

Legislative Council.

Tuesday, 8th September, 1914.

	PAGE.
Paper presented	1091
Suspension of sitting	1091
Assent to Bills	1091
Bills: Plant Diseases, Assembly's message	1091
Licensing Act Amendment, Assembly's message	1091
Postponement of Debts, 1r, 2r, Com.	1091
Bills of Sale Act Amendment, message	1127
Industrial Arbitration Act Amendment, 1r...	1127

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

PAPER PRESENTED.

By the Colonial Secretary: Statutes Nos. 14 and 15 of the University of Western Australia.

SUSPENSION OF SITTING.

The COLONIAL SECRETARY (Hon. J. M. Drew—Central) [4.32]: The Notice Paper is practically clean. I do not propose to take any of the remaining Bills that are on it, but there are two Bills coming down this afternoon, one of which has reached the third reading stage in another place, and should be here within half an hour at least. I think it would be advisable, therefore, to suspend the sitting of this House for the time being.

The PRESIDENT: I will leave the Chair until 5 o'clock.

Sitting suspended from 4.33 to 5 p.m

ASSENT TO BILLS.

Message from the Governor received and read notifying assent to the following Bills:—

- 1, Cottesloe Municipal Rates Validation.
- 2, Melville Tramways.
- 3, Foodstuffs Commission.
- 4, Bunbury Motor 'Bus Service.
- 5, Osborne Park Tramways Purchase.
- 6, Agricultural Bank Act Amendment.
- 7, Friendly Societies Act Amendment.
- 8, Kingia Grass Tree Concession Confirmation.

- 9, Supply Bill (No. 2), £1,450,000.
- 10, Workers' Homes Act Amendment.
- 11, Special Lease Enabling.

BILL—PLANT DISEASES.

Assembly's Message.

Message received from the Assembly notifying that it had agreed to amendments Nos. 2, 3, and 4 made by the Council, but had not agreed to amendment No. 1.

BILL—LICENSING ACT AMENDMENT.

Assembly's Message.

Message received from the Assembly notifying that it had agreed to the Council's amendment.

BILL—POSTPONEMENT OF DEBTS.

Received from the Assembly and read a first time.

Second Reading.

The COLONIAL SECRETARY (Hon. J. M. Drew—Central) [5.5] in moving the second reading said: This is a Bill to authorise the postponement of debts by proclamation during the war and for six months after the declaration of peace. It enables the postponement of all debts, of specified debts, and of a specified proportion of debts or a specified class of debts according to the decision of the Governor. I do not think this Bill will come as a surprise to hon. members. The question has been discussed in business and other circles, and through the columns of the Press, and there appears to be a general feeling that some action should be taken by the Government before Parliament is dissolved. So far there has been no apparent necessity for the introduction of a measure of this description, or for legislative interference of any kind, but we must remember that Parliament has been sitting for some months, and it may be that many of those who would be disposed to harass their debtors have stayed their hands in consequence.

I hope it is not so, but it is possible that this may be so. We realise that the powers given under this Bill should be exercised only after much thought and grave deliberation, because all must perceive that any injudicious exercise of the powers given would have an effect the reverse of that intended. The commissioners will practically administer this measure.

Hon. W. Kingsmill: There is no mention of commissioners in the Bill.

The COLONIAL SECRETARY: No, but I propose to give the House the assurance that the Government will in all instances act on the advice of the commissioners.

Hon. D. G. Gawler: Which commissioners?

The COLONIAL SECRETARY: Commissioners to be appointed.

Hon. F. Connor: Where is the provision to appoint them?

Hon. W. Kingsmill: They are not mentioned in the Bill.

The COLONIAL SECRETARY: There are two interests which must be considered in the administration of a measure of this character, the interests of the creditor and also the interests of the debtor, and the commission to be appointed will be composed of gentlemen who after due investigation should be in a position to decide the matter equitably to both parties. The leader of the Opposition was consulted before this Bill was introduced in another place and he accepted the Bill, and an assurance was given him that he would be consulted also in connection with the personnel of the commission whom it is proposed to appoint. He was consulted relative to the appointment of the Control of Trade in War Time Commission, and I think all will agree that the personnel of that Commission is all that could be desired. We realise that it is necessary to secure good, able, level-headed, and impartial men, and no effort will be spared to obtain them. I think all will agree that the Bill is necessary in order that it may be used in case of emergency, and that it should not be used unless circumstances warrant it. The war has entailed consid-

erable dislocation of business. It has created a position to which the State has hitherto been a stranger, and that position would be intensified if mortgagees and others could swoop down on unfortunate debtors, sell them up, perhaps sacrifice their assets and send them along the road to ruin. I hope there will be no necessity to enforce the measure as, so far, there has been no necessity to enforce the Control of Trade in War Time Act. The effect of its existence on the statute-book will certainly be salutary.

Hon. F. Connor: How can we read the Bill and listen to your explanation at the same time?

The COLONIAL SECRETARY: Clause 2 gives the Governor power to postpone by proclamation the payment of debts. In fact, it gives him almost supreme power in the matter under consideration. The proclamation will have all the force of law. Clause 3 provides—

Notwithstanding anything contained in this Act, the Governor shall have power, with respect to any mortgage or agreement or any arrangement between creditor and debtor, to order that this Act shall not apply thereto if he is of opinion that, in the special circumstances of the case, the postponement effected by this Act is not necessary in the interests of the mortgagor or purchaser or debtor, or would cause great hardship or loss to the mortgagor or vendor or creditor (as the case may be), or to any person towards whom, with respect to such mortgage, agreement, or arrangement, he stands in the position of trustee.

This means that in every case in which the debtor is in a position to pay, he shall be obliged to pay. If he has the means, then the provision shall not apply to him.

Hon. W. Kingsmill: Is not there a misprint in the clause?

The COLONIAL SECRETARY: I cannot say: I have only just received a copy of the Bill.

Hon. W. Kingsmill: It states, "would cause great hardship or loss to the mort-

gagor or vendor or creditor." Should not that be "mortgagee"?

Hon. D. G. Gawler: Yes, it is a mistake.

The COLONIAL SECRETARY: I think it is a mistake. The clause continues—

The application for an order under this section shall be made to any person or persons appointed by the Governor.

The order of the Governor determining any such application shall be final.

The Act is to remain in force until a period of six months after the declaration of peace in the present hostilities between His Majesty and His Majesty's enemies.

Hon. J. F. Cullen: There is nothing about a commission in this Bill.

The COLONIAL SECRETARY: No, but the Government propose to appoint a commission to administer the measure, and to act in accordance with the recommendations of the commission.

Hon. J. F. Cullen: Where will the Government get power to appoint a commission?

The COLONIAL SECRETARY: They have power under the Royal Commissioners Act.

Hon. J. F. Cullen: That power ought to be recited in this Bill.

The COLONIAL SECRETARY: I move—

That the Bill be now read a second time.

Hon. H. P. COLEBATCH (East) [5.13]: I do not intend to oppose the second reading of this Bill, but I think it is a matter to which this Chamber should give very serious consideration. I do not know how many hon. members have had an opportunity to inquire into this matter up to the present time. We need to be very careful not to do something which will provoke the very thing we desire to avoid. We must be careful not to provoke financial panic or do anything which will destroy the system of credit on which practically the whole of the trade and commerce of the country depends. There is scarcely any community in the world in which the system of credit extends so largely as it does in Western Australia, for the reason that

we are a young community in which practically all our industries are being developed by people of very small means, and we may say that those engaged in developing our industries, the employers and those who pay wages, have practically pledged the whole of this credit in order to get the accommodation necessary to carry on their business. Consequently it would be a most serious thing to pass legislation which would impair that credit. I am willing to admit that in other parts of the world, it has been found necessary to pass legislation somewhat similar to this, but I do not think any other place has gone so far as the Government propose to go under this Bill. South Australia has passed a Bill proclaiming a moratorium in regard to two specific kinds of debt. One of these was the repayment of principal money becoming due under mortgage or bill of sale, and I am willing to admit that something of the kind may be necessary here because it is obvious if a mortgage or repayment of principal money under a bill of sale became due at the present time it would be possible for an unscrupulous creditor to press the debtor and force the security into the creditors' hands. I quite see the necessity for some legislation of that kind. The other matter to which the South Australian Act referred was the making of progress payments in regard to the purchase of land. There again I see the necessity for something of this kind, because it would be a cruel hardship on a person who had paid a number of instalments on a block of land, and who through want of employment was unable to meet payments, and by the strict form of the agreement would be liable to have the land forfeited. In respect of neither of those matters is any great hardship likely to result to the person to whom the money is due, because he would still have the right to collect his interest in the case of a mortgage or a bill of sale, and there would be no hardship if, during this crisis he was told that he could not press for the repayment of the principal. The Act passed in South Australia has the same intent as Clause

3 of the Bill. There is a provision in their Act preventing any person who is well able to pay from taking advantage of the Act. If a person attempted to do this, the creditor could bring him before the Court and compel payment. In New South Wales, I understand, for I have not seen the Act, their measure is very similar to this one, but it is there arranged that the Act shall not be brought into force without the consent of Parliament; therefore no proclamation will be issued without the consent of both Houses of Parliament. In each of these cases the commercial community has no occasion to take fright. Will that condition of affairs apply to the Bill before us now? Will not this Bill cause fear to the commercial community? I am not considering the commercial community from their own point of view, for they can very well look after themselves, but if we put them in the position of saying that "we are not going to allow you to look after yourselves" there is danger that they will treat their clients in a very different way from that at present obtaining. Suppose it became necessary to declare a moratorium in regard to any particular debt, that moratorium would apply from the moment it was declared; therefore a person requiring credit of the same nature afterwards would not be prejudiced. It is the same in regard to a new duty of customs. The moment the Bill is laid before Parliament the duty is collected, but a Bill passed in this form will give the Government power to proclaim a moratorium in regard to any specific debt, and it would be a sword hanging over the mercantile community, and there would be a great fear of merchants saying, "How can we continue to give credit when this moratorium may be declared by proclamation in a few days, and we shall not be able to collect our debts"?

Hon. J. Cornell interjected.

Hon. H. P. COLEBATCH: Mr. Cornell has illustrated the point I wish to make. The moratorium would apply to debts incurred before the proclamation. Therefore, if we pass a Bill declaring a general moratorium—though it would be

a crime to do anything of the kind at present—it would not prejudice the case of an applicant for credit to-morrow. If we pass the Bill in its present form, the applicant for credit to-morrow is likely to be told—"How am I to give you credit; how do I know that a proclamation will not be issued in a few days preventing me from collecting this debt"?

Hon. D. G. Gawler: This may apply to debts due or accruing.

Hon. H. P. COLEBATCH: That would scarcely matter. If the thing is done when they know that there is no recourse they can please themselves. This Bill will set up a position in which business men will not know where they are. We all know that a great deal of the business of the community is done on promissory notes, and it is the custom of the banks to receive these promissory notes in considerable numbers and discount them in the interests of their clients. If this Bill is passed will the banks continue to do that? Will they not say, "How can we discount promissory notes when we may be told next week that there is no obligation on the party making the notes to pay them when due"? I hope this matter will be discussed entirely in a non-party spirit; entirely with a view of doing all that we want to do, relieving everybody in distress and also conserving the credit system of the country, because if you destroy the credit system of this country there are dozens of employers who will be unable to keep their businesses going. We may be able to make some amendment to the Bill having some reassuring effect so far as the banking and commercial community are concerned. The Bill seems to suppose that somebody apart from the Government will act in an advisory capacity, but it does not say so. Can we not amend the Bill in that way. I do not say I distrust the Government. I am willing to give them every power, but can we not put something in the Bill which would reassure the commercial interests in the community. It is said there is going to be a commission to advise the Government. Why not express that in the Bill, and give the people an assurance that nothing will be done without the advice

of a responsible commission? Great as may become the necessity of relieving people by the postponement of their debts, it is far more important that we should not scare people, because once you stop credit you stop the business of the country. The chief aim of the Bill should be to assure those giving credit that payment will not be stopped except in extreme cases of grave necessity. To my mind, there is no difficulty in inserting some provision in the second clause making it clear that no proclamation can issue except on the advice of the Royal Commission. That Royal Commission should be representative of the banking and commercial community, and it would have a good effect. There is no commission that would be likely to refuse the postponement of debts where hardship is likely to be caused. Unless we give the commercial community some guarantee, we shall do more harm than good. So far as Clause 3 of the Bill is concerned, Sub-clause 2 says:—

The application for an order under this section shall be made to any person appointed by the Governor.

I do not know exactly what is contemplated. If it is contemplated, as seems to be the case, judging by what I read of the discussion in another place, that a commission will be appointed to deal with all cases in which people endeavour improperly to take advantage of the Act, I can see that there would be endless embarrassment. No commission is likely to be able to deal with the number of cases that would have to be dealt with. The simplest course to provide would be that the cases should be dealt with by the local court if the case came within the jurisdiction of the local court. It does not seem to me that the person to deal with these cases should be the Governor-in-Council, which means the Government. That would be a highly objectionable method of procedure. It surely is never contemplated that Ministers should sit in Cabinet to decide whether Tom Jones shall pay his debt to Tom Brown or not. When a creditor considers a debtor is taking an unfair advantage he should be able to bring that debtor before the local court or the

Supreme Court and let the matter be decided there. I do not know that I have other points to consider in regard to the Bill. My idea in making this suggestion is to assist the Government, because there is very grave danger in disturbing the credit system.

Hon. J. F. CULLEN (South-East) [5.28]: Of course it is assumed in connection with the Bill that a proclamation would only be the last resort, that the Government would not take action unless there was an appearance of hardship being inflicted, but even so, even remembering all that, it strikes me that the simple solution would be to bring in the commission earlier; at an entirely different stage than this. If the commission that is implied in the Bill is to do effective work that commission should be an advisory body in regard to making the proclamation. No proclamation should be made except on the advice of the commission, representative of the business section of the community. That being provided, I do not see any difficulty about the second part. The second part for which the commission is now proposed would not need a commission at all. It would be merely like a business transaction which could be dealt with, as Mr. Colebatch has suggested, by the regular courts of the land. The proposal of the Bill is that the Government should take the whole responsibility of making proclamations, and that then a Royal Commission should undertake the enormous detail work of making or recommending orders on specific cases. Thus the Governor-in-Council would have the responsibility of a court of justice. I am sure that principle is a wrong one. One does not like to criticise an emergency proposal of responsible Ministers, but, assuming that need will arise for putting this measure into operation, endless confusion must result. The simple course would be an advisory commission, without whose recommendation the Government would not make a proclamation. Then, where that proclamation would endanger the cause of justice between, say, a mortgagee and a mortgagor, the regu-

lar courts of the land could be appealed to in the ordinary course. That would be a simple method of applying a moratorium, and I am sure that even now the Government would be wise to follow that course.

Hon. D. G. GAWLER (Metropolitan-Suburban) [5.31]: I think pretty well everyone will recognise that cases may arise where it will be necessary, in order to prevent hardship, to postpone payment of debts. Of course, it has been suggested that the mere fact of postponing payment creates a panic and curtails credit. It may be, however, that in the present condition of affairs credit has already been curtailed; and therefore I think that a power like this, wisely handled, would be in the interests of the community. Personally, I am prepared to support the principle. Grave questions, however, have arisen as to whether the moratorium should extend beyond a certain class of debts, debts which are secured; but I think cases of hardship may equally arise in respect of the clause. For instance, where a man has purchased land under the instalment plan, and in the ordinary case of debtor and creditor, hardship may arise which would require to be relieved. Therefore, on the whole, I think there is no objection—if we once recognise the principle—to allowing a moratorium to be proclaimed in respect of any species of debt. I must say, however, that I am decidedly against giving the Government the powers sought in the Bill. We have, of course, the Colonial Secretary's assurance that any action taken will be taken on the advice of a Royal Commission; but I agree that the commission should be specified in this Bill. Personally, so far as I am able to do so, I intend to insist upon that being done.

The Colonial Secretary: Do you mean the names of the commissioners inserted in the Bill?

Hon. D. G. GAWLER: Not necessarily the personnel, but the classes from which the Royal Commission will be chosen. I am prepared to move an amendment in that direction, subject to any better

amendment being moved. For instance, the personnel of the commission might comprise the Chairman of the Associated Banks, a commissioner to be selected by the joint presidents of the Perth and Fremantle Chambers of Commerce, and a commissioner appointed by the Government.

The Colonial Secretary: You had better vote against the Bill straight away.

Hon. D. G. GAWLER: If the Colonial Secretary takes that view of my suggestion as to the personnel of the commission, I should like to know what his idea of its personnel is. If it is what I think it must be, then we might just as well leave the whole matter to the Government without a commission at all. Now, if we leave the matter to the Government without the advice of a commission at all—and I wish to discuss this Bill without any party suggestion—we must recollect that the Government have forces behind them, forces which they may find it very hard to resist, however much they may desire to do so.

Hon. Sir E. H. Wittenoom: Forces that embarrass them.

Hon. D. G. GAWLER: They do not seem very much embarrassed. That is the difficulty. We have already heard, outside, whispers of resolutions passed in certain places that payment of all rents should cease. If forces like those are brought to bear on the Government, I do not suggest that the Government would give way to those forces, but they must be influenced by those forces. They would find it very hard indeed, without the advice of some people apart from such influences, to decide such questions as what species of moratorium should obtain. Therefore, I personally propose to submit, subject to any better suggestion which may be made, a provision for a commission on the lines I have suggested. Next, as regards the power contained in Clause 3, I certainly agree with the suggestion that a judge or a magistrate of the local court, having jurisdiction, shall be entitled to hear cases of this kind. It seems difficult to know who, under Clause 3, is going to deal with cases of

this sort, because Subsections 1 and 2 seem rather to conflict with one another. By Subsection 1 the power is given to the Governor-in-Council; by Subsection 2 it seems to be given to the persons appointed by the Governor-in-Council.

Hon. H. P. Colebatch: They recommend.

Hon. D. G. GAWLER: And the Governor-in-Council gives the decision?

Hon. H. P. Colebatch: Apparently.

Hon. W. Kingsmill: The Government might appoint ordinary civil servants.

Hon. J. CORNELL: That would be better than Mr. Gawler's suggestion.

Hon. D. G. GAWLER: I am speaking now of cases of hardship under Clause 3, in respect to which cases it may be decided that the measure is to apply or is not to apply. I contend the decision should be left to a judge or a magistrate, who will hear evidence, if necessary, and decide on the evidence before him.

Hon. J. CORNELL (South) [5.38]: I rise to support the second reading of the Bill. The speakers who have preceded me have recognised the value of the provisions contained in this measure; and, if I may judge by the solemnity which characterises the faces of hon. members generally in this Chamber, other hon. members recognise it too. The preceding speakers agree, as I agree, that there is necessity for such legislation as this. Where I depart from them, however, is that they agree that the Government are not to be trusted, whilst I contend that the Government are to be trusted.

Hon. Sir E. H. Wittenoom: Nobody said the Government were not to be trusted.

Hon. J. CORNELL: We are now getting a true test of loyalty as represented in this Chamber. The kind of loyalty entertained by Mr. Gawler can be illustrated by the personnel of the commission he would insist upon. That hon. member would insist upon this House saying who should form the commission, that it should be formed by the Chairman of the Associated Banks, by a representative of the Chambers of Commerce and by a representative of the Government.

Hon. D. G. Gawler: What would you suggest?

Hon. J. CORNELL: Now, this is the test of loyalty. We take it that the Government are truly reflective of the whole of the people of this State. I think they are so reflective, as Responsible Government is known to-day. The people of this State have reposed the destinies of this State in the hands of the present Government.

Hon. Sir E. H. Wittenoom: A majority of the people.

Hon. J. CORNELL: I will repeat it once more, in case hon. members might forget it, that the people of this State have reposed their destinies in the hands of the present Government. The majority of the people of this State, as we know Responsible Government, have placed the destinies of this State in the hands of the present Government, just as the electors of the Commonwealth are placing the destinies of the Commonwealth in the hands of Mr. Fisher and his supporters.

Member: The majority are not affected by this.

The PRESIDENT: Order!

Hon. J. CORNELL. An hon. member says that the majority are not affected by this Bill. The underlying principle of the Bill, that which brought this measure about, leads me to believe that all Britishers, the world over, are affected.

Hon. D. G. Gawler: Not by this Bill.

Hon. J. CORNELL: They are affected by what has produced the bringing down of this Bill; namely the war. That is how all Britishers are affected, and that is where the true test of loyalty comes in. Responsible Ministers, acting as the trustees of the people, bring forward a measure of this nature, which goes through the other House without a division. I always look upon the attitude of the other House as being in the same relationship to the attitude of this Chamber as the pilot fish is to the shark—the one pilots the other to its prey. And the pilot fish has done well on this occasion; the duty of the pilot fish has been done effectively this time. All hands are assembled here to destroy this measure, anxious to destroy it. However, let me

get back to my point on the question of loyalty. The responsible Ministers of the day say that this Bill is necessary.

Hon. Sir E. H. Wittenoom: One House says so; not the other, as yet.

Hon. J. CORNELL: The measure will be brought into operation only by proclamation. Now, exception has been taken to the circumstance that the personnel of the advisory commission in connection with this measure has not been embodied in the Bill. Mr. Gawler says he is going to insist that the personnel shall be so embodied. If this House adopts that suggestion to the fullest extent, then I say its insistence on that point can mean nothing else but a direct insult to the Government of the day and to the great mass of the electors of this State.

Members: No.

The PRESIDENT: Order!

Hon. J. CORNELL: I say advisedly, a member of this Chamber who would insist on the Chairman of the Associated Banks being appointed to the chairmanship of this Royal Commission—

Hon. H. P. Colebatch: He did not say anything of the kind.

Hon. J. CORNELL: It was said by way of interjection.

Hon. H. P. Colebatch: It was merely suggested.

Hon. J. CORNELL: It was suggested with a motive behind it.

The PRESIDENT: The hon. member will please address the Chair.

Hon. J. CORNELL: The suggestion is that the proposed Royal Commission should consist of one representative of the Government, and of two representatives of sections of the community which would be the first to take the opportunity of making money out of this war.

Hon. J. J. Holmes: Nonsense.

Hon. J. CORNELL: It is not nonsense. It has been borne out in evidence before a Royal Commission which recently sat in the Eastern States, that there are commercial sharks who would exploit, and who have exploited, this crisis by cornering wheat and by cornering other supplies. Those sharks did that for the sole purpose of benefiting themselves.

Hon. H. P. Colebatch: You are speaking only of individuals; not of responsible representatives.

Hon. J. CORNELL: I am speaking on evidence, and I say that there are in this State individuals who would do the same thing to-morrow.

Several interjections.

Hon. J. CORNELL: I say the working man has as much morality as any other man in the community, and I will not subordinate his standard of morality as being inferior to that of any other representative class. I ask, how many members of this Chamber agree with the proclamation of the Cook Government prohibiting the export of wheat and meat from Australia? How many hon. members are there in this House who would say deep down in their hearts that they do not object to it? Mr. Cook did that on the advice of a Royal Commission.

Hon. H. P. Colebatch: He has done nothing of the kind.

Hon. J. CORNELL: The hon. member will have an opportunity afterwards. I read in the newspaper this morning that Mr. Cook had acted on the advice of a Royal Commission, of which Mr. Alfred Deakin is Chairman, in prohibiting the export of wheat from Australia, except—

Hon. H. P. Colebatch: Except!

Hon. J. CORNELL: Except it be done under the authority of some person or persons, as proposed by this Bill. That is to say, no man in Australia to-day is free, merely of his own volition, to export produce from Australia.

Hon. H. P. Colebatch: We did the same thing here.

Hon. J. CORNELL: But hon. members are not going to do the same in connection with this Bill. Exception has been taken to a Royal Commission dealing with this matter. The very same exception was taken in connection with the appointment of the Foodstuffs Royal Commission, and it was said that the Commissioners would have such a great volume of business that they could not possibly cope with it. Exactly the same old stalking horse as is being trotted out now,

was trotted out when the Bill to appoint the Foodstuffs Commission was under consideration. I ask, has there been any congestion of business? Have the Commissioners done their work badly? Have they inflicted any hardship on any section of the community? Not one. No hon. member answers in the affirmative. I say that those Royal Commissioners have inflicted no hardship whatever, but, on the contrary, have achieved a vast amount of good, and that the community is under a debt of gratitude to them. And two of those Commissioners are civil servants, and capable civil servants at that. If this Bill is to be of any use all debts should be embraced by it.

Hon. D. G. Gawler: So it says.

Hon. J. CORNELL: I say all debts should come under it. I am willing that mine should come under it, and I have none. I owe no one anything, and no one owes me anything, but if I do not owe anyone anything it may be a very short period—

Hon. R. J. Lynn: Before you do?

Hon. J. CORNELL: No, when I may be in the position of being owed something. I may not be in this position to as great an extent as other hon. members, but if I am, it will not go through three or four hands before reaching the hand it is intended for. It will go from my hand to the hand of the man concerned, and it will not be a case of lifting one promissory note to meet another. This bill must apply to all debts.

Hon. H. P. Colebatch: That is enough to make the House reject it.

Hon. J. CORNELL: If we pass legislation which will apply to only certain debts and agreements, there is not the slightest doubt that someone will be left out, and that someone will come in and squeeze him. I think I am safe in saying that this Bill will affect only the metropolitan area. Outside the metropolitan area there will be no need for it, and too much hardship will not be occasioned to the country.

Hon. C. Sommers: That is all you know about it.

Hon. J. CORNELL: Outside of the metropolitan area, there is very little necessity for it—

Hon. C. Sommers: How do you know?

Hon. J. CORNELL: Outside of the metropolitan area there is very little necessity for it in the direction of applying assistance to the working classes of the community.

Hon. J. F. Allen: Is there no need for it in Kalgoorlie?

Hon. J. CORNELL: The mining industry is going full steam ahead and employing as many men as before the war started.

Hon. R. G. Ardagh: It would be a bad job for Perth if the mining industry stopped.

Hon. J. CORNELL: As far as workers of the metropolitan area are concerned, I am prepared to say that 70 per cent. of them do not own their own homes and those who do are encumbered right up to the hilt in debt, and 50 per cent. of them do not own so much as a gridiron among their household goods.

Hon. J. Duffell: That is news.

Hon. J. CORNELL: I have learnt this from inquiries as to how people can dress on half of the money I get twice as well as I can, and can go to five times the number of places of amusement I do. They do it on the time payment system, and there is no place where such a system likely to encourage snobbery prevails to the same extent. It is in the interests of these people that this provision should include all, and I hope the Bill will be passed. If it is not passed, I am not fearful of the result. I am not fearful of the result in the district which be most vitally affected. There is no doubt whatever that this Bill and other Bills will be used as a political lever in a political issue.

Hon. H. P. Colebatch: Is that what it is intended for?

Hon. J. CORNELL: The hon. member in his remarks asked us to be dispassionate, and not to go into controversial matters. That is a quiet way which characterises some hon. members of this House, and leads to a great burst of passionate utterances later on when they

are outside of the House. I have invariably taken up the position of expressing my views on the floor of the House, and I cannot add very much to them when I go outside. Whether the Bill is passed or rejected, it will not affect the party I am identified with. The results not only of Saturday's elections, but of the elections of 18 months ago have told the story and we hope for nothing from it. I am sure it is not the wish of those responsible for the measure to pander to the people who will be benefited for their votes, because those people have made up their minds that the present Government will not get their support. In the interests of all concerned, effect should be given to this measure to embrace all, and allow no unscrupulous individual to exploit people in time of stress and amidst the unfortunate circumstances which are now prevailing.

Hon. A. G. JENKINS (Metropolitan) [5.32]: If, as the hon. Mr. Cornell said, this Bill does not affect at all the party he represents. I hope he will not object to any reasonable amendments which the House considers necessary in the interests of the whole community. This Bill goes much too far. Hon. members need to think a little before passing a Bill to allow any Government to declare a general moratorium. Personally, I am quite content to leave the power in the hands of the Government to declare a moratorium in regard to certain securities. I do not care whether the Government have a commission or not; I am satisfied to leave this power in their hands, but I am not content to leave the power in the hands of anyone, whether a commission or the Government, to declare a moratorium for all debts in this State. I wonder that the Government did not introduce a Bill more on the lines of the South Australian Act. The Bill introduced in South Australia was supported by the leader of the Opposition, Mr. Vaughan. In a very able speech that gentleman said he certainly thought it might have been extended as regarded rents, but he also said he did not believe in a general moratorium as regarded all debts. I think he was right, and that his

remark was a very wise one. Have hon. members any idea of the immense system of credit that at present exists in this State? I have it on the very best of authority that the big body of merchants of Perth and Fremantle to-day carry on their books a credit of at least five millions of money. There are two firms at least that carry a credit of two millions of money, and under these unusual circumstances they have had to extend their credit to at least another 25 per cent., making it well over one million each. No one supposes that these immense firms can possibly exist without a large trading overdraft. I have in mind a very large retail house in Perth. I suppose in one way and another the capital value of their land and stock would be £500,000. Does any hon. member think that that large business can be carried on without the gentlemen concerned owing the bank a very large sum of money? Supposing the Government or a commission have power to say to-morrow—"There is a general stoppage of the payment of all debts," how will these merchants exist? What will happen?

Hon. Sir E. H. Wittenoom: They only propose to stop a certain class.

Hon. A. G. JENKINS: They do not. They have power to prescribe any debts.

Hon. Sir E. H. Wittenoom: It is all right if they stop any kind.

Hon. A. G. JENKINS: This is too serious a matter for joking.

Hon. Sir E. H. Wittenoom: I am not joking.

Hon. A. G. JENKINS: I cannot believe that the hon. member is serious, because the effect would be to at once bring to the ground every large trading house in the metropolitan area. It would be impossible to prevent it. If the Government say to-morrow that people need not pay up their debts, if they proclaim a general moratorium, what will happen?

Hon. D. G. Gawler: Would you leave that in the hands of the Government without a commission?

Hon. A. G. JENKINS: I would not give the power to the Government or to a commission. I am prepared to give the Government power to proclaim a

moratorium in the same way as has been provided under the South Australian Act, namely, in regard to mortgages, time payment agreements, bills of sale, and that class of security.

Hon. J. Cornell: Why should it be possible to sell up a man for rent?

Hon. A. G. JENKINS: The hon. member knows very well that such a case as that will not occur. The hon. member ought to remember the old adage that hard cases make bad law. It is impossible to make a law to apply to every case. The proper course is to follow the South Australian Act and declare a moratorium as to certain classes of security, but to declare a moratorium for all debts would mean not only ruin to the merchants, but an absolute stoppage of business, the wholesale dismissal of employees—

Hon. Sir E. H. Wittenoom: And cash everywhere.

Hon. A. G. JENKINS: And an abolition of the credit system. Every member must know that without a certain amount of credit the State will at once become bankrupt. This is not the wish of the Government, but they must look at the position as reasonable men. Therefore I suggest an amendment to this measure to make it follow on the lines of the South Australian Act and apply to certain classes of security, so that they shall not impair the whole credit of the State by taking the power, should they desire, to stop anyone from paying his debt, no matter what the circumstances may be.

Hon. R. J. LYNN (West) [5.58]: I believe it is essential that this Bill should be passed in view of the prorogation of Parliament at an early date. I do not think it wise that there should be no Parliament sitting, and that there should be at the same time an opportunity given to any section of the community to do anything harsh towards any other section of the community. If the Bill is passed as drafted, I do not think that any grave danger will ensue to any one. I am not in accord with the suggestion of the hon. Mr. Gawler that the banking institutions and commercial fraternity

should be represented by a majority of the commissioners. I am inclined to agree with the hon. Mr. Colebatch that we should be careful not to create any panic, but at the same time we should be just as careful to protect all sections of the community when Parliament is not sitting. I would approve of a commission, and I would go so far as to suggest to the Government—and in this direction we should be prepared to trust them to some great extent, because they are controlling the finances, or are responsible to the people for the conduct of the State—that perhaps they may give the House an assurance or embody the principle in the Bill, that at least one member of the commission should be a representative of the financial community, either of the Associated Banks or the mercantile community. The Government would also have their member, and these two gentlemen I consider would be quite sufficient for this commission. In the event of any disagreement arising between the two gentlemen as to what debts should be proclaimed under the moratorium, they would have the right to decide on a third person, let him be perhaps a judge of the Supreme Court, in order to declare what debts should be brought under the moratorium Act. I am quite prepared to support the measure, not perhaps exactly as it is presented, but at the same time I do not want to see any section of the community or representative of any particular class, in preponderance on the commission.

Hon. A. SANDERSON (Metropolitan-Suburban) [6.3]: I can only envy those members who can give a decided opinion, practically without notice, on such a complex question as we are called on to deal with. I will agree to this Bill on one condition, that it is in force only until the new Parliament meets. I can understand that a moratorium is sometimes necessary to stop a panic, but this kind of Bill seems to be a moratorium that will cause a panic. I think if we look around the State at the present moment, we find financial institutions and banks, and to a certain extent other representatives of the community, who are charged

with the administration of mercantile affairs, doing their best and doing it very wisely at the present moment; but some new conditions may arise, and probably will arise, from day to day, and if the Parliament is not in existence how is it possible for the Government to get any power during that period? If it is allowed that this Act should remain in force until the new Parliament meets, it will give the Government sufficient power to deal with an emergency, and enable members of Parliament to have further time to consider this question, discuss it with other people outside and inside the House, so that we can arrive at a wise conclusion. I shall certainly support the second reading of the Bill, and I would ask the representative of the Government in this House to consider the suggestion that I have thrown out, that the Government shall have this power handed over to them—we have already handed over tremendous power to them during the last few weeks—until the new Parliament meets. The Government have in their hands all the control they require to prevent any injustice and hardship which is possible off-hand to occur, but when the new Parliament meets it will then be within the province of the Government that comes into office to deal with the position such as it will be in a few weeks' time. If the leader of the Opposition in the lower House has agreed to the passage of the Bill without a division, that is another reason, I think, why we should try to assist the Government. That should appeal to every party and non-party member here, because we must recognise, I think, the heavy responsibility that rests on the Government, and on the leader of the Opposition, and we have been told, and know, they have been consulting together and have agreed upon this Bill. Whether they have had time to consider this proposal of mine about keeping the measure in operation until the new Parliament meets, I do not know, but, considering the many claims on their time and attention, they may have overlooked it. I offer it to the leader of this House, with all due deference, so that

he may submit it to his colleagues and see if that will meet the case.

Hon. C. SOMMERS (Metropolitan) [6.9]: This Bill is experimental in its nature, and for that reason it behoves us to be particularly careful how far we go. The scope of the Bill altogether is too wide, and, as Mr. Jenkins has said, we should be guided a great deal by what has happened in South Australia. There a Bill similar to this, but limited in its incidence, affecting only mortgages and interests under mortgages, bills of sale, and land bought on time payment. Replying to Mr. Cornell's remark, a man who has not succeeded in paying for his house entirely, will be protected under such a Bill. The mortgagor would be protected because it would be unfair to ask a man at this stage to pay off money on existing mortgages, because it would be difficult to find buyers at this stage. But to extend this Bill to all debts would be an impossible position. Mr. Jenkins has wisely pointed out that it will have the opposite effect of limiting credit and insisting on payment in cash for everything that is needed, and it will bring untold trouble on those we wish to assist. The House may pardon me perhaps for reading from the remarks of the Attorney General of South Australia. The speech is not very long, but it will be helpful to us. The Attorney General, Mr. Homberg, in moving the second reading of the Bill in South Australia, said—

It was the second instalment of the measures considered necessary to deal with the unfortunate state of affairs forced upon them by the international disturbance. One of the effects of the war, as of all wars, had been to cause a stringency in the money market. Mortgagors and others had been placed in a very difficult position. In some cases where mortgages had fallen due it was found to be impossible, on account of the unwillingness of financial institutions, to renew loans or to open up further negotiations for the mortgagor to meet his obligations. This position had been intensified by the dry season.

The very same state of affairs that we have. The speech continues—

Never in his experience had the State experienced such an unfortunate time. Parliament had to consider these needs, and he thought the measure would at least earn the commendation of those who had no partisan views to offer to the House, who considered both those who had lent and those who had borrowed, and who desired to keep the wheels of industry going, and to assist people who, through no fault of their own, had been placed in a very hard position. Financial institutions were not opening up new loan negotiations, and business of that kind appeared to be at a standstill. In those cases where application had been made to mortgagors to repay, no matter how excellent the security, they were finding it well nigh impossible to find money anywhere in the city. There might be one or two cases where those more fortunate than others could get what they wanted, but when it had come about that a number of the principal institutions, upon whom they relied to undertake business of that character, had ceased such operations, it would be seen what difficulty applied to those who needed monetary assistance to carry on their affairs. It was only in consequence of the existence of such conditions that the Government introduced a measure of this kind. It was with the knowledge that it might otherwise be injurious in certain directions that they had limited the application of the bill to mortgages and cases where the purchaser of land had not yet completed his agreement of purchase. If mortgagors could not obtain money and were yet required to pay what they owed, it would mean ruination to them by the wholesale sacrifice of their security. He knew of instances where people might have gilt-edged security pledged under mortgage, yet, where the mortgagee exercised his powers—as he had a right to do—and forced the security on the market, and the unfortunate mortgagor was not able to obtain money

elsewhere, it would mean a great sacrifice to him. The Government must assist in tiding such people over the present trouble and prevent a collapse. The measure would afford relief to persons in all parts of the State, city as well as country. The small man borrowing on his house would come under it as well as those who had secured advances on their farms. The trustees of the Savings Bank had been asked what their policy was in respect to overdue mortgages, and hon. members would be glad to hear that the Government had received an assurance that where the condition of the security had not depreciated the mortgage would be allowed to run on with no change in the rate of interest. Under the present law trustees who granted an extension of time to mortgagors were responsible for any loss that might occur, but, under the present circumstances, it would be distinctly unfair to compel trustees to shoulder the responsibility for a compulsory extension. The Bill exonerated the trustee from liability should any loss occur because of its application. The statute would undoubtedly be eagerly studied by those who had material interest in it. If hon. members had any suggestions to make for the improvement of the measure he would be glad to give them consideration. He felt, however, that they should not too readily extend the provisions of the proposal. It was intended to deal with a condition of affairs that was unique. It was quite experimental, and should be watched closely, and its effects—whether beneficial or injurious—carefully noted before its scope was widened.

Then Mr. Vaughan, the leader of the Opposition, supported the measure and an amendment was moved at the instance of the Attorney General in regard to the mortgages that fell due on the 30th June last, that they should not come within the scope of the Bill. Because a man had failed to pay on the 30th June last that failure was not caused by the effects of the war but from some other reason, and

in that case, the mortgagor might press. Something of this sort is needed. I do not think it should go beyond the cases I have mentioned, which would give a protection of mortgages, protection of bills of sale, and those who have bought land under time payment. Assuming that the Bill is carried, all the difficulties that Mr. Gawler pointed out would arise. The Government would make a proclamation without the advice of the commissioners, the commissioners would hear the evidence, and then report to the Government. That is an impossible position. The commissioners could not possibly hear all the cases, and there would be no relief at all. There would be a state of chaos, everything would be upset, and more harm than good would be done. If the Government insist on carrying the Bill through in its present form some assurance should be given to members that the commissioners should be drawn from recognised bodies. It is important that we should have on the commission men who have made these matters a study. The commission which has been appointed already is an excellent body, for which it has been created, but, to my mind, it is not a good body to consider matters which would come under this Bill. We want men of great experience, commercial men particularly, and the suggestion of Mr. Gawler is a particularly good one. I hope the House will consider the Bill in all its aspects, without any party spirit, for we want to do what is right. We do not want to make the scope of the Bill too wide.

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

Hon. J. J. HOLMES (North) [7.30]: When introducing this Bill the Colonial Secretary said in effect that its object was to protect unfortunate persons who were being victimised under the unhappy circumstances that have arisen. If the Bill could have that effect, and that effect only, I should be in entire accord with the measure. I am afraid, however, that the Bill will have much more far-reaching effects than those indicated by the Colonial Secretary. We are given to understand by the Minister that the un-

fortunate position which has arisen is due entirely to the European war; and certainly it would appear that our Government are much more scared of the war than the British Government are. Personally, I am inclined to think that the present deplorable position is not due to the war, but due to a condition of affairs that has existed for years past, a condition of affairs that any ordinary business man would know must sooner or later come to an end. We have been living in a fool's paradise, as on calm reflection we must recognise. We have been borrowing money and carrying on the country on borrowed money irrespective of the serious consequences that must, sooner or later, ensue. Not only have we been borrowing money and spending it as fast as we borrowed it, but we have been collecting more revenue than ever, and yet spending considerably more revenue even than we collected. No doubt, the unfortunate position which has arisen has been somewhat hastened by the advent of the European war; but it was plain, two years ago at all events, that this recklessness must cease. We are told by Mr. Cornell that the Bill must be a general measure applying to all classes of trade and to all classes of debts. It is to that hon. member that the House has to look for the Labour policy, because—to be brief—every time the hon. member opens his mouth he puts his foot in it, or at any rate gives away the Trades Hall secrets of his side. In effect, he said this afternoon that in the times of fictitious prosperity which this State has enjoyed, the people of the metropolitan area—principally members of the Labour party, because they are in the majority always—have been living extravagantly; that they have been living extravagantly in the good times, and that now, when serious times are ahead, they should be given an opportunity of evading their responsibilities. Now, if that be the policy of the present Government, if Mr. Cornell has enunciated that policy truly, that I should say is sufficient justification for our withholding from the Government

the powers they ask under this Bill. When we remember that the Government championed by Mr. Cornell spent during the years of prosperity all the loan money they could get hold of, spent all the revenue they could get hold of, and in addition mortgaged the revenue account to the extent of practically three-quarters of a million, then I say we should pause before giving this Ministry the power they ask by the Bill. This very measure which Mr. Cornell claims the Government are entitled to have, the Premier himself admitted the Government are not entitled to have. The Premier, if he is correctly reported, said that in the first place the Bill gave very great powers which, in the circumstances, he thought the Governor-in-Council should not be asked to exercise. That is what was said by the Premier himself. He said that the Government, for whom Mr. Cornell claims this power, should not be asked to exercise that power. The Premier admits the incapacity of the Government to deal with the question. In effect, he wants to delegate the power to a Royal Commission as being better qualified than the Government to deal with the question. The Premier himself does not ask this power. In his brief speech introducing the measure in another place, the Premier said, in substance, that the power under this Bill was not one with which he was to be trusted, that it was a power he was not capable of administering properly if it were given to him. In my opinion Mr. Cornell's speech this afternoon showed clearly that it was not the Government's intention themselves to exercise this power in the Bill directly, but to exercise it in the manner indicated by Mr. Cornell. I would much prefer, if I gave full authority of this kind to any body of persons, giving it to the Government. I would rather give it to the Government than to a Royal Commission nominated by the Government, because in the latter case we would find the Government protecting themselves always behind the commission whom they appointed. In effect, the Government would lay the blame for any ill results at the door of the commission; and if

there was any credit, the Government would take it to themselves. Another dangerous position which might be created through leaving the Government a free hand to appoint a Royal Commission, as it has been suggested they should have, would be that the Government might appoint a Royal Commission of civil servants, with the result that as soon as the wishes of the commission came in conflict with the views of the Government, those civil servant Royal Commissioners would be instructed to return to the duties of their office elsewhere under Ministerial control; and the Government would then be in a position to appoint Royal Commissioners whose views would more closely coincide with those held by Ministers. We have evidence of at all events one Royal Commission, the members of which had the ground cut from under their feet while they were attempting to carry out their duties; and, as far as I am concerned, I do not want to see a repetition of that. If the Government ask this power for themselves, I would far sooner entrust it to Ministers than to a Royal Commission appointed by Ministers. This financial panic of which the Government appear to stand so much in dread is, I repeat, not due at all—or, if at all, then to a very limited extent—to the European war. We have not yet really begun to feel the effects of the European war. We are, however, feeling the ill-effects of the maladministration of the affairs of this State for the last two or three years.

Hon. C. Sommers: Coupled with a bad season.

Hon. J. J. HOLMES: Coupled with a bad season. If ever this country needed careful administration, it is now. A wise Administration, when passing through a period of prosperity, would have paid the country's debts, and not outrun the constable to the extent of three-quarters of a million as the present Government have done.

Hon. J. W. Kirwan: The people of Australia have begun to do that last Saturday.

Hon. J. J. HOLMES: To do what?

The PRESIDENT: The hon. member will address the Chair, and not start a conversation, or continue a conversation.

Hon. J. J. HOLMES: The country has been mortgaged during the good time. Ministers have been spending all the money they could borrow, and all the revenue they could raise, and three-quarters of a million that was got hold of by some means we have not yet had explained to us. This is the sort of business that is putting fear into the commercial community. I have been making an endeavour to trace the source from which the Government got that three-quarters of a million.

The PRESIDENT: I think the hon. member had better discuss the Bill.

Hon. J. J. HOLMES: This is a financial Bill, and surely I am in order in discussing the financial aspect. The whole Bill hinges on the financial position which has been created. However, I bow to your ruling, Sir.

The PRESIDENT: I think the hon. member had better continue on the Bill.

Hon. J. J. HOLMES: Am I to understand, Sir, that the aspect from which I am discussing the Bill is not in order?

The PRESIDENT: I do not think the hon. member is in order in going into the whole financial question. However, it is a matter of taste. The hon. member may continue.

Hon. J. J. HOLMES: The Government are charged with the administration of the affairs of this country; and now they propose, in this legislation before us, to dabble in the affairs of the commercial community, which are being better administered than the Government have administered the affairs of the State. That is my point. Further, three-quarters of a million of money which the Government have paid away has been taken, so far as I can judge, from the Agricultural Bank. So far as I am able to judge from the figures that are obtainable, from the figures that are doled out, that is where the money was obtained. It is this kind of thing that is causing the business community to hesitate in taking action, and to curtail their

trade to a certain extent. The business community do not know exactly what the financial position of the country is, and the Government cannot or will not tell them. So far as I am able to gather from the figures supplied, there is an unallotted authorisation for the Agricultural Bank of £900,000. The Colonial Secretary a couple of days ago told us that there is only £250,000 of that authorisation available. Now, deducting the £250,000 available from the £900,000 of the unallotted authorisation, one gets a difference of £650,000, which has been paid away by the Treasury. This being a business community, we are entitled to know, in view of the serious period we have started on, exactly where we are. Government is finance, we are told, and finance is government. If the past administration of finance is a criterion, we must have had very bad government. This Bill if passed will create a scare amongst the business people. The Government started the scare by dishonouring their Agricultural Bank cheques to the extent of 10s. in the pound, and by rushing the Government contractors, depleting the merchants' stocks, in order that the Government might be fully supplied. It was the Government, and not the business people, that created the scare.

Hon. J. W. Kirwan: I am afraid that sort of talk will not help to allay the scare.

Hon. J. J. HOLMES: The position of the Government is that, having bungled the affairs of the State they desire to dabble in the affairs of private enterprise, and there bring about the same chaos as they have produced in public affairs. The Government have created any scare that exists. If we pass the Bill it will stop credit, because the merchants and business people are carrying very large responsibilities at the present time. They are prepared to continue carrying them if they are left alone, and prepared to assist their clients in their own way, but if the Government are going to dictate to these people a serious position will arise for which the Government will be responsible. If we pass

the Bill and leave it to the Government to bring it into effect by proclamation business people will be compelled to refuse further credit, or any extensions to their present clients. They will say, "No, you must pay cash in future."

Hon. Sir E. H. WITTENOOM: It will be all cash business.

Hon. J. J. HOLMES: If, as the Minister has suggested, a commission is to be appointed, this House should have some say in such appointment. I am prepared to give the Government the administration of the Bill, and with it the responsibility, but I am not prepared to give the Government power to delegate their responsibility to some other persons. In any case, banking and commercial interests should be fully represented on that commission.

Hon. J. W. KIRWAN (South) [7.48]: With everything said regarding the importance of the measure I fully agree. I do not know of any Bill which has been surrounded with so many difficulties. The circumstances are extraordinary, and to meet those circumstances the legislation also must be extraordinary. At the last sitting of Parliament we passed a Bill which practically gave the Government full control of all licensing legislation and administration. Those were most extraordinary powers to give to the Government, but still the unusual circumstances, the crisis through which we are passing, requires that we should give to the Government powers which they should not have at any other time. Therefore, I think, that in criticising this measure we should not forget that the circumstances are extraordinary. The legislation will not stand criticism if the criticism be on the same lines as that levelled at Bills in normal times. In a time of crisis, such as this, we should not harp on or exaggerate our financial difficulties. The financial position of the Government is sound. No member with any commonsense could regard it as other than sound, and any man who implies at the present juncture that the Government will not be able to meet all their just obligations is acting falsely and contrary to the best interests of the

State, and is seeking to advance party interests at the expense of his country. Mr. Sanderson said he would favour the Bill, but would prefer that it should be in operation only until the new Parliament was elected. I would remind the hon. member that if any amendment of that sort were agreed to, the Bill would cease to be operative the very moment the new Parliament came into existence. Some period, however short, would have to elapse before the new legislation could be passed, and in the meantime the protection afforded by the Bill would be withdrawn from those people whom it is intended to protect. Furthermore, if the Bill operates injuriously to the country, if its administration be not all that it should be, the new Parliament will have the power to repeal it or amend it, as may be thought desirable. Therefore, although it is not actually stated in the Bill, it is at any rate implied that its operation will last only until the new Parliament meets, or only so long as the new Parliament considers it advisable to be in operation.

Hon. A. Sanderson: It must come up for revision, under that proposal.

Hon. J. W. KIRWAN: Parliament will have full control of the Bill, and the hon. member does not provide for the interval during which the Bill will not be in operation. I trust no such amendment will be agreed to: because, as I say, the new Parliament will have full power to deal with the measure. One hon. member said he hoped the moratorium would be made to apply to all debts. I sincerely trust that nothing of the sort will be ventured upon. The reasons why it should not be made to apply to all debts must be obvious. There are in the State numbers of individuals and firms employing a large number of hands, and if a general moratorium were to be applied those people could not continue to employ their hands. They would not be able to meet their wages' bill. Therefore, in the interests of the workers themselves it would be extremely inadvisable that a general moratorium should be applied to the whole State. I hope the proclamation to bring the Bill into operation will only be issued as a last resort.

Hon. D. G. Gawler: But the Bill can be made to apply to all debts.

Hon. J. W. KIRWAN: Yes; but I hope that any action to be taken under the Bill will not apply to all debts. I dare say the hon. member who brought up the matter had in his minds' eye the fact that the credit system is carried to undesirable lengths in this State. The credit system is considerably overdone in Western Australia, but to abolish it suddenly by a revolutionary act of this kind, even in a time of the gravest crisis, would be extremely inadvisable. The argument has been advanced that the Bill will have a tendency to further restrict credit, that financial institutions, and those with money to lend, would regard it as a sword suspended over their heads. It has been pointed out that it would not be so bad if it were brought into effect straight away as it will be to have the issue of the proclamation continually in front of people. But it seems that a scare exists at present, and that very little money is being lent to anybody. All the financial institutions have restricted their operations.

Hon. Sir E. H. Wittenoom: Who says so?

Hon. J. W. KIRWAN: Most of the financial institutions have restricted their operations, and I do not think the Bill will alter the position very much. To my mind the effects of the war upon Australia have been very greatly exaggerated. So long as our lines of communication with the old country and the rest of the world are kept open, and so long as the British fleet remains supreme, I fail to see why we should be alarmed to the extent we have been. It is sometimes forgotten that Australia is a producer of foodstuffs and of the necessities of life. Although local legislation will rightly prevent those foodstuffs going to famine prices in Australia, yet the prices will unquestionably rise, because in the markets of the world better prices will be obtained for wheat, meat, fruit, dairy produce, and many of the products of Australia. The effects of the war thus far have been caused more by a scare than by any real injury occasioned by the war itself. When

the war first broke out people became very much alarmed. I know of some foolish persons who at once endeavoured to get hold of as much gold as they possibly could, while others went to the ridiculous extreme of laying in stocks of flour and provisions, as though they expected to be on the brink of starvation within a few weeks. That tended to bring about a condition of affairs which, more than the actual war, has been responsible for some of the unemployment and some of the injury which we have experienced, and if confidence be restored—and to my mind it will be greatly restored provided the supremacy on the sea be maintained—the effects of this war will not be as disastrous as they seem at present, and possibly there will be no occasion to issue any proclamation under this measure. We are on the eve of a general election; Parliament will be dissolved, and we will be without a Parliament, and whilst everything at present seems bright, one never knows what might happen, and it is as well to be always prepared for the worst even though the chances of the worst happening might be extremely remote. The worst that can happen from our point of view is that some mishap should occur to the British Navy, a mishap which would menace the commerce between Australia and the rest of the world. If any mishap of this sort were to occur, undoubtedly there would be a panic even greater than the panic which has already occurred; the only difference would be that for the panic so caused there might be some justification, and it is necessary, in the face of such a contingency, no matter how remote, to arm the Government with supreme powers to deal with the crisis which would then take place. This is how hon. members should approach legislation of this kind; it is extraordinary legislation to meet extraordinary circumstances, and it ought not to be judged and criticised in the same way as we would judge the normal legislation of normal times.

Hon. E. McLARTY (South-West) [8.2]: It is not my intention to either criticise or praise the action of the Gov-

ernment. I rise to briefly express my opinion of the Bill, and my opinion is that such a Bill is not required. I think it is just a scare, and that it is preparing for contingencies which will never arise. This measure will do a great deal more harm than good. If it is passed, it will certainly restrict credit to a very great extent. I am prepared to trust the financial institutions and mortgagees that they will not on account of the war, come down and crush people unmercifully or act harshly. I do not think such cases will arise, and I fail to see why the Government should step in to interfere with people's private business. We are aware that there is a grave crisis which no doubt will affect and restrict trade considerably, but I see no reason to suppose for a moment that a man who holds a mortgage over a property or a bill of sale will pounce on the individual and crush him. I consider that this Bill will have a very injurious effect indeed upon trade. I do not think it is required. On reading the Bill, it appears that the Government anticipate that because a fearful war is raging in another part of the world, it will have such an effect that a man to whom a few pounds is owing will at once take steps to secure himself without any consideration for the other party. The hon. Mr. Cornell, as usual, wants to go to extreme measures and make it apply to all debts. My experience as a business man is that all the laws on the statute-book tend to support the dishonest debtor and give very little assistance to the honest trader. People advance all sorts of excuses to avoid paying their lawful debts, and it is very difficult for a trader to obtain his money. If a man takes action in the local court, and obtains judgment, the debtor often takes no notice of it, and if a judgment summons is issued, the creditor has to prove that the debtor is able to pay. I had a case with a man a hundred miles off, and I am not prepared to say what his position is, but I am powerless to get my money. In most local court cases, the protection is all for the dishonest debtor. I believe that people can be trusted, and I believe that business men and financial institutions

can be trusted to do what is just and right between man and man. The Bill is altogether unnecessary and is an interference with the private rights of the people.

Hon. F. CONNOR (North) [S.B.]: I rise to support the Bill. I listened to the arguments on both sides and was charmed indeed to find it possible that some hon. members who give their fealty to party have changed their minds and consider it possible that the Government might bring something before Parliament which is not exactly right. I intended to refer to the fact that the hon. Mr. Kirwan at last has found something in the Government policy to object to.

Hon. J. W. Kirwan: To what did I object?

Hon. F. CONNOR: To this Bill in its present form.

Hon. J. W. Kirwan: I said we all object to it, as I expect the Government object to it.

Hon. F. CONNOR: Then why did you bring it down?

The PRESIDENT: The hon. member will address the Chair.

Hon. F. CONNOR: I do not think the necessity for the Bill actually exists, because we have not advanced far enough in our trouble; when we have advanced far enough, it will be time to bring in such a Bill, but the point is that the voice of the people ought to be heard. To-day the voice of the people is to be heard in another place. We do not exactly represent the voice of the people.

Hon. Sir E. H. Wittenoom: We are the voice of the best part of the people.

Hon. F. CONNOR: We cannot afford to ignore the voice of the people as represented somewhere else. It is not fair that any individual or party of individuals should be able to say that a man who owes money to another should not pay it. If we pass this Bill we will put this power into the hands of the Governor-in-Council. There is no suggestion that any commission will be appointed to deal with this business. The Bill specifies "the Governor-in-Council." This means putting the power into the

hands of the Government of the day. I bow to the position of power occupied by the Government of the day, but I resent the fact that they themselves are governed more or less outside by the Trade Hall authorities.

Hon. J. Cornell: That generally applies to all political parties.

Hon. F. CONNOR: I am supporting the Bill in its entirety. It should be passed without any amendments, or I shall vote against it. We have reached the point when we should vote for the Bill in its entirety or vote against it. If amendments are moved, I do not say that I will not vote for them, but if necessary I shall support the Bill in its entirety. I am not turning in regard to my attitude towards the Bill.

Hon. C. Sommers: You said you do not believe in the Bill.

Hon. F. CONNOR: I do not.

Hon. C. Sommers: Then why vote for it?

Hon. F. CONNOR: The voice of the people is represented in another place, and it could not be represented in a worse way. We have the position that there is *trimming going on*. I will not refer to individuals, but there are members who hold that the Government can do no wrong so long as their actions suit them, but when it comes to a question like this, their opinions change somewhat. It is a mistake that the Governor-in-Council, which means the Government, should be able to say what is a debt and what is not a debt under this Bill. We have nothing definite as to what debts will come under the operation of the measure. It may apply to everything: it may apply to all the amounts owing by big firms to the banks and the financial institutions. I do not think the Government themselves know to what the measure applies.

Hon. J. Cornell: Why does not the hon. member move to insert a definition clause of "debt"?

Hon. F. CONNOR: Will the hon. member let me know what his interjection was?

The PRESIDENT: The hon. member will continue his remarks and take no notice of disorderly interjections.

Hon. F. CONNOR: I listened with pleasure to the hon. Mr. Holmes, but I did not quite follow him. It is necessary that we should have some legislation whereby people who are unduly oppressed owing to the strenuous state of affairs, should have some means of redress. This Bill simply means that the Government in the person of someone, say the Governor, shall decide what is and what is not a debt. I do not think we can agree that this is a proposition which will be suitable for the development of the commerce or of the ordinary business of this State. If the people are prepared to follow the Parliament elected by them, and say this Bill is just, I cannot put my opinion up against them. The Bill, however, should state that someone will be responsible to decide this question, but the Government of this country are not responsible, inasmuch as they are put into a position the duties of which they are not fit to carry out. However, if the people put their affairs into the hands of these men, and they say that this shall be the law, I can only state that I shall bow to the inevitable.

Hon. J. F. ALLEN (West) [S.15]: I have listened with a great deal of interest to the debate on this Bill. There are two points among the remarks of the hon. Mr. Cornell and of the last speaker which have struck me very forcibly. Mr. Cornell said practically that the will of the people should be embodied in our Acts. I take it that this House particularly represents the people who are affected by this Bill and, therefore, it is right that the last word in connection with the measure should be said in this House. There is no doubt that a great number of people in this world are well able to advise on other people's business. Mr. Cornell and others of his own way of thinking, and very many who are to be found in the streets, can give advice to the generals as to how the war in Europe should be conducted, while there are many irresponsible people, knowing nothing of finance, who can give advice to those

who have been engaged in that class of business all their lives as to how it should be conducted. I do not wish to object to this Bill; I recognise that circumstances have arisen which necessitate certain precautionary measures being brought into existence, and it is not for us to say whether the Government, or individuals, are responsible for the position which has arisen, or whether those circumstances which the Bill will be expected to deal with have come into existence or not. The fact remains that the circumstances may arise before Parliament again meets, and before it will have an opportunity to deal with them. Therefore, I am prepared to support the measure with the addition that has already been suggested, that there should be limitation to the personnel of the commission. I would not support a proposal for the limitation of the scope of the Bill. I consider that if power is to be given to such a commission, or to the Government, to deal with any crisis that might arise, that power should be ample enough. It is impossible for us at the present time to say whether mortgages, bills of sale, or promissory notes, should be controlled by proclamation, or whether we should go further afield than that, and, therefore, realising that almost impossible task, I think that power should be vested in the commission. I shall support the Bill on those lines.

Hon. H. MILLINGTON (North-East) [8.19]: In supporting the Bill I desire to say that I recognise the seriousness of the position, and that the Government are justified in introducing the measure at the present time. I can scarcely understand the attitude taken up by some hon. members when they state that this is an undue interference on the part of the Government with private enterprise, and private individuals. I am confident, on reflection, they will admit that at a time like this it is imperative that the Government should take charge of the position that has arisen, and were they not to do so, they would only show their incapacity. I hope members will recognise that it is owing to extraordinary circum-

stances that it has been found necessary to introduce the Bill. In regard to what Mr. Cornell said, that it was too soon to introduce legislation of this nature, and that the necessity for it had not arisen, I would point out that it will only come into operation by proclamation, and I presume it will not be brought into operation until the necessity for it actually arises. Also, in regard to the measure, I would point out that Clause 2, which of course is the important clause of the Bill, has been carefully worded. It makes provision, so far as provision can be made in a short Bill of this description, recognising that administration is a matter of considerable importance. Everything, however, cannot be set out in such a measure. The clause provides that the Governor may from time to time, by proclamation, declare that payment of all debts then due, or accruing within the period mentioned in the proclamation, of the classes specified in the proclamation, or a specified proportion of any such debts may be postponed. One would almost think, to hear some members speaking, that it was intended, not merely to postpone the payment of debts, but to absolve debtors from liability altogether. Surely a Government who are responsible for the administration of the affairs of the State are not going to take such action as would cause financial chaos at a time like this. Whether hon. members like it or not, I want to say that there is a Responsible Government in power and so far they have met the situation in an able manner and avoided panic.

Hon. F. Connor: That is disputed.

Hon. H. MILLINGTON: The measure which was passed for the regulation of the price of food stuffs has been administered by a commission, and from what we can gather their work has been satisfactory. Yet we find that hon. members wish to know who will be responsible for the administration of the Bill before us now. In regard to the present Royal Commission hon. members have not taken any exception to its personnel, and I fail to see why they should be nervous as to who will be appointed by the Gov-

ernment under this measure. The Government will take the responsibility of whoever is appointed, and will see that the interests of all are conserved. At a time like this there should be mutual sacrifice, and whilst we are agreed that all sections of the community should be protected as far as possible, we have to recognise that the Government, on this occasion, will to the best of their ability, see that that is done. The proposal for the postponement of debts is not brought in with the object of assisting those who can and will not pay; it is to give assistance to those who would pay if they were in the position to do so, but who find it impossible to meet their obligations. In many parts of the State there will be no need for this measure to be brought into operation, but the Government must be sufficiently far-seeing to provide for any contingency that may arise. I fail to see why opposition to the measure should come from so many members, more especially as members of both sides of the Legislative Assembly have already agreed to it, and, as has been pointed out by several speakers to-night, the Government are representative of the people and are responsible to the people, a position which members of this Chamber cannot claim. One would almost think, by the manner in which this Bill has been discussed, that those who claim that they are not representative of any party, are representative of money lenders, or people of that description. I recognise, however, that this is not the time to say hard things; it is not the time to indulge in personalities, as some hon. members have done, nor is it the time to criticise the manner in which the Government have managed the finances of the State; it is a time to act reasonably and it is a time also when we all should be prepared to make concessions. I hope even those who are particularly interested and affected by this Bill will recognise that at a time like the present we must consider the general good of the community. This Bill will not cause financial panic; it has been introduced with the object of allaying it. I hope hon. members

will see the necessity for supporting it, and will recognise that it has been introduced only on account of the urgent nature of the present situation.

Hon. Sir E. H. WITTENOOM (North) [8.25] I only desire to say in connection with this Bill that I could not help admiring what I considered to be one of the fairest speeches I have ever heard made by the Premier. He put this measure forward in the fairest manner possible and he definitely stated that the Bill was introduced to do the best for every one concerned. It has been insinuated by those politicians who represent what I might call the predominant party to-day, the Labour party—I insinuate that whether it is true or not—

Hon. J. Cornell: Everything points that way.

Hon. Sir E. H. WITTENOOM: It has been put forward that all suggestions made this evening have been submitted in favour of the class that are not Labour. The whole of this Bill is in favour of the labouring class. The suspension of the payment of debts is for that class of the community who have small debts to pay and the idea is that they shall not be forced to pay during this time of stress. Take people with rents. A man will say, "I cannot pay my rent." The unfortunate man who has three or four cottages, and who perhaps borrowed £1,000 from a bank in order to pay for the building of those cottages, informs the bank that he cannot get his rent, and that therefore he cannot pay the interest. This is very far-reaching, and there is only one justification that would make me vote for it and that is the approaching suspension of Parliament. Were it not that Parliament will shortly cease to exist, I would not vote for the measure. Under the circumstances, however, we must give the Government some discretionary power. I am not afraid to trust the Government to a certain extent, but I think we should have some kind of Commission to help us. The Premier in his speech said, with a good deal of acumen and wisdom, that it could not be expected that the Government would know all the ins and outs of everybody's business, and there-

fore he was prepared to accept a Commission to help him. No two better men could be selected than the representatives of the Chambers of Commerce, of Perth or Fremantle, and of the Associated Banks, gentlemen who understand commerce and finance thoroughly. If we want bricks and mortar represented, let us then put on the Commission someone who understands something about them.

Hon. J. Cornell interjected.

Hon. Sir E. H. WITTENOOM: There is no poverty in Western Australia. The worker is a rich man, and the capitalist is a poor man in this State. The worker is better off now than any other man in Western Australia.

Hon. J. Cornell: I should like to change places.

Hon. Sir E. H. WITTENOOM: The hon. member is too clever for me to argue with to-night. When the hon. member interrupted me I was going on to say that I think under the present circumstances we have a good Commission, a fair Commission, and all the Premier's remarks—and I take it that he represents the Labour party and Parliament and the people—tended to show that he would like a Commission and that he agreed to its appointment. By all means let us have a Commission, but we do not want a one-sided one. Let the Commission be appointed so as to comprise the general wishes, and let us have a fair Commission made up of men who understand the whole business. It is a most serious matter. Anyone who interferes with any other person's debts or obligations is doing a very serious thing. If you are going to suspend them in any way whatever, it must be done after the most careful deliberation, and by men who thoroughly understand the position, otherwise we shall have what the Premier says he wishes to avoid, namely, the shifting of one man's obligations on to the shoulders of someone else. I have, however, much pleasure in supporting the Bill.

Hon. E. M. CLARKE (South-West) [8.33]: I cannot give a silent vote on this question. It is an all-important measure. Unfortunately, however, this Bill is so vague that you do not know how it is

going to operate. No hint is given as to the commissioners or anything of the kind. I do not often say anything about hon. gentlemen in this House, but I do think from what I have heard from Mr. Cornell, that he is more qualified than anyone else to speak about such a matter. We understand that he has never been a creditor or a debtor.

Hon. J. Cornell: I have just got out of that.

Hon. E. M. CLARKE: Apparently no one owes him anything, and I would suggest that when that Commission is appointed he should be made a member of it. What is troubling my mind is this: take for instance the Arbitration Court. The cases before that tribunal are so numerous that it looks as if it would take another judge with three other men to assist him, in order to get through the business. What is going to happen in this case? Here is a case brought before the notice of the Government, and before they have time to go into it there are half a dozen other cases brought forward. How are they going to be dealt with? Is all business to be suspended and brought to a deadlock until these cases are duly considered and a verdict given? It seems to me, Mr. President, about the most ponderous measure that it is possible to get within the compass of one page of a Bill. We know perfectly well that in business most merchants carry on by means of overdrafts. It is obvious that unless they can get their accounts in they are stranded. I know enough of business and of business methods to understand that they are the best judges of the ability of their creditors to pay them. I have never known of an instance yet where these firms do not exercise a considerable amount of discretion, because it is not to their interests to sell up any one of their creditors. In this case, however, it looks to me very much as if it would curtail the credit that is given and do very much harm if we adopted the Bill that is before us. It seems to me that the measure is too far-reaching, and I am perfectly satisfied that if this is once sought to be put into force it will disorganise trade to such an extent as to

bring disaster upon us. The existence of the present crisis in Europe would emphasise this to a very much greater extent. I consider, as I said before, that the Bill is too far-reaching. It is too vague as to who is going to administer it, or as to how it is to be administered. Candidly speaking, I hold the opinion that it is such a dangerous thing to interfere with the trading operations in the State that they are much better left alone altogether. Without looking at the matter from the party point of view, but from the point of view of the community at large, including the mercantile community, I say this measure would, if passed, completely disorganise trade. I feel very much like voting against it, not out of party principles, because I put them altogether aside, and I am satisfied that if it is once put into force it will prove a mischievous measure and do more harm at the present time than we can possibly calculate.

Hon. J. DUFFELL (Metropolitan-Suburban) [8.37]: I intend to oppose the Bill as it is brought before the House at the present time. I have listened most patiently to the remarks made by first one hon. member and then by another. I am satisfied that if hon. members would only look around them at the present time instead of talking in the strain in which they have been talking this evening they would have just cause to congratulate themselves and the community in general on the noble way in which they have faced the present crisis up to the present time. There is no doubt in my mind that some measure will have to be brought down which will provide for what may eventuate in the future. We have heard statements made from time to time by the leader of the House as to what is intended in a Bill, and yet when that Bill has been drafted for some reason or other the points mentioned have been left out. The Colonial Secretary told us this afternoon that it was the intention of the Government to appoint a Commission to deal with this measure. If that were so, I say it was the duty of the Government to see that

that was cited in the Bill, and we would then know exactly where we stood and what we were about to legislate for. Some reference was made by Mr. Kirwan to an existing state of panic, and to the stringent measures which had been meted out by the financial people in this State. I have yet to learn that anything out of the ordinary has transpired up to the present time. There has been nothing in the way of stringency on the part of the banks or any other financial institution which has given any cause for the remarks made by the hon. member. There has been no restriction of credit, and if there has been anything to cause hon. members to squeal about it is the unemployment of a certain number of the community, not owing to the state of affairs brought about by the war in Europe, but, I say without hesitation, owing to what has been brought about by the war which has been waged by one section of the community against the other section in this State. If members of Parliament are going to bring into force such legislation as this, it will become impossible for the employer to pay the rate of wages that he is at present obliged to. To cover himself and to avert disaster, the employer must dispense with certain people whom he cannot afford to pay. I have no hesitation whatever in saying that that has brought about to a great extent much of the unemployment we have with us at the present time, which unemployment would have existed whether there had been any war or not. I sincerely hope that members of this Council will give full consideration to every clause which is contained in this short Bill. If we turn to Clause 4 we will there, I think, find the sting of the whole measure. This Bill provides that it shall become an Act to be in force for six months after the termination of hostilities between His Majesty and His Majesty's enemies. I contend that that goes further than any other Bill of this nature which has been passed in Australia. It even goes further than any Bill which has been passed in the Old Country. It behoves hon.

members to take clause by clause, and to realise to the fullest extent what it means if we are going to place a Bill of this description on the statute-book in the form in which we have it at the present time. I have yet to be convinced, and I want to see it in this Bill, that provision is to be made for a Commission to assist and advise the Governor before he makes any proclamation. We have it in the Bill that the Governor shall by proclamation do certain things. Is it to be inferred that the Governor has nothing else to do besides becoming *au fait* with the drastic legislation that we are putting through at the close of the session? Some time ago we were asked by the leader of the House to give our consent to the suspension of so much of the Standing Orders as would enable us to pass measures at one sitting. At the same time he told us that there would be nothing of a contentious nature, and yet we have seen time and again that measures which have been sent up to this House for consideration have contained a principle of a highly contentious character. On more than one occasion clauses have crept in which have been opposed to the principles of many hon. members of this House. They would have been opposed to them in normal times, and yet realising the abnormal state of affairs at present existing, and also the desire of the Government to close the session as soon as they possibly could, they have waived many of their scruples to the measures. If this is to continue it is a great pity that the powers which were provided in the Constitution Act, enabling this Government to continue for a further six months after the expiration of the term for which they were elected, were not brought into effect, and the Government given an opportunity of dealing in a reasonable way with measures of such a drastic nature as that which we have before us to-night. I am going to oppose the Bill in its present form, and I hope it will not become law as it stands.

Hon. C. F. BAXTER (East) [8.43]: It appears to me that some of the hon. members of this House are overlooking the fact that for a number of weeks we

will have no Parliament sitting. We do not know to what extent we would have to be prepared to meet any crisis that may occur. I think in a measure like this we should look at it, clear from any party standpoint. I regret indeed that a certain amount of feeling from hon. members on both sides has been evidenced during the debate. Hon. members, it seems to me, have been making sides on the question.

Hon. F. Connor: Who made sides? Explain yourself. The Country party is making sides.

The PRESIDENT: Order!

Hon. C. F. BAXTER: Although a moratorium is looked upon to a certain extent as an experiment, there is need for something to be done in that direction at the present time. We want something to protect us in the crisis that has occurred. I ask hon. members do they want a recurrence of the position of 1893. We all know to what extent the financial depression spread at that time. Had a moratorium been enforced then, it would have stopped the trouble that arose.

Hon. J. F. Cullen: It would not have touched the difficulty at all.

Hon. C. F. BAXTER: I disagree with that. I say it would, and I say we do not want a recurrence of the trouble of 1893. As a matter of fact, a moratorium exists at the present time among the merchants of this State, and has existed for years. Had it not been for that, a large number of our producers would have gone to the wall long ago. However, I do look for an assurance in reference to the position generally. Whilst I am in favour of the Bill to a large extent, I will support the measure only providing a commission is appointed. Certainly I cannot support the Bill in its present form. Let us take the position of a trader: if the moratorium, without any guarantee of the appointment of a Royal Commission, is hung over his head, what is he to do? Let us take for an instance the meat supply of Perth. It needs about £12,000 of cash per week to run the concern.

Hon. F. Connor: How much?

Hon. C. F. BAXTER: Now, let us take it that the moratorium is hung over the heads of the salesmen. They do not know at what moment the moratorium may be proclaimed. They are not by any means all suffering from over-capitalisation. One firm dealing in the fat stock market has a capital of, I think, £10,000. Fully £8,000 of that capital would be required to cover each week's transactions. Consequently, if a moratorium were proclaimed, then at the end of a week that firm would almost have to shut down, and the retail traders would follow suit. So long as the Government will give some guarantee, some assurance of a Royal Commission, I will support the measure; but I certainly cannot do so in the absence of such assurance. Mention has been made of financial institutions shutting down on clients. I can say that the only institution I know of which has done anything in that direction is the Agricultural Bank. The Agricultural Bank has closed down to the extent of 50 per cent. of the money advanced to farmers; and, in addition to that, the bank has practically closed down on all development work. I do not know of any other institution or trading firm that has done any restricting. Referring to Mr. Millington's remark that this House does not represent the people, and to his mention of the Legislative Assembly, I wish to say that in view of the Assembly being elected on adult suffrage, we can only come to the conclusion that that Chamber represents the vast numbers. However, I maintain that fully a third of those vast numbers can put their few things in a portmanteau and depart from the State to-morrow, leaving the whole of the burden to be borne by the people who have sent us to this Chamber to safeguard their interests. If the whole question lay in the argument put forward by Mr. Cornell in favour of the Bill, I feel sure the House would throw the measure out right away.

Hon. J. Cornell: The House was not game to do so on the second reading.

Hon. V. HAMERSLEY (Fast)
[8.50]: A notable circumstance in con-

nection with this measure is that the Bill has been thrust upon us almost at the last moment. I sincerely trust that the Committee stage will not be taken to-night, but at a later sitting, so that we may have the opportunity of getting some advice regarding the measure from the various firms whose names have been mentioned, and who certainly will be very much affected by its provisions. I think it probable that those firms do not know at this stage what is actually in the Bill. I am perfectly satisfied that the Bill as we see it before us now, is likely to have a dangerous effect. It is needless to call to hon. members' recollection the position of affairs brought about when the regulations framed by the present Minister for Lands under the Land Act were suddenly thrust upon the community. The credit of every man on the land was affected. It seems to me that the moment this measure is placed upon the statute-book much the same thing will occur in the case of every man engaged in any branch of trade. Every man in trade is likely to find his credit cut off. It is all very well for us to pass this measure saying that it will be merely held in abeyance, to be made use of in the event of a financial panic; but we have to consider that there is grave danger of such a measure becoming the means of creating a panic. I should not be at all surprised to see firms, as suggested by several hon. members, beginning to close down credit as soon as this measure is passed. Undoubtedly they would not run the risk of increasing indebtedness, for fear that a moratorium might be sprung upon them a month or two hence. Immediately on the passing of this Bill, as it stands, they would set about putting their house in order and drawing in all the credit they possibly could. As regards the workers of this State, I do not know that their position calls for any legislation of this nature, seeing that they were provided for by a Bill we passed the other evening. That measure provided for all their liabilities. We have actually passed a measure under which we practically make the workers a handsome present of their homes if they

do not wish to continue their payments. That is how I construe the measure referred to. There is no doubt that many of the workers' homes will not be paid for, though I sincerely hope the majority will. That, however, entirely depends upon the financial success of the holders of workers' homes as the years pass. Those workers having been provided for, it does not seem to me urgently necessary to make further provision for them. After the measure they have already got, a Bill of this kind is not necessary to protect them.

The Colonial Secretary: There are others.

Hon. V. HAMERSLEY: Yes, there are others; but in catering for those others the Government will make matters much more stringent for the majority. I take it for granted that immediately on the passing of this measure all the banks, which have been providing financial assistance, will reduce the overdrafts of their clients throughout the length and breadth of the State. The desire of the banks will be to set their house in order, as against a measure of this nature. The South Australian measure made special provision for dealing with certain classes of security, and did not legislate in the wholesale manner this Bill of ours does. It is with the object of obtaining information regarding the enormous amounts of credit which have been granted, and regarding the probable attitude of the firms affected, I express the sincere hope that the Government will grant members a little further time. We want an opportunity to learn what is likely to be the effect of passing the Bill in its present form. I certainly think the measure should be restricted, as has been done in South Australia, to certain defined forms of debt, and that it should not be made applicable to every conceivable form of debt.

The COLONIAL SECRETARY (Hon. J. M. Drew—Central—in reply) [8.56]: I fully anticipated that this Bill would be criticised. The Government raise no objection to criticism, raise no objection to discussion—

Hon. F. Connor: They love it.

The COLONIAL SECRETARY: So long as any amendment that the House proposes to make does not destroy the effectiveness of the measure. There is no doubt at all that this is experimental legislation, and that the measure is a very drastic one. We realise that, but we ask the House to consider the circumstances. We are on the eve of a dissolution of Parliament, we are faced with a crisis unparalleled in the history of Western Australia, and there may be developments necessitating the presence on the statute-book of legislation of this character. What power does the Bill give? It gives all possible power in this connection. It gives to the Government all power that the ingenuity of legal talent can devise. It gives that power for the reason that we do not know in what direction we may require power in order to properly and effectively administer the measure. Mr. Colebatch said that it was not desirable to create a panic. The Government have no desire whatever to create a panic, and I think most hon. members realise that that is certainly the attitude taken by the Government. We have no desire whatever to create a panic, and this Bill has been introduced after a conference with the leader of the Opposition, who, like ourselves, recognised the necessity for introducing legislation of this character before Parliament was dissolved. Mr. Colebatch sees no necessity for the Bill except so far as mortgages are concerned. But there may be many others besides mortgagors unable to meet their engagements, and therefore liable to be sold up and ruined. There are persons having overdrafts with banks who may be called upon suddenly to pay their overdrafts, and may not be in a position to do so. In the absence of the power to be granted by this Bill, all their assets may be seized and sold.

Hon. F. Connor: Will this Bill protect such persons?

The COLONIAL SECRETARY: Again, what of the poor man with only a few assets? Is he not entitled to consideration? Should not he receive consideration from members of this House?

I do not know what the Royal Commission will do. The Government have not, so far, taken into consideration the question of the personnel of the commission; and I have no conception at all as to what attitude the commission will take up when appointed, for the very simple reason that up to the present I do not know who the members of the commission will be.

Hon. F. Connor: Will this Bill protect a man who has an overdraft? You said it would.

The COLONIAL SECRETARY: If the Bill were proclaimed in full, if all the powers given by this Bill were availed of, it would protect every debtor in the community.

Hon. F. Connor: I believe you are wrong.

The COLONIAL SECRETARY: Mr. Colebatch said that in South Australia the proclamation could not issue without the consent of Parliament. That is for the very good reason that Parliament is there sitting, and therefore it is only right that Parliament should be consulted. But here Parliament will not be sitting; for over two months Parliament will not be available, and in the circumstances the Bill provides all the power which may be necessary. Mr. Colebatch also said that the Bill constituted an attack on credit.

Hon. H. P. Colebatch: I said nothing of the sort.

The COLONIAL SECRETARY: Well, I think he said it might injure our credit. It may have a tendency in that direction. But from what I can learn, the credit of many of the farmers has already been stopped, and therefore insofar as credit has been stopped no injury can be done. It must be remembered that the Bill does not apply to debts incurred after the proclamation; so to that extent also it cannot interfere with credit. Again, those in a position to pay must pay. We have had to-night a few party speeches discreditable to this Chamber. In no other Parliament in the British Empire would we have heard a speech such as that delivered in this House to-night.

Hon. F. Connor: By whom?

The COLONIAL SECRETARY: It is not necessary to say. Mr. Colebatch considers that the local court magistrates should administer Clause 3. But they are not in a position to do so, for it is necessary that those who administer Clause 3 should have all the powers of Royal Commissioners. It may be necessary, where large interests are involved, that those powers should be exercised, and they cannot be exercised by ordinary police or resident magistrates. It has been suggested that we should leave it to a judge of the Supreme Court, but obviously if we do this, great expense will be involved.

Hon. A. G. Jenkins: Why not leave it to a judge in chambers, as they do in South Australia?

The COLONIAL SECRETARY: Mr. Connor has said that there is no necessity for the Bill at present. As a matter of fact, the only necessity for the Bill is the approaching dissolution of Parliament. There are no existing circumstances which warrant the Government asking Parliament to pass such a Bill. Sir Edward Wittenoom stated that the suspension of payment is for small people, and that those dealing in an extensive way of business are in no wise concerned. Really, this is a matter that affects all classes of the community, and men carrying on large businesses are equally interested with small men in desiring that the measure should pass. Mr. Clarke said the Bill was too far-reaching. It certainly is as far-reaching as it can be made. Hon. members must clearly understand that in passing the Bill they are giving the Government very considerable powers. Mr. Baxter said the Government have closed down on all development work in the State. Perhaps it is better that I should not debate that question, but the hon. member must know that his statement is grossly inaccurate.

Question put and passed.

Bill read a second time.

In Committee.

Hon. W. Kingsmill in the Chair, the Colonial Secretary in charge of the Bill.

Clause 1—agreed to.

Clause 2—Power to postpone payment:

Hon. D. G. GAWLER: I move an amendment—

That after "may" in line one the words "on the advice of the Royal Commission" be inserted.

I do this with a view to moving later to insert a further clause providing a definition of "Royal Commission," specifying a commission of two members, one to be appointed by the Governor, and the other by the Governor on the advice of the Perth and Fremantle chambers of commerce. Then I shall move as a further clause, that in the event of the Royal Commission disagreeing, the subject of disagreement shall be referred to a judge of the Supreme Court. The Colonial Secretary has said that it is proposed to appoint a Royal Commission, but he cannot give us anything of the complexion of that Royal Commission, and in consequence hon. members entertain a certain amount of suspicion as to who is to wield this tremendous power. Mine is a perfectly fair proposal. The two parties whose interests are concerned in this question of a moratorium are the debtor and the creditor, and none can be better qualified to act on this commission than men whose lives are passed in commerce, and all of whose researches are directed to finding out the exact economic condition of the State. It is only right that the House should insist upon knowing who is going to wield this tremendous power. People want to know in whose hands their interests are to be entrusted.

Hon. A. SANDERSON: Is the Minister prepared to consider my suggestion? I am ready to hand over the powers asked for and reject the amendment if the Minister will give us an assurance that the Bill will operate only until the new Parliament meets.

The COLONIAL SECRETARY: I am not in a position to give any such assurance, but I believe the Premier stated that an amendment will, if necessary, be introduced at the meeting of the new Parliament if he is still in power.

Hon. A. SANDERSON: If I could get that assurance from the Government, I would oppose the amendment. I want the measure to expire automatically within a week of the meeting of the next Parliament.

Hon. J. W. Kirwan: A week is rather short.

Hon. A. SANDERSON: I will make it a month. If the Minister cannot give us that assurance, I will have to support the amendment.

Hon. J. CORNELL: I oppose the amendment. The discussion has hinged around an amendment which Mr. Gawler proposes to move later on. Royal Commissions are invariably composed of odd numbers, and—

The CHAIRMAN: While it is permissible for the mover of an amendment to make explanations, it is not desirable that other speakers who follow should take up so much time in the discussion as the mover.

Hon. J. CORNELL: Then I will be left without an opportunity to discuss what form the commission will take. Before I affirm the principle, I want to know what the outcome will be.

The CHAIRMAN: In order to put the discussion into better order, I suggest to the leader of the House that the further discussion of this clause be postponed until after the consideration of new clauses.

The COLONIAL SECRETARY: I move—

That the further consideration of Clause 2 be postponed until after the consideration of new clauses.

Motion passed.

Clause 3—Provision in case of hardship:

Hon. D. G. GAWLER: I move an amendment—

That in line 2 "Governor" be struck out with a view to inserting another word.

My intention is to insert "magistrate" in lieu, and to specify that the magistrate shall be the one at the nearest local court. The object is that a magistrate, and not the Governor, shall decide cases of hardship. There need be little expense

attached to such proceedings, because the magistrate could easily be vested with the powers of a Royal Commission. Any person in difficulties could then approach the nearest available magistrate and it would not be necessary to come to Perth.

Hon. A. SANDERSON: Is not the hon. member attempting the impossible by trying to put the Bill in order? This Bill strikes at the root of the social system, and it is hopeless to try to amend it. If the Committee insist on this measure expiring automatically in from 10 days to four weeks of the meeting of Parliament, it will be better than wasting our time by trying to amend it.

Hon. A. G. JENKINS: I suggest the substitution of "a judge of the Supreme Court" for "the Governor." My object is to follow the procedure of the South Australian Act, which certainly seems to be the best in the circumstances. By subsequent amendments, I propose that the judge shall have practically unlimited power to hear anything which the parties desire. If we approve of a commission, they will have much to do and will not be able to cover the work as well as a judge of the Supreme Court.

Hon. D. G. Gawler: Will not a judge have too much to do?

Hon. A. G. JENKINS: There are several judges. Proceedings will be taken by an originating summons and the judge will hear it in such a way that it may be determined as expeditiously and inexpensively as possible. This is the provision in the South Australian Act.

Hon. C. F. Baxter: What about those distant from any centre?

Hon. A. G. JENKINS: They can send their cases down by affidavit. If we appoint magistrates it will be difficult in the event of a creditor being at Fremantle, and a debtor at Kalgoorlie, to determine where the proceedings shall be taken, and with all respect to magistrates, some of them may not be quite capable of doing the work.

Hon. D. G. Gawler: The difficulty of distance will apply to the judge.

Hon. A. G. JENKINS: If a commission are appointed they will sit in Perth, and it will be far better to have a judge

of the Supreme Court who will decide the cases more quickly.

Hon. J. F. CULLEN: I think it will be better to insert the word "court," and later on provide that small claims shall go to the local court and claims above a certain amount to the Supreme Court.

Hon. D. G. Gawler: I have no objection to that.

The COLONIAL SECRETARY: A few minutes ago, the point was stressed that it was absolutely necessary to have men of great business capacity to administer this measure. Now a most inconsistent effort is being made to depart from that suggestion, and to appoint instead of expert business men, resident magistrates or a judge of the Supreme Court.

Hon. D. G. Gawler: This applies only to cases of hardship.

Hon. J. F. Cullen: Yes, to special cases.

The COLONIAL SECRETARY: Without reflecting on the resident magistrates, I do not think they could properly administer such a measure. If a man at Geraldton, York, or Albany, availed himself of the privileges of this clause, he would have to make application to a judge in chambers and employ a lawyer to represent him, and the expense would be considerable.

Hon. A. G. Jenkins: If you had a commission, the man would have to come to Perth.

The COLONIAL SECRETARY: Sub-clause 2 provides that application for an order shall be made to any person, or persons, appointed by the Governor. No doubt such persons would be appointed Royal Commissioners, and if magistrates were considered capable they would be chosen. Careful investigation would be necessary to ensure that the persons appointed had some business knowledge and could fill the bill. Some resident magistrates have very little business capacity.

Hon. C. SOMMERS: The Minister has overlooked the fact that this clause is intended to meet cases of hardship.

The Colonial Secretary: I understand that.

Hon. C. SOMMERS: The object of employing skilled business men is to decide when the proclamation shall come into force and what debts it shall cover. Only in rare cases of hardship will proceedings be taken under this clause. The insertion of the word "court" should meet the difficulty. Mr. Gawler is agreeable to the inclusion of the amendment, and I think his first amendment might be withdrawn so that the words "the court" might be substituted.

Hon. J. CORNELL: This is a measure which has met with the approval of another place, and the opinion there was that the Governor, acting on the advice of Ministers, should have power to make the appointment. This House now wants to make out that the Governor is not to be trusted.

Amendment put and passed.

Hon. D. G. GAWLER moved a further amendment—

That the word "court" be inserted.

The definition of the words can be prepared by the Parliamentary Draftsman, but I would suggest that the definition should be the local court nearest to where the proceedings will take place.

Hon. J. CORNELL: Mr. Gawler has the audacity to ask members to insert the word "court," and then he asks that the Crown Law authorities should prepare the definition.

Hon. C. SOMMERS: Who is better able to do it?

Hon. J. CORNELL: The ingenious mind which invented the amendment. The hon. member does not know what he wants, and neither will the Parliamentary Draftsman know. On the ground of common sense I shall vote against the amendment.

Hon. A. G. JENKINS: It will be an easy matter for the Parliamentary Draftsman to draft the required definition. He will have no difficulty in defining the jurisdiction, and it will only be necessary for him to draw up a few subclauses making rules to deal with the circumstances of these cases. Those rules already appear in the South Australian Act.

Hon. J. E. DODD (Honorary Minister): The suggestion made by Mr. Gawler is one perhaps which for cool cheek has not been surpassed in this House. I have refrained from speaking on this Bill because I think we have had far too many speeches already, but to suggest that we might adjourn the matter so as to give the Parliamentary Draftsman an opportunity of preparing a definition of something which the Government cannot accept is altogether foreign to my idea of legislating. If we are going to make the court deal with these matters we shall only be piling up costs on the unfortunate debtors.

Hon. J. F. CULLEN: I do not agree with the Honorary Minister on the question of cost. The most costly inquiry will be that carried out by the Commission. The Ministry have not considered the utterly unworkable nature of the commission. They will make an inquiry and then the matter will go before the Governor-in-Council, and the Governor-in-Council will give effect to it.

Hon. C. SOMMERS: Insinuations should not be cast, and members should not be told by the Honorary Minister that they have a cool cheek to propose an amendment. I have always endeavoured in this House to do my best towards improving legislation, and I know that other hon. members have done the same. This Bill has been sent to us for some purpose, and we must not be expected to swallow what another Chamber likes to pass. I think the suggestions which have been made are good.

Hon. F. CONNOR: Why do we not face the position and say whether or not we are going to pass this Bill. I am opposed to the principle of the Bill, but as it is the will of the people that it should be carried I am going to vote for it as it stands. The Government can take the responsibility afterwards of whatever happens. I am opposed to the amendment.

Hon. H. P. COLEBATCH: We are not discussing details, we are discussing principles.

Hon. F. Connor: We are discussing party at present.

Hon. H. P. COLEBATCH: The clause is an after-thought on the part of the Government. The Bill as introduced did not contain this clause at all. If hon. members will refer to the speech made by the Premier in another place in introducing the Bill they will notice that he said that after the Bill had been printed he realised that it would be desirable for a commission to have the administration of it. That is the point we are on now. As the Bill stands we have the position that the Government, without advice, will decide upon a principle as to whether there shall be a postponement of debts or not, and as to the extent of the postponement. Having done that they will hand over to the commission the detail work and the power of saying what exemption there will be. If we carry the Bill in that form it will mean that one commission, as expressed by implication in Subclause 2 of this clause, will deal with all applications that may be made by creditors. Is it contemplated that every landlord and every tenant throughout the State would go before the commission in order that that body may decide whether rents should be paid or not? This will mean many applications. I see no way by which the matter can be dealt with except by the amendment suggested, under which the local court could deal with small amounts and the Supreme Court with large amounts. The Premier said that the matter should not be dealt with by the Governor-in-Council, but that the administration of the Act should be handed to a Royal Commission, but as the Bill appears before us it means the principle of whether the postponement of debt shall be decided by the Governor-in-Council without advice, and that subsequently the commission shall undertake the detailed work of deciding between parties as to whether there is just cause for the application or not. The two suggestions of the hon. Mr. Gawler alter that procedure and say that the principle of whether the debts shall be postponed shall be decided by the Governor on the recommendation of the commission, and that exemptions on proclamation shall be

dealt with by the court in the ordinary way. That is a far more business-like proposition.

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

Ayes	..	..	..	15
Noes	..	..	..	7

Majority for .. 8

AYES.

Hon. J. F. Allen	Hon. A. G. Jenkins
Hon. C. F. Baxter	Hon. R. J. Lynn
Hon. E. M. Clarke	Hon. C. McKenzie
Hon. H. P. Colebatch	Hon. E. McLarty
Hon. J. F. Cullen	Hon. A. Sanderson
Hon. D. G. Gawler	Hon. C. Sommers
Hon. V. Hamersley	Hon. J. Duffell
Hon. J. J. Holmes	(Teller)

NOES.

Hon. R. G. Ardagh	Hon. J. W. Kirwan
Hon. J. Cornell	Hon. H. Millington
Hon. J. E. Dodd	Hon. F. Connor
Hon. J. M. Drew	(Teller).

Amendment thus passed.

Clause also consequentially amended in line 4 by striking out "he" and inserting the word "it"; also in line 8 by striking out "mortgagor" and inserting the word "mortgagee."

Hon. D. G. GAWLER: I move an amendment—

That Subclause 2 be struck out.

Amendment passed; the clause as amended agreed to.

Clause 4—Duration of Act:

Hon. A. SANDERSON: I would suggest that in line 1 all words after "until" be struck out and "within 10 days after the election of Parliament and no longer" be inserted in lieu.

The CHAIRMAN: Both the clause as it stands and the proposed amendment are out of order. Standing Order 174 states as follows:—

The precise duration of any Bill, the provisions of which are intended to be temporary, shall be inserted in a distinct clause at the end thereof.

As neither the date of the declaration of peace or the assembly of Parliament is a precise date, the clause does not comply with the Standing Orders, and is out of order.

Hon. A. SANDERSON: Then if I am in order I suggest that in line 1 all the words after "until" be struck out and the words "15th November, 1914," be inserted in lieu.

The CHAIRMAN: That would be in order.

Hon. A. SANDERSON: We would then have approximately some 10 days of the new Parliament.

The COLONIAL SECRETARY: To put the clause in order, I move an amendment—

That all the words of the clause after "until," in line 1, be struck out and "the 31st March, 1915," be inserted in lieu.

I do not know whether another place will accept the amendment, but my object is to put the Bill in order, and the carrying of the amendment will afford an opportunity for reviewing the measure. I could not possibly accept the amendment suggested by Mr. Sanderson. To make the appointment of the commissioners would take same time, and they would hardly have got to work before the measure would expire. I do not know when Parliament will meet again: it will at any rate meet early in the new year, if not before. However, Parliament is bound to have an opportunity of reviewing this legislation if my amendment is accepted.

Hon. A. SANDERSON: I am quite prepared to support the Colonial Secretary's amendment, but I think of all the extraordinary Bills we have had submitted to us, and of all the extraordinary procedure we have witnessed, the present are the most extraordinary. The Government have apparently abandoned the control of their Bill, and we now find that a clause is out of order. I regret that we should be delayed here discussing a Bill drafted in this manner; and Ministers, we know, are overworked as it is. The Government, I should think, cannot possibly accept the amendment.

Hon. J. J. Holmes: Why not?

Hon. A. SANDERSON: Let us wait and see what happens.

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

New clause:

Hon. D. G. GAWLER: 1 move—

That the following be inserted, to stand as Clause 4:—"In this Act the term 'the Royal Commission' shall mean a Royal Commission consisting of two members, one appointed by the Governor, and the other by the Governor on the joint recommendation of the Perth and Fremantle Chambers of Commerce."

The COLONIAL SECRETARY: This amendment could not possibly be accepted. A moment's consideration ought to show hon. members that no Government could possibly accept the proposal to appoint a member of this Royal Commission on the joint recommendation of the Perth and Fremantle Chambers of Commerce, which are the representatives of the merchants.

Hon. J. F. Cullen: You have done it before.

The COLONIAL SECRETARY: Not in connection with a measure of this description. It may be necessary, under this Bill, to take action in order to preserve farmers and small storekeepers, and the representative of the Perth and Fremantle Chambers of Commerce would probably block the way. Why should an interested person be appointed on a commission of this kind? The measure is one which requires to be administered by impartial persons, and not by interested persons. The effect of the amendment would be to defeat the Bill.

Hon. J. F. CULLEN: The Minister seems to forget that the last commission appointed consisted of three civil servants, who really are under the control of the Government of the day, and removable by the Government of the day.

The Colonial Secretary: The last commission were not three civil servants.

Hon. J. F. CULLEN: The Minister also seems to forget that under Mr. Gawler's proposal the Chambers of Commerce would appoint one commissioner, and the

Government would appoint the other, and that if those two differ a Supreme Court judge shall be umpire. Who else is to be appointed to this commission except the persons suggested? I think the amendment is quite reasonable.

Hon. C. SOMMERS: I can quite understand the objection of the leader of the House to this amendment. All that Mr. Gawler is entitled to ask, in my opinion, is that the Government would consider a recommendation made by the Chambers of Commerce. Probably the Government would. They have done it before. I would ask Mr. Gawler not to press the amendment.

Hon. J. CORNELL: Mr. Gawler first of all sets out almost to dictate who shall constitute the Royal Commission, and then he limits the number of its members to two. No deliberative body can be regarded as properly constituted when its membership is such that, in the event of any disagreement, it cannot come to any decision whatsoever. When a deadlock is reached, the Royal Commission, under Mr. Gawler's amendment, would go to a judge in chambers, who I presume would hear the whole matter over again. It would be logical if Mr. Gawler defined the Royal Commission simply as a judge of the Supreme Court. I have to use the word audacity in characterising Mr. Gawler's proposal that the Perth and Fremantle Chambers of Commerce shall nominate one of the two Royal Commissioners. Who are those Chambers of Commerce that they should nominate any more than the Australian Labour Federation should? I think the Federation is just as worthy of consideration as the Chambers of Commerce are. Further, I consider it should go down to posterity that a member of the Legislative Council rose here to say that in connection with the appointment of a Royal Commission the Government of the day were not to be trusted, that the Government of the day could only see from the point of view of the working classes. That is the purport of the amendment. It is the limit.

Hon. J. E. DODD (Honorary Minister): The Government are either going

to administer the affairs of the country, or they are not. We are not going to be told our duty by any outside body, and it is well that hon. members should understand that we are not going to hand over our administration to any outside body. What right have those bodies named, any more than any others, to representation on the commission? The Premier has given his assurance that he will consult the leader of the Opposition, and that should be sufficient. The Government, no doubt, will be quite prepared to hear representations from the bodies named, but they are not going to allow them to usurp their functions.

Hon. D. G. GAWLER: I do not understand the attitude of the Honorary Minister. What is here proposed is on all fours with what has been done in connection with the Control of Trade in War Time Act. There the Government have handed over their responsibilities to a commission, but here they are refusing to accept a reasonable proposition.

Hon. J. W. KIRWAN: Why exclude the other chambers of commerce?

Hon. D. G. GAWLER: I will include all of them if that is the only objection. The appointment of the commission is of the most vital interest to all members of the commercial community, and to refuse them a voice in the matter is a downright insult.

Hon. A. SANDERSON: No one has a greater distrust of the Government's administration and their policy from start to finish than have I; yet because Parliament will not be sitting I am prepared to hand over to those gentleman powers which may, but which it is hoped will not, be necessary. It is a tremendous power to hand over to anyone, and more especially to incompetent men such as we have on the Treasury bench to-day. The Bill comes up to us with the endorsement of the leader of the Opposition, in other words with the unanimous support of the Lower House, and if we are going to enter on a wrangle between the Upper and the Lower Houses at this stage, it will be highly inimical to the best interests of the country. I hope, therefore,

that Mr. Gawler will withdraw his amendment.

New clause put and a division taken with the following result:—

Ayes	..	..	..	9
Noes	..	..	..	12

Majority against .. 3

AYES.

Hon. J. F. Allen	Hon. J. J. Holmes
Hon. C. F. Baxter	Hon. R. J. Lynn
Hon. H. P. Colebatch	Hon. E. McLarty
Hon. J. Duffell	Hon. J. F. Cullen
Hon. D. G. Gawler	(Teller).

NOES

Hon. R. G. Ardagh	Hon. J. W. Klrwan
Hon. F. Connor	Hon. C. McKenzie
Hon. J. Cornell	Hon. H. Millington
Hon. J. E. Dodd	Hon. C. Sommers
Hon. J. M. Drew	Hon. A. Sanderson
Hon. V. Hamersley	(Teller).
Hon. A. G. Jenkins	

New clause thus negatived.

On motion by Hon. D. G. GAWLER, the following new clause to stand as Clause 4 was added:—

"The court" shall mean the local court nearest to the place of business, or residence, of the mortgagee, vendor, or creditor, as the case may be, or, if the amount involved shall exceed the jurisdiction of a local court, then "the court" shall mean the Supreme Court of the State.

New clause:

Hon. D. G. GAWLER: I move—

That the following be added to stand as Clause 5:—"The Governor may make regulations for the conduct of applications to the court, and generally for carrying out the purposes of this Act."

This is merely supplementary to the preceding clause.

New clause passed.

Postponed Clause 2—Power to postpone payment:

The CHAIRMAN: The hon. Mr. Gawler has already moved an amendment to insert after "may" in line 1 "on the advice of the Royal Commission."

Hon. D. G. GAWLER: I desire to alter the wording to "on the advice of a Royal Commission." My object is to make it clear that the Government shall act on the advice of a Royal Commission. If the Government intend to do so they cannot object to it being stated here.

Hon. J. CORNELL: Will not the passing of the amendment necessitate a further clause? Other urgency Bills have included a clause conferring the powers set out in the Royal Commissioners' Act. If this provision is not included, the commission will have no powers vested in them.

Hon. D. G. GAWLER: It may be advisable to add the words contained in the Control of Food in War Time Act, and to this end I desire to make my amendment read as follows:—

That after "may" in line 1 the words "on the advice of a Royal Commission which the Governor is hereby authorised to appoint" be inserted.

Hon. A. G. JENKINS: I suggest an amendment to make the clause apply to mortgages or time payment agreements, and I ask the hon. member to withdraw his amendment to enable me to move mine.

Hon. J. F. Cullen: Yours will be a subsequent amendment.

Hon. A. G. JENKINS: If my amendment is acceptable there will be no need for the commission, because the Governor will have power to move only where a certain class of security is involved. My proposal is to insert "The Governor may from time to time by proclamation declare that any mortgage contracted or agreement entered into before the passing of this Act or any purchase money, whether the whole or an instalment thereof under an agreement for the purchase of land, which payment falls due after the passing of this Act may be postponed for a period to be therein specified." This appears in the South Australian Act, and it will restrict the operations of this measure to mortgages, bills of sale, and agreements for purchase, and take away the power from the Government or a commission to declare a general moratorium.

The CHAIRMAN: The hon. member's amendment comes subsequently to the one before the Committee.

Hon. A. G. JENKINS: But I do not think there will be any necessity for the commission if these words are inserted.

Hon. J. F. Cullen: The Minister will not accept your amendment.

Hon. A. G. JENKINS: I do not know whether he will or not. It is a matter for the Committee to say whether the Bill shall have a general application or shall be restricted.

Hon. J. F. Cullen: We have declared for a general application.

Hon. A. G. JENKINS: The hon. member is not the Minister, and does not control the House, so he had better let the Minister speak for himself.

Hon. C. SOMMERS: I support the amendment. The Government have their hands full, and a commission will be able to advise them whether a proclamation is necessary. This is the protection we desire.

The COLONIAL SECRETARY: I cannot accept the amendment by Mr. Jenkins.

The CHAIRMAN: The hon. Mr. Jenkins has not moved an amendment. The hon. Mr. Gawler's amendment is the one before the Committee. Mr. Jenkins's amendment could only come before the Committee by the withdrawal of Mr. Gawler's, which has not been done.

Amendment as altered put and passed.

Hon. A. G. JENKINS: I move an amendment—

That the words "payment of all debts then due or accruing within the period mentioned in such proclamation, of the classes specified in the proclamation, or a specified proportion of any such debts may, subject to such conditions and exceptions as may be contained in such proclamation" be struck out, and the words "any mortgage contracted or agreement entered into before the passing of this Act or any purchase money (whether the whole or an instalment thereof) under an agreement for the purchase of land, which payment falls

due after the passing of this Act" be inserted in lieu.

The COLONIAL SECRETARY: I oppose the amendment. It presupposes the existence of a state of affairs which the hon. member mentioned, but there is no necessity at present for any portion of this measure. There is no telling whether the necessity may not arise soon after Parliament expires; consequently it is essential for the Government to have the most comprehensive powers possible. If the amendment is accepted there will be no necessity for the Government to seek the advice of a Royal Commission. There are other people in the community besides mortgagors and grantees of bills of sale who may be ruined by hasty and persecuting action on the part of creditors, and they are as much entitled to consideration as those to whom the hon. member referred.

Hon. C. SOMMERS: The amendment provides all that is necessary. South Australia has experienced two bad seasons, and a fortnight ago a provision of this description was passed without opposition.

Hon. J. W. Kirwan: The Parliament there will not be suspended.

Hon. C. SOMMERS: Parliament here can sit as soon after the elections as the necessity arises. If we give the Government greater power we will do more harm than good. We might precipitate a panic, and business will be put on a cash basis, a proceeding which we at present cannot afford. The Minister should accept the amendment because Parliament will soon meet again, and if there is not sufficient power an amending Bill can be introduced. I understand that a definition clause of "land" will be inserted subsequently, and the amendment will thus give sufficient protection.

Hon. J. F. CULLEN: I hope Mr. Jenkins will not press the amendment. Some cases which are most likely to occur are not included in the amendment, such as agreements for the purchase of machinery or furniture, and any number of others.

Hon. J. CORNELL: We are faced with a different proposition here from

that of South Australia, which has been referred to by Mr. Sommers. The Parliament in that State is likely to continue for some time, and, therefore, can from day to day, if necessary, bring in legislation.

Hon. A. G. Jenkins: They have postponed payment there for six months.

Hon. J. CORNELL: Only relative to certain matters, but if unforeseen circumstances cropped up the Government there would be free to bring in an amending measure. Our Parliament must soon go out of existence, and I expect there will be an interval of eight or nine weeks before it meets again, and while the cases cited in the amendment may be safeguarded, dozens of others more worthy of consideration might crop up, and we will not have the machinery to deal with them. This is a time when we must trust the Government, and if they are not worthy of being trusted, legislation is not worthy of being passed.

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

Ayes	..	..	9
Noes	..	..	8

Majority for 1

AYES.

Hon. J. Duffell	Hon. A. Sanderson
Hon. V. Hamersley	Hon. C. Sommers
Hon. J. J. Holmes	Hon. Sir E. H. Wittenoom
Hon. A. G. Jenkins	Hon. C. McKenzie
Hon. E. McLarty	(Teller).

NOES.

Hon. C. F. Baxter	Hon. J. W. Kirwan
Hon. J. Cornell	Hon. H. Millington
Hon. J. F. Cullen	Hon. R. G. Ardagh
Hon. J. M. Drew	(Teller).
Hon. D. G. Gawler	

Amendment thus passed.

Hon. A. G. JENKINS: I move a further amendment—

That the following be added to stand as Subclause 2:—"Land" includes messuages, tenements, and hereditaments, and houses and buildings, and also includes any estate or interest (legal or equitable) in land, and any easement, right, or privilege in, under, over, affecting, or in connection with land.

Amendment passed.

Title—agreed to.

Bill reported with amendments.

BILL—INDUSTRIAL ARBITRATION ACT AMENDMENT.

Received from the Legislative Assembly and read a first time.

BILL—BILLS OF SALE ACT AMENDMENT.

Message received from the Assembly notifying that it had agreed to amendments Nos. 1, 2, 3, and 8 made by the Council, but had not agreed to amendments Nos. 4, 5, 6, and 7.

House adjourned at 11 p.m.

Legislative Assembly,

Tuesday, 8th September, 1914.

	PAGE.
Questions: Public Works Department Administration	1127
Electoral rolls, compilation, printing	1128
Railway Fares, concession for women workers	1129
Railway, Wongan Hills-Mullewa	1130
Sleeper Hewers' licences	1130
Assent to Bills	1130
Government business, precedence	1130
Bills: Postponement of Debts, &c.	1130
Industrial Arbitration Amendment, re-com., &c.	1130
Bills of Sales Act Amendment, Council's amendments	1132

The DEPUTY SPEAKER took the Chair at 4-30 p.m., and read prayers.

QUESTION—PUBLIC WORKS DEPARTMENT ADMINISTRATION

Mr. LANDER (without notice) asked the Minister for Works: 1. Is it a fact that the Under Secretary for Works, Mr. Munt, has appointed his daughter