

Mr. LATHAM: The Government have put up no defence of their action. Whatever defence they have put up is a very weak one. What they should have done was to have brought down a Bill, and have this man released by legislative act.

The Minister for Works: Fancy trusting members of another place, who have themselves been guilty, to pass that legislation.

Mr. LATHAM: During the past 18 months two Bills have been brought down to provide legislative relief to a member of another place.

Mr. SPEAKER: I do not think the Leader of the Opposition is in order in introducing a new subject in his reply.

Mr. LATHAM: That is what the Government should have done. They have not put up any defence.

The Minister for Justice: It was a proper exercise of their duty.

Mr. LATHAM: It was not, and they have not justified it. Rather have they clouded the issue by trying to make this House the judges of a case which has already been decided before a magistrate.

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

Ayes	..	..	..	..	18
Noes	..	..	..	..	24

Majority against 6

AYES.

Mr. Brockman	Mr. Piesse
Mr. Ferguson	Mr. Sampson
Mr. Griffiths	Mr. Seward
Mr. Keenan	Mr. J. H. Smith
Mr. Latham	Mr. Stubbs
Mr. McDonald	Mr. Thorn
Mr. McLarty	Mr. Warner
Mr. North	Mr. Welsh
Mr. Patrick	Mr. Doney

(Teller.)

NOES.

Mr. Clothier	Mr. Moloney
Mr. Collier	Mr. Nulsen
Mr. Coverley	Mr. Raphael
Mr. Cross	Mr. Rodoreda
Mr. Cunningham	Mr. Sleeman
Mr. Hawke	Mr. F. C. L. Smith
Mr. Hegney	Mr. Tonkin
Miss Holman	Mr. Troy
Mr. Johnson	Mr. Wansbrough
Mr. Kenneally	Mr. Willcock
Mr. McCallum	Mr. Wise
Mr. Millington	Mr. Wilson

(Teller.)

Question thus negatived.

House adjourned at 10.23 p.m.

Legislative Council,

Thursday, 6th September, 1934.

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

LEAVE OF ABSENCE.

On motion by Hon. J. Nicholson, leave of absence for 12 consecutive sittings granted to Hon. L. B. Bolton (Metropolitan) on the ground of urgent private business.

BILL—FORESTS ACT AMENDMENT.

Second Reading.

THE CHIEF SECRETARY (Hon. J. M. Drew—Central) [4.38] in moving the second reading said: This is the usual annual measure necessary to ensure the continuance of previous amendments to Section 41 of the Forests Act, 1918. Section 41 provides that three-fifths of the revenue of the Forests Department shall be allocated to the reforestation fund.

Hon. G. W. Miles: We have heard that before.

The CHIEF SECRETARY: In 1924 sandalwood revenue was excluded from that fund, but provision was made whereby 10 per cent. of the revenue obtained directly from sandalwood, or £5,000, whichever was the greater, should be paid into a special sandalwood reforestation fund, and this procedure was continued until 1930. It was found that this money was not required for sandalwood purposes, and in 1930 a Bill was introduced and passed, authorising payment of the whole of the revenue from sandalwood to the Consolidated Revenue Fund. A continuance Bill for this purpose has been presented and passed each year since 1930, and the purpose of this measure is to continue that practice for another year. The balance remaining in the fund at present is £1,238, as compared with £2,827 last year.

In all, 1,393 tons of new sandalwood were obtained during the year 1933-34, and 2,508 tons were exported. In the same period 20,255 lbs. of sandalwood oil was distilled and 21,897 lbs. were exported. The total revenue from sandalwood amounted to £13,918 for the year. Experience has proved that money cannot usefully be expended in reforestation of sandalwood, and no new planting has been carried out. Many experiments have been made, but without success. Rabbits are particularly destructive of the small plants. Stock trample down and eat them, so that in order to secure success at all it would be necessary to fence in the plants to preserve them. In view of this, it is inadvisable to pay money into the fund when it cannot be utilised for the purpose for which it was formerly set aside, and it is now proposed to take that money into Consolidated Revenue for another year. I move—

That the Bill be now read a second time.

HON. J. CORNELL (South) [4.43]: I do not oppose the Bill, but I think the time has arrived when the position should be sorted out. The necessity for the measure arises from the provisions of the Forests Act of 1918, in which it is set out, *inter alia*, that a certain proportion of the royalty derived from the sale of forest products shall be devoted to reforestation. Sandalwood is included under that heading, and I believe this is about the ninth Bill that has been placed before us with the object of authorising the payment of a proportion of the royalty into Consolidated Revenue instead of being placed in the sandalwood fund. The time has arrived when we should amend the Forests Act and exclude sandalwood. In effect, that is the object of the Bill.

Hon. G. W. Miles: The money should go into the reforestation fund and not into Consolidated Revenue.

Hon. J. CORNELL: For many sessions past we have been asked to pass a Bill similar to the one now under consideration, to authorise the money that normally would be used for the reforestation of sandalwood, being paid into Consolidated Revenue. Surely the time has arrived when we can say whether the reforestation of sandalwood is a practical possibility. If it is not, the Act should be amended accordingly, and that would obviate the necessity for such Bills being introduced annually. I think the Chief

Secretary will bear me out in my contention that that is the position. We are told it is impossible to grow sandalwood. If that is so, why bother about it?

Hon. G. W. Miles: Let the money be used for the reforestation of other timbers. That was the intention of the Act.

Hon. J. CORNELL: That was the intention, but for some years we have been asked to permit the whole lot to be taken into Consolidated Revenue. The time has arrived to decide whether all or none of it should be taken into Consolidated Revenue.

On motion by Hon. H. Seddon, debate adjourned.

PAPERS—FIRE BRIGADES BOARD.

Dismissal and Reinstatement of H. P. Phillips.

Debate resumed from the previous day on the following motion by Hon. H. Seddon:—

That all papers dealing with the dismissal and reinstatement of H. P. Phillips, of the Victoria Park Fire Brigade Station, by the Fire Brigades Board, be laid on the Table of the House.

THE HONORARY MINISTER (Hon. W. H. Kitson—West) [4.46]: If the House so desires, I have no objection to tabling the papers.

Question put and passed.

BILL—MORTGAGEES' RIGHTS RESTRICTION ACT CONTINUANCE.

Second Reading.

THE HONORARY MINISTER (Hon. W. H. Kitson—West) [4.47] in moving the second reading said: This is one of several measures that it is necessary to introduce in the form of continuance Bills. It is one of the most important agreed to at the time the financial emergency legislation was passed, and I consider it has proved of great value to many people. Since the Act came into operation in 1931, 407 applications have been granted, 17 applications refused, 28 temporary orders have been made, 180 applications have been adjourned *sine die*, and 10 applications are pending. Up to a year ago 140 applications

had been granted, 2 applications refused, 3 temporary orders made and 47 applications adjourned sine die. The Act, I believe, has met with the approval of all sections of the community and the intention is to extend its operation until December, 1935. I move—

That the Bill be now read a second time.

HON. J. J. HOLMES (North) [4.50]: I do not oppose the second reading. I agree with the Honorary Minister that this legislation has served and is serving a good purpose. It will be remembered that we passed similar legislation last year dealing with reduction of rents, tenants, purchasers and mortgagors' relief and mortgagees' rights restriction, and that conflict occurred with another place over the Financial Emergency Act, which Act provided for the reduction of mortgage interest. At one stage we had passed all the former Bills, but not the latter, and people were in the position of having had their rents reduced 22½ per cent., whereas, if the Financial Emergency Act had not been passed, they would have had to pay the original rate of mortgage interest. I suggest that we take the smaller measures up to the third reading stage, and then after we have finalised the Financial Emergency Act, the third readings can be passed.

HON. H. S. W. PARKER (Metropolitan-Suburban) [4.52]: I do not oppose the second reading, but point out that the figures quoted by the Honorary Minister really convey nothing. At present the onus is on the mortgagee to take proceedings, and he has to bear the brunt of the expense whether he is successful or otherwise. Many cases have been settled without making application to the court. In that way the Act has proved beneficial. The measure was passed originally to rectify certain abuses that it was thought might, and in some cases did, arise through action by mortgagees. Those abuses no longer exist, but the mortgagors are now abusing the Act. Let me give one or two instances that have come under my notice. A man in possession of a house has allowed £50 arrears of rates etc. to accumulate. The money lent on mortgage was trust money, but it was difficult to prove that the beneficiaries under the trust were suffering hardship. The mortgagor was not deserving of any consideration, but the property happened to

be his residence and he allowed the place to go to wrack and ruin. An order was made by the court, not to sell the property but to give possession, and the mortgagee has to pay all the rates and taxes and manage and maintain the property, while the mortgagor will eventually claim all the benefit of the work done by the mortgagee. In another instance a house is being purchased on time payment. The purchaser is only partially employed, but members of the family are earning a considerable amount. He has allowed the place to go to wrack and ruin. The vendor has not been able to swear an affidavit that he is impecunious and that the money is really required. If it should be thought necessary next year to extend the operation of the Act still further, I hope the Government will take into consideration the fact that the abuses are now arising from the action of mortgagors in taking advantage of the Act. The difficulty could be met by placing the onus for seeking relief on the mortgagor instead of on the mortgagee. That would have a beneficial effect, because the mortgagor and not the mortgagee would have to explain his position. Perhaps even later in this session the Government could consider the incidence of the Act and arrange to introduce amendments.

HON. J. NICHOLSON (Metropolitan) [5.56]: The instances quoted by Mr. Parker are illustrative of many difficulties that confront mortgagees. Cases of considerable hardship somewhat similar to those he has quoted have come under my notice. A party occupying a house that had been mortgaged a good many years ago allowed the interest to accumulate, and the value of the property depreciated through his wilful neglect. Owing to the leniency extended by the mortgagee, the value of the property declined until it was hardly sufficient to enable the mortgagee to recover the principal and interest owing. Many mortgagees incur the expense of taking proceedings under the Act, but this mortgagee, although not justified, arranged to make a certain payment to the mortgagor on condition that he vacated the property, and the mortgagee came out of the bargain a very much poorer man than when he made it. Many of the applications made to the court have been due to the patience of the mortgagees having become exhausted because of the action of the mortgagors. The mortgagees have been driven by sheer neces-

sity to approach the court. We should bear in mind that, when the legislation was originally introduced in another place, it provided that applications to the court for relief should be made by the mortgagor, not by the mortgagee. I consider that the continuance of the Act is not as essential as the Honorary Minister would lead us to believe, and it is for this House to decide whether some of the provisions should be continued.

Hon. J. J. Holmes: Can we amend it?

Hon. H. Seddon: Do not you think the time has arrived when the whole of the emergency legislation should be revised?

Hon. J. NICHOLSON: I do. The considerable improvement in conditions generally serves to emphasise the fact, as Mr. Seddon has pointed out, that we should revise the whole of the emergency legislation.

Hon. G. W. Miles: We are not out of the wood yet by any means.

Hon. J. NICHOLSON: I am not saying whether we are or whether we are not, but I do say that we are in a very different position from what we were in when this legislation was first introduced, and I do not think for one moment that this Act should continue in its present form, that is, making it a responsibility of the mortgagee to take the proceedings, because the mortgagee, before he can move to attempt to exercise any power under his mortgage must go to the court. I agree with Mr. Seddon's suggestion that we should consider seriously the advisableness of continuing a lot of these measures or if we are going to continue them, whether they should not be presented in a somewhat modified or amended form. We cannot say that the conditions prevailing to-day are similar to the conditions that existed when the legislation was first submitted. That being so, the whole position should be inquired into. Mr. Holmes suggested the consideration of all these Bills together.

Hon. J. J. Holmes: Yes, take them up to the third reading stage.

Hon. J. NICHOLSON: I am inclined to oppose the second reading of this particular Bill, and I will leave it to members to determine whether there should not be a general inquiry, as Mr. Seddon suggested.

On motion by Hon. H. Seddon, debate adjourned.

BILL—REDUCTION OF RENTS ACT CONTINUANCE.

Second Reading.

THE HONORARY MINISTER (Hon. W. H. Kitson—West) [5.5] in moving the second reading said: This is another of the financial emergency Bills which it is necessary to extend for a further period of 12 months. As members are aware, by the principal Act rents were reduced by 22½ per cent., provided tenancies were not determinable in a lesser period than one month. The Act only applies to tenancies which were in operation when the Act first came into force, namely April, 1931, or to any renewals thereof. The Act now in existence will continue in force until the 31st December this year, and the Bill provides for an extension of that period to the 31st December, 1935. For the information of members, I might say that during last year 18 applications were granted under the Act and there are at present three applications pending. I move—

That the Bill be now read a second time.

HON. J. J. HOLMES (North) [5.7]: The position at the present time is such that in some instances landlords have given a far greater reduction than 22½ per cent.

Hon. W. J. Mann: They have given the whole lot in some cases.

Hon. J. J. HOLMES: Although this House was led to believe that this was part of what is known as the Premiers' Plan, it transpired afterwards that it was nothing of the kind. Reduction of rents was never included in the Premiers' Plan, but it came about automatically. There are some heart-rending cases that can be instanced. I know of one case of premises in the city where the landlord, prior to the coming into force of the Act, reduced the rent by 25 per cent. Subsequently the tenant claimed that he was entitled under the Act, to a further reduction of 22½ per cent.

Hon. H. Seddon: I can quote a similar case.

Hon. J. J. HOLMES: The tenant took it before a judge but the judge said there was another tribunal, the Commissioner. In due course the tenant went before the Commissioner, but the Commissioner held that the 25 per cent. reduction granted voluntarily was sufficient without the additional reduction claimed by the tenant. The House

should do as I have suggested, that is, take this and the other Bills up to the third reading stage. Having fixed up everybody, landlords, mortgagees and others, if the Government come along at the eleventh hour with a Bill to increase the remuneration of some person, we shall be put in a very difficult position. For that reason I suggest that we should take this and other similar Bills up to the third reading stage only.

On motion by Hon. J. Nicholson, debate adjourned.

ADJOURNMENT—SPECIAL

THE CHIEF SECRETARY (Hon. J. M. Drew—Central) [5.9]: I move—

That the House at its rising adjourn until Tuesday, the 18th September.

Question put and passed.

House adjourned at 5.10 p.m.

Legislative Assembly,

Thursday, 6th September, 1934.

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

QUESTION—GEOPHYSICAL SURVEY COY. (W.A.) LTD.

Mr. F. C. L. SMITH asked the Premier: 1, Are the Government aware that an investigation is being made in the Eastern States and New Zealand into the bona fides of questionable company promotions? 2, Will the Government take steps to protect investors in Western Australia from being made the victims of similar concerns? 3, Will the

Government review and inquire into the objects of a company known as the Geophysical Survey Company (W.A.), Ltd., having a registered office in this State? 4, Will the Government inquire as to whether this company has a bona fide option over an instrument called "The Electric Theodolite"? 5, Will the Government inquire as to whether there is such an instrument in existence? 6, Will the Government institute an inquiry into allegations that are being made that an agent of this company induced investors to take shares in the company by misrepresentation, such alleged misrepresentation being—(a) that the company had a contract with the Lady Gladys Mining Co. to prospect its leases with the "Electric Theodolite"; (b) that the Great Boulder Perseverance G.M. Co., Ltd., leases were to be similarly prospected by arrangement between the two companies; (c) that the Western Mining Corporation were also interesting themselves in the "Electric Theodolite" to have their leases prospected? 7, Can steps be taken to protect shareholders against being called upon to make further payments on liabilities incurred under contracts to take shares in the Geophysical Survey Company (W.A.), Ltd., until the above inquiries are made?

The **MINISTER FOR WORKS** (for the Premier) replied: 1, Newspaper references to this subject have been noticed. 2, 3, 4, 5, 6, 7, These matters will receive consideration.

QUESTION—CREMATORIUM PROJECT.

Mr. FERGUSON asked the Minister for Health: Is it the intention of the Government to take any steps towards the establishment of a crematorium under the provisions of the Cremation Act, 1929?

The **MINISTER FOR WORKS** (for the Minister for Health) replied: Not at present. The Minister for Health will receive representations from the Cremation Society on this matter in the near future.

QUESTION—AGRICULTURAL BANK TRUSTEES.

Reply to Royal Commission.

Mr. LATHAM (without notice) asked the Minister for Lands: Does he intend to have printed the reply of the Agricultural Bank