 2, we were to strike out "lease" and insert "Act." That would take no account of the lease, but it would take account of the rent of the premises, and so the rent would have to be adjusted to the equivalent of what it was on the 30th June, 1930.

The CHAIRMAN: Under Mr. Seddon's amendment, the special circumstance set forth in Subclause 2 ceases to be a special circumstance, for the amendment has made it mandatory.

Hon. H. SEDDON: I think the Attorney General desires that Subclause 2 be retained in order to meet any fresh circumstances that may arise. Apparently, whether or not a new lease has been drawn up, the question to be taken into consideration is what rent was being paid for the premises at the 30th June, 1930.

Hon. G. FRASER: If we were to delete the words "the subject of the lease" it would be better than Sir Charles Nathan's proposed amendment. What is aimed at is a

$22\frac{1}{2}$  per cent. reduction on the rents that were paid in June, 1930.

Hon. E. H. HARRIS: If the further consideration of the clause were postponed for half an hour it might be possible to get into touch with the Parliamentary Draftsman, and have a provision framed to meet the important point that has been raised.

The MINISTER FOR COUNTRY WATER SUPPLIES: I move—

That the further consideration of Clause 5 be postponed.

Motion put and passed.

Clauses 6 to 8—agreed to.

Progress reported till a later stage of the sitting.

## **BILL—FINANCIAL EMERGENCY.**

### *Assembly's Request for Conference.*

Message from the Assembly received and read requesting a conference on the Assembly's amendment to the Council's amendment No. 3 disagreed to by the Council, and notifying that in the event of a conference being held the Assembly would be represented by three managers.

On motion by the Minister for Country Water Supplies, resolved: That the Council agrees to the request for a conference and appoints the Hons. Sir Charles Nathan, H. Seddon and the mover as managers for the Council, the time forthwith and the place the President's room for holding the conference.

*Sitting suspended from 8.35 to 12.20 a.m.*

## **BILL—FINANCIAL EMERGENCY.**

### *Conference Managers' Report.*

**THE MINISTER FOR COUNTRY WATER SUPPLIES** (Hon. C. F. Baxter—East) [12.20]: I desire to report that the managers have agreed to recommend the acceptance by the Legislative Council of the amendment made by the Legislative Assembly to the Legislative Council's Amendment No. 3.

### *In Committee.*

Hon. J. Cornell in the Chair; the Minister for Country Water Supplies in charge of the Bill.



The CHAIRMAN: The Legislative Assembly made two amendments to the Council's amendment No. 3. This Chamber has already agreed to one amendment made by another place, and I take it the report of the managers conveys the fact that they have agreed to recommend the acceptance by the Council of the second amendment made by the Assembly to the Council's Amendment No. 3.

The MINISTER FOR COUNTRY WATER SUPPLIES: I move—

That the report be adopted.

Question put and passed.

Resolution reported, the report adopted, and a message accordingly returned to the Assembly.

## BILL—REDUCTION OF RENTS.

*In Committee.*

Resumed from an earlier stage of the sitting.

Hon. J. Cornell in the Chair; the Minister for Country Water Supplies in charge of the Bill.

Clause 5—Application to Commissioner for leave to charge rent at higher rate:

Clause put and passed.

New clause:

The MINISTER FOR COUNTRY WATER SUPPLIES: I move—

That a new clause, to stand as Clause 8, be added as follows:—"This Act shall not bind the Crown."

This will meet the wishes of Mr. Harris regarding pastoral and other leases.

Hon. G. W. MILES: Why should not the rentals charged to pastoralists also be reduced? They are running their business at a loss. It is not right that the Crown should be exempt. Mining leases should also be brought under the Bill.

The MINISTER FOR COUNTRY WATER SUPPLIES: The Bill does not deal with country properties, but with town properties. It was never intended to cover pastoral leases or farming properties.

Hon. J. Nicholson: It covers everything.

Hon. J. M. DREW: Pastoral lessees should come under the Bill. They are suffering from the effects of the depression, and the price of wool is down to zero. This is an opportunity to render them some as-

sistance. The Government should give way, in the same manner as they are asking owners of private property to suffer a reduction in rents.

Hon. J. J. HOLMES: The Bill, as drafted, applies to all leases. I do not desire to reflect upon the draftsman, but I consider it an ill-conceived proposal that will lead to serious difficulties. I have been under the impression that the Bill represented part of the Conference Plan. It is nothing of the kind; it has been introduced at the eleventh hour.

The CHAIRMAN: Order! I can allow a discussion only on the question of the application of the Bill to the Crown.

Hon. J. NICHOLSON: The effect of the amendment will be far-reaching. The reference to pastoral leases is important, because the pastoralists are entitled to every consideration. I could understand the Minister moving an amendment to make it clear that conditional purchase leases would not be brought within the scope of the measure.

The CHAIRMAN: Has the hon. member taken into consideration the effect of Mr. Seddon's amendment?

Hon. J. NICHOLSON: I do not think that will affect the point. If the Leader of the House were to limit the exclusion to conditional purchase leases, there would be some reason for it, because money paid under those leases is really an instalment of purchase money. The amendment proposed by the Minister is too wide and would be unfair.

The MINISTER FOR COUNTRY WATER SUPPLIES: There are some other amendments that the responsible Minister has not had time to consider. Perhaps it would be as well to report progress at this stage so that he may give consideration to them, and we can deal further with the Bill at a later stage of the sitting.

Progress reported.

## BILL—FIRE BRIGADES (SINKING FUND).

Received from the Assembly and read a first time.

*Second Reading.*

THE MINISTER FOR COUNTRY WATER SUPPLIES (Hon. C. F. Baxter—East) [12.40] in moving the second reading said: During 1910, the Western Austra-

lian Fire Brigades Board established a sinking fund for the redemption of loan borrowings. Up to 1913 the board, as it was then constituted, raised four separate loans amounting in all to £22,000, and it was intended that the sinking fund should be utilised for the repayment of that amount. However, in 1913, the board raised a further loan of £50,000 and used portion of it to repay in full the amount of £22,000 previously borrowed, without recourse to the sinking fund. In consequence, the sinking fund is in credit to the amount £2,587 3s. 1d. as at the 30th April last, and it now appears that that amount cannot be used without Parliamentary authority for other than the repayment of loan moneys. The money is still in the sinking fund, and as it is no longer required for loan redemption purposes, it is desired to close the sinking fund account by the transfer of the amount referred to into the ordinary revenue account so that it may be used and applied by the Board under, and in accordance with, the principal Act, for the purpose of the general administration expenses of the board. The actual contributions to the sinking fund amounted to £1,650, and it has since earned £9:17 in interest. Unless some authority is given for the use of the money in the fund it must remain for ever where it is. If the money is appropriated for the general administration expenses of the board, all contributing parties in the upkeep of the board will benefit. The general administration expenditure of the Board includes interest and sinking fund payments, which are charged against the contributors to the Board in the proportions provided under the Act, and therefore any credit to "administration expenses" will benefit the contributors in the same proportion. I move—

That the Bill be now read a second time.

**HON. H. SEDDON** (North-East) [12.43]: It appears to me that we are asked to deal with money set aside for the purpose of establishing a sinking fund. It is proposed to transfer that money to the ordinary revenue of the Fire Brigades Board. It might be a far better proposition to use the money as a sinking fund and transfer it to the national debt sinking fund so that it may be used for the purpose for which the fund was established. I would like to hear the Minister on the point.

**HON. J. NICHOLSON** (Metropolitan) [12.44]: The House would like some more information from the Minister regarding the Bill. As it has been presented at such an early hour of the morning, no one has had an opportunity to examine the measure as fully as might be desired. While the object of the Bill may probably be commendable it occurred to me to ask the Minister from what source the money had been borrowed and under what conditions it had been obtained. If it was borrowed on condition that a sinking fund had to be established so as to assure the lenders of the money that the redemption of the loan would be effected at maturity, shall we act aright if we authorise the diversion, or utilisation, of the sinking fund money for any purpose other than that set out in the principal Act? No doubt the Minister was correct in his statement that the board would not be entitled to divert the use of the money without legislative sanction, and the Bill is designed to that end. Shall we not be departing from the conditions under which the money was provided, if we agree to the Bill? If the money had been advanced by the Government, we might not have so much to say, but if the money was made available by outside lenders on condition that a sinking fund was to be set up against it, we should have further information from the Minister.

**THE MINISTER FOR COUNTRY WATER SUPPLIES** (Hon. C. F. Baxte—East—in reply) [12.45]: In connection with the £22,000 that was borrowed a sinking fund was established. Several years afterwards an amount of £50,000 was borrowed and the £22,000 loan was liquidated. The sinking fund standing against the £22,000 cannot be touched without legislative authority. All that can be done now is to repay the £50,000 loan from amount contributed by the different parties concerned. I am not in a position to tell the hon. member how or from whom the money was raised. The different parties concerned are now contributing to a sinking fund for the redemption of the £50,000 loan and the amount of £2,000 odd is lying idle in the bank.

Question put and passed.

Bill read a second time.

*In Committee.*

Hon. J. Cornell in the Chair; the Minister for Country Water Supplies in charge of the Bill.

Clauses 1, 2—agreed to.

Clause 3—Authority to close sinking fund account and transfer moneys to revenue account:

Hon. J. NICHOLSON: The Minister's reply was not satisfying. We are diverting money from the destination to which it should have been applied under the Act. What I wish to know is, were the lenders of the money induced to advance that money on condition that a sinking fund was established, and are we right in passing legislation which is altering the conditions without the consent of the lenders?

The MINISTER FOR COUNTRY WATER SUPPLIES: The sinking fund, as I have already told the hon. member, applies to the £22,000, which loan was wiped off long ago. I do not know that it matters where the money was raised. There is now no reason why the £2,000 should lie in the bank for all time earning only small interest.

Hon. SIR WILLIAM LATHLAIN: Certain sums were borrowed in several amounts totalling £22,000. Later on a sum of £50,000 was raised, and the whole of the £22,000 was repaid. The amount which was set aside for the redemption of the £22,000 loan is no longer required, and it is desired to put it into the general fund, which is now on a practically different basis in that it is contributed to by the Government, the insurance companies and the various local authorities. The sinking fund now is being provided by each of those bodies, and it is proposed that the amount of £2,000 odd shall be paid into general revenue. A portion of it will go towards the redemption fund, and to that extent it will relieve the bodies that are contributing towards the upkeep of the fire brigades. It is still the board's responsibility to see that there are sufficient contributions to provide for the upkeep of the fire brigades and interest and sinking fund on the £50,000.

Hon. J. NICHOLSON: What I am anxious to learn is whether the lenders of this money subscribed it on condition that a sinking fund was to be established.

The MINISTER FOR COUNTRY WATER SUPPLIES: Yes, a sinking fund

is established. I have already told the hon. member that the £22,000 loan has been redeemed, and that the amount of £2,000 odd, the sinking fund for that £22,000 loan, is lying idle in the bank.

Hon. J. M. DREW: I am not surprised at Mr. Nicholson not understanding the position, because what we have been told by Sir William Lathlain and by the Leader of the House, is not contained in the Bill. We were simply informed that a sinking fund was established on a certain date, and that the object of the Bill was to close it. The reasons were not set forth; there was simply an inference.

Hon. G. W. MILES: Why should not this money be transferred to a sinking fund instead of being paid into general revenue? Could not the money be used to liquidate the board's present indebtedness? The schedule refers to the 30th day of April. What is happening with regard to interest after that date?

Hon. SIR WILLIAM LATHLAIN: That is covered by the Bill. It is immaterial whether the money is paid into general revenue or into the sinking fund. The Fire Brigades Board will still require about £2,000 for their upkeep for the present year. Interest and sinking fund are a first charge upon the board's revenue.

Clause put and passed.

Clause 4, Schedule, Preamble, Title—agreed to.

Bill reported without amendment and the report adopted.

*Third Reading.*

Bill read a third time and passed.

**BILL—DRIED FRUITS ACT CONTINUANCE.**

Received from the Assembly and read a first time.

*Second Reading.*

**THE MINISTER FOR COUNTRY WATER SUPPLIES** (Hon. C. F. Baxter—East) [1.5] in moving the second reading said: This is a Bill to continue the operations of the Dried Fruits Act, 1926. It is brought down in the interests of the viticultural industry, the existence of which is de-

pendent upon the extension of the parent Act. The Act was put through by the Collier Government. Since it has been in operation it has proved the outstanding success of control legislation in Australia. It has been the means of saving the dried fruits industry from utter ruin. Recently the Minister for Agriculture attended a meeting of 250 growers, who unanimously resolved that Parliament be asked to continue the operation of the Act. Every dried fruit grower in the State admits that the operations of the measure have meant saving him personally from ruin, and the industry from chaos. The Act means that every producer must export his quota of fruit, and in turn it means that no fruit which is not up to standard is taken into the packing sheds. Every producer gets a fair share of the local trade, and also has to take his fair share of the lower export parity. Reports from overseas indicate that Western Australian fruit is of the highest quality. It is the best produced in Australia. The control board has been working in unison with the control boards in the Eastern States. There has been no instance of exploitation of consumers. To-day dried fruits are a penny per lb. cheaper than they were in 1928. About a million pounds has been invested in the vineyards of Western Australia. The industry is therefore of considerable importance to the State. Without control there would be little hope for the industry. I feel sure the Bill will commend itself to the House.

Hon. G. W. Miles: When does the Act expire?

The MINISTER FOR COUNTRY WATER SUPPLIES: Next March. All concerned have worked together with the object of benefiting the industry generally. The present system leaves nothing to be desired from the point of view of smooth working and effective control of the industry. It is proposed to extend the Act to 1933. Many growers are pulling up old vines and planting new ones. It is necessary that they should be assured of the future. I move—

That the Bill be now read a second time.

Hon. G. W. Miles: If the Act is in operation until 1932, why the hurry to renew it now? This is not emergency legislation.

The MINISTER FOR COUNTRY WATER SUPPLIES: I know it is not.

HON. J. CORNELL. (South) [1.8]: Will the Minister explain why there has been this departure in continuing the Dried Fruits Act? It is usual to strike out one or two words and insert others, in order to continue an Act for a further term. Are we to understand that the Dried Fruits Act has ceased to exist? We are asked to rush through a Bill like this to continue an Act which it seems does not expire until next March, and to continue it for at least a year longer. I cannot see that there is any urgency about this Bill.

HON. J. NICHOLSON (Metropolitan) [1.10]: Apparently the Act does not expire until next March. There is abundant time therefore, in which to deal with the Bill. Whether or not the Act should be extended is a matter that may require consideration. We are passing through curious times, and later on it may be necessary to deal with this matter in a different way. The result of this legislation may have been beneficial to the industry, but I do not see the need for rushing through a Bill of this kind.

HON. V. HAMERSLEY (East) [1.12]: I presume the Bill is urgent so that those who are carrying on the industry may know what to expect from the legislation of the country. They have certain arrangements to make ahead, and will want to know if they are still working under the Act. We know that the dried fruits industry is experiencing a difficult time. The vigneron are also going through a period of stress. Every body connected with the industry will want to know as quickly as possible if the Act is going to be continued. If I were working in the industry I should appreciate having that knowledge as quickly as possible. The Act has operated not only to the advantage of growers, but to the advantage of the State. I cannot see why a measure which has been so successful should not be continued.

HON. H. J. YELLAND (East) [1.15]: I appreciate and support the remarks of Mr. Hamersley, because I know how the growers feel regarding the operation of the Act. I should like to ask the Minister whether it is not a fact that the amendments made in another place have not been shown upon our print of the Bill owing to the fact that it was impossible to get the Bill reprinted in the time. I understand that another place

altered the Bill to continue the Act, not until 1933 but until 1935. When the previous measure was passed, we extended the operation of the Act for two years. We were asked to grant an extension for one year, but on the information presented to us it was extended for two years. An extended term gives some stability to the industry, and it is wise to let the growers know that we are prepared to help them in their difficulties. Undoubtedly the Act has operated very successfully and has assisted to maintain the industry.

Hon. J. Cornell: Is the Bill urgent?

Hon. H. J. YELLAND: The sooner it is passed, the sooner the growers will be able to plan for the future, and that is one of the secrets of success in all primary productions.

Hon. J. Cornell: It is only two days since the Minister discovered that it was urgent.

**HON. J. J. HOLMES** (North) [1.19]: On a point of order, I understand that the Bill before us is not the one that was passed in another place. It does not contain the amendments that we are informed were passed in another place. If that is so, I should like your ruling whether the Bill is properly before us.

The **PRESIDENT**: The Bill that has come officially from another place has the words "thirty-three" altered to "thirty-five," and the alteration has been duly initialled by the Clerk of the Assembly. From what Mr. Yelland has said, the alterations have evidently not been made in the copies of the Bill distributed to members. However, the Bill before us is in order.

**THE MINISTER FOR COUNTRY WATER SUPPLIES** (Hon. C. F. Baxter—East—in reply) [1.21]: The most important reason for continuing the Act till 1935 and for presenting the Bill at this stage is that many growers intend to root out old vines and plant others. Their vines are unsuitable, but before planting others, they want some assurance as to the future.

Hon. J. Cornell: Are you aware that the Bill was read a first time in another place on the 11th August?

The **MINISTER FOR COUNTRY WATER SUPPLIES**: Yes.

Hon. J. Cornell: Then how can it be regarded as urgent?

The **MINISTER FOR COUNTRY WATER SUPPLIES**: The growers desire to have an assurance as to the future before they replant their holdings.

Question put and passed.

Bill read a second time.

#### *In Committee.*

Hon. J. Cornell in the Chair; the Minister for Country Water Supplies in charge of the Bill.

Clause 1—agreed to.

Clause 2—Continuance of principal Act:

Hon. J. NICHOLSON: I move an amendment—

That in line 3 the word "five" be struck out and the word "three" inserted in lieu.

By the amendment passed in 1929 the word "thirty" was converted into "thirty-two," but now we are asked to strike out "thirty," a word that has already been struck out by the Continuance Act of 1929, and insert "thirty-five."

Hon. G. W. Miles: This is another instance of rushing through legislation without consideration.

Hon. J. NICHOLSON: The clause should read that the Act of 1926, as amended by the Dried Fruits Act Amendment Act of 1929, is amended by striking out the words "thirty-two" and inserting in lieu thereof the words "thirty-five." The Minister should report progress and give members an opportunity to consider the matter. Otherwise there is a danger of invalidating the Act.

The **MINISTER FOR COUNTRY WATER SUPPLIES**: I move—

That progress be reported till a later stage of the sitting.

Motion put and passed; progress reported.

#### **BILL — FREMANTLE MUNICIPAL TRAMWAYS AND ELECTRIC LIGHTING ACT AMENDMENT.**

*All Stages.*

Received from the Assembly and, on motion by Hon. E. H. Gray, read a first time.

*Second Reading.*

**HON. E. H. GRAY** (West) [1.30] in moving the second reading said: I ask the indulgence of hon. members for the passing of this Bill to-night, because it is feared that any delay will cost the Fremantle Tramways Board more money than they can afford to lose. The tramway undertaking is controlled by the board, and is owned by the Fremantle City Council to the extent of six-sevenths and by the East Fremantle Municipal Council to the extent of one-seventh. Fremantle shared in the rapid rise of prosperity in Western Australia, and the tramway board were hard pushed to provide sufficient rolling stock for the traffic offering. The sub-station was also overloaded, and experts declared that the overloading had reached a dangerous point, liable to cause a breakdown which would involve considerable loss and cost much money to restore. Accordingly a loan of £35,000 was raised, of which £10,000 was to be spent in the provision of rolling-stock, and £25,000 devoted to the erection and construction of a new sub-station. Then the depression set in, and the board found themselves in a position where the present sub-station could cope with the electric current required. They spent £10,000 on rolling stock, and as regards the sub-station held off as long as possible in order to see whether any change would occur in the condition of the country. The present position is such as to indicate that the new sub-station will not be required for at least two years. Overtures were then made to the lenders of the money, the Colonial Mutual Life Insurance Company, to receive £21,000 of the money back. The company readily agreed to do so. Then it was discovered that there were legal difficulties in the way, and the tramway board were not in a position to hand back the money. Correspondence passed between the two parties, and a legal opinion was obtained. This amending Bill is for the purpose of allowing the board to repay £21,000. The situation is unique. The money is lying in the bank at  $4\frac{1}{2}$  per cent., while the company have to be paid 7 per cent. on the loan. Thus the local authorities are losing over £400 per annum during the continuance of that state of affairs. The object of the Bill is to allow the money to be paid back as

quickly as possible, and thus to save the difference between the  $4\frac{1}{2}$  per cent. and the 7 per cent. I move—

That the Bill be now read a second time.

**HON. J. NICHOLSON** (Metropolitan) [1.35]: This Bill explains itself a little more fully than the measure relating to fire brigades. It shows that the funds will be used in a certain manner. Power is given to the board to repurchase debentures out of unexpended loan moneys, which may be acquired at a discount. That is a proper utilisation of funds of this nature, and therefore I have much pleasure in supporting the second reading.

**HON. G. FRASER** (West) [1.36]: I regret the necessity for the introduction of the Bill. If the money in question were being expended in the manner that was intended, it would relieve a fair amount of distress in the district. Unless the Bill passes, the ratepayers of Fremantle will lose  $2\frac{1}{2}$  per cent. per annum on money which they cannot utilise. I had hoped that the city would progress to such an extent as to allow of the expenditure of all the loan funds on works. I regret that it is now found these moneys cannot be spent. The passing of the measure will relieve the Fremantle district of a serious problem.

Question put and passed.

Bill read a second time.

*In Committee, etc.*

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

Read a third time, and *passed*.

## **BILL—FINANCIAL EMERGENCY.**

*Assembly's Further Message.*

Message from the Assembly received and read, notifying that it had adopted the report of the conference managers.

## **BILL—HIRE-PURCHASE AGREEMENTS.**

*Assembly's Message.*

Message from the Assembly notifying that it agreed to Nos. 1, 2, 5, 6, 7, and 9 to 14 inclusive of the amendments made by the

Council, but disagreed to Nos. 3, 4 and 8, and giving reasons, now considered.

*In Committee.*

Hon. J. Cornell in the Chair; the Minister for Country Water Supplies in charge of the Bill.

No. 3. Clause 3.—Insert after “purchaser,” at end of Subclause 1, the words “and the word ‘writing’ in this section shall be deemed to include such printing only as is in type not smaller than eight point face.”

The CHAIRMAN: The Assembly's reason for disagreeing to the amendment is that “if a copy of the agreement is handed to the purchaser, to specify the size of type is unnecessary.”

The MINISTER FOR COUNTRY WATER SUPPLIES: I move—

That the amendment be not insisted on.

Hon. H. SEDDON: One of the points to which the select committee on the Bill drew attention was the small type in which these agreements are printed, and which constitutes a temptation to the purchaser merely to skim over the agreement. In view of the importance of such documents the select committee thought it well that they should be readily legible. I defy any hon. member to read with comfort the small type in which the agreements I have here are printed. I hope the amendment will be insisted on.

Hon. W. H. GRAY: I hope the Committee will insist on the amendment. The select committee had a number of agreements before them, and I am surprised that the Assembly did not accept the amendment. It is highly necessary for the protection of farmers.

Hon. J. M. DREW: I agree with Mr. Seddon. The print used in some of the agreements is altogether too small, although doubtless the document could be read with suitable glasses. At the same time, I would not like the Bill to be held up, or to be the subject of a conference on a question like this.

Question put and negatived; the Council's amendment insisted on.

The CHAIRMAN: Amendment No. 4 made by the Council and disagreed to by the Assembly affected Clause 4. The Council's amendment was to insert “or” after “repre-

sentations” in line 3, and delete “or terms” in the same line. The Assembly's reason for disagreeing to the latter part of the amendment is—

The words “or terms” have a financial significance.

The MINISTER FOR COUNTRY WATER SUPPLIES: I move—

That the amendment be not insisted on.

The words “or terms” are the most important of all. If people are misled, it is usually in regard to the terms or the quality of the machine, but more particularly as to terms. The agent, representative or servant of the vendor may make all sorts of statements about the terms and the purchaser may later find out that the position has been misrepresented to him.

Hon. Sir WILLIAM LATHLAIN: The amendment was made by the Council after an explanation had been made by Mr. Nicholson that the words “or terms” had a much wider meaning than that usually ascribed by a layman.

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

Ayes	..	..	..	10
Noes	..	..	..	7
Majority for				3

**AYES.**

Hon. C. F. Baxter	Hon. G. A. Kempton
Hon. J. M. Drew	Hon. J. M. Macfarlane
Hon. J. T. Franklin	Hon. C. H. Wittenoom
Hon. G. Fraser	Hon. H. J. Yelland
Hon. V. Hamersley	Hon. E. H. Hall
	(Teller.)

**NOES.**

Hon. E. H. Gray	Hon. J. Nicholson
Hon. J. J. Holmes	Hon. H. Seddon
Hon. Sir W. Lathlain	Hon. E. H. Harris
Hon. G. W. Miles	(Teller.)

Question thus passed: the Council's amendment not insisted on.

The CHAIRMAN: The Council's amendment No. 8, to which the Legislative Assembly disagreed, affected Subclause 5 of Clause 5, to which the Council proposed to add a proviso as follows:—

Provided that if after the vendor has taken possession of the chattel it shall have been sold by public auction—

(a) at a place agreed on by the vendor and purchaser, or in default of agreement at the place where the hire-purchase agreement was entered into by the purchaser; and

- (b) subject to reasonable conditions of sale which permitted both vendor and purchaser to bid; and
- (c) at a reasonable time and after adequate advertisement and due notice to the purchaser,

then the price for which the chattel was so sold, after deducting the expenses occasioned by the sale, shall, for the purposes of this section, be conclusively deemed to be the value of the chattel at the time when and the place where such sale was effected.

The reason advanced by the Assembly for disagreeing to the proviso was as follows:—

It will take away from the court the power of decision.

The MINISTER FOR COUNTRY WATER SUPPLIES: I move—

That the amendment be not insisted on.

I fought this clause several times, and finally the proviso was drafted with a view to meeting the desires of the Council. Last night I allowed it to pass without opposition. I now find that the effect of the proviso is that it will take away from the court the power to deal with the equity in any article.

The CHAIRMAN: My reading of it is that it takes away nothing.

The MINISTER FOR COUNTRY WATER SUPPLIES: My statement is based on the best legal advice that can be obtained. I adhere to it with all respect to the views held by you, Mr. Chairman. Members will agree, I think, that it is more likely that an equitable verdict regarding the value of a machine would be obtained from the magistrate, than by means of the haphazard method outlined in the Council's amendment. It will provide no protection with regard to the equity in a machine; that could be achieved by referring the matter to the court so that the matter could be determined in accordance with the evidence. I was always doubtful about the amendment, and my doubts have been confirmed by the best legal advice obtainable.

Hon. J. M. DREW: This is the public auction proviso and, as I pointed out before, unless it is eliminated, the Bill will be worthless. It will be worse than that for it will amount to a false pretence. I advanced similar contentions at the Committee stage and Sir Charles Nathan stated that the machinery firms were so much opposed to the Bill as introduced, with its absence of any

provision for public auction, that he was sure they would avail themselves of the remedy at hand to sue the purchaser in the event of default, and take the individual through the Bankruptcy Court. At the time I said his argument did not impress me nor influence me. I had something in my mind at the time and, as I could not support an assertion I might make at that stage, I knew I would have a further opportunity. I have it now. The position is that the vendor cannot take a purchaser to the Bankruptcy Court. When the Farmers' Debts Adjustment Bill was before the House, Sir Charles Nathan adopted a similar attitude. When Dr. Stow was called before the select committee on that Bill, I questioned him on the matter, and, in reply to the chairman, Dr. Stow said—

I drafted this Bill under instructions from the Attorney General. I think it can be enforced, notwithstanding the Federal Bankruptcy Act. Dissident creditors, if they give an act of bankruptcy on the part of the debtor, could put the matter into the Bankruptcy Court, but this measure would go far to prevent that by preventing the Commissioner of Bankruptcy from issuing execution which is one of the commonest acts of bankruptcy. The Commonwealth has no control over those executions. The State can deride the use of its courts without interference by the Commonwealth. Bills of sale are not controlled by the Commonwealth.

On top of that, there have been 400 stay orders issued protecting farmers. I do not know of a single instance where those farmers have been taken through the Bankruptcy Court. The effect of stay orders under the Farmers' Debts Adjustment Act is outlined in Section 6. No doubt the views expressed by Sir Charles Nathan influenced many members, and in order to make clear to the what was in my mind when I expressed myself as I did last night, I have quoted the evidence of Dr. Stow.

2 o'clock a.m.

Hon. H. SEDDON: What has been said about the stay orders and the taking of the farmers to the Bankruptcy Court is simple evidence of an attitude of prejudice. What Sir Charles Nathan argued was that unless some protection is made available to the creditors, probably they will have to take the course of action which otherwise they would not take. If we are going to give the farmer the protection to which he is entitled



surely we must recognise the claims of other sections of the community and endeavour to make the Bill a fair and workable proposition. That is the object of all this legislation, and unless we maintain that principle we shall either kill the hire-purchase system altogether or on the other hand force creditors to take an action they would rather not take.

**The MINISTER FOR COUNTRY WATER SUPPLIES:** Mr. Seddon in effect has suggested that unless the clause be retained, the Bill will be destroyed. As a matter of fact the Bill will be destroyed if the clause be left in, for it will deny the benefits of the Bill to those people who are suffering under hire-purchase agreements. The clause destroys the Bill entirely.

**Hon. G. FRASER:** I trust the Committee will not insist upon this amendment. Would any hon. member like to see a machine belonging to him put up by auction these days? Anybody foolish enough to sell anything by public auction to-day, particularly in the country districts, would be a heavy loser by it. If the clause be allowed to remain, it will be greatly to the detriment of the hirer.

**Hon. J. NICHOLSON:** The amendment was decided upon only after a great deal of consideration. In what way would the Minister arrive at the value of a repossessed machine?

**The Minister for Country Water Supplies:** I would leave it to the court.

**Hon. J. NICHOLSON:** Only in one way can the value be ascertained. The sale is not compulsory. The parties may agree upon the value of the machine, but the value must be arrived at in one way or another.

**Hon. V. Hamersley:** If you put the machine up by auction you will get nothing for it.

**Hon. E. H. H. Hall:** The magistrate can determine the value.

**Hon. J. NICHOLSON:** How can he? He will call in experts from both sides.

**Hon. E. H. Harris:** Probably he will call in an auctioneer.

**Hon. J. NICHOLSON:** The only real value of the machine is its realisable value. The best test of value is its value in the open market, determined by public auction.

**Hon. G. A. KEMPTON:** I hope the Committee will not insist on the amendment.

One almost feels that Mr. Nicholson has set out to wreck this Bill.

**The CHAIRMAN:** The hon. member must not impute motives.

**Hon. G. A. KEMPTON:** I said "almost." If we retain this auction clause, the farmer will not get a fair deal. It would be far better to allow the magistrate to adjudicate on the value of the machine, for he can easily call in expert opinion.

**Hon. J. J. Holmes:** The country is full of experts.

**Hon. G. A. KEMPTON:** I am certain this amendment, if retained, will wreck the Bill.

**Hon. J. M. DREW:** I am not surprised at the attitude of Mr. Nicholson, for it is simply a repetition of his former stand. It is astonishing that a legal gentleman should show so little confidence in our local courts.

**Hon. J. Nicholson:** I am not disputing the value of the local court magistrates.

**Hon. J. M. DREW:** For many years I attended local courts and found that magistrates were able to adjudicate quite well on such cases. A legal tribunal is the proper one to assess the value of agricultural machinery that may be repossessed.

**Hon. H. SEDDON:** The Bill has been made retrospective, and that will mean bringing into court all the chattels that have been seized and necessitating a review of the whole position. How would the people fare who would be required to make payments of probably thousands of pounds to hire-purchasers? A state of affairs would be precipitated for which I do not think even the farmers' representatives would be prepared to accept responsibility. If the vendors are not in a position to repay the money, the whole of them will be brought down. The farmer has all the protection he needs and the other section ought not to be penalised.

**The MINISTER FOR COUNTRY WATER SUPPLIES:** The Bill applies only to agreements that are current. Any that have expired could not be revived. Mr. Nicholson is becoming weaker in his arguments when he tries to draw a simile between land or wheat, for which there is always a value, and agricultural machinery. After seeding, a drill is of no use for another nine months, and the same applies to a harvester. While in the Eastern States I saw a harvester sold at a forced sale for 25s. and a

drill for £1. The value should be assessed by the court.

Hon. J. Nicholson: I think you are making a mistake.

The MINISTER FOR COUNTRY WATER SUPPLIES: I do not. I have pointed out the danger from the beginning.

Hon. G. W. MILES: I voted for the retrospective clause to protect the farmers against unscrupulous vendors, but I also said that that some provision would have to be made to protect vendors against unscrupulous purchasers. If magistrates decided the value of repossessed chattels, vendors would probably have to pay hundreds of thousands of pounds. By not insisting on the amendment I fear we shall be making a rod for the farmers' backs.

Hon. G. FRASER: From the discussion one would conclude that the vendors would have to pay in cash.

Hon. G. W. Miles: So they would, if there was any equity in the chattel.

Hon. G. FRASER: That is not so, because the debt would be held against the purchaser, and no machine would be seized until there was default in payments. On overdue payments the vendor would have the right to charge 8 per cent. interest. I cannot see any possibility of vendors having to make a refund in cash, except in an isolated instance such as that quoted by Mr. Kempton last night.

Question put, and a division called for.

The CHAIRMAN: I give my vote with the noes. It is the first time I have given a vote in the many divisions on this proposal. I think I have given as much consideration to the matter as has any other member. I have followed the Bill closely because of its importance. So far, the purchaser has all there is to give, and the vendor has nothing. We are not living in normal times, otherwise I would vote in another direction. My considered opinion is that we are living in times when there ought to be some give and take, and some conciliation. If this amendment or something like it is not agreed to, we shall have retaliation and no conciliation. I represent as many farmers as does any other member, and also more impecunious farmers. I shall be satisfied if the farmers can retain the implements they have with which to take off the coming harvest.

Division taken with the following result:—

Ayes	..	..	..	9
Noes	..	..	..	9
				—
A tie	..	..	..	0
				—

#### AYES.

Hon. C. F. Baxter	Hon. V. Hamersley
Hon. J. M. Drew	Hon. G. A. Kempton
Hon. J. T. Franklin	Hon. C. H. Wittenoom
Hon. G. Fraser	Hon. H. J. Yelland
Hon. E. H. H. Hall	(Teller.)

#### NOES.

Hon. J. Cornell	Hon. G. W. Miles
Hon. E. H. Gray	Hon. J. Nicholson
Hon. E. H. Harris	Hon. H. Seddon
Hon. J. J. Holmes	Hon. J. M. Macfarlane
Hon. Sir W. Lathlain	(Teller.)

The CHAIRMAN: The voting being equal, the question passes in the negative and the Council's amendment is insisted upon.

Resolutions reported, the report adopted and a message accordingly returned to the Assembly.

## BILL—REDUCTION OF RENTS.

### In Committee.

Resumed from an earlier stage of the sitting; Hon. J. Cornell in the Chair; the Minister for Country Water Supplies in charge of the Bill.

#### New Clause 8:

Hon. J. NICHOLSON: I thought the Minister would have made some suggestion whereby pastoralists and some other lessees as well as C.P. lessees, might be brought within the scope of the Bill.

The MINISTER FOR COUNTRY WATER SUPPLIES: It is not intended that the Bill should apply to pastoralist who can safely be left in the hands of the Government. Cabinet is prepared to see what can be done for them.

Hon. G. W. MILES: What is the Minister going to do to protect the pastoralists? They are entitled to protection just as much as any other section of the community. They should receive a reduction of 22½ per cent. in their rents. If we strike out the new clause they will automatically come under the Bill.

Hon. C. H. WITTENOOM: I suppose Mr. Miles' remarks. When the present rents were fixed the price of wool was about 1s. 3d. per lb., and to-day it is about 7½d.

Hon. H. SEDDON: If the new clause is not passed how will the Budget be affected? The State will lose a lot of revenue. It is evident that the new clause was inadvertently omitted from the Bill when it was drafted.

Hon. E. H. HARRIS: As the Bill now reads, will it effect a reduction in the rents of lessees of premises at the city markets? I presume it was intended that they should participate.

The Minister for Country Water Supplies: That position is governed by the definition of "lease."

New clause put and a division called for.

The CHAIRMAN: I will give my casting vote with the ayes.

Division taken with the following result:—

Ayes	..	..	..	9
Noes	..	..	..	8
				—
Majority for	..	..	..	1
				—

AYES.

Hon. C. F. Baxter	Hon. J. M. Macfarlane
Hon. J. Cornell	Hon. H. Seddon
Hon. E. H. Hall	Hon. H. J. Yelland
Hon. V. Hamersley	Hon. Sir W. Lathlain
Hon. G. A. Kempton	(Teller.)

NOES.

Hon. J. M. Drew	Hon. J. Nicholson
Hon. J. T. Franklin	Hon. O. H. Wittenoom
Hon. G. Fraser	Hon. E. H. Harris
Hon. J. J. Holmes	(Teller.)
Hon. G. W. Miles	

New clause thus passed.

Title—agreed to.

Bill reported with amendments, and the report adopted.

*Recommittal.*

Bill recommitted for the purpose of further considering Clauses 2 and 4.

*In Committee.*

Hon. J. Cornell in the Chair; the Minister for Country Water Supplies in charge of the Bill.

Clause 2—Interpretation:

The MINISTER FOR COUNTRY WATER SUPPLIES: I move an amendment—

That in the definition of "Lease" the word "lessor," line 4, be struck out, and "lessee" inserted in lieu.

The object of the Bill is to prevent landlords from insisting on rents higher than are fair now. Hence the amendment.

Hon. J. J. HOLMES: This proposed amendment affords further evidence of the haste with which the Bill has been treated. Time has not been taken to discover whether the lessor or the lessee should be responsible. Officers of the Crown Law Department have been busy for three hours preparing amendments, and now we do not seem to be much further. The Minister should let the Bill stand over until we meet again in about six weeks' time. This Bill is no part of the Plan. The Minister unwittingly misinformed the Chamber that the Bill was a part of the Plan. No one can tell what complications may arise under this hasty and ill-conceived measure. The question of the metropolitan markets has cropped up. The tenants there are not to get any reduction in their rents.

The Minister for Country Water Supplies: Already there have been heavy reductions.

Hon. J. J. HOLMES: The 22½ per cent. reduction will not be applied to the markets. So far this Chamber has been good to the Government in regard to their panic legislation, but great harm is likely to eventuate if we deal with this Bill as submitted to the Chamber.

The MINISTER FOR COUNTRY WATER SUPPLIES: Mr. Holmes says this Bill is not part of the Plan. My informant was the Attorney General, who took part in the Melbourne Conference; and he said it was agreed that every section of the community should suffer reduction. Undoubtedly the Bill is part of the Plan. It is no pleasure to the Government to have to submit such legislation. Hon. members are not obliging the Government by passing it, but are merely doing their duty by the country. All this legislation must be passed if the State is to be saved. Why cut down all sections of the community except one or two? In the absence of this Bill, many people will be out of business in six weeks. Are not the unfortunate people tied up with long leases to get relief?

The CHAIRMAN: I have allowed a discussion which is somewhat out of order. I hope that henceforth hon. members will confine themselves to the amendment.

Hon. H. SEDDON: It is necessary that the Bill should receive more consideration. The Minister might postpone the discussion

until next Tuesday. Fault is being found with the measure continually.

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

#### Clause 4—Limitation of rents:

The MINISTER FOR COUNTRY WATER SUPPLIES: I move an amendment—

That the proviso to Subclause (1) be struck out, and the following inserted in lieu:—  
 “Provided that (a) as regards a lease existing on the thirtieth day of June, one thousand nine hundred and thirty, and still existing at the commencement of this Act the present rent payable under the lease shall be deemed to be increased by the amount of any reduction of rent allowed by the lessor since the said thirtieth day of June, one thousand nine hundred and thirty, but such amount shall be included as part of the reduction made by this section; (b) as regards a lease granted since the thirtieth day of June, one thousand nine hundred and thirty, and existing at the commencement of this Act wherein the rent reserved is less than the rent reserved by a previous lease of the same premises granted by the same lessor and existing on the said thirtieth day of June, one thousand nine hundred and thirty, the present rent payable under the current lease shall be deemed to be increased by the amount of the said difference in rent but such amount shall be included as part of the reduction made by this section.

Hon. SIR WILLIAM LATHLAIN: Is the phrasing “rent reserved” in paragraph (b) of the amendment correct?

The Minister for Country Water Supplies: Yes.

[Hon. J. Nicholson took the Chair.]

Hon. J. J. HOLMES: The amendment represents an improvement on the Bill, but the whole evening has been spent by the Crown Law Department in preparing amendments, and now we are not getting where we want to get to. Paragraph (b) deals only with premises leased previously. There is no reference to premises recently constructed and never occupied; they will not come under the paragraph. The paragraph applies to premises leased previously and relet at lower rentals. As soon as the measure comes into force, those lower rentals will be reduced by 22½ per cent. Leases are being prepared every day in the week under terms and conditions which coincide with the existing state of the rent market. If this sort of legislation is to be passed, I do not know what will

happen to Perth property holders, of whom fortunately, I am not one.

3 o'clock, a.m.

Hon. G. FRASER: There is a lot in the argument advanced by Mr. Holmes, and a further paragraph should be added to deal with the point he has raised.

Hon. H. SEDDON: I do not intend to oppose the deletion of my amendment, because that moved by the Leader of the House will more effectively deal with the position.

Hon. J. M. DREW: The defect pointed out by Mr. Holmes still remains in the amendment now proposed, and if leases were entered into last week on bases of low rentals, those leases would be subject to the full reduction of 22½ per cent.

The CHAIRMAN: The amendment does not provide for them at all.

Hon. J. M. DREW: It is most important that they should be provided for.

Hon. H. Seddon: Would not that position be met by Subclause 2 of Clause 5?

The CHAIRMAN: No, that merely provides for certain facts to be taken into consideration.

Hon. E. H. HARRIS: The amendment makes provision for some lessors and some lessees, but if changes were effected in either lessors or lessees, the amendment would apply in one way only. That position will have to be clarified. I thought that when the Parliamentary Draftsman was called in to assist us, the position would have been rectified.

The MINISTER FOR COUNTRY WATER SUPPLIES: The draftsman's opinion is, “It is impossible to frame an amendment to Clause 4 which will be comprehensive and avoid the necessity for applications to the court. Subclause 2 of Clause 5 empowers the commissioner to give relief, and will not involve parties in litigation in any clear case.”

Hon. J. J. HOLMES: That has no application to the point raised at all. The draftsman has provided for some premises and some lessors. It is rather a reflection upon the Crown Law Department to suggest that it is impossible to frame an amendment that will provide protection in respect of premises that have only just been leased, or in respect of which there has been a change of ownership.

The Minister for Country Water Supplies: Perhaps it was because of the way you put the matter to him, but that is advice I have received from the draftsman.

Hon. J. J. HOLMES: I put the position to him as I put it to the Committee. Certainly the Bill cannot go through as suggested now. There is no equity in it at all.

Amendment (to strike out words) put and passed.

The CHAIRMAN: The question now is that the words proposed to be inserted by the Leader of the House be inserted.

Hon. J. J. HOLMES: Surely something could be done at this stage to provide the protection we desire. The amendment as it stands will give protection to one section of landlords and tenants only. It will not cover all as it should.

Hon. G. W. MILES: I suggest that the Committee agree to the amendment. A conference is to be held almost immediately and while it is in progress, perhaps an amendment can be drafted to meet the position.

The MINISTER FOR COUNTRY WATER SUPPLIES: I was under the impression that the amendment covered the position. Mr. Holmes saw the draftsman and I thought the matter was arranged satisfactorily. Now I find that is not so. Perhaps the Committee had better agree to the amendment, and then I can report progress with a view to ascertaining whether a further amendment can be framed that will meet the desires of hon. members.

Amendment (to insert words) put and passed.

Progress reported.

## **BILL—HIRE-PURCHASE AGREEMENTS.**

### *Assembly's Request for Conference.*

Message from the Assembly received and read requesting a conference on amendments Nos. 3 and 8, insisted on by the Council, and stating that if a conference were agreed to, the Assembly would be represented by three managers.

The MINISTER FOR COUNTRY WATER SUPPLIES: I move—

That a conference be agreed to, that the managers for the Council be Hon. E. H. Gray,

Hon. E. H. Harris and the mover, and that the conference be held forthwith in the President's room.

Hon. J. CORNELL: I do not want to throw a spanner into the proposal for a conference, but, as a matter of courtesy, the chairman of the select committee that considered the Bill might have had the refusal of the opportunity to act as one of the managers. The procedure has always been to select two members from the more numerous section represented in the House. I realise the Minister's difficulty, but if Mr. Seddon is prepared to act, he should be given the opportunity.

The MINISTER FOR COUNTRY WATER SUPPLIES: The reason why I did not select Mr. Seddon was that he has just completed 3½ hours in conference on another Bill. Mr. Gray was a member of the select committee and I selected him accordingly.

Hon. E. H. HARRIS: I have no desire to shirk my duty, but I feel that as I have not taken a close interest in the Bill because it was referred to a select committee, I could not do justice to the House at the conference, and I would willingly retire in favour of Mr. Seddon or someone else.

Hon. J. J. HOLMES: As a matter of courtesy the chairman of the select committee should be one of the managers. He does not object to acting on the score of being overworked. If Mr. Harris is not prepared to act and Mr. Seddon is, the difficulty is overcome.

The MINISTER FOR COUNTRY WATER SUPPLIES: I am quite agreeable to substitute Mr. Seddon for Mr. Harris, but it is playing a very high hand for members to dictate to me in that way.

Hon. J. Cornell: Not at all.

The MINISTER FOR COUNTRY WATER SUPPLIES: It was out of sympathy for Mr. Seddon, who has just served 3½ hours on a conference, that I did not nominate him, but members have taken my action in the wrong way.

Hon. E. H. GRAY: I prefer that Mr. Seddon should take my place. Other duties prevented my attending the meetings of the select committee as frequently as I would have liked, but we all recognise the great amount of work that Mr. Seddon devoted to the select committee's inquiry.

Hon. J. M. DREW: I ask for a ballot under Standing Order 323.

Ballot resulted in the selection of the Hons. C. F. Baxter, H. Seddon and E. H. Gray.

The PRESIDENT: The motion will now read—

That the Council agrees to the request for a conference, and appoints the Hons. C. F. Baxter, H. Seddon and E. H. Gray as managers for the Council, the time forthwith, and the place the President's room for holding the conference.

Question put and passed.

*Sitting suspended from 3.26 a.m. to 5.30 a.m.*

### **BILL—HIRE-PURCHASE AGREEMENTS.**

*Conference Managers' Report.*

**THE MINISTER FOR COUNTRY WATER SUPPLIES** (Hon. C. F. Baxter—East) [5.30]: I have to report that the managers have met and have agreed to amendment No. 3 (Clause 3) being as follows:—

Insert after "purchaser," at the end of Subclause 1, the words "and the word 'writing' in this section shall be deemed to include such printing only as is in type of smaller than eight point face;"

The managers have also agreed to reject amendment No. 8. I move—

That the report be adopted.

Question put and passed.

Resolution reported, the report adopted and a message accordingly returned to the Assembly.

*Assembly's Further Message.*

Message from the Assembly received and read notifying that it had agreed to the recommendations of the conference of managers on the amendments insisted upon by the Council.

### **BILL—REDUCTION OF RENTS.**

*Recommittal.*

Resumed from an earlier stage of the sitting. Hon. J. Cornell in the Chair; the Minister for Country Water Supplies in charge of the Bill.

Clause 4—Limitation of rents:

The MINISTER FOR COUNTRY WATER SUPPLIES: Progress was reported in order that an amendment might be drafted to protect new leases entered into immediately prior to the Bill being proclaimed. I move an amendment—

That the following proviso be added:—  
“(c) In the case of premises which were not leased on the 30th June, 1930, this Act shall not apply unless the lease thereof was entered into earlier than three months before the coming into operation of this Act.

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

Bill reported with further amendments.

*Further Recommittal.*

On motion by the Minister for Country Water Supplies, Bill recommitted for the purpose of further considering Clause 4 as previously amended.

*In Committee.*

Hon. J. Cornell in the Chair; the Minister for Country Water Supplies in charge of the Bill.

Clause 4—Limitation of rents:

The MINISTER FOR COUNTRY WATER SUPPLIES: The words “granted by the same lessor” appear in paragraph (b) of the proviso, and they were included by an oversight. If they are allowed to remain, new owners of premises will have no rights at all under the clause. I move an amendment—

That in lines 5 and 6 of paragraph (b) of the proviso, the words “granted by the same lessor” be struck out.

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

Bill again reported with a further amendment, and the report adopted.

*Third Reading.*

Bill read a third time and returned to the Assembly with amendments.

*Sitting suspended from 5.52 a.m. to 6.20 a.m.*

**BILL—REDUCTION OF RENTS.***Assembly's Message.*

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

**ADJOURNMENT—SPECIAL.**

**THE MINISTER FOR COUNTRY WATER SUPPLIES** (Hon. C. F. Baxter—East) [6.20]: I move—

That the House at its rising adjourn until Tuesday, the 29th September.

I thank members for the assistance they have given me, and the kindness and patience they have shown in the last fortnight in helping me to get through so many troublesome measures.

Question put and passed.

*House adjourned at 6.21 a.m. (Friday).*

**Legislative Council,**

*Thursday, 13th August, 1931.*

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

**QUESTION—RAILWAY FREE PASSES.***Payment to Commonwealth Railway Department.*

Mr. SLEEMAN asked the Minister for Lands: Of the £588 paid to the Commonwealth Railway Department for the year ended June, 1931, on account of Parliamentary and Ministerial passes, how much was paid for Ministers and their officers on official business, and how much for the remaining 72 State members?

The MINISTER FOR LANDS replied: Ministers, £154 16s. 8d.; other members, £433 10s. 8d.; officers, nil; total, £588 7s. 4d.

**ASSENT TO BILL.**

Message from the Administrator received and read notifying assent to Supply Bill (No. 3), £1,370,000.

**STANDING ORDERS SUSPENSION.**

**THE MINISTER FOR LANDS** (Hon. C. G. Latham—York) [4.37]: I move—

That so much of the Standing Orders be suspended as is necessary to enable messages from the Legislative Council received at this sitting to be taken into consideration forthwith, and also to permit of the remaining stages of the Reduction of Rents Bill, the Dried Fruits Act Continuance Bill, and the Fire Brigades (Sinking Fund) Bill, and all stages of the Fremantle Municipal Tramways and Electric Lighting Act Amendment Bill, to be passed at this sitting.

Mr. SPEAKER: I have counted the House. There is an absolute majority of members present.

Question put and passed.

**BILL—REDUCTION OF RENTS.**

Report of Committee adopted.

*Third Reading.*

Bill read a third time, and transmitted to the Council.

**BILL—DRIED FRUITS ACT CONTINUANCE.***Second Reading.*

**THE MINISTER FOR AGRICULTURE** (Hon. P. D. Ferguson—Irwin-Moore) [4.39] in moving the second reading said: This Bill to continue the operation of the