

cuted he waits for the accuser to prove that he is the grower, and then he in turn can offer his proof that he is not the grower. What the Minister wants is that the inspector may accuse the man first, and that the man shall then defend himself.

Mr. Moloney: What else would he do?

Mr. MARSHALL: The hon. member has been about 10 minutes in Parliament and knows all about these things. A principle is contained in this that I have always fought against. I will ask no person to be obliged to go into court to prove his innocence because someone makes a charge against him. Let the accuser first prove his own case! If these words are struck out, and a person is deemed to be the grower or packer and is charged with an offence as such, will not the accused person have the right to defend himself?

Mr. Moloney: He is not prevented from doing so.

Mr. MARSHALL: Into only two Acts has a provision of this nature been admitted.

Hon N. KEENAN: I am not in charge of the Bill, but I assume the Minister's permission to reply to the member for Murchison. If the clause is passed as printed, the effect will be that a person whose name is marked on the outside of the case as the grower or packer of fruit will be *prima facie* deemed to be the grower or packer, but will have the opportunity of proving that he is not. If the clause is passed in the form suggested by the member for Murchison, the grower or packer whose name is marked on the outside of the case as the grower or packer will be deemed to be the grower or packer of such fruit; and that means, conclusively. The fact that the name is on the outside will then be conclusive, and not *prima facie* evidence at all. Probably the defendant might be permitted by the magistrate, notwithstanding such extraordinary language, to prove his innocence; but strictly the language would be conclusive. If the member for Murchison desires, as I know he does, that innocent persons shall have every opportunity to prove their innocence, his amendment will not have that effect, but the very opposite. The effect of the retention of the words will be to protect the innocent.

Mr. WISE: Why should the grower or packer alone be responsible? The grower or packer may be a re-packer.

Mr. Latham: There is provision made for the re-packer already.

Mr. WISE: Then the whole clause is unnecessary.

Amendment put and negatived.

Clause put and passed.

Clause 5, Title—agreed to.

Bill reported with amendments.

House adjourned at 9.17 p.m.

Legislative Council,

Wednesday, 4th October, 1933

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

BILL—WILUNA WATER BOARD LOAN GUARANTEE.

Read a third time and *passed*.

BILL—TENANTS, PURCHASERS AND MORTGAGORS' RELIEF ACT AMENDMENT.

Second Reading.

Debate resumed from the previous day.

HON. H. SEDDON (North-East) [4.35]: It is rather interesting to review the legislation that is being continually brought forward arising out of the depression, and to refer back to the report of the select committee that dealt with the Act that will be amended by the Bill before the House. In the course of their report, the members of the select committee made strong reference to the effect that the measure would

have on the then difficult situation regarding housing. It was pointed out that there was a serious danger of creating a form of moratorium that would re-act in the restriction of credit. Further reference was also made to the fact that the legislation represented a measure of expedience, and the committee recommended the passage of the Bill to enable the Government to consider their position, which was pressing at the time, with a view to meeting the demands that were made upon them owing to hardships arising from unemployment. Since then the legislation has been re-enacted from year to year, and we now have another Bill before us for that purpose. We find, however, that, after the Act has been in operation for three years, the Bill includes a proposal to eliminate one of the vital sections of the measure, which distinctly provided that it was to apply only to such instruments as were in operation at that time. Section 24, which the Bill proposes to amend, reads—

The parties to any contract made or entered into after the date of the commencement of this Act may exclude the operation thereof as between themselves; but this Act shall be operative and have effect notwithstanding the terms of any contract made or entered into before such date.

Mr. Nicholson covered the ground thoroughly when he pointed out that whatever had transpired since the passing of the Act, such commitments had been entered into by both parties with their eyes open, and it would be extremely unfair, from that standpoint alone, for us to bring instruments that were executed in such circumstances, under the Bill now before us for consideration. Such a proposal would be hard to justify. While it may be contended that there was some need for the passing of the original Act—terms of contract of sale and tenancy at that time had been made during a period when money was plentiful and the depression placed many of those concerned in an embarrassing position—subsequent transactions have been entered into with a full knowledge of the position, and it would be grossly unfair to interfere with such documents. At the time I refer to, expressions of opinion were advanced as to the serious effect of legislation of this description, and I think those opinions have been more than justified by results. It would be interesting to know just how many dwellings have been

erected since 1930 for the purpose of letting. How many people have looked upon such undertakings as a sound form of investment since the principal Act became operative?

Hon. A. Thomson: I do not think many have done so.

Hon. H. SEDDON: I do not think so, either. For that reason I believe that the opinions expressed at the time have been shown by the experience of the community in the interim, to have been more than justified. The Act has had an adverse effect upon the erection of houses for tenancies. Another point raised at the time was that the erection of houses for tenants was peculiarly a field for the small investor. Hardships have been experienced by that class of investor as the result of the passing of the principal Act more than by any other section of the community. Consequently I am inclined to say that the time has arrived when we should seriously consider, not the introduction of a new clause to affect the operation of Section 24, but whether the Act as a whole should not be allowed to lapse. Some of its effects cannot be regarded as desirable. When he moved the second reading of the Bill, the Minister pointed out that certain tenants had endeavoured to obtain possession of houses and could not do so without first entering into agreements recognising the effect of this legislation. Is it not obvious that whereas the Act was passed to protect people who, owing to the depression, found themselves unable to pay rent, some members of the community—I do not say they represent a large number—have been inclined to take advantage of the latitude allowed by legislation of this description. Yesterday I asked the Chief Secretary if he would make available the report of the Commissioner charged with the administration of the Act. The reply furnished by the Minister was that no such report was available, but that there were certain comments that had been occasioned in connection with the operations. It would be interesting to know what opinions have been expressed by those charged with the administration of the Act, because it is possible that their opinions would have considerable influence upon the House in arriving at a decision as to whether the Act should continue in force. As I have already indicated, I believe the time has arrived when we should seriously con-

sider the discontinuance of the Act altogether. Certainly I am opposed to the suggested interference with Section 24, because I think it would be vicious in its effect upon the class of investient to which I have already referred. There is one feature of the Act that does require further consideration, and that leads me to think that we may possibly be justified in allowing the Act to continue. The feature I have in mind relates to persons who are purchasing their homes under time-payment agreements. Undoubtedly the Act has had a beneficial effect with regard to those people, and if its repeal would jeopardise their position, there may be grounds for allowing this legislation to continue for another 12 months. Apart from that aspect, I cannot see that any good purpose would be served by allowing the Act to continue, because it appears to me that there have been some undesirable results from this legislation. I oppose the Bill.

HON. SIR CHARLES NATHAN (Metropolitan-Suburban) [4.45]: This simple Bill before us provides for the continuance of the Act, but as has been pointed out, it also seeks to introduce a new principle that requires consideration. I am of opinion that the Act has done a certain amount of good; in fact it is hard to imagine what the results would have been had the Act not been in force. We have to bear in mind that this and other emergency legislation followed on a period of inflation which had caused many people to step a little further than they would have done in normal conditions and to incur liabilities and assume obligations which, had they been compelled to carry them out, would, in many instances, have proved impossible. Consequently the Act has accomplished a certain amount of good, although I think members realise that there followed a period of extreme difficulty for many people—such difficulty as must inevitably arise as a result of any interference with the ordinary course of trade and commerce. After a time, conditions settled and the hardships undoubtedly imposed upon some people were gradually overcome, and I think that, taking it all in all, the amount of good the Act has done more than compensates for the harm and disabilities occasioned. The proposal to introduce a new principle, however, will create a condition of affairs that to my mind

borders on the immoral, because Section 24 of the Act specifically legislated for this phase. Section 24 reads—

The parties to any contract made or entered into after the date of the commencement of this Act may exclude the operation thereof as between themselves; but this Act shall be operative and have effect notwithstanding the terms of any contract made or entered into before such date.

Prevailing conditions, I consider, are not worse than were those at the time the Act was framed and passed, and people who have entered into obligations since that time have done so with their eyes open. Again, there may be some cases of hardship through people having since entered into agreements which they now cannot carry out, but in the main the bulk of the people have known fully the conditions under which they were making fresh contracts. I do not think that at the present stage we should do anything to throw the community once more into a state of unrest by altering existing conditions as is proposed by this Bill. The only course to adopt, I think, is to agree to the second reading, but in Committee to vote for the excision of the objectionable clause.

HON. G. FRASER (West) [4.50]: I support the second reading because I know of many hardships that the Bill is designed to overcome. One of the greatest hardships experienced since the passing of the Act has been that inflicted upon persons renting homes. Though the discussion in opposition to the Bill has been directed towards contracts mainly for the purchase of homes, the chief idea of the Bill is to overcome the contracting-out that has been indulged in by land agents.

Hon. J. J. Holmes: It is not a matter of contracting-out; it is a matter of new contracts.

Hon. G. FRASER: It is contracting-out. Ever since the Act has been in operation, before a person could rent a house, he has had to sign an agreement that he would not endeavour to obtain the protection of the Act. That is nothing more or less than contracting-out. It is impossible for anyone in the metropolitan area to obtain a home unless he can show a clearance from his previous landlord and unless he signs a contract undertaking not to endeavour to obtain the protection of the Act.

Hon. J. J. Holmes: If such contracts are signed, they are not worth the paper on which they are written.

Hon. G. FRASER: But they are. Any person who has signed such a document at any time and who endeavours to obtain from the court protection against eviction is immediately informed that his case cannot be heard, because he has signed a contract undertaking not to avail himself of the protection of the Act.

Hon. W. J. Mann: That is a provision of the Act.

Hon. Sir Charles Nathan: Yes, a definite provision.

Hon. G. FRASER: Almost every day of the week cases of hardship come under my notice. People are forced to sign such documents; otherwise they are unable to obtain houses to live in.

Hon. Sir Charles Nathan: The Act specifically provides that they can do so.

Hon. G. FRASER: Nearly every day in the week people come to us requesting us to endeavour to get homes for them.

Hon. J. J. Holmes: No one will build homes for them under the conditions you propose.

Hon. G. FRASER: That may be so, but unless protection is afforded, such people will be without homes. I do not know what is going to become of some of the unfortunate people who, through no fault of their own, are unemployed. Many of them have occupied their homes for many years and have been good tenants, but through the misfortune of unemployment, they have fallen a little behind in their rental payments and are threatened with eviction.

Hon. A. Thomson interjected.

Hon. G. FRASER: There is not much difficulty on that score because most people are as much afraid of the laws of the country as ever they were. They have applied to the court for protection, and the court, in most instances, has granted about a month's exemption. At the end of the month, if their position has not improved, they may make further application, but not many of them get a further extension. Meanwhile they have been unable to obtain employment or to pay their rent. Most people, when they get a month's protection, endeavour to find another home, but when they apply for a house, they are asked to sign an agreement not to endeavour to obtain the protection of the Act. If the protection prescribed in the Bill is not granted, what is to become of

them? Are they to be thrown into the streets? To-day I had brought under my notice a case in which the householder's goods and chattels were thrown into the street. The agents were implored to allow the people to remain for the night, at least. The health of the woman was such that in a few weeks' time she will have to go to hospital. What chance have such a family of getting another home? If an agent is prepared to let them have a house, they must undertake not to avail themselves of the protection of the Act. I realise that the problem from the landlords' point of view is serious, but whereas it means to the landlord a loss of only a few shillings rent, it means to the unfortunate tenants the absolute loss of a home.

Hon. A. Thomson: It may mean the loss of a house.

Hon. G. FRASER: In some instances the loss may be serious to the landlord, but in many instances his loss is not to be compared with the loss of shelter to a man, his wife and family. I go so far as to say that quite a number of landlords have acted remarkably well towards their tenants during the last two or three years. They have stuck to tenants who have found themselves in an unfortunate position through unemployment. The amendment is designed to protect tenants from those landlords who are not so high-minded, but who are prepared at all times to take advantage of tenants, no matter in what position they may be placed. I only wish that other members had had the experience of such cases that I have had during the last two or three years. If they had had such experience, I am sure their vote would be cast for the Bill. I hope members will seriously consider the amendment because of the great good it will confer upon people in distress.

HON. H. V. PIESSE (South-East) [4.59]: I certainly oppose the amendment proposed in the Bill. Having listened to Mr. Fraser, I can give quite a number of instances from country districts. I have in mind a young man who arrived in the town in which I live and rented a house through my agent. He did not pay any rent, apart from 5s. deposit, for at least three months and then he applied to the court and secured two months' exemption. The owner of the house, a lady, was dependent on the rent. Her income was derived from rents of house-

in that town and it had dwindled to one-fourth of the amount she previously received. The Act has been most useful, and helpful. I have received a letter from a man in the country who has asked me to refer to the Bill. He states that he purchased a house in Perth and his agents have not been able to collect the rent, and through that he cannot meet his obligations, his own life insurance obligations, for instance, and he wants to know what recourse he has. We know very well that the tenant can be put out of the house. Grave hardships from time to time are apparent, but I do not think the average landlord or his representative would take the action suggested by Mr. Fraser. We know that in the country considerable sums of money are owing to different agents, but I have never known a woman to be turned out of a house without provision having been made to afford her accommodation in a home of a lower value, or relief being given her in some other form. When the Act was first passed, a person came to me to arrange for a mortgage. I definitely pointed out that it was impossible to arrange for a mortgage unless it was done under the existing law, and interest fixed at a certain rate. It was hopeless to expect to get in the retrospective business such as the Bill provides for. When the Bill reaches the Committee stage, I shall oppose the clause in question.

THE HONORARY MINISTER (Hon. W. H. Kitson—West—in reply) [5.3]: I agree with Mr. Cornell that the Bill is essentially one for discussion in Committee rather than on the second reading, but in view of the fact that so many members have expressed their views with regard to the amendment affecting Section 24 of the Act, it is desirable that I should reply to some of those remarks. The amendment is commonly known as the contracting-out section; it has been referred to in that way by everyone who has spoken; and there can be no question about it, many members have expressed strong disapproval of the amendment proposed in the Bill. Members have used very strong terms; they have described the amendment as drastic, restrictive, unjustifiable and it has also been classed as repudiation and a form of confiscation, whilst this afternoon Sir Chas. Nathan said it was immoral.

Hon. Sir Charles Nathan: I said immoral.

The HONORARY MINISTER: I understood the hon. member to say immoral. I am wondering what there is in the amendment to justify the use of such strong terms.

Hon. J. J. Holmes: Do you mean to say you do not know?

The HONORARY MINISTER: In 1930, when the parent Act was agreed to, we were only just commencing the period of depression, and at that time there were members who were optimistic rather than pessimistic as to the future. I do not know that many members gave a thought to the times that we were going through, extending over a period of three or four years or longer. Some suggested that within 12 months or two years we would turn the corner, and everything would be booming again. Unfortunately, however, those predictions have not been borne out by events. Now we find ourselves in the position with regard to this Act that those who were in possession of homes as tenants in 1930 are protected, and those who have gone into homes since that date have no protection whatever in the event of their becoming unemployed and being without means to enable them to meet their obligations. During that period there have been hundreds of cases of real hardship inflicted upon those people who through no fault of their own found it impossible to pay their rent. This arises from the fact that in a majority of cases the landlord or the agent has taken advantage of that particular section in the Act which says that the parties may contract themselves outside the scope of the Act, and instead of its being the exception it has become the rule. During that period of three years, a great number of people who have been unemployed have had a harder time than those who were unemployed in the year 1930, and consequently, whilst the Act was introduced to provide protection for people who through unemployment were unable to meet their obligations, the larger number of people who have been affected since that date have, in almost every case, found it impossible to secure legal protection. Mr. Fraser referred to one or two recent cases. I could also quote a large number of cases that I have had to handle during the past couple of years particularly, or I should say until the last few months while I have been occupying my present position. My experience has been that whilst there are a few landlords

and a few agents who are quite prepared to be reasonable in cases of this kind, there are many who at all times will take advantage of every point in their favour, and that has been done, I know, in hundreds of cases. I have heard members say that we should endeavour to do what we can for the unemployed; and in this particular case it is one way whereby we can at least show to those people that we are prepared to do what we did three years ago, that we are anxious to do what we can for those who find themselves in unfortunate circumstances. I suppose the greater percentage of those who are unemployed are unemployed through no fault of their own, and, as I pointed out when I moved the second reading of the Bill, there are many people who have been compelled to move from one district to another on account of the avocation they follow. And whether they liked it or not, they have had to sign the document which took from them any right or protection they might have had. We now say to the man out of employment that he should take whatever employment is offered to him. If he is a man with a family, naturally he desires to live as close to his work as possible, and it may be—I know it has been so in several cases—that his family has had to leave the house where they have had the protection of the Act, because they were in that house prior to the Act coming into operation. From that house they have been obliged to go to another where they had no protection. Notwithstanding that their record was good, they simply had to sign the document to the effect that they would not take advantage of the Act, if they were allowed to remain there as tenants. The Commissioner appointed under the Act has to be a magistrate, and he has to take into consideration the circumstances of both parties, the landlord and the tenant. Surely we can leave it to him to be fair in these matters. I know of applications made to the Commissioner where he has been prepared to give not more than seven days' grace simply because he was not satisfied with the case put up. In a very few instances has protection been granted on a second application for a longer period than a few weeks. There have been a few cases where the maximum protection has been given, but it has been given only after due examination of the case from both points of view. Therefore, it seems to me to be

particularly hard when we say we are not going to give any member of the community the right of protection of this kind except to those who were in possession of their homes prior to the Act coming into operation. I realise how serious it can be for some landlords, and I can appreciate the position mentioned by Mr. Piesse. I can say without exaggeration that there are many scores of cases of which I have had intimate knowledge in the last three years, in respect of which the Commissioners who have dealt with them have been extremely fair, and that in the majority of those cases the landlords concerned have been quite prepared to stand by the decision given. Therefore I trust that when the Bill reaches the Committee stage members will give a trial for 12 months to the clause to which they now take exception. I do not think it can have any effect whatever upon the construction of houses.

Hon. G. W. Miles: What about mortgages?

The HONORARY MINISTER: I doubt whether there has been much business done in that direction in the last few years.

Hon. G. W. Miles: I know there has been.

The HONORARY MINISTER: I cannot say that I have had too much experience of mortgages, but in any event I can assume quite rightly that if the security is there, there should be no difficulty with regard to advancing money in these cases. However, I do not propose to say any more at this stage. The Bill is one that could very well be favourably considered by members, and I trust that when it gets into Committee, members will view it in a better light than they have done on the second reading.

Question put and passed.

Bill read a second time.

In Committee.

Hon. J. Cornell in the Chair; the Honorary Minister in charge of the Bill.

Clause 1—agreed to.

Clause 2—Amendment of Section 24: Prohibition of contracting out:

Hon. J. J. HOLMES: We have heard a good deal about the injustice inflicted by landlords on tenants, but I know well that

landlords have suffered to a much greater extent than have the tenants. In many instances rents have come down by from 14 per cent. to 16 per cent. during the past few years, and even so, in Perth at the present time rents are at least £50,000 in arrears. In some instances a landlord owning property consisting of a semi-detached cottage lives in the one and lives on the other, but has not been able to collect his rent. The hardships amongst that section of the community have not been told, but will make a pathetic story when they are told. We have had members criticising the landlord because he does not provide a home for the tenant. The Government do not notify the grocer that he must find the tenants in food, nor the butcher that he must find them in meat, nor the baker that he must find them in bread; no, the Government make other provisions for those requirements, but expect the landlord to provide homes for the tenants.

Hon. H. V. Piesse: And pay his interest on his mortgage.

Hon. J. J. HOLMES: Yes. The Act has served a very useful purpose in relieving people of responsibilities unexpectedly thrown upon them; but since the passing of the Act fresh contracts have been made, and while a few hardships have been inflicted, surely we cannot legislate for isolated cases.

Hon. G. Fraser: There is nothing isolated about them.

Hon. J. J. HOLMES: The proposed revival of the building trade will be a dead letter if this clause goes through. Houses being built to-day are being built, not by landlords for prospective tenants, but by speculative builders for people to purchase on time payment.

Hon. C. F. BAXTER: If the amending clause be agreed to, Parliament will be standing behind those who want to dishonour agreements. The House took a drastic step when it passed the principal Act, but there were strong reasons for it, for previous contracts and agreements had been made on the assumption that times would continue normal. So when the depression swooped down upon us, Parliament agreed to protect those people who had entered into agreements and contracts. But it is now proposed so to amend the Act that those people who have entered into agreements and contracts since the passing of the Act shall be protected. It is asking Parliament to assist those people

to dishonour their obligations, for contracts entered into since the passing of the Act have been entered into with a full knowledge of the times and conditions.

Hon. G. Fraser: Quite a number of those who have entered into agreements were told to take it or go without.

Hon. C. F. BAXTER: There always have been cases of suffering and, as Mr. Holmes has said, there has been a great deal of suffering amongst people who have put their life savings into a little property with a view to providing for their old age. I hope the clause will be rejected.

The HONORARY MINISTER: The Act could not be blamed for the cases mentioned by Mr. Holmes. If the landlord could not get his rent it was not on account of the Act, for had he made application to the Commissioner, the protection granted to the tenants would have been so limited that it could not have spelt hardship to the landlord.

Hon. J. J. Holmes: Why do not you produce the Commissioner's report?

The HONORARY MINISTER: Because the Act does not provide for a report, and so there is not one available. As for Mr. Baxter's statement that this amendment is designed to stand behind people who desire to dishonour agreements entered into, it is on a par with many other statements made by the hon. member and is not worth two minutes' consideration. If a man through unemployment cannot meet his obligations, is there anything dishonourable about that? If a few of the members of this Chamber had had a little more experience of the sufferings of the unemployed, they would not regard this measure as, evidently, they do.

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

Ayes	..	..	..	..	4
Noes	..	..	..	..	15
Majority against					11

AYES.

Hon. J. M. Drew	Hon. C. B. Williams
Hon. W. H. Kitson	Hon. G. Fraser

(Teller.)

NOES.

Hon. C. F. Baxter	Hon. J. Nicholson
Hon. J. T. Franklin	Hon. H. V. Piesse
Hon. E. H. Harris	Hon. E. Rose
Hon. J. J. Holmes	Hon. H. Seddon
Hon. W. J. Mann	Hon. A. Thomson
Hon. G. W. Miles	Hon. Sir E. Wittenoom
Hon. R. G. Moore	Hon. L. B. Bolton
Hon. Sir C. Natban	(Teller.)

Clause thus negatived.

Clause 3—Amendment of Section 29:

Hon. J. NICHOLSON: The Act provides that no protection order shall be made under it after the 31st December, 1933, but such an order may, subject to the Act, be extended to any time after that date, provided that no such order shall be operative after the 31st March, 1934. It is also provided that no order for relief shall be operative after the 31st March, 1934. I suggest there should be greater uniformity as to dates, and that the 31st December should be the date in question. The whole matter would then come up for consideration next year.

The HONORARY MINISTER: I cannot adopt the suggestion made by Mr. Nicholson. If the Commissioner desired to issue a protection order for a further three months after the end of December, he would be prevented from doing so if the dates were altered as suggested by Mr. Nicholson.

Clause put and passed.

Title:—

The CHAIRMAN: It is necessary that the Title of the Bill should be amended.

The HONORARY MINISTER: I move—

That the words "twenty-four and" be struck out.

Amendment put and passed: the Title, as amended, agreed to.

Bill reported with amendments and an amendment to the Title.

BILL—SOUTHERN CROSS SOUTHWARDS RAILWAY.

Second Reading.

Debate resumed from the previous day.

HON. C. B. WILLIAMS (South) [5.40]: I am surprised at the opposition to the Bill. I shall not have much to say upon it, as Mr. Cornell has covered most of the ground. I am inclined to think that land adjacent to existing railways should be cultivated fully wherever possible, but of what use is it to talk on those lines when that is not possible? The State has placed people on the land south of Southern Cross, and spent large sums of money on their farms. The land has been pretty well all cleared, and is producing satisfactory crops. The only trouble is that the price of wheat is too low. It would be better to build the railway

now, when we have any number of men available, and the price of material is at a reasonable figure. The line should be constructed far more cheaply than many other lines in this State. The Woodline Company in Kalgoorlie is hauling huge loads of firewood over its line. The management did not go to any great expense in establishing their spur lines, which are used for the haulage of timber. The railway under review would only be a spur line for the present, and would be required for the haulage of wheat and super. It should not cost as much to build it as has been estimated.

Hon. J. J. Holmes: Do you know what the wood lines cost?

Hon. C. B. WILLIAMS: They would not have cost £3,000 a mile. They were laid down very quickly.

Hon. L. B. Bolton: They were put down by contract, perhaps.

Hon. C. B. WILLIAMS: They were constructed by day labour. There is no contract system among the navvies on the wood lines. I think the men work 40 hours a week.

Hon. L. B. Bolton: Is that all?

Hon. C. B. WILLIAMS: They do so much work, and stop when they finish it. If they do their work for the day in four hours, they stop.

Hon. J. J. Holmes: That is piece-work.

Hon. C. B. WILLIAMS: No, they are paid the wages rate for a wages job. Mr. Leslie, of the Goldfields Firewood Supply Company at Kurrawang, is a capable manager who knows how to control men. He gets the best work out of them, and they carry out their job in the way most suitable to the company.

Hon. L. B. Bolton: They do 48 hours' work in 40 hours.

Hon. C. B. WILLIAMS: That is good management. Some members of this House who are in business would do well to spend a week with Mr. Leslie. Probably that would improve their own turnover and make their employees more satisfied. It does not take long to lay down a wood line. As many as 50 or 60 trucks of wood are hauled at a time by an engine which does not seem nearly to approach the standard required on our railway system. The company's engines will haul 600 tons of green firewood, and the lines stand up to the work well.

Hon. E. H. Harris: That is one of the beauties of private enterprise.

Hon. C. B. WILLIAMS: Yes, in this case. Private enterprise in this direction does not have to run the gauntlet of 80 members of Parliament before its job is done, and of hundreds of civil servants before the job is passed. The work passes through the hands of the surveyor and the management, and the job goes on to the navvies. The line is laid down in a month or so, and is brought into use straight away.

Hon. J. J. Holmes: That is the sort of thing we have to get down to.

Hon. C. B. WILLIAMS: We will never get down to that with Government undertakings. I know of no reason why the Government could not very speedily build a line such as is required in this instance, and so save the £5,000 annual carting subsidy. The run from Southern Cross to Kalgoorlie is long, and unprofitable in the sense that in that distance there is nothing except a few sidings. The farms in the district must be a great source of revenue to the Railway Department as affording back loading. When the wheat farms there have all come into production, it will tend greatly towards the solution of the financial problem of the railways. The settlers here concerned have been in the district for four or five years, and are entitled to the same consideration as other farmers. If they do not receive that consideration, their cost of production will be too heavy, and it will be a heavy loss to Western Australia if the results of the Agricultural Bank's advances there should be allowed to revert to a state of nature. This is cheap land, and up to date it has been farmed successfully. I know that two men have been farming there for over 20 years. I refer to Messrs. Forrester and Nunn. Mr. Forrester has a nice farm, and was there when I first went to Kalgoorlie, years ago. At a recent show he displayed excellent farm produce. Those two farmers have pioneered wheat production in that district long before an experimental farm was established there. The district is becoming well populated all round, as far as Marvel Loch and other outlying places. The result may be to help in opening up new mining country. There will be an incentive to men to go out and rail their dirt to Government batteries, thus saving heavy cartage. I would be sorry to see the Bill referred to a select committee. The wheat in the district will soon be ripe, and the producers are entitled to know whether they

will have to cart it a long distance or will be enabled to dump it as has been promised at the proposed sidings. I shall support the second reading.

HON. SIR CHARLES NATHAN (Metropolitan-Suburban) [5.49]: I desire to say a few words, if only in support of statements I have made in connection with other Bills of a similar nature. I do not propose to discuss the merits of the area which is being settled. I fully appreciate the eloquence of hon. members who have spoken in favour of the line. I do not know whether I actually caught the true meaning of one hon. member who spoke yesterday. I understood him to say that even Mr. Lloyd George was a supporter of this railway.

Hon. J. Cornell: What I said was that Lloyd George urged the taking of long views. I suggested that we should build as if we were coming out of the depression.

Hon. Sir CHARLES NATHAN: I am in absolute agreement with other members as to the necessity for furnishing transport facilities to men settled on our lands. I well remember the justification for this particular settlement. It occurred just a few years ago, not so far back as to escape one's memory. Really the object of the Southern Cross settlement was to provide an outlet for dusted miners whom the Government thought it necessary to remove from the mining industry. They were to be provided with means of earning a living in a district which would be suitable for the cure of the complaint from which they were suffering. Undoubtedly the settlement is justified from a humanitarian point of view. I feel, however, that if it were possible it would be much more desirable to settle those men adjacent to existing railway lines. There was at the time a suggestion of the possibility of southward extension of the railway to develop lands, in which case this would have been merely the first section. There are at least 80 miners in this settlement, and I am wondering whether it would not have been better for the Government to accept the full responsibility of providing for the maintenance of those men and paying them compensation, because the amount of money which has been spent in putting the miners on the land and financing them is very considerable, well over a million I should say. At least 90 per cent. of the capital involved, and perhaps 100 per cent., has been provided by the Government. Now it is pro-

posed to build this railway at a cost of approximately £100,000, with an annual loss estimated by the Railway Advisory Board at £4,000 for some years to come. From experience we know that the board's estimates have always been on the narrow side. I understand that at present the settlers are being subsidised to the extent of £5,000 a year in the cartage of their wheat, which expenditure the building of the line will render unnecessary. The reason why I propose to vote against the Bill is that, in my opinion, from a financial point of view it would unquestionably be very much better for the Government to continue the subsidy for the next few years. With me it is not a question of refusing the settlers facilities for getting their wheat to market at a reasonable freight, but purely a question of finance, and as to whether the State can continue year in, year out this policy of railway extension which, in my opinion, is absolutely unjustified and will only land Western Australia in greater financial embarrassment. I know it is almost useless to speak in these terms in a House constituted as this one is, because members from country districts find themselves in the position where it becomes absolutely essential for them to support practically any railway proposal affecting country districts. Consequently I realise, without any comment on the bona fides of those hon. members, how difficult it is for one of them to vote against a railway, since presently he may desire support for a line in his own district. I cannot help realising that this continuous demand for new railways to be built and new settlements to be opened up involves strong pressure on the Government of the day, and that until some definite step is taken the pernicious habit will continue. Here we have on the one hand Bills proposing new railways and on the other hand hon. members suggesting Royal Commissions for the purpose of writing down the capital value of railways already built. But it is not only a question of interest: it is also a question of working costs. If there were no interest at all involved, some of these lines would never return working costs. Therefore I shall cast my vote against the Bill, not, as I have said, to deny the settlers in question the possibility of making a living—

Hon. J. Cornell: There are over 100 others.

Hon. Sir CHARLES NATHAN: The case for the other hundred is not as strong

as that for the 80. Purely from a financial point of view, it would pay the Government, at any rate for the next five years, to continue the annual subsidy of £5,000 rather than incur this capital expenditure and the loss on the working of the railway from day to day. I venture to believe that inside five years the solutions of the problem of cheap transport in the country will have been discovered.

HON. C. H. WITTENOOM (South-East) [5.59]: In view of the information which has come to us from the Railway Advisory Board and from other quarters, I must confess to being rather surprised at the opposition to the Bill. Personally I cannot bring myself to believe that the time has arrived for the total abandonment of railway construction in Western Australia. Such a policy appears to me a policy of absolute despair. Surely we must keep on opening up this country, or what is the future of Western Australia to be? Wheat prospects in this State are anything but rosy; in fact, they are indeed bad, and probably will become worse and worse. But, after all, that is going to be the position in every other country; in fact, it is the position in every other country. As time goes on, it will mean that many countries of the world will have to go out of wheat altogether. That will be the solution of the wheat problem. Western Australia will not be one of the countries that will cease producing wheat. This State can grow not only the best wheat but can grow it comparatively cheaply. We labour under disabilities seeing that we are so far from the European market, and we are also experiencing difficulties, which may prove temporary, with some of our best customers such as China, Japan and the Near Eastern countries. Those troubles are probably due to the tariff, but they will be overcome sooner or later. It has to be realised that public money must be spent on public works to provide employment, and surely it cannot be better spent than on the construction of agricultural railways. It is all very well to say that the work undertaken must be reproductive. It is hard to fix upon operations that will prove immediately reproductive. Then again we know that the present Government are not altogether wedded to operations coming within that category, and that is evidenced by the work that is being car-

ried out near the Causeway. No one could possibly regard that work as of a reproductive nature. The railway under discussion will serve an area where wheat has been produced for the past 15 or 20 years, and I consider that the Government were in honour bound to introduce the Bill under discussion. The settlers were induced to take up blocks in the Southern Cross area by at least two Governments, and they have had to cart their wheat for 25 miles or more to a siding. That is a handicap from which the people should be relieved as soon as possible. The only way in which that relief can be afforded is by the provision of railway facilities. It has not been suggested that the area to be served has proved worse than anticipated. It is not like another part of the State, for instance, that scientists visited and reported on salinity and other adverse characteristics. The results of past crops have proved that the land has maintained its reputation. It would be wrong for the House to deprive settlers of the railway, the construction of which they were promised.

Hon. J. J. Holmes: What about the railway that was authorised years ago through your province?

Hon. C. H. WITTENOOM: This line will not go through my province. We have been informed that the banks have advanced upwards of £115,000 to settlers in the district that will be served by the proposed railway, and a refusal to authorise its construction will not help the banks to secure the return of their money. Rather will it have an opposite effect. I have not visited the area in question, and I have based my remarks on the report of the advisory board and on other inquiries I have made. I regret the Minister has not been in a position to tell us the area of first-class land in the district. We know, however, that the district secured the highest average for wheat production in Western Australia. We have been informed that the cost of the railway will be £3,500 per mile, and I conclude that that is on the basis of the work being carried out by contract. If it is to be constructed under day labour conditions, we are quite in the dark regarding the ultimate cost. Mr. Williams referred to the project as a small spur line. I do not regard it in that light; if I did, I do not know that I would support the proposal. I am opposed to these short off-shoots from the main line, with nothing definite at one end.

Hon. E. H. Harris: Is there nothing definite at the other end?

Hon. C. H. WITTENOOM: I regard the proposed railway as one that will be an important factor in completing the general railway scheme for the State. The 28 miles of railway to be constructed represent merely a portion of what will ultimately be a trunk line linking up the ends of the various spur lines running east of the Great Southern railway, and will shorten the distance considerably over which vast quantities of wheat have to be conveyed to the sea port. I hope ultimately to see a railway direct from Southern Cross to Albany. According to the information available, the rainfall is not only adequate, but the rain falls during the growing period. The ground is suitable for the construction of dams. Not only is the land suitable for wheat-growing, but for grazing purposes as well.

Hon. J. J. Holmes: We were told that in connection with all the other railways.

Hon. C. H. WITTENOOM: I am referring to the line under discussion. I take it that the advisory board looked into the position thoroughly.

Hon. J. J. Holmes: It is the same advisory board that reported on the other line.

Hon. C. H. WITTENOOM: At any rate, we will save the expenditure of £5,000 that is spent in respect of the carting subsidy and that, I think, is worthy of consideration. I support the second reading of the Bill.

HON. A. THOMSON (South-East): [6.8]: I also support the construction of the railway and in doing so, I realise I am advocating that work in a country district at a time when the outlook for wheat growing has never been worse.

Hon. J. J. Holmes: And you must realise the absurdity of the motion you have on the Notice Paper.

Hon. A. THOMSON: On the contrary, I regard it as confirming the objective of my motion, showing, as it does, the desirability of arriving at some basis on which the railway construction policy shall be decided. With all due respect to Mr. Holmes, my present attitude does not belittle the motion I have submitted for the appointment of a committee.

Hon. E. H. Harris: Is it not because of railways such as that under discussion that you introduced your motion?

Hon. A. THOMSON: No; it may represent part of the reason. The State has a solemn duty to the settlers who have spent years in the outer districts on the promise of the construction of a railway. In the Southern Cross and other areas there are people who have asked, year after year, "When do the Government intend to construct our railway?" Did we not promise these people definitely that a railway would be constructed to their area.

Hon. J. J. Holmes: How many other railways have been authorised?

Hon. A. THOMSON: We are discussing one at the moment. We must adopt one of two attitudes; either we must say that we will not fulfil the promises made to the settlers when they were told to go out and develop the back country, or we must agree to the construction of the line. Do Sir Charles Nathan and Mr. Holmes realise the years of hardship and anxiety that are spent by men and women in opening up the country and developing their holdings?

Hon. H. Seddon: Don't you think that people who lend money to Governments are wonderful?

Hon. J. Cornell: They seem to be anxious to keep on doing it.

Hon. H. Seddon: That is the point.

Hon. A. THOMSON: People lend their money in the hope that it will be paid back to them. The only way by which we can open up and develop the country areas is by extending our railway system. I listened with much interest to Mr. Williams when he spoke about the construction of light railways. That important point is a further justification for the appointment of a committee, such as I have asked for. According to the estimate furnished by the Railway Department, the line will cost £3,500 per mile. If the line were constructed on a different basis but adequate to supply the requirements of the settlers, the work could be undertaken for half that amount.

Hon. J. Nicholson: Would you not reach that basis if the work were done by contract?

Hon. A. THOMSON: Of course, if the work were done by contract. It is essential that we should reconsider the position regarding the management of our railways. We should recognise the fact that railways are being forced on the Commissioner. If it were agreed that the State as a whole should contribute towards the loss involved

in the construction of such railways, as is done in Victoria and New South Wales, the position would be different. Surely if Parliament considers it necessary to develop a certain area and it is recognised that while a loss will follow for a number of years, although ultimately the benefit to the State is undoubted, that fact should be realised and a contribution from Consolidated Revenue should be made to the Commissioner of Railways, who should not be overloaded because of losses arising from the construction of lines respecting which he had not been consulted. Surely that is a reasonable proposition.

Hon. Sir Charles Nathan: And you would increase taxation.

Hon. A. THOMSON: If the methods I suggest were followed, we could reduce the cost of railway construction considerably.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. A. THOMSON: I was pointing out that I considered we had a duty to the people who have gone out and fulfilled their part of the contract by making the land productive and that it was the bounden duty of the Government to supply them with transport facilities. We have a Railway Advisory Board to make recommendations to the Government. For many years I have argued that Parliament should have a joint committee to examine all public works proposals. Under existing conditions the construction of many public works is very unsatisfactory. Consider some of the expenditure about to be incurred. The Southern Cross-southwards railway, if constructed, must increase the production of wealth, but what is proposed in the metropolitan area? The Government are spending £12,000 on reclamation work at the Causeway, and I have not heard metropolitan members raise any objection to the expenditure of that money. No doubt it will be beneficial to the city ultimately, but it cannot be considered a reproductive work; it will not create any new wealth. Take also the proposal to expend £23,000 per mile on constructing a road between Perth and Fremantle. Will that be a reproductive work?

Hon. E. H. Gray: It will be paid for out of the traffic fees.

Hon. A. THOMSON: It will be paid for out of the taxation imposed on motorists, but I am pointing out the relative value to

be obtained from the money expended. It is estimated that the Southern Cross-southwards railway will cost £3,500 per mile, but I cannot understand how the engineers have arrived at such an estimate. According to the statement made by the Chief Secretary, the rails will be obtained from the Horseshoe line. The Government advanced money to the manganese company for the rails, but it did not cost the Government anything to lay them. The unfortunate shareholders of the company have been the losers in that respect. Queensland recently constructed 14 miles of railway at an estimated cost of £2,200 per mile, which shows that some review should be made of the estimates submitted to the House.

The Honorary Minister: Were the conditions similar?

Hon. A. THOMSON: I do not know. The line was constructed under sustenance conditions, and as the Labour Party are in power in Queensland, we may rest assured that the conditions were satisfactory to the workers.

Hon. J. Cornell: Is it safe to assume that the engineering difficulties were similar?

Hon. A. THOMSON: There are no engineering difficulties in the line from Southern Cross southwards, and an estimate of £3,500 per mile allows too wide a margin. I shall support the proposed amendment requiring tenders to be called.

Hon. J. Cornell: You are 15 years too late for that.

Hon. A. THOMSON: I admit it is rather late.

Hon. J. J. Holmes: Surely it is never too late to mend!

Hon. A. THOMSON: Under existing conditions we have no check on the cost of construction. I have argued this point so often that I have become tired of reiterating it. If a tender were accepted for the construction of the line, the contractor would be bound to the price submitted and would have to comply with the conditions stipulated in the arbitration award. Therefore I cannot see that the workers would be worse off if the work were done by contract as against day labour. If we had a public works committee we would be able to examine closely many of the estimates submitted to us. This proposal is typical of other railway proposals presented for our consideration. The Advisory Board have inspected the country and ascertained the number of settlers and estimated the pro-

ductivity of the country to be served and the revenue likely to be derived. In view of the slight engineering difficulties attending railway construction in this State, it should be possible to build lines for considerably less than the estimate now submitted. The money for constructing the road to Fremantle, £23,000 per mile, is to come from the traffic fees. If the suggestion of Mr. Williams were adopted, I think we would be able to provide 10 miles of decent railway in the Southern Cross-southwards district for the same amount of money.

Hon. J. Cornell: Why not insist on the Perth-Fremantle road being built by contract?

Hon. J. J. Holmes: There is no Bill before us.

Hon. A. THOMSON: We have no control over that expenditure. Admitting that the outlook for the primary industries is not promising, it would be a policy of despair if we said that until such time as we can be assured of a much higher price for our commodities, we refuse to spend more public money on opening up the State.

Hon. J. J. Holmes: Should not we insist upon the land along existing lines being utilised?

Hon. A. THOMSON: I am quite in accord with the hon. member's remarks that we should insist upon land adjacent to existing railways being properly used. The proposal by Mr. Miles is also a good one. There is no reason why we should not stipulate that the money being collected by way of land rents from the sale of land adjacent to railways should not be earmarked for railway construction. As long as we continue the policy that has been in existence for so many years of encouraging people to take up virgin areas and promising to provide railway facilities, we must honour our promises. If people are foolish enough to go into distant areas without the promise of a railway, they have no one but themselves to blame, but the people in the Southern Cross southwards area were distinctly promised railway communication and we must honour that promise. Until the policy of building railways first and undertaking settlement afterwards is adopted, I shall support the construction of agricultural railways. The building of this line is overdue. I have the deepest sympathy for the farmers. Farming has been carried on successfully in the district. Mr. Williams mentioned the names

of Messrs. Forrester and Nunn. I have been on their properties and they have demonstrated that farming can be carried on successfully in that part of the State. Surely the price of wheat will not forever remain at the present low level! The position of the wool industry 12 months ago seemed hopeless, but to-day it is satisfactory. I am hoping that world conditions will alter similarly for wheat and that we shall get a better price in the near future. I support the Bill because I hold we must honour the promise given to the settlers who have performed their part of the contract.

HON. G. W. MILES (North) [7.44]: I oppose this Bill for the same reason that I opposed the Yuna-Dartmoor Railway Bill. The time is inopportune to borrow more money to construct railways, particularly in the Southern Cross southwards area. In my opinion men should not have been put on that land to engage in wheat-growing. I have discussed the matter with men connected with the Agricultural Bank, who expressed the opinion that it is more of a grazing than a wheat-growing area because the rainfall cannot be relied upon. We have heard a lot about the record crops but we can get record crops north of Coolgardie. No one would think of declaring that part of the State a wheat-growing area.

Hon. C. B. Williams: They get one crop in ten years there.

Hon. G. W. MILES: That may be so. It is chiefly sheep and cattle country, and that is what the land to be served by the proposed railway should be used for—the raising of sheep. We have heard a lot about promises having to be fulfilled. What about the promises made to settlers 20 years ago, and the Bills that were passed ten years ago authorising the construction of railways?

Hon. A. Thomson: Two wrongs do not make a right.

Hon. G. W. MILES: Why not get on with the work of building the railways, the construction of which has already been authorised? The argument is used that work must be found for the unemployed. I know of areas where farmers have been carting wheat for 30 miles, and the settlers there were promised railways over ten years ago; but we find that the Government are merely sitting down under the authorisations granted to them by Parliament. The money borrowed for those railways was spent on

other undertakings. Now we propose to put the Government in the position of being able to borrow more money. This is not the right time to go on expanding as it is proposed to do, remembering that the price of wheat is at such a low ebb. After we have authorised the construction of this railway it will be necessary to go to the Commonwealth Government and ask for a subsidy to keep the settlers on their holdings, and then we shall have to go to the Loan Council to seek permission to borrow the money.

Hon. C. B. Williams: And allow the farmers to continue to cart their wheat for 30 miles.

Hon. G. W. MILES: I have a pamphlet written by Mr. J. J. Poynton, general manager of the Midland Railway Company, which came into my possession during the tea adjournment, and I should like to quote an extract from it—

To a large extent it may be said of railways that they enter a fight for existence with their hands tied. In Australia, particularly, this is true, for here practically all of the railways are State-owned, and successive Parliaments have helped to make their operation on sound principles difficult, if not actually impossible. The railways are burdened with lines which should never have been constructed—

The railway we are discussing now will be another burden, that is, if the House is foolish enough to grant authority for its construction.

—and which would not have been constructed but for political considerations. They must adhere to certain rates and conditions of transport, which are calculated to help in the development of the country and the stimulation of particular industries; they suffer tremendously from the theory that the Government must be “a model employer.” From the birth of many railways, and throughout the life of each political party, expediency plays an important part.

Political expediency is playing an important part in this proposal, and this has been going on for years.

Hon. J. Cornell: What about the Marble Bar line?

Hon. G. W. MILES: The hon. member said last night there had been no select committees appointed to inquire into the construction of railways. His memory must be defective if he cannot go back more than the 22 years he has been in this House. There was a select committee appointed to investigate the Port Hedland-Marble Bar line.

Hon. J. Cornell: Before I was born.

Hon. G. W. MILES: Not quite. That select committee was known as the "Bottle Brigade" because its tracks were followed by the bottles its members left behind. Before that railway was constructed, the then Premier visited that part of the coast, and I was one of a deputation that went on board the steamer to interview him. The deputation did not receive a favourable reply. I joined the ship to go further North, and became a member of the Ministerial party. After we left the next port, the ship struck an uncharted rock. I said to the Premier, "This is only one: if you do not authorise the construction of this railway, there will be others to strike, and that will be the end of you." In the finish, we got the railway.

Hon. J. Cornell: That was intimidation.

Hon. G. W. MILES: The policy that seems to be followed now in this House is one of "You support my railway and I will support yours."

Hon. C. B. Williams: You got your railway, now we want ours.

Hon. G. W. MILES: I should like to quote another extract from the same pamphlet—

It is hardly an exaggeration to say that a new railway, costing many thousands of pounds to construct and financially hopeless for the future, may be the outcome of the Minister's after-dinner promise.

Probably those are the promises we have heard about. It is about time the House woke up and put its foot down on the further construction of railways until we are able to balance our budget.

Hon. J. Cornell: What about the State steamers?

Hon. G. W. MILES: They are in the same category. The Minister told us a few days ago that an extra £110,000 had to be found this year to meet the interest bill, and on the authorisations already granted by this House another £134,000 will have to be found next year. Where is all the money to come from? Are we going to borrow more to build this railway? Then we shall have to ask the Commonwealth for a subsidy to help us to keep the settlers on the land. The proposal is ridiculous and should not be supported by a sane body of men who are here to represent the taxpayers of the State. I shall oppose the second reading of the Bill.

HON. R. G. MOORE (North-East) [7.54]: The proposed railway does not come into my constituency and therefore I cannot be said to have an axe to grind. I approach the subject from the point of view of whether it is advisable to go in for railway construction at the present time. Looking at it from that angle, I take into consideration the fact that a great deal of money will be spent in some directions so that the Government may do what they promised in the way of providing employment for the great army of men who cannot get work in the ordinary avenues of labour at the present time. Whether it is better to spend this money on work that will be reproductive, or whether we should spend it on work, not for the sake of its urgency, but merely for the sake of providing men with employment, I consider it would be infinitely better to carry out the construction of the railway. Then at least the Government would have something to show for the expenditure. From that point of view alone it is reasonable to suggest that the building of a railway is a far better way of spending money than putting it into other work merely to find employment for a number of men. We know that bad and all as is the position of the railway system, it would be very much worse if we had no railways. We also have to consider that Western Australia's future depends principally upon primary production, and if the primary producer is going to make a do of it, he must have reasonable means of transport. The provision of transport is one of the best ways by which to develop a country. Some of the arguments that have been used against the building of this railway could have been used with greater force in favour of it, principally the state of affairs at the present time. We are forced just now to provide work for many who need it. Therefore I contend that we should spend it in a way which will show us something after the expenditure has taken place. Our railway system, although it carries a huge debt, is a great asset to the country. I believe that eventually Western Australia will get out of her difficulties. There are other means of transport competing with our railways, and indeed picking the eyes out of the traffic, selecting the highest grades, and leaving the lower freights for the railways to carry. The question of water supplies has also been raised. I contend that this is a matter chiefly for the farmer him-

self. Much further east than the area it is intended to serve by the proposed railway there is a station which starts about 20 miles from Kalgoorlie and which carries over 10,000 head of sheep. It has been carrying that number for a considerable time and the owners of the property have installed their own water supply. This area, too, is much drier than that to be served by the Southern Cross southwards line. There are a few wells on the property but they are isolated and they would not be sufficient for the sheep that are being carried. Consequently it was found necessary to make provision for increased water supply, and I see no reason why the farmers who are established in somewhat similar country should not do likewise. As to where and how we can spend money that we are obliged to spend at the present time to keep our people at work, generally speaking I know of no better way than by adding to the assets of the State. Consequently, I support the second reading of the Bill.

HON. J. M. MACFARLANE (Metropolitan-Suburban) [7.58]: I have already said that whenever a railway proposition came before the House, I intended to look at it from the point of view of the advisability of its construction and the position in which the Commissioner of Railways finds himself in respect of making the railways pay. As for the settlers who are in the area in question, I should very much like to assist them by giving them railway facilities, provided, of course, there was a hope of their coming out satisfactorily in the end. I look at the question from the aspect that the only traffic the proposed railway will carry will be fertilisers in one direction and wheat in the other. The Commissioner of Railways has told us that the freight charged for the carriage of fertiliser is .49d., which is really less than a halfpenny, while wheat last year was carried at a rate of 1.1d.

Hon. A. Thomson: The only time the railways show a profit is when they are carrying wheat.

Hon. J. M. MACFARLANE: With a very good harvest and a willing staff, the railways can be made to pay, but balancing that with the freight charged for the conveyance of fertiliser, I contend that even with a good harvest, the margin of profit would be very narrow. Indeed, it would be running the system on dangerous lines if this

had to be depended upon. The hon. member who just resumed his seat used the argument that we had money to spend to provide employment, and that we might as well spend it on what might eventually prove an asset. On the other hand, it might prove a burden and a heavy one added to the already great burden that has to be carried by the Commissioner of Railways. The railways lost £160,000 last year, and are in a losing position this year. The wheat market does not offer any prospects at all, and the country has to keep the wheat-growers on the land at the cost of the country. The money which it is proposed to spend in the construction of this line could be used for the finding of employment in many other ways.

Hon. J. Cornell: In what other way does the hon. member suggest?

Hon. J. M. MACFARLANE: There are plenty of other ways.

Hon. J. J. Holmes: Clearing land along existing railways.

Hon. J. M. MACFARLANE: We have a transport system which has cropped up during the last year or two and which is serving that area at a cost of only £5,000 per year. If the line be built, £100,000 will be added to the capital cost of the railways and £4,000 per annum to their interest bill. Taking these facts into consideration, I say it would be better to continue paying the £5,000 per annum for the transport of the wheat grown in the district, rather than add to the capitalisation of the railways and to their interest bill also.

Hon. J. Cornell: The £5,000 does not pay running costs.

Hon. J. M. MACFARLANE: Neither will the wheat and fertiliser to be carried pay the running costs of the proposed railway.

Hon. J. Cornell: What are you going to do with the farmers if the line be not built?

Hon. J. M. MACFARLANE: Give them such relief as is necessary until the time when we can legitimately go in for an extension of the railway. I have here a table showing the bags of wheat transported from various districts, and it is there seen that at Southern Cross, which is probably the rail head for this area—

Hon. J. Cornell: No, Moorine Rock is the place.

Hon. J. M. MACFARLANE: Well, Moorine Rock in 1930 produced 44,000 bags of wheat; in 1931 it produced 199,000;

in 1932 it produced 175,000, and in 1933 it produced 169,550 bags.

Hon. G. W. Miles: It is going back!

Hon. J. M. MACFARLANE: Yet it was a good year. Southern Cross has dropped from 141,000 bags in 1930 to 116,000 bags in 1933. Still, I do not want to condemn that area, because its future I should say offers bright prospects. But the fact remains that those quantities of wheat to be carted will not ensure the prosperity of the railway.

Hon. J. Cornell: What was the quantity from Garratt Siding?

Hon. J. M. MACFARLANE: It was 67,000 bags in 1931, 42,000 in 1932, and 32,000 in 1933. All those returns have shown a shrinkage this year. Strange to say, wool, which last year was a record as carried on the railways, is down to 10,000 bales this year. It is held that the motor transport is cutting into the traffic of the railways. But the owners of the motor trucks have to pay their way; they are called upon to pay £140 per annum license fee for each truck running on the roads, and they have to contribute to the cost of the maintenance of the roads by paying the Commonwealth charge of 7d. on each gallon of petrol used. I will support a continuance of the carting subsidy for the purpose of giving the settlers relief, but if it comes to finding money for work for the unemployed, I hold it could be spent in some other way that would give the country and the unemployed just as much benefit, as would the building of the proposed line. And if it comes to wanting railway authorisations, we have them already, authorisations for railways that would have a much better chance of paying, particularly that railway from the Dale River. Therefore, if it is only a matter of finding work for the unemployed, without coming to Parliament for authority to build a further railway, let the Government construct some of those already authorised. I have every sympathy with the settlers in the area proposed to be served by the railway, and if I were prepared to give way on the construction of the line, it would be because of them.

Hon. J. Cornell: Give them your vote and you will have their gratitude.

Hon. G. W. Miles: It would be kinder to refuse it.

Hon. J. M. MACFARLANE: The railway is fast becoming an obsolete service,

and we are up against the problem that unless our railway system can be put on a payable footing, it will create difficulties for successive Treasurers for years to come. It has been loaded with non-payable lines, which is quite a wrong principle.

Hon. A. Thomson: Do not you think that light lines would serve to move the wheat?

Hon. J. M. MACFARLANE: That is not the proposition before the House. When the principal goods to be moved are only fertilisers and wheat, the alleged justification for the building of the railway is a very weak one. I have every sympathy with the settlers and am prepared to support a continuance of the subsidy for the cartage of their wheat until the financial position is so improved as to warrant the building of the line. I will oppose the second reading.

THE HONORARY MINISTER (Hon. W. H. Kitson—West) [8.9]: In my opinion almost all the arguments used against the line are really arguments in favour of it. If ever there was a time when it was necessary for the Government to give assistance to the primary producers, it is the present. There is not a member in the House but has said from the public platform that that is so. Yet we have members here prepared to say they have every sympathy with the producers and the dusted miners in this area, but they cannot agree to the building of the railway. It is the most inconsistent argument I have ever heard.

Hon. J. M. Macfarlane: It is quite consistent.

The HONORARY MINISTER: The hon. member said he has no objection to a continuance of the carting subsidy, that he is prepared to support the Government in finding £5,000 per annum for those men who have to cart 30 and 35 miles, but he is not prepared to agree to the building of the line. How would the hon. member like to be in the position of any of those dusted miners who were placed on that settlement four or five years ago, with the promise of a railway at an early date? They were granted a carting subsidy amounting to £5,000 per annum because they had been promised that railway. There are other districts where a carting subsidy has not been made available because no railway was ever promised, but in the instance before us the railway was promised. Although those men were placed on that area primarily for

health reasons, we are told that we should continue to force them to cart their wheat anything up to 35 miles, with all the economic waste which that involves, the extra work it involves, and the inconvenience it imposes on those men. Yet Mr. Macfarlane says he has sympathy with them. I am afraid the hon. member shows more experience of the South-West than he has of the wheat belt when he puts up an argument of that kind.

Hon. E. H. Harris: What sympathy have the Government with those people who had railways promised to them 10 years ago under conditions similar to those affecting these people?

The HONORARY MINISTER: The conditions are not similar at all. There is very little difference between the various proposals mentioned during this debate, and the proposition before us. Sir Chas. Nathan surprised me with the attitude he took up. Usually I find him fairly accurate when discussing financial matters, but he took exception to this proposal because he said it had already cost the Government £1,000,000.

Hon. J. J. Holmes: He included the 3,500 farms scheme—another white elephant.

The HONORARY MINISTER: Sir, Charles spoke to me during the tea adjournment, when he said he had made a mistake. He intimated that at the earliest opportunity he would offer a personal explanation in the House, but I told him I would endeavour to do it for him. He suggested that instead of £1,000,000, he should have said a quarter of a million. Even on that estimate, the hon. member is still a long way out. Supposing the railway is not built, and the wheat position does not improve, the position of those settlers will become rapidly worse.

Hon. G. W. Miles: Cannot you convert them into sheep farmers more economically?

The HONORARY MINISTER: I do not know whether the hon. member is aware of the difficulties in this district. How many sheep farmers in the State at present are carrying on payable propositions on 1,000 acres? Not one.

Hon. G. W. Miles: But you could enlarge the areas. You have all the land there, and only a limited number of settlers.

The HONORARY MINISTER: I wish the hon. member knew a little more about the district than he appears to know. I stand by my original statement, that the

arguments used during the debate are strongly in favour of the construction of the line. These settlers have been in the district four or five years. The line has been approved by the advisory board.

Hon. G. W. Miles: So have the others which are already authorised.

The HONORARY MINISTER: Some members criticise the advisory board. Have they a greater knowledge than the members of the board of the necessity for this particular line?

Hon. E. H. Harris: Have not other reports of advisory boards been criticised?

The HONORARY MINISTER: Yes.

Hon. J. J. Holmes: Have not boards been changed when the Government have not approved of their recommendations?

The HONORARY MINISTER: I do not know that that is so.

Hon. J. J. Holmes: It has been done.

The HONORARY MINISTER: This district has been inquired into from the point of view of its productivity. It has been proved that it will grow wheat as well as many other districts in the State. Families have been placed in the locality with a distinct promise of a railway. Members now say it is not the time to build the line, that the outlook is bad, and that until the wheat position improves we should not consider the construction of any more railways in the wheat areas. That is an astonishing argument. The least we can do is to agree to the construction of this particular line. Mr. Holmes has suggested that instead of persevering with these settlers we should provide land elsewhere for them alongside existing railways. I wonder whether he is sincere in that statement. It would mean abandoning the whole district and losing the money already expended there.

Hon. J. J. Holmes: We would avoid a continuous loss.

Hon. J. M. Macfarlane: The railway would be a continuous loss.

Hon. J. Cornell: So will Parliament be a continuous loss if it continues to exist.

The HONORARY MINISTER: Do members suggest we should abandon the £115,000 that has already been advanced in this district? Are the settlers to sacrifice four or five years of hard toil, and start over again on other allotments? I do not think Mr. Holmes can point to any other district alongside an existing railway where it would be possible to place these men on blocks as good

as they have now, and with better prospects of success than they have.

Hon. J. J. Holmes: Then we must have built many railways we should never have built.

The HONORARY MINISTER: I can recall the debates in this House regarding land alongside existing railways, when the hon. member has been in the forefront of opposition to any measure that would bring that land into productivity.

Hon. J. J. Holmes: Nonsense.

The HONORARY MINISTER: A Closer Settlement Bill was brought in two or three years ago. Its object was to bring into use unutilised lands alongside existing railways. He led the opposition to that measure.

Hon. J. J. Holmes: I was only putting common sense into it.

The HONORARY MINISTER: I read a few of his remarks on that occasion. He described the Bill as another joke upon this Chamber. He said if it were put into operation the men who sold their land would clear out of the State and take their capital with them. He declared that those who were put in the place of the others would have to be spoon fed and always be a liability upon the Government.

Hon. J. M. Macfarlane: Very likely.

The HONORARY MINISTER: The hon. member now wants to take these particular settlers away and put them on to other areas. He previously suggested that in a majority of instances, land alongside existing railways is not suitable for agricultural purposes, that those who said it was suitable did not know what they were talking about. He has now turned completely round and wants to take the other side of the argument.

Hon. J. J. Holmes: We can all become wiser as we grow older.

The HONORARY MINISTER: I am glad the hon. member is getting wiser. He described the legislation as socialistic. Perhaps the hon. member will be prepared to go a little farther in that way some time in the future.

Hon. J. J. Holmes: Not one Government has resumed an acre of land.

The HONORARY MINISTER: There is another purpose behind the desire to construct this railway.

Hon. G. W. Miles: Is it going to Albany eventually?

The HONORARY MINISTER: I would not like to prophesy that. The purpose I speak of is that of providing employment for those who are out of work.

Hon. J. M. Macfarlane: What about the other authorised railways?

The HONORARY MINISTER: Members who have been asked to state in what other direction it is possible to employ men have extreme difficulty in offering a suggestion. The construction of this line is one way of satisfactorily employing a considerable number of men. Some members are prepared to criticise every proposition. No matter what is advanced it is not the right thing.

Hon. J. M. Macfarlane: The Commissioner of Railways wants £500,000 to bring the system up to concert pitch.

The HONORARY MINISTER: I believe that is so. How is the Commissioner going to provide work of that nature for the large number of men who are unemployed at present? The work he speaks of must be progressive in nature. Another member criticised the rebuilding of the Perth-Fremantle-road at a cost of £23,000 per mile. That is a very essential work. For an important artery of that kind the cost is low. In comparison with roads built in other countries the price is very low.

Hon. J. J. Holmes: It will take away from the railways what little traffic they have.

The HONORARY MINISTER: Exception has been taken to the reclamation work at the Causeway. Is this due to the fact that the work is going on in the city and not in the country? That also will be very useful work. It may not mean the employment of many men, but it is one of those undertakings where the proportion of labour is much greater than the proportion of material costs. A very valuable asset is being created there. Not many years ago the papers were full of the necessity for doing something of the kind to improve the situation.

Hon. C. H. Wittenoom: There was plenty of money in those days.

The HONORARY MINISTER: It does not matter what undertakings are brought forward, some members always criticise them on the ground that the time is not opportune to go on with them, and that something else should be done in preference to them. One of our problems is to find employment for our people in accordance with the scheme set forth by the Government, namely, to pro-

vide full-time work for a considerable number of men for a certain period. It is only by means of works of this kind that the scheme can be successfully carried out. Is there any contractor who would be prepared to undertake this work for the absorption of the unemployed as the Government have to absorb them?

Hon. J. Cornell: There is not one with the necessary plant.

The HONORARY MINISTER: In that event only a limited number of men would be employed up to the time when the job was finished. As a Government we would still have a large number of men for whom we would not be able to find work.

Hon. W. J. Mann: You could build some of the lines already authorised.

The HONORARY MINISTER: It is essential that this line should be built to assist settlers who have been in the district for four or five years.

Hon. G. W. Miles: Will you have bulk handling carried out there?

The HONORARY MINISTER: I know nothing about that. Whilst the line may not be a payable proposition for the next year or two, there is a possibility of its making ends meet. Surely we cannot anticipate that the wheat prices will remain low indefinitely. It is reasonable to assume there will some day be an improvement. When that time comes these settlers should have the necessary facilities for marketing their produce. Members are always criticising.

Hon. J. J. Holmes: It is the critic who is responsible for the world's progress.

The HONORARY MINISTER: The criticism of this Bill is of a purely destructive character, and takes no cognisance of the future of the district concerned.

Hon. J. Cornell: It is like body-line bowling.

The HONORARY MINISTER: If one took any notice of the hon. member's criticism there would be no hope for the district or the settlers concerned, and the sooner we took these people away the better it would be for them. Apparently there should be no further development in these areas.

Hon. J. J. Holmes: Quite right, too.

The HONORARY MINISTER: I have seen enough of these districts to know that whilst certain difficulties are experienced there they are as good as most other wheat districts in the State. It is up to us to honour the promise that has been made to

these people, and give them an opportunity to market their produce. They should be relieved of the inconvenience they have suffered for so many years through having to cart their wheat up to 35 miles. If the line were constructed they would have only a short distance over which to transport their products. It would then be possible for wheat merchants to operate in the district. They cannot do so now, and thus another economic loss is suffered by the settlers.

Hon. G. W. Miles: Why will they not operate when you are paying a subsidy for the carting of the wheat?

Hon. J. Cornell: Why subsidise them?

Hon. G. W. Miles: You say they will not operate, and I say they will.

The HONORARY MINISTER: Quite apart from the direct cost of the subsidy to the Government, there is also the question of time involved, and the inconvenience to the settlers of having to cart their wheat long distances.

Hon. G. W. Miles: The merchants will operate all the same.

The HONORARY MINISTER: They are carting their wheat when they should be cultivating their holdings, and improving their land. We shall be simply retarding those settlers by refusing to give them a railway on the excuse that we are prepared to continue the carting subsidy. I cannot see any force in the arguments which have been used against the construction of this line, and I sincerely hope that the House will agree with me and not with those who opposed the Bill.

HON. E. ROSE (South-West) [8.31]: I have listened attentively to the speeches made for the proposed line and against it. Being an agriculturist myself, I know the disadvantages and expense involved in having to cart produce over a long distance. I greatly regret that this railway is proposed at the present stage, seeing that so many other lines already authorised remain unbuilt, not only in my province but in other provinces as well. We must take into consideration the unfortunate men and women situated miles and miles away from railway communication. It is all very well for Mr. Macfarlane to say that he is prepared to support a motor subsidy. Motor transport is all right, but we must look ahead further than that method of conveying produce. Motors consume petrol, which is imported from foreign coun-

tries, whereas a railway uses local coal, thus giving employment to many men in the State—which petrol does not do. The settlers have been promised a railway, and they are deserving of encouragement. However, I think we should put down our foot against the authorisation of any further lines in out-back districts. We have enough railway lines practically unused owing to the adjacent lands remaining undeveloped. Those lands should be forced into use by having men put on them. I am not one of those who consider that further development should stop. I hold that development should continue. We all look forward to the time when Western Australia will progress again. Railways should be constructed much more cheaply than the cost estimated for this line. For slow traffic an expenditure of £3,500 per mile is not needed. Such a cost is required only for railways designed more especially for passenger traffic. The cost of construction for such lines as this could be considerably reduced, thus lowering the interest charge. The Railway Department should not be expected to pay the full interest on lines built by way of providing work for the unemployed. Part of the cost should be charged against unemployment relief, instead of the Railway Department bearing the entire burden. The finances of the department are going back year after year because of the expensive method of building lines by day labour. If they cannot be built by contract, the Railway Department should be relieved of portion of the charge. What do the timber lines constructed in numerous parts of the State cost per mile? And let me point out that the wheat areas will not require any heavier lines than those constructed in timber country. The timber managements, if asked, will state that they build their lines for approximately £1,000 per mile. That class of construction is suitable for the carriage of either wheat or timber. Fast traffic is not required. Years ago, when labour was dearer than it is to-day and material was just as dear, railways were being built for £1,000 per mile. A cheaper system of construction than that proposed for this line should be adopted. Moreover, the work should be done by contract; tenders should be called for it. That method would prove ever so much cheaper. I support the second reading of the Bill, knowing the disadvantages under which these settlers are

labouring and knowing that they have been promised railway facilities. I consider, however, that the Lands Department should be instructed that no more country must be alienated at a distance of more than 20 miles from existing railways.

On motion by the Chief Secretary, debate adjourned.

BILL—POLICE ACT AMENDMENT.

Second Reading.

Debate resumed from the previous day.

HON. W. J. MANN (South-West) [8.38]: I intend to support the Bill, because few will cavil at its object. At the same time, there is something to be said against the drastic nature of the penalty provided. In introducing the measure the Chief Secretary referred to a class of person who had not scrupled to, shall I say, rob the Government, or at all events make claims which could not be substantiated, with the result that the State was put to considerable expense which was never intended. Those people are entitled to be brought under the term "wilful" appearing in Sub-clause 2 of Clause 2. However, there are other people who can hardly be placed in that category, people who may perhaps through ignorance or lack of education, and possibly through dire distress, be not as careful as they should be in filling up forms when applying for unemployment relief or for the work provided by the employment bureau. It is for those other people I wish to make an appeal. I realise that the difference between right and wrong is just as it was 40 years ago, when the Police Act which this Bill seeks to amend was passed; but there is to-day, perhaps unfortunately, a somewhat different atmosphere, in which people are not quite so careful of the statements they make as they were in days gone by. A considerable measure of laxity has become common. For the person who deliberately sets out to rob either the Government or a private individual, Section 66 of the Police Act provides imprisonment for a term not exceeding 12 months, with or without hard labour; and for such a person the penalty cannot be regarded as extreme. It would, however, be extreme to apply the same penalty to a person making a mistake through one of the three causes I

have mentioned. Clause 2 of the Bill is decidedly comprehensive. The person who makes a mistake within the purview of that clause will find himself in unsavoury company. That clause, until amended elsewhere, made such a person a rogue and vagabond. The marginal note for the clause is "Rogues and vagabonds." An offender coming under Clause 2 will find himself in the same category as a burglar arrested in possession of house-breaking instruments, or a person exhibiting obscene books or pictures, or the confidence trickster or thimble-and-pea expert, or the person found on a place for an unlawful purpose, or a man leaving his wife and children without visible means of support, or a person who wilfully exposes himself in the street or a public place, or the person who deals in spurious methods. The categories are quite numerous. In framing this amendment of the Police Act the Government have been too drastic, and have imposed a penalty which is far too severe in some respects. I suggest that on conviction the magistrates be given the option of inflicting a fine. It is a pity that a person who may be almost desperate may be placed in such a position. I can cite instances of men who have been desperate enough to do almost anything because they were ineligible for employment on relief work.

Hon. E. H. Gray: Then such men must have some means.

Hon. W. J. MANN: I shall indicate to the House the extent of the means some of those people have. Yesterday I received a letter from a young man who is married and has four children. He owns a block of land 20 miles from a railway. In its present condition that land would not keep a boodie rat. He has made a valiant attempt to make a living on his property for himself, his wife and children. For some time, he eked out an existence by cutting firewood, and has been endeavouring to secure odd jobs from settlers in the district. He informs me that he is now in an absolutely desperate position, and when he made application to the authorities in his district, he was told that as he was a landowner, he was ineligible for assistance. Not long ago another man who desired to get married, communicated with me. He owned 40 acres of land on which he was endeavouring to make a home. So desperate was his position that I advised him to throw up his block in order to make him-

self eligible for assistance. He adopted that course. These are instances, particularly the former, in which men may be less careful than they should be when making application for assistance. I am not concerned about the case of the wrong-doer, who deliberately sets out to be dishonest, but it will be agreed that there are degrees of crime and of all breaches of the law.

Hon. H. Seddon: And you would make the punishment fit the crime.

Hon. W. J. MANN: Exactly. For that reason, when the Bill is before us in Committee, we should amend Subclause 2(c) of Clause 2 to give the magistrate an opportunity to inflict a fine if he deems it necessary, or, if the case is sufficiently grave, to inflict the penalty provided in that clause. I support the second reading of the Bill.

HON. J. J. HOLMES (North) [8.50]: I congratulate the Government upon the introduction of the Bill. I hope to disabuse the minds of some of the occupants of the Treasury bench who think that I am prepared to oppose anything that a Government may submit. I sit here in a judicial capacity, and it is my desire, irrespective of which Government may be in power, to give them the support that I can. Mr. Mann submitted a plea on behalf of those who obtain relief by means of wilful misrepresentation.

Hon. W. J. Mann: I did not say "wilful misrepresentation."

Hon. J. J. HOLMES: Then the hon. member's case falls to the ground, because the Bill states distinctly that the offender must wilfully deceive the authorities for the purpose of obtaining assistance to which he is not entitled. Only such a man shall be adjudged guilty.

Hon. W. J. Mann: It may not be done wilfully on his part.

Hon. J. J. HOLMES: As for the penalty, the maximum provided is 12 months' imprisonment. An offender may be imprisoned during the sitting of the court, for an hour, a week or a month.

Hon. W. J. Mann: He will be branded because of the imprisonment.

Hon. J. J. HOLMES: Men who obtain assistance to which they are not entitled, merely deprive hungry women and children

of that to which they are entitled, and should have.

Hon. E. H. Gray: Hear, hear!

Hon. J. J. HOLMES: The other point raised by Mr. Mann was his objection to the individuals concerned being placed in the same category as others who are branded as rogues and vagabonds. An amendment to the Police Act must be included in the Act, and I fail to see that it makes any difference in what part of the Act the amendments are placed. If a crime is committed, the penalty is provided and it should be imposed upon anyone who wilfully obtains sustenance from the Government in these times of stress and difficulty, well knowing that he is not entitled to it and that he is depriving others more deserving of the assistance.

Hon. W. J. Mann: You know that is not the type of person I referred to.

Hon. J. J. HOLMES: I know; but the person the hon. member referred to would not be guilty of the misconduct referred to in the Bill.

Hon. W. J. Mann: He might make a mistake unwittingly, and be guilty in the eyes of the law.

Hon. J. J. HOLMES: If that man were to make application for assistance and could not secure it, I should say he should go to headquarters and lay all his cards on the table. I believe there is sufficient sympathy and assistance available from the present Government to see that such a man is helped.

Hon. W. J. Mann: You try them and see.

Hon. J. J. HOLMES: The Government would see that such persons were not deprived of what they should have. Instead of attempting to deprive others who require assistance, such persons should find other means to obtain the relief to which they are entitled.

Hon. W. J. Mann: In the meantime, while the matter is being referred to Perth, they will be starving.

Hon. J. J. HOLMES: Do what we will, there will be such deserving cases in all circumstances and in all walks of life. I look upon the Bill as a distinct attempt to see that those who are entitled to it, receive the assistance they deserve, and that the man or woman who attempts to deprive them of that assistance shall be punished in accordance with the penalties provided in the Bill. I support the second reading.

HON. J. CORNELL (South) [8.55]: More in sorrow than in anger, I rise to say a few words regarding the Bill. I must confess it is with considerable regret that I have to oppose the measure as it stands. I hope it will be amended in Committee. I regret exceedingly that a Bill, having such far-reaching effects, should have emanated from a Labour Government. For 41 years, Section 66 of the Police Act has remained without amendment. After that period, a new kind of rogue and vagabond is to be created.

Hon. C. B. Williams: It is regrettable that the previous Government refused to have anything to do with it, but the present Labour Government agreed to do so.

Hon. J. CORNELL: The new type of rogue and vagabond is the result of the depression. The offence will hinge upon two points—wilful mis-statements with a view to obtaining sustenance an individual is not entitled to receive, and wilful mis-statements regarding an application for work.

Hon. J. J. Holmes: Is that a correct interpretation of what is meant by a "wilful mis-statement"?

Hon. J. CORNELL: I am referring to the new type of rogue and vagabond that is to be created. Why will such an individual make the statement suggested in the Bill?

Hon. A. Thomson: In an endeavour to get a job to secure a bit of tucker.

Hon. J. CORNELL: Exactly. Now, after 41 years, we are confronted with a set of circumstances in which both the previous Government and the present Government declare that a man must be stone motherless broke before he can be provided with any sustenance or work.

Hon. C. B. Williams: If a man is broke on the goldfields, he gets nothing.

Hon. J. CORNELL: I am endeavouring to define the position as it is, and it is too drastic. I know from experience what rogues and vagabonds can expect in the police court.

Hon. J. J. Holmes: But the Bill specifically provides that the individuals you refer to shall not be deemed to be rogues and vagabonds.

Hon. W. J. Mann: A rose by any other name would smell as sweet.

Hon. J. CORNELL: I deplore the necessity for the Bill and the extremes to which its provisions have gone. My experience

shows that the police will lay the charge and in 99 cases out of a hundred, the magistrate will believe the police evidence, and the defendant will not have a chance. He may have made the misstatement but not wilfully, but nevertheless he will have to retain counsel and fight the case. I know of men who have existed on very little rather than apply for sustenance. Should such men be forced, through desperation, to make application and perhaps inadvertently make a wrong statement, the police will prosecute them, just as if they were thimble-riggers, or any other type of rogue and vagabond. Unless it can be proved that the person who wilfully made the statement had a previous record as a rogue and vagabond, he should be given the benefit of the doubt. There should be machinery for the imposition of a fine, and not the extreme penalty set out. What will be the position if the Bill be agreed to? I want to point out to Mr. Holmes the absurdity of his remark that the brand of rogue and vagabond will not be applicable to men in the category I have mentioned. Section 66 of the Police Act includes the following:—

Every person who shall commit any of the next following offences shall be deemed a rogue and vagabond within the meaning of this Act, and shall, on conviction, be liable to imprisonment for any term not exceeding 12 calendar months, with or without hard labour.

(2) Every person imposing or endeavouring to impose upon any charitable institution or private individual by any false or fraudulent representation, either verbally or in writing, with a view to obtaining money or any other benefit or advantage—

Here it is proposed to insert the new paragraphs to include any person who, by wilfully making any false statement or representation as to any sums of money or property of his own, or as to any employment in which he was engaged, or to any sustenance relief received by him, or as to the number of persons dependant on his earnings, or as to their financial position, obtains or attempts to obtain under any scheme for the relief of unemployed, destitute or indigent persons, any work or any benefit in money or in money's worth. The preface to the section provides that every such person shall be deemed a rogue and vagabond, and shall on conviction be liable to imprisonment for any term not exceeding 12 months with or without hard labour. The Bill, however, contains a proviso that any person guilty

of the new offences shall not be deemed to be a rogue and vagabond, but otherwise shall be liable to a penalty prescribed by the section. What could be more absurd? If the Bill be passed, the law will first prescribe that a person committing any of the offences mentioned shall be deemed a rogue and vagabond, but it will contain an epilogue that he shall not be deemed a rogue and vagabond.

Hon. E. H. Harris: A sort of fifty-fifty business.

Hon. J. CORNELL: It is absurd. In another place the Minister accepted an amendment that a man guilty of any of the offences stipulated should not be deemed a rogue and vagabond. Even if he is not deemed a rogue and vagabond, he is to be subject to the full penalty imposed on a rogue and vagabond.

Hon. J. J. Holmes: Then all those provisions in the Bill are so much waste paper?

Hon. J. CORNELL: I ask the hon. member to consider what I have said. The Act says that a certain person shall be deemed a rogue and vagabond. Then there is to be added a new class of offender, but the person who commits the new offence is not to be deemed a rogue and vagabond.

Hon. J. J. Holmes: Rule it out in Committee.

Hon. J. CORNELL: I agree with Mr. Mann. For 41 years any person who endeavoured to impose on a charitable institution or on a private individual has been classed as a rogue and vagabond, and has been liable on summary conviction to a penalty not exceeding 12 months imprisonment with or without hard labour. After 41 years we are asked to say that men who commit certain new offences are to be subject to the same penalty. All men guilty of those offences would not be criminals. Some might commit them unwittingly.

Hon. J. J. Holmes: Unwittingly would not be wilfully.

Hon. J. CORNELL: If a man, on applying for work, says he has no money and subsequently it is discovered that he has money, he is to be tried by the same machinery and subjected to the same penalty as a rogue and vagabond. Yet there is a pious declaration that he is not to be deemed a rogue and vagabond. Even though it be said this House is a Tory institution incapable of reformation, I have always found it to be eminently fair and reason-

able. In the circumstances I appeal to the House to justify itself in the eyes of public opinion by making an honest endeavour to provide machinery that will be applicable to the cases in question. Provision should be made for mitigating circumstances and the alternative penalty of a fine should be provided. Section 66 makes no provision for a fine. I hope that for a first offence there will be provision for a fine, unless it be proved that the offender is deserving of being classed as a rogue and vagabond. Very often an accused person, released as a first offender, never errs again. Necessity and poverty may drive a man, honest in every other way, to commit a crime under this proposed amendment.

Hon. W. J. Mann: There is no provision for first offenders.

Hon. J. CORNELL: That is so. I believe this House will give a magistrate discretionary power, but if it does not rise to the occasion, the first people to condemn the Parliament will be the magistrates themselves. It is not beyond this House to do justice to all concerned and to provide for consideration being given to the accused where the circumstances warrant it.

HON. J. NICHOLSON (Metropolitan) [9.9]: Whatever members may think of the form of the Bill, or the place its provisions should occupy in an Act which has been in existence for so many years, we must admit that the Government are entitled to the highest commendation for recognising the need for punishing those guilty of offences under the measure. When I first read the Bill it occurred to me, as it has occurred to other members, that the inclusion of these offences in the section of the Police Act making offenders rogues and vagabonds seemed somewhat extreme. I was pleased to note that in another place an effort was made to rectify that. A proviso was added to the Bill seeking to exempt those guilty of the offences specified from being classed as rogues and vagabonds.

Hon. W. J. Mann: A kind of whitewashing.

Hon. J. NICHOLSON: The punishment provided for offenders is of a penal kind. No alternative is given to the magistrate or justice to inflict a fine. Many offences might, in the judgment of the magistrate, be met with a fine instead of imprisonment. True, men have been guilty of committing frauds

on the funds provided by the Government, and have been guilty of the most cunning devices to obtain payment of sustenance which ought to have gone into other hands. I realise the difficulties confronting the Government, but it would have been better to have included the offences in another part of the Police Act, or to have introduced a separate measure. By way of illustrating the position regarding rogues and vagabonds, and how it was viewed, when the Police Act was passed, as being a heinous offence, I direct attention to Section 68. In view of the proviso that has been added to the Bill, I do not say that Section 68 would apply, but I would not like to say that it would not apply. Section 68 begins—

Any constable or other person apprehending any person charged with being an idle and disorderly person, or a rogue and vagabond, or an incorrigible rogue, may seize any horse or other cattle, or any money, goods or vehicle in the possession or use of the persons so apprehended and charged, and may take and convey the same as well as such persons before a justice or justices, and the justice or justices by whom any person shall be adjudged to be an idle and disorderly person, or a rogue and vagabond, or an incorrigible rogue, may order that such offender be searched, and that his trunks, boxes, bundles, parcels or packages, and any cart or other vehicle which may have been found in his possession or use or under his control shall be inspected and searched—

Hon. J. J. Holmes: What has that to do with the question before us? We are not amending Section 68.

Hon. J. NICHOLSON: The rogue and vagabond, together with the idle and disorderly person and the incorrigible rogue are placed at certain disadvantages compared with other offenders. The Bill deals with persons who wilfully make a false statement or representation. A person who is guilty of perjury would not be liable to be exposed to the penalties provided in Section 68, which applies to idle and disorderly persons, to incorrigible rogues or rogues and vagabonds. He would not have his money seized, or his goods, vehicles or other property searched. The section gives power to the justice to take that person's money to pay the expense of keeping him. Presumably, by including these offences under Section 66 of the Police Act, we are classifying these sustenance persons as rogues and vagabonds in the first place, although there is the qualification at the end of a clause that those who are convicted under para-

graphs 2A and 2B shall not be deemed to be rogues and vagabonds.

Hon. A. THOMSON: And a convicted person must go to gaol.

Hon. J. NICHOLSON: Yes. It is a proviso which may exclude these people from the powers that might be exercised under Section 68. The question is would they when charged, be liable if they had any money or other property to be deprived of the money and to be searched as to their other property, as set out in Section 68?

Hon. J. J. Holmes: You know they would not.

Hon. J. NICHOLSON: Certainly we can make that position quite safe. I object to these unfortunate people carrying the stigma of having committed an offence that brings them within the category of rogues and vagabonds, and classifies them as something reprehensible. We know that in many cases some of these people have been driven by stress of circumstances to do something which in wiser, better and more fortunate moments they would not have done.

Hon. J. J. Holmes: The magistrate will have the evidence before him.

Hon. J. NICHOLSON: The magistrate does not appear to be given any latitude. In Committee I should like to see the Bill amended to give the magistrate power to impose a fine.

HON. A. THOMSON (South-East) [9.20]: I oppose the second reading of the Bill. The more one studies it, the more one realises the grave injustice that may be meted out to many people whose actions have been guided by circumstances over which they have no control or by dire necessity. I strongly object to their being classified as rogues and vagabonds.

Hon. J. J. Holmes: Should they be allowed to make false declarations with impunity?

Hon. A. THOMSON: If this House had a say in the conditions appertaining to employment and sustenance generally, I might be willing to agree with the hon. member. Every man is entitled to the right to work, and additional taxation is being imposed upon the community to provide work for those in need of it. Under present conditions a man has to be practically broke to the world before he can get a job. The Bill speaks of "any person receiving or attempting to receive any such work." We have

arrived at the stage when we are going to call a man a rogue and vagabond because he tries to get work in order to maintain his family. I am amazed that a Labour Government should have brought down this Bill. A person, through inadvertence, may make certain statements, although he honestly believes he is justified in making them. The Government are carrying out certain works in country districts. On Monday last a man submitted his name to the police for work as a painter on a Government building. He was accepted, but had only been working for a little while when word came from the Unemployment Board in Perth that as he had not registered as a sustenance man he was not eligible to take the job. He has struggled for years to keep away from sustenance. Under this Bill such a man might be classified as a rogue and vagabond.

Hon. E. H. Gray: Nothing of the sort.

Hon. A. THOMSON: He could be. He made statements which in the eyes of the board in Perth were false, and he was dismissed.

Hon. J. J. Holmes: You have not read the Bill.

Hon. A. THOMSON: I would not vote upon any Bill without first reading it. The hon. member does not possess all the wisdom in this House. Others are just as sincere as he is in their desires to see justice done to all sections. I have known what it is to walk about looking for work. I am not going to allow any man to be branded a rogue and vagabond when he is trying to get work for the maintenance of his family.

Hon. G. W. Miles: If he wilfully makes mis-statements?

Hon. A. THOMSON: There is no provision for dealing with a man as a first offender or for inflicting a fine. We do not know how the magistrate would deal with these cases.

Hon. J. J. Holmes: Could not an offender be let off with a caution?

Hon. A. THOMSON: The Bill does not provide for that. Apparently Mr. Holmes has not read it himself. The Act says that every person who commits any of certain offences shall be deemed a rogue and vagabond, and on conviction shall be liable to imprisonment for any term not exceeding 12 months.

Hon. E. H. Gray: A man could be let off under the First Offenders Act.

Hon. A. THOMSON: The Bill does not say so, and there is no provision for imposing a fine. The person who is found guilty of disorderly conduct or unlawful assault may be fined, but not one of the unemployed who makes a false statement. We should know the conditions imposed upon the individual before we pass this Bill. We do not know what conditions are laid down by the Unemployment Board and should not allow these people to be branded as rogues and vagabonds. It is all very well to say that a proviso has been added to exclude them from that category. I do not like the Bill, and will vote against the second reading.

On motion by Hon. E. H. Gray, debate adjourned.

House adjourned at 9.29 p.m.

Legislative Assembly,

Wednesday, 4th October, 1933.

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

QUESTION—ECONOMIC COUNCIL.

Mr. NORTH asked the Minister for Employment: 1, Has the Economic Council received the reports and recommendations (a) of the English and Presbyterian Churches regarding their researches into the crisis and unemployment; (b) of the Southampton Chamber of Commerce on the same questions as submitted to the British Cham-

ber of Commerce? 2, If these are not available locally, will he arrange for them to be obtained through the Agent General?

The MINISTER FOR EMPLOYMENT replied: 1, No. 2, No.

BILL—FRUIT CASES ACT AMENDMENT.

Report of Committee adopted.

MOTION—FRUIT FLY PEST.

MR. LAMBERT (Yilgarn-Coolgardie) [4.33]: I move—

That in the opinion of this House, owing to the prevalence of fruit fly it is advisable, in the interests of the fruit-growing industry of Western Australia, for the Minister for Agriculture to call for a report by a competent authority on the advisability of destroying all stone fruit and other trees which are acting as a breeding ground for this pest, within a given radius of the metropolitan area.

I do not intend to say much on this motion, which in itself is self-explanatory. No doubt others will take the opportunity to speak on it, in which event I shall have the right of reply. Therefore at this juncture I will content myself with formally moving the motion.

On motion by Mr. Sampson, debate adjourned.

MOTION—LEGAL COSTS.

To Inquire by Select Committee.

Debate resumed from the 27th September on the following motion by Mr. Raphael (Victoria Park):—

That a select committee be appointed to inquire into legal costs in this State, and also into the Legal Practitioners Act.

MR. HEGNEY (Middle Swan) [4.35] I will support the motion, for it will be in the best interests of all concerned to have a select committee appointed to inquire into the operations of the Act, which has not been amended for many years. Having regard to the experience of the past and the conditions of the present, the time is long overdue for inquiry into that Act. It is unnecessary to cover ground already traversed by other speakers, but I think that from the point of view of giving protection to