Mr. Marshall: If you let me have them when the Loan Bill is under discussion, that will do.

The PREMIER: I shall do so.

Hon. A. R. G. HAWKE: As the Premier did not warn us that we were to have an all-night sitting or something approaching it, I suggest that progress be reported.

Progress reported.

*House adjourned at 12.49 a.m. (Thursday).*

# Legislative Council.

Thursday, 23rd November, 1950.

## CONTENTS.



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

## QUESTION.

### HOSPITALS.

*As to Midland Districts Proposal.*

Hon. J. A. DIMMITT asked the Minister for Transport:

What progress has been made with regard to the proposed Midland districts hospital?

The MINISTER replied:

A site has been selected and surveyed and a study of the lay-out of what will eventually be a hospital sufficiently large to meet the needs of the district, is proceeding in the Principal Architect's office.

## ASSENT TO BILL.

Message from the Governor received and read notifying assent to the Industrial Arbitration Act Amendment Bill (No. 2).

## BILLS (5)—THIRD READING.

1, Vermin Act Amendment.

Returned to the Assembly with amendments.

2, Child Welfare Act Amendment.

3, Railway (Port Hedland-Marble Bar) Discontinuance.

4, Fremantle Harbour Trust Act Amendment.

Transmitted to the Assembly.

5, Gas Undertakings Act Amendment.

*Passed.*

## BILL—BUSH FIRES ACT AMENDMENT.

*Assembly's Message.*

Message from the Assembly received and read notifying that it had agreed to amendments Nos. 1, 2, 3 and 7 made by the Council, had disagreed to Nos. 5 and 6, and had agreed to No. 4 subject to a further amendment.

## BILLS (2)—REPORT.

1, Noxious Weeds.

2, Natives (Citizenship Rights) Act Amendment.

Adopted.

## BILL—MILK ACT AMENDMENT.

*Second Reading.*

THE MINISTER FOR AGRICULTURE (Hon. G. B. Wood—Central) [4.45] in moving the second reading said: The object of this Bill is to amend the Milk Act in three places. The first amendment seeks to alter the constitution of the Milk Board; the second increases the maximum amount of compensation payable to owners of reacting cattle from £20 to £25, while the third amendment alters the method of obtaining funds for cattle compensation and administration.

As regards the compensation fund, there was first of all a compulsory levy, but that was found to be ultra vires the Constitution. Certain people who had some connection with the milk business—though not necessarily producers—discovered that there was a legal flaw in that arrangement. They passed the information on and some producers were told not to pay the levy. Two years ago Parliament amended the Act so as to make the levy a voluntary one, but that, also, has not proved satisfactory.

The Crown Law Department has now evolved a different method. I am not very happy about it and am not altogether sure that it is the answer to the problem. Whether it will provide a solution can be discovered only by actual practice. Instead of obtaining money by a levy on the production of milk, funds will now be raised by means of a charge for licenses. I feel I should make some explanation with regard to this Bill and the desire of the Government to alter the constitution of the Milk Board. The board—and particularly the present board—has done a wonderful job.

Hon. H. Tuckey: It certainly has done a great job.

Members: Hear, hear!

The MINISTER FOR AGRICULTURE: I am glad to hear members agree with that. Let us go back to 1947, when one of the biggest tasks I was called upon to perform was to administer the present Milk Act. In 1946 the Metropolitan Milk Act was repealed and the Milk Act came into being. Although my job in administering the Milk Act was a very strenuous one, I am glad to have played some part in the work the board has done. In 1947 —this is no reflection on other boards— the position in the milk industry was not much to be proud of. By that I mean that right from the cow to the doorstep of the consumer's house the handling and treatment of milk were unsatisfactory. The condition of many dairies in the country was not all that could have been desired. In my opinion the board has done a wonderful job in educating producer-dairymen in hygiene and many other things that are essential in the production of a clean and wholesome milk supply.

One can go through the country areas today, as I often do, and feel proud of our dairies. Although the improvements have cost our dairymen something and some objection has naturally been taken to the expense, I believe those concerned are satisfied today. I have had an opportunity of looking at some dairies in the Eastern States and, though many of them are very fine places and we have perhaps copied them in some respects, I feel that, on the whole, our dairies compare favourably with them, as there are still many in the Eastern States that do not come up to the standard our Milk Board has set for Western Australia.

I come now to consider the treatment depots in the city. When I first inspected them, in about April, 1947, even as a layman in such matters I was anything but happy about what I saw. From memory, I think there were about 25 of these concerns and, in my opinion, they did not constitute what I thought was desirable in the treatment of milk. So the Milk Board set about altering things and it was subjected to a great deal of criticism as a result. However, I think it was right in following that policy. Now, instead of having 25 sub-standard depots, we have eight or nine fine up-to-date depots. Whilst some criticism has been levelled because the price of milk has been slightly increased, I think that the increase has been well worth while. What does it matter if the milk costs a little more if the consumer knows he can buy good and wholesome milk? The sales percentage of bottled milk is today greater in this State than in any other part of the Commonwealth. That is highly desirable.

Hon. E. H. Gray: It is not high enough yet.

The MINISTER OF AGRICULTURE: No. If one inspected some of these depots where the bottles are hygienically sealed, one would be indeed proud of them. Surely with an article such as milk, every precaution should be taken because it is generally understood that it is a highly potential disease carrier. I have seen many cases of bovine T.B. and they made me ruthless in my endeavours to have all T.B. cattle slaughtered. I do not care how many we slaughter, so long as we can prevent the spread of that disease.

In conjunction with the Department of Agriculture, the Milk Board has done an excellent job in getting rid of the infected cattle in this State. We still have some distance to go but the back of the task is broken, and I do not think it will be much longer before every cow producing milk is free of T.B. Since July, 1947, 62,000 cows, in round figures, have been tested. Six thousand, in round figures, were reactors and they were destroyed. The slaughtering of those cattle, of course, did not represent a total loss because a large proportion of them were used as meat. Anyway, it would not have mattered very much if they had been a total loss.

Hon. A. L. Loton: Six thousand?

The MINISTER OF AGRICULTURE: Yes, 6,236 to be exact.

Hon. A. L. Loton: What was the amount of compensation paid?

The MINISTER FOR AGRICULTURE: The Government has paid £108,373 in compensation.

Hon. W. J. Mann: Have you the average price paid for compensation?

The MINISTER FOR AGRICULTURE: No, but the hon. member could divide 6,000 into that figure. It was somewhere near £20 maximum. Generally speaking, I have found that producers have been quite satisfied with the compensation received. In another place it has been said that a man who has a T.B. cow does not deserve any compensation. I do not hold with that view, although in New South Wales no compensation is paid if a reactor is destroyed and, of course, over the years quite a number of T.B. cattle have been destroyed in that State.

I am not altogether happy about the Bill as presented to this House in regard to the producer representative. In the original Bill which went to another place, the producer representative on the board had to be a producer. In the Bill which I am presenting to members now he does not necessarily have to be a producer. He can be anybody, provided he is not a retailer. That is the only bar to his qualification.

Hon. N. E. Baxter: He has to be a licensed dairyman.

The MINISTER FOR AGRICULTURE: No, he is elected by them but he does not have to be one himself. The only restriction is that he cannot be a licensed retailer, and everyone knows why that restriction has been imposed. When the strike occurred a couple of years ago, the producer representative on the board was a retailer and he was the cause of quite a good deal of trouble.

Hon. A. L. Loton: Can he not be on the retail side, in any way?

The MINISTER FOR AGRICULTURE: No, he cannot be a retailer. He can be anybody who lives in St. George's-terrace, provided, of course, that the producers want him. I wish members to understand that. This measure is not exactly based on the same lines as the measure with which I had something to do in the drafting. I tell the House quite candidly that I do not exactly favour it. For example, two commercial producers have to be on the Potato Board. The members of the Onion Board must be growers and that applies also to the Egg Marketing Board and the Barley Board. On the Australian Wheat Board, too, the members have to be wheatgrowers.

In the Bill now before us, however, anyone can become a member of the Milk Board as long as he does not hold a retailer's license. He must, of course, be elected by the producers but one can imagine the amount of money that could be thrown into an election campaign if a man had an axe to grind and had a desire to be the producers' representative. Members should not forget that although he may not have a retailer's license, he may have a very strong link with the retailers. That is a point which this House has to consider in Committee when, I understand, an hon. member will move an amendment so that the Bill will revert to its original state. I think those are all the points to be covered in the Bill.

Hon. H. K. Watson: I do not think it would be wise to let the Bill go into Committee.

The MINISTER FOR AGRICULTURE: I do not think there is any more for me to say on the Bill and I leave it in the hands of the House. I move—

> That the Bill be now read a second time.

**HON. A. L. LOTON** (South) [4.58]: I am somewhat surprised that the Government in its wisdom has taken unto itself the proposal under this Bill to interfere with the functioning of a satisfactory board. In 1946 a board of five members was constituted. There were two consumers' representatives—one representing the town and the other representing the country interests—two dairymen's representatives, each representing a separate group and who were elected by the dairymen, and one member appointed by the Governor to act as chairman.

That board was found to be entirely unsatisfactory and in the space of two years a Bill was introduced to alter its constitution. The board proposed by that Bill was to comprise three men; a chairman and two members who did not represent any particular interests because it was specifically laid down that they should not represent the various sections. Section 3 of the 1948 Act repealed Section 11 of the principal Act and Subsection (3) of the section which was substituted reads—

> A person shall not be eligible for recommendation or appointment to, or to hold any of those offices if he—
>
> (a) is a dairyman, milk vendor or holder of a treatment license; or
>
> (b) is a member of any partnership or firm, or a director, officer, or member of, or receives, or is entitled to receive any benefit, remuneration or fee from, any association, society, company or other corporate body, directly or indirectly carrying on the business of, or having for or among its objects, the production, supply, treatment, or distribution of milk.

That is very definite indeed that no-one interested in the supply of milk should hold office. Now after the board has functioned most satisfactorily for two years we are presented with an amending Bill which seeks to revert to the establishment of a board comprising members elected by the various sections of the industry.

Members, including the Minister, will remember that when legislation was before us dealing with the set-up, the Min-

ister said that the Country Party and the farmers' organisations had had to forgo part of their industrial platforms which aimed at having producer-representation on such boards, because it had been proved that in this instance it was not a marketing board and that that type of representation had not proved satisfactory.

Now, after the experience we have had with the present board, we are asked to reverse that decision and I for one am not prepared to do so. The only good feature of the Bill is the provision for increasing the compensation payment from £20 to £25. I am not prepared to allow the Bill to even reach the Committee stage if I can avoid it, merely because of that one small feature. I shall not be agreeable to interfering with the constitution of the board as at present applies.

**HON. H. TUCKEY** (South-West) [5.2]: I cannot understand how it is that a Bill of this description has been brought forward by the Government. I have had no complaints from my district where the dairying industry is carried out on a large scale. The board has done such a good job that it should be allowed to continue its fine work. We should not indulge in upsetting boards every five minutes. As the Minister himself pointed out, the board has done a very satisfactory job not only in connection with the dairies but with regard to the whole question of milk production.

The Bill should certainly be rejected. An increase of £5 in the compensation payable is a small matter when dealing with the major problem. It seems to me that there must be some driving force, some nigger in the woodpile of which we are not aware. Until someone can demonstrate where the board has failed in its duties, I shall vote against the second reading of the Bill.

**HON. J. G. HISLOP** (Metropolitan) [5.4]: I think it would be safe to say that I am convinced the Bill has not been placed before the House in accordance with the wishes of the Minister.

The Minister for Agriculture: Why?

Hon. J. G. HISLOP: Because of the way he spoke and of what we know of his attitude in the past.

The Minister for Agriculture: I merely eulogised the board.

Hon. J. G. HISLOP: The Minister need not worry about what I say; I am merely expressing my honest belief. When we realise the attitude adopted by the Minister in the past, it is difficult to reconcile his attitude with the Bill with which we are confronted. When the Minister first took charge of matters affecting the milk supply in this State he was averse to an independent board. Within a year or two he reversed his attitude and the House applauded him for his courage in saying so.

It was courageous of the Minister to adopt that course in view of his previous support of the principle of producer-representation. We upheld the Minister in his attitude and I frankly believe that, irrespective of what the Milk Board has done, it is better constituted as it is today—an independent board, having no interest except in connection with the production of a clean, safe supply of milk to the community. If the producers are to have representation on the board, there are other interests that might well seek similar treatment.

Hon. A. L. Loton: And would be entitled to it.

Hon. J. G. HISLOP: Quite so, and then we would have same sorry story that we heard previously. We all remember the strike in the industry, which I think was one of the reasons why the Minister was converted to an independent board. If the Bill should reach the Committee stage, I will ask the Minister to delay the further consideration of the measure till we examine additional interests that might be entitled to representation on the board. Despite the good work that the board has done, I believe the time is drawing near when it must have a liaison with the Dairy Produce Board. We could embark upon many avenues of thought regarding the constitution of the board if we were unwise enough to start interfering with it. My feeling is that the Bill, as submitted to us, should be defeated at the second reading stage.

**HON. W. J. MANN** (South-West) [5.7]: No section of the milk industry has been more vocal than that interested in wholemilk. The fact that it has been thought necessary to introduce the amending Bill is not only surprising to me, but engenders a feeling of suspicion that there is more to it than we have so far been led to believe. If we should start tinkering with the legislation that has functioned, as we have been given to understand, so satisfactorily and is functioning as was predicted when the legislation was submitted some two years ago, we would be most unwise.

I have not heard a single complaint regarding the Act nor has there been a single request for any amendment to it. I was under the impression that at last we had secured a set-up in the milk industry that was satisfactory to all concerned, with the result that there would be no necessity for a long time to come to effect any alterations. As the Minister suggested, the only part of the Act that could be amended with very good reason is that relating to the amount of compensation payable.

The Minister for Agriculture: I did not say that; it was Mr. Loton.

Hon. W. J. MANN: I am sorry if I wrongly attributed the remark to the Minister. Occasionally a very valuable beast has to be destroyed and, with stock prices what they are today, obviously £20 would not always be sufficient to fully compensate an owner and even £25 might be too little. That is the only phase of the Bill that might appeal to the House.

We would surely have heard from some of those connected with the industry if there was anything vitally wrong with the set-up. In the absence of such information, I cannot give my consent to the proposed alteration of the Act. If we were to agree to the Bill we might easily find that some of those interested in the milk industry would promptly say we had no business to interfere with the Act, and we would be told that if any amendments had been desired we would have been informed accordingly. Much more persuasion and explanation will be needed before I can depart from the views I have expressed in opposition to the Bill.

**HON. L. A. LOGAN** (Midland) [5.11]: I intend to oppose the second reading of the Bill. In 1948 when the previous amending legislation was before the House I was a raw recruit, full of ambition.

The Minister for Agriculture: Are you not still?

Hon. L. A. LOGAN: Yes, I hope so. At that time when I was asked by the Minister to forgo a principle in which I firmly believed, it took a lot of persuasion before I and others agreed to do so. Under pressure from the Minister we gave way. Results have proved that the action taken by the Minister, as well as by those of us who accepted his advice, has been fully justified. Now after a space of two years, I have no intention of my convictions being shilly-shallied around and changed again. I am convinced that if we were to change our opinions again, within 12 months something along the lines of the 1948 Act would again be enacted.

There must be some stability in the industry and surely this is the time to ensure it. Had the board proved a failure, it would then be time for us to view the position in a changed light. On the other hand from all concerned, and particularly from the Minister himself, we have heard that the board has proved most successful. That being so, there is no justification whatever for any attempt to interfere with it. I am sorry that the provision dealing with increased compensation payments has been included in the Bill. There is some justification for that proposal, but I regard the clause dealing with it as a sprat to catch a mackerel. Even though the increased payment is quite justifiable, the inclusion of that provision in the Bill will not secure my vote in favour of the measure.

One very strong reason why the Bill should be defeated is that in another place the majority of the members passed a resolution in favour of the appointment of a Royal Commission to inquire into the milk industry. If such a Commission is to be appointed, it would be wrong for the House to play around with the existing legislation as proposed. The Bill should be set aside until the findings of the Royal Commission are available, and then legislation could be framed in accordance with the point of view advanced by that body. I oppose the second reading.

On motion by Hon. E. M. Davies, debate adjourned.

## BILL—RESERVE FUNDS (LOCAL AUTHORITIES).

*Assembly's Message.*

Message from the Assembly notifying that it had agreed to amendments Nos. 1 to 4 made by the Council, and had disagreed to No. 5, now considered.

*In Committee.*

Hon. J. A. Dimmitt in the Chair; the Minister for Agriculture in charge of the Bill.

No. 5. Clause 11—Delete this clause.

The CHAIRMAN: The Assembly's reason for disagreeing is—

> It is considered advantageous for any road board to have at its own discretion the right to strike a rate enabling the creation of a particular reserve fund subject to the consent of the Governor.
>
> This House, therefore, disagrees with the amendment of the Legislative Council but is prepared to consider prescription by regulation rather than by Order in Council.

The MINISTER FOR AGRICULTURE: I have not got very pronounced views on this matter. Another place says the clause is an advantage. I am in the hands of the Committee. In view of our previous decision, I intend to move that the amendment be insisted on, but I shall do so more or less formally.

Hon. L. Craig: Should you not be supporting the Government?

The MINISTER FOR AGRICULTURE: Not necessarily. This was not in the original Bill; it was inserted by another place. I move—

> That the amendment be insisted on.

Hon. H. S. W. PARKER: I have had a talk with the Minister for Local Government about this, and he appreciates the point I raised. I do not like the idea that a local governing body should have the right suddenly to raise a rate for a reserve fund, because it could be abused. We have to avoid that possibility. The Minister suggested that it might be with the ap-

proval of the Minister. I said I did not think that would be quite right, because the ratepayers would not then have an opportunity of discussing the matter. I suggested it might be done by regulation, and then each House of Parliament would have an opportunity of disallowing it. It is true that if the regulation were made in January, it could not be disallowed before about August, but not a great deal of harm would be done.

Hon. Sir Charles Latham: All the money might be raised by then.

Hon. H. S. W. PARKER: Yes.

The Minister for Agriculture: Have you thought of a referendum?

Hon. H. S. W. PARKER: I think the position could be overcome by inserting the words "by regulation." The Minister said that one of his technical officers said this could not be done, but I think if a road board had a regulation made to provide that a rate could be struck for a certain area, it would be all right until disallowed by Parliament. I would therefore like to move that we reinstate Clause 11, together with the words "by regulation."

The CHAIRMAN: Order! There is already a question before the Chair, that the amendment be insisted on.

Hon. L. A. LOGAN: I ask the Committee not to insist on the amendment. There seems to be some apprehension about local authorities striking the rate. A local authority could not strike the rate unless the ratepayers asked for it. I agree with Mr. Parker that the words "by regulation" would make the clause more acceptable.

Hon. L. Craig: What has Parliament got to do with this?

Hon. L. A. LOGAN: Then make the Road Districts Act apply so that a referendum would be necessary.

The Minister for Agriculture: Do you believe in a referendum? I am a bit with you there.

Hon. L. A. LOGAN: This has been asked for by several boards in my area. If only one road board had asked for it, I would say, No, but when seven seek it, there must be some reason for it.

Hon. L. CRAIG: I hope the Committee will not insist on its amendment. Local governing bodies do not consist of foolish, but of sensible people who administer funds which they collect from the ratepayers. The Bill will give them the right to collect rates and put the money aside for a specific purpose. What has Parliament got to do with it? If the ratepayers do not object, why should not a road board build up a fund for a specific purpose? In a case like this the matter would have been discussed throughout the district for a year or two before the reserve was started.

Hon. H. S. W. Parker: Why not make it for municipalities as well?

Hon. L. CRAIG: If the hon. member introduces a Bill for that purpose, I may support him. We are dealing with road boards now, and I say they are just as sensible as other bodies.

Hon. A. R. JONES: As one who spoke strongly in support of the Bill, I do not think we should insist on our amendment. We should endeavour to pass the Bill, because it will be most useful. I agree with Mr. Craig that nobody wants to rush in and do things hastily, and if it is thought that a referendum would be better, then I am quite in agreement with it.

Hon. E. M. DAVIES: I opposed the clause when it was previously before the Committee, and my reason was that provision was already in the Bill for local authorities to establish reserve funds from the proceeds of the sale of capital assets, or an amount up to 5 per cent. of their revenue. For some reason, this clause was put in to deal with certain road boards and to enable them to strike a rate for another reserve fund for any particular purpose they may desire. The facilities are there by the raising of loans which must be advertised, and the ratepayers can demand a loan poll, if necessary, and exercise their right to vote for or against the question.

Hon. Sir CHARLES LATHAM: I cannot agree with Mr. Craig in this respect. I know of a road board that refused the ratepayers a meeting. The chairman of the board went round after the petition was presented and asked certain people to withdraw their names. The road board was determined to buy the electric light station, and the local people said they did not want the local authority to purchase it but wanted it left in the hands of private enterprise. Repeated efforts were made by the ratepayers to persuade the board not to go on with the project, but in spite of everything the power station was purchased by the board. When the next elections were held, the chairman and all the members of the board were defeated. I see a danger in the suggestion made by Mr. Parker to give power by regulation. I do not know how that will affect Section 201 of the Road Districts Act. This might stand, of course, because it is particularly mentioned.

I have no objection to the holding of a referendum, but I cannot understand why members are objecting to a loan. It has been successful over the years, and most of the developmental work has been done through the power given to float loans. I think there are many road boards that would be reluctant to make use of this provision, and it will hit the returned soldiers who are going on to the land and must establish themselves. In consequence, I agree with Mr. Davies that we should not allow local authorities to do it in this way If they want to do it, let them borrow the money. We are not even making a limit to the rate they can strike, but under the Act they are limited to 3d. in the £. We

are simply giving these authorities an open cheque; they can do as they like, and borrow what they like. I think we should use caution in this matter.

Hon. H. TUCKEY: Some members do not realise how difficult it is for local authorities, on occasions, to induce the right type of candidates to come forward for road board seats. The good type of citizen does not realise the disservice he is doing to his district by keeping aloof. I have a case in mind where we could not get a representative for Mandurah on the Murray Road Board because it necessitated a drive of 12 miles by car and there was no salary attached to it. I was able to induce a man interested in the place to stand, but he lived in Fremantle. He was elected unopposed and, although an absentee, remained on the board for some years. In some cases, wards have been without representation for some time. Therefore, in granting authority such as this we should be very careful.

Road boards want any amount of power, but not to ride roughshod over the ratepayers. If the ratepayers approve, it is all right, but they should be given an opportunity to say that there shall be a referendum on a matter of this kind before it becomes law. If the board wants to borrow money, it can do so without reference to the ratepayers, but if 20 resident ratepayers sign a petition for a poll, one must be held. In that way, there is some control, and that is a safeguard in the borrowing of money. There would be an outcry from ratepayers if legislation were put through authorising boards indiscriminately to increase rates without the ratepayers knowing anything about it and having an opportunity to object. There is a right and a wrong way to go about these matters.

Hon. L. A. LOGAN: I do not know what members have to fear about this 3d. in the £. It is purely for specific purposes. If it has to be raised it must be by authorisation.

Hon. H. Tuckey: It is a pretty stiff rate.

Hon. L. A. LOGAN: An authorisation means that it must be agreed to by a majority of the road board. If they agree, then every ratepayer in the area must be circularised, and there must be a meeting of ratepayers with at least 20 present. They decide whether that rate will be struck or not. If there are not 20 present, the proposition goes to the Minister. Therefore it is safeguarded all the way. The money may be wanted in five or six years' time, but who knows today what the state of the market will be in five years' time, or whether we will be able to raise a loan after that period. The idea of putting this money away today is to do so while we are in a time of plenty, and to have it there for the future. I consider there are ample safeguards. I cannot see what members have to fear.

Hon. H. S. W. PARKER: I think Mr. Logan is under a misapprehension because I do not think Clause 11 has anything to do with Clause 4. Clause 11 is complete in itself.

Hon. L. CRAIG: This is so contrary to what this House usually does that I cannot understand it. It is an ordinary business proposition. I think it is sound and is what is generally being done in business today. We are all putting something away while wool prices are high against the time when they may not be so high. That also applies to rates. There is no objection to rates today because farmers are doing well. There is a great demand from ratepayers for amenities which were never sought before. In connection with our own little road board we have considerable demands for amenities.

Hon. Sir Charles Latham: You have not even got a road board office!

Hon. L. CRAIG: The hon. member wants to bring himself up to date. We have the most modern road board south of Port Hedland!

Hon. Sir Charles Latham: The last time I saw it, it was only one room!

Hon. L. CRAIG: The only thing it lacks is a photograph of the chairman!

Hon. Sir Charles Latham: That is important.

Hon. L. CRAIG: Most important.

The CHAIRMAN: Order! I should be glad if the hon. member would confine his remarks to the amendment under discussion.

Hon. L. CRAIG: Supposing the board wanted to purchase a photograph of the chairman, it would be a legitimate cause.

Hon. W. J. Mann: Or of the members.

Hon. L. CRAIG: Yes. What this seeks is the ordinary and sensible thing to do. It enables boards to put into reserve money which they cannot spend today.

Hon. N. E. Baxter: Not under this.

Hon. L. CRAIG: Yes. They can allocate some of their rates to a fund. They may find they are not using all their money and they can strike a rate for a reserve fund next year. There is a great demand for amenities and, in my opinion, if rates are received in sufficient quantity, these should be provided out of revenue and not out of loan. I cannot see any objection to it.

Hon. N. E. BAXTER: This amendment should be insisted on. My conception of the original intention of the Bill was to give the local authority the right to put money into reserve which accrued from revenue, and which it could not use, and not to levy a special rate. This is a special rate for the purposes of creating a particular reserve fund. Mr. Craig referred to revenue going into this special reserve fund but that has nothing to do

with Clause 11, which provides for a special rate for the purposes of creating a particular reserve fund.

Hon. L. Craig: I know that.

Hon. N. E. BAXTER: I am not saying that something from general revenue cannot go into a reserve fund. This is an additional rate. Before very long we will find a levy of 2s. in the £ on a ratepayer.

Hon. L. Craig: You are not a ratepayer!

Hon. N. E. BAXTER: Things will not be always as prosperous as they are today, and perhaps farmers are not in the wonderful financial position that some people would think they are.

Hon. L. Craig: Good farmers are.

Hon. N. E. BAXTER: The farmer in the ordinary sense is not in the same position as the big wheat and wool producers, and they may find it more than they can stand up to. I think the amendment should be insisted on.

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

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

## BILL—BANKRUPTCY ACT AMENDMENT.

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

## BILL—COMMONWEALTH JUBILEE OBSERVANCE.

Returned from the Assembly without amendment.

## BILLS (3)—FIRST READING.

1, City of Perth (Leederville Park Lands) (Hon. H. K. Watson in charge).

2, State (Western Australian) Alunite Industry Act Amendment.

3, Main Roads Act (Funds Appropriation).

Received from the Assembly.

## BILL — INCREASE OF RENT (WAR RESTRICTIONS) ACT AMENDMENT (No. 2).

*Second Reading.*

THE MINISTER FOR TRANSPORT (Hon. C. H. Simpson—Midland) [6.0] in moving the second reading said: In submitting this important Bill for consideration of the House, it is hardly necessary for me to refer to the knowledge of the provisions of the Act that members have gained by experience. The original Act was passed in 1939 and was one of the first of the control measures deemed necessary because of war conditions. Many war-time control laws, both Commonwealth and State, have ceased to exist, but those dealing with rents and other matters affecting landlord and tenant relationship remain on the statute books of this and other States.

There is little need for me to recapitulate, except briefly, the reasons for this state of affairs. The shortage of homes for the people, who had been geared to a tremendous effort in the conduct of the war, was only to be expected, and Governments feel that they cannot afford to remove such legislation in the continuing difficult post-war circumstances. Until such time as the housing situation returns to normal, it is essential that the fixation of rents and incidental matters should remain under some form of control.

Since 1939, many amendments have been made to the original Act, which, from its inception pegged rent as at the 31st August, 1939, or at the rent at which premises were first let after that date. I mention this provision because it is one which is important to the provisions of this Bill. Generally speaking, the Act provides for the stabilisation of rents and for the protection of tenants and landlords. It applies to all types of premises and covers leases—written or oral.

When the Act was first passed it did not provide for recovery of possession or eviction procedure, as this was dealt with by Commonwealth National Security Regulations. With the lapsing of those regulations in 1948, the State Act was amended to incorporate their principles, so that today, evictions are the subject of State law.

Ex-servicemen's protection in this regard was continued by the Commonwealth under the National Security Regulations for a further period of 12 months, but last year the regulations lapsed. They were then incorporated in the State Act, although, as members are aware, their protective provisions do not now exist. I mention these matters, also, as they, too, are dealt with in the Bill.

All amendments made to the original Act were the result of experience in its administration, and in most instances were designed to rectify anomalies and simplify procedure in an approach to the court and the like. The provisions of this Bill are similarly designed and, as in previous amendments to the Act, have been found necessary because of changing circumstances. In 1947, when the present Government first came into office, it investigated many complaints in connection with the law on rent stabilisation. Lower income groups, including pensioners, complained that the court procedure to determine a fair rent was too expensive and there was much delay in such procedure. This applied particularly to shared accommodation, such as rooms and apartments.

The limitation period of three months in which application could be made to the court for the determination of a fair rent, was also the subject of criticism.

These matters were rectified by the Government in the 1947 session. Since then a rent inspector may, for a small charge, determine for landlord or tenant, a fair rental in respect of shared accommodation without recourse to court action, but with a right of appeal by either party to the court, the limitation period of three months, to which I have referred, not now applying. These provisions have been appreciated by the public, and over 1,000 determinations have been made by the rent inspector in respect of premises in all parts of the State. This does not include the tremendous number of personal inquiries by landlords and tenants with the rent control staff, these resulting in adjustments being made to the satisfaction of both parties.

Country people have had the benefit of personal advice by the rent inspector, who has visited a number of rural centres. He, with another officer, in 1949, for the first time visited main country towns in the South-West and Great Southern, where interviews were freely availed of. Such interviews will continue as circumstances permit.

Under the rent inspector's authority, an officer has been detailed to investigate interferences with tenancy rights and privileges where there have been reprisals for rent reduction, and also to deal with complaints regarding other offences under the Act. These are examples of the improvements made by the Government in the principles of the Act since it came into office. I propose to refer to some of these again as I proceed to discuss this Bill.

Turning now to our proposals, in the first place, the measure sets out that its provisions shall come into operation on a date to be fixed by proclamation. The actual first amendment deals with an important subject. Recently there has been considerable confusion as to whether a person occupying a room in certain circumstances is a tenant, or a licensee, or in some cases, a lodger. Members may have noticed decisions and opinions expressed by magistrates and members of the legal profession on this matter. The cause of this is that the Act applies only to "leases" and not "licenses." The term "lease" has been held by the courts not to include cases where rooms are let merely by the leave or license of the landlord. There have been many instances of owners of property avoiding the application of the principal Act by expressly agreeing with the occupier that he occupies the premises or portion thereof merely by license from the landlord.

Hon. H. K. Watson: Do not you think it is rather late in the day to deal with that, seeing that the Act has been in operation for 11 years?

The MINISTER FOR TRANSPORT: It is probably something that is becoming more and widely known and applied, and the idea is to remove all doubt as to how it may be applied. In these cases the court will not go beyond the express terms of the agreement between landlord and occupier, and has ruled that the occupier is not a tenant but a licensee and not, therefore, entitled to the protection of the Act. Similarly, it is very difficult in many cases to decide whether a person occupying a room does so as a tenant or a lodger, as the legal distinction is very fine, and, in many cases, of uncertain application to particular facts. The position at present then, is that if the occupier is either a licensee or a lodger, the court or the rent inspector has no jurisdiction to determine a fair rent. This is contrary to the intention of the Act and, to remedy the defect and to overcome the confusion mentioned, the Bill seeks to bring such cases within the scope of the Act.

"Shared accommodation" is defined as "any premises leased or intended to be leased for the purpose of residence, including premises leased with goods therewith and forming part of other premises, but does not include any premises forming a complete residence in themselves." It has been held by the State Full Court, following certain recent English decisions, that where a tenant occupies certain living rooms, but shares with another tenant such facilities as laundries, lavatories and bathrooms, such share of these facilities does not prevent the accommodation from being a complete residence in itself. Once it is a complete residence in itself, it is not "shared accommodation."

The Chief Justice also expressed the opinion that, in view of a recent decision of the House of Lords, there could be no sharing of accommodation between a landlord and a tenant, even though the tenant shared with the landlord the use of rooms, such as kitchen or a living-room, as the landlord in all such cases retained many rights over rooms not shared with the tenant. The effect of this decision is that, in such cases, the rent inspector has no jurisdiction, and it has, therefore, been thought advisable to delete the words which exclude from shared accommodation, premises forming a complete residence in themselves. It is sought thereby to remove what is obviously a loophole in the Act.

I have already mentioned that the rent inspector has made over a thousand determinations in respect of shared accommodation. Many of these are now questionable because of this ruling by the Chief Justice. The situation is causing some concern and embarrassment, as in every respect the rent inspector has acted in good faith and has been supported invariably by Crown Law opinion. There is no doubt about the intention of the Act concerning the rent inspector's authority to fix a fair rent of shared accommodation, and obviously something must be done to protect tenants whose rentals have been reduced by the rent inspector.

Some of these adjustments were made early in 1948, and already there are applications in hand challenging the rent inspector's jurisdiction in determinations he made in 1949. As the assessments of the rent inspector were made in the spirit and intention of the Act, and as obviously it would not be equitable to expect tenants to refund large amounts where rents have been reduced, there is a provision in the Bill validating past decisions of the rent inspector, with the exception, of course, of those very few cases upon which the court on appeal has disallowed the rent inspector's assessment.

The Act provides that provisions in regard to termination of tenancy, ejectment or repossession shall not apply in respect of premises for which there exists a publican's general license, a hotel license, a wayside house license, or an Australian wine and beer license and an Australian wine license, provided that three months' notice to quit the premises are given After careful consideration the Government is of the opinion that these premises should be removed from the provisions of the Act. An important amendment is that removing any rights under the Act in regard to termination of tenancy, repossession or ejectment from lessees entering into a tenancy after 31st December, 1950.

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

The MINISTER FOR TRANSPORT: The Bill further provides that where a land tax is payable by the lessor, he may increase the standard rent by the amount of land tax paid by him in respect of any period commencing after the Bill has become an Act. This provision merely enables the landlord to pass on to the tenant the increase concerned.

The next proposal is one of considerable importance. At the outset of my remarks, I mentioned that when the Act was passed in 1939, rents were pegged as at the 31st August, 1939, or at the rent at which premises were first let after that date. The rent so pegged is called the standard rent. The Bill provides that a landlord may charge rent in excess of the standard rent by such sum not exceeding 25 per cent. of the standard rent as may be agreed in writing signed by the tenant; but failing such agreement, the landlord or the tenant may at any time make application for the determination of a fair rent, and the court shall have jurisdiction to hear the application and to determine a fair rent.

This provision will enable the landlord and the tenant to agree to an increase in the standard rent of any sum up to 25 per cent. of that rent. If the parties cannot agree, either may apply to the court for a decision. In the event of court action being necessary, there is nothing to prevent the court from allowing a greater increase than 25 per cent. There is no doubt at all that the costs or expenses incurred by landlords in respect of dwellings let to tenants has increased since the passing of the original Act in 1939, and that some increase in rent is necessary. The increase as proposed is considered to be a reasonable adjustment as between both parties, and the percentage proposed has been arrived at after much thought and consideration by the Government.

The Bill contains a minor amendment dealing with that section of the Act which places restrictions on the raising of rent. The principal Act provides that no increase of rent shall take effect until two weeks after the lessor has served notice in writing on the lessee. The proposal in the Bill enables the court or the rent inspector to order otherwise.

The next proposal deals with the basis of determination of fair rents. The Act gives very little guidance to the court as to the factors to be taken into consideration when determining a fair rent. There have been complaints in this regard and it is considered that the necessary guidance to the court should be provided in the Act. The Bill therefore repeals the existing section and provides that in determining a fair rent, consideration shall be given to the following factors—

(a) the annual rates and insurance premiums paid in respect of the premises;

(b) the estimated annual cost of repairs, maintenance and renewals of the premises and fixtures thereon;

(c) the estimated amount of annual depreciation in the value of the premises and the estimated time per annum during which the premises may be vacant;

(d) the rents of comparable premises in the locality of the premises, the subject of the application.

(e) any services provided by the lessor or lessee in connection with the lease;

(f) any obligation on the part of the lessee to effect improvements, alterations or repairs to the premises at his own expense;

(g) any increase of rent made or deemed to be made pursuant to provisions of certain paragraphs of Section 5 of the Act;

(h) any amount charged as a bonus, fine, premium or other like sum;

(i) the relationship of the rent of the whole of the premises to that of any part of the premises.

It is sought in the Bill to repeal Section 12 which deals with the procedure for the determination of a fair rent where the lessee occupies portion of land and not the whole. This section requires that a determination shall first be made of a fair rent for the whole of the land, and then that a determination shall be made of the rent to be paid by the various occupiers.

As the purpose of the Act is simply to determine a fair rent between the landlord and each particular lessee, it is of no concern to any particular lessee what the landlord receives from any other lessee. Furthermore, it imposes an unnecessary strain on the court, or the valuer, and unnecessary expense on the parties to have to determine the whole rent of large premises in order to ascertain a fair rent for perhaps a negligible number of tenants in comparison with the size of the building. No doubt the valuer would, if required, consider the rent of the whole premises, but it is not felt wise to require him to do so by the Act. The section is therefore repealed by the Bill.

There is a provision that where a determination of a fair rent of premises, including lodgings, is made, no further proceedings for the determination of a fair rent shall be commenced until after a period of six months from the time when that determination was made. This is to prevent frequent and frivolous applications and requires a six months' gap between applications, except on certain grounds which are fully set out in the Bill.

Another proposal is to enable a determination of a fair rent before premises or lodgings are let. The Act requires a tenancy actually to be in existence before a fair rent can be determined by the court. There are many owners who desire to ascertain a fair rent prior to letting their premises, thereby obviating causes of future bickering. The Bill provides that any person who is entitled, and intends, to let premises including lodgings which are not let, may make application for a determination of a fair rent.

Another proposal deals with the question of rates and taxes on premises upon which a fair rent has been determined. As members are aware, there is a difference between a standard rent and a fair rent. The former is that fixed as at the 31st August, 1939, or at the figure at which premises are first let after that date. The latter is one assessed after determination by the court or the rent inspector. In respect of a standard rent, the Act already provides for an increase by the addition of any increase of rates and, as I have already stated, the Bill proposes that land tax increases shall also be added to the standard rent. So far as premises are concerned, upon which a fair rent has been made by the court, there is no power to increase rates or taxes unless by application to the court, this being an expensive procedure. The Bill, therefore, seeks the necessary authority for such increases so that unnecessary and costly court procedure may be avoided.

An important proposal deals with the matter of evictions. As I have already mentioned, the procedure in respect of evictions was incorporated in the State law in 1948 following the lapsing of the National Security Regulations. At the present time distress is being caused by the inability of owners of premises to regain their properties for their own occupation. Many of these owners are retired and some are living on small pensions. The Bill enables a person who has owned a house for at least six months to give his tenant three months' notice to quit. At any time within that three months the tenant may apply to the court for an extension of time up to a further six months, and the court will have jurisdiction to grant an extension up to that maximum period.

In another place an amendment was inserted specifying that any owner applying for eviction must have resided in Western Australia for not less than two years. I have received legal advice that this is ultra vires the Constitution and I propose to seek an amendment when in Committee. If the tenant does not apply for any extension within the three months, or at the expiration of the time limited by the court, or in any event the expiration of nine months after the original service of the notice, the owner may apply to the court for an order for the recovery of the possession of the premises and the court is required to grant him the order applied for. Once the owner has recovered possession, it will be an offence for him to part with possession at any time during the 12 months following recovery, except by leave of the court. The penalty for contravening this provision has been fixed at £500.

Hon. H. K. Watson: Would it be possible for him to be denied the premises for nine months?

The MINISTER FOR TRANSPORT: When he regains possession he is required to retain it for 12 months unless he has leave of the court to do otherwise.

Hon. H. K. Watson: But it is possible for him to have to wait nine months before regaining possession?

The MINISTER FOR TRANSPORT: Yes. He gives three months' notice but, on appeal, the tenant may be allowed further tenancy for any period fixed by the court up to six months. It is proposed in the Bill that where a person leaves his employment, for whatever reason, he shall immediately vacate any premises he occupied as a result

of the employment. If he should fail to do so the owner of the premises may, within seven days of the termination of the employment, apply for an order of eviction. This is another provision, inserted by another place, to which I propose to seek amendment.

The next provision in the Bill is also an important one as it seeks authority to make regulations for the protection of certain ex-service personnel and their dependants. The protection to be provided will be applied to a person receiving a pension from the Repatriation Department for total and permanent incapacitation, and to the widow of a serviceman, whose death occurred during or as a result of his war service, if and while she has any child of his under the age of 21 years dependent upon and residing with her, and while she remains a widow.

This amendment therefore proposes to protect two classes of persons, namely, the totally and permanently incapacitated returned ex-serviceman and the widow of a person dying as a result of war service, except where the owner of the property belongs to either of these classes. There is a further provision that on the hearing of any proceedings for an order for the recovery of possession of premises from a protected person, the court shall not make an order against him, unless it is satisfied that a refusal to make the order would cause substantially greater hardship to the lessor and his interests, than to the protected person and his interests.

That is the explanation of the main provisions of this measure which has been drafted after a great deal of thought by the Government, and which also provides for the continuance of the Act for a further 12 months to the 31st December, 1951, or for a period of six months after proclamation is made of the end of the recent war. That it is necessary to continue further control for another year is regretted, but with the housing position as it still stands today, there can be no doubt that if the legislation were permitted to lapse, much distress and confusion would ensue.

The Government's embarrassments in respect of housing and other accommodation have been accentuated by the influx of migrants, and it is not possible at this stage to indicate any relief which would justify the removal of what may be described as a stabilisation measure of the utmost importance to public economic and social well-being. Also to be taken into consideration are the ever-mounting costs of building for young people, many of whom are finding them beyond their means.

In submitting this Bill the Government considers that it has made genuine concessions in regard to the grievances of landlords, without unduly affecting the protection to which these unusual times entitle tenants. If the Bill becomes law, landlords will, in a reasonable time, be able to reclaim their properties and also they will be able to take steps to increase their rents. As I have informed the House, I propose to place several amendments on the notice paper, these, in the main, being necessary to correct or tidy up amendments made in another place. I move—

That the Bill be now read a second time.

**HON. J. G. HISLOP** (Metropolitan) [7.47]: I do not wish to move the adjournment of the debate, as other members may desire to speak on it this evening. The explanation of the Bill given by the Minister was clear, but it appears to me that this legislation imposes a restriction on one section of the community and asks that section to keep the economy of the nation on a sound footing. In doing that we are creating and continuing to create a great deal of injustice respecting a number of people.

No matter what amendments are made to this legislation, somebody must feel the repercussions and they must surely swing eventually in the opposite direction from that which they have taken in the past, because the whole onus has previously been thrown on the landlord or owner of premises. Those among our community who have been thrifty in the past are being penalised because of their thrift, and in many cases owners of homes have accordingly suffered great hardship. As a physician I could quote to the House numbers of instances where people have had to put up not only with stress but also with indignity because of their inability to acquire even one room in their own homes.

The person who left his own home for any cause in about 1942 or just before that made a serious error as many such people are still unable to regain possession of their dwellings. I doubt very much whether we are treating such people fairly in asking them to wait a further nine months before they can regain possession of their own houses. When we say, in this legislation, that an eviction can take place within three months but that the court may give the tenant an extension of time for a further six months, it is obvious that the established practice will soon be for the period to be set at nine months in all cases.

Surely, in cases of extreme hardship, the home-owner should not have to wait another nine months before he can regain possession. I know of one poor old soul, who has been in my care for some time and has been pushed from pillar to post, unable to get possession of even one room in her own home. If this Bill becomes law in its present form, she will have another nine months still to endure the hardships under which she has been existing. I believe that most people have by

this time gained a pretty good idea that there must be some lifting of restrictions as time goes on and that the majority, though not all, of the people to whom the Bill seeks to give this extension of tenure, are persons who could have made other arrangements for themselves had they really desired to do so. The increase in the number of homes for sale with vacant possession has been tremendous, particularly in the metropolitan area.

There was a time when not a single house was advertised with vacant possession, whereas now there are quite often columns of them advertised in the daily Press for sale. Were we to discard this legislation altogether, I feel sure that a number of large homes would be subdivided and many people would thus be provided with accommodation. But at present, while it is almost impossible to evict a tenant, the owners of large and partly vacant dwellings are unwilling to sublet rooms. When one realises that on the average there is one house in Western Australia for every four persons, it is obvious that there cannot be a great deal of overcrowding except in certain areas.

One therefore feels that there could be considerable alleviation of the position were it not for this legislation. I know, from my professional experience, that numbers of people are living under terrible conditions—three or four people in the one room. I refer, there, to a man, his wife, and perhaps two children and yet, on the average, there are only four persons to each house in this State at the present time. While there is obviously considerable overcrowding in some areas, there is plenty of vacant accommodation in others. I am convinced that by means of these restrictions we have rendered ineffective a large block of accommodation that would otherwise have been available.

My feeling is that this House would be doing justice to all concerned if it reduced the relevant period of nine months by about one-half. Surely people who have previously applied to the court for possession of their homes are entitled now to regard a nine months' period as a further excessive imposition of restriction. On the question of increasing rent it would be difficult to say whether we should raise rents automatically by 25 per cent., 50 per cent. or 100 per cent. Some rents now being paid and some that have been fixed within recent years are probably within reasonable bounds and in such cases a 50 per cent. increase would make the figure too high.

Hon. L. Craig: But the increase would be to the standard rent.

Hon. J. G. HISLOP: Many people are paying rents that for years have been ridiculous, and yet they have been accepted and would be accepted as the standard rent. To increase those by anything like 50 per cent. or even 25 per cent. in some cases would still be absurd. The time must soon come when the whole of this legislation will have to be discarded and a readjustment made on the basis of rents on a scale that should have some relation to the basic wage. I see no reason why a time in 1951 should not be fixed as the date at which this legislation should cease to have effect.

I would seriously consider making that date somewhere about the 30th June next, thus giving the community another seven months in which to adjust rents. In that way we would harm nobody. Experience has shown that when we have removed restrictions no revolution has occurred but, in fact, things have settled themselves down by the ordinary processes of events. That is the way in which we should approach this question. To increase rents by any fixed amount would cause some people considerable hardship. In the past there was always a free arrangement between landlord and tenant, and I believe that the sooner we get back to sound trading between individuals the better it will be for the business morality of the State. Restrictions never improve the standard of morals in matters such as this.

Hon. Sir Charles Latham: They create blackmarkets.

Hon. J. G. HISLOP: That is so. While I sympathise with the Government, I think this House must look at the question from a different point of view. The Government may feel impelled to continue this legislation but I believe it is our duty to say that if it is to be continued it must be considerably widened. In that way we shall give the Government evidence of our belief that the time is rapidly approaching when this legislation should cease to take effect. I would like to see the clause which provides that after the 1st January the present provisions shall not apply to contracts, extended so that after the 1st January it should not apply to anything in relation to landlord and tenant. My views on restrictions generally are well known. I believe they do no good in any direction.

Members know the disgraceful happenings and blackmarket transactions of the worst type that have occurred owing to the restrictions on the price of meat. It is no use shutting our eyes to the facts. I think the time has arrived when we could remove restrictions with justice to all concerned. When dealing with this Bill in Committee, we should examine every clause carefully. I will give each clause the closest scrutiny before voting on it, in order to determine that I am voting in a direction that will extend the greatest justice to the greatest number.

On motion by Hon. E. M. Heenan, debate adjourned.

**BILL—BUILDING OPERATIONS AND BUILDING MATERIALS CONTROL ACT AMENDMENT AND CONTINUANCE.**

*Assembly's Message.*

Message from the Assembly notifying that it had agreed to amendments Nos. 1 and 3 to 6, made by the Council, and had agreed to No. 2 subject to a further amendment, now considered.

*In Committee.*

Hon. J. A. Dimmitt in the Chair; the Minister for Transport in charge of the Bill.

No. 2—Clause 3—Insert a new paragraph to stand as paragraph (b) as follows:—

(b) deleting from paragraph (e) of subsection (2) the word "fifty" in line nine, and substituting the words "one hundred and fifty."

The CHAIRMAN: The Legislative Assembly has agreed to Amendment No. 2 made by the Legislative Council subject to a further amendment, as follows:—

Clause 3—new paragraph (b)—delete the words "and fifty" in the last line.

The MINISTER FOR TRANSPORT: Members will recollect that the amendments made in this House meant the increasing of the amounts allowed to be spent on repairs to certain buildings and premises. Another place, quite generously, has agreed to five amendments passed by this House, and has also agreed to the sixth, subject to a compromise.

The first amendment concerned the painting of houses, and another place has extended the limit in the Act from £50 to £250, with which I agree, because I have advice from the Housing Commission that as paints were plentiful and were not likely to affect the housing position, and its general policy was to ease controls as far as possible, it had no objection to that amendment. In fact, it was in line with its intention to ease controls, which it wished to do from time to time by proclamation.

But this particular amendment, which has been amended in another place, raised the limit of £50 as set out in the Bill to £150 in respect of repairs and additions to residences. As I intimated, members in that place were quite prepared to agree to increasing the amount from £50 to £100, and the effect of the amendment now suggested is to fix that figure at £100, which is the amount I was authorised to accept in the first place. Another place agreed to increase the amount by £50 because it was felt that prices had risen and that £100 approximated the value of the £50 provided in the legislation of 1946. Members then considered it should not be more than £100 because the increase in the price of houses, according to their own experience, was less than the proportion represented by the additional £50.

Reference has been made to the building of garages if the limit were raised to £150. There are about 9,000 houses that have been built during the last four years in respect of which permits for garages have not been granted. This extension could easily mean that if a big proportion of those houses were immediately to be provided with garages, it would represent a tremendous drain on the pool of building materials and would certainly have a serious effect on the number of houses which the Commission desires to erect.

Hon. J. M. Thomson: Could you not still exclude the building of garages in the provision?

The MINISTER FOR TRANSPORT: I do not think it is desirable to do that altogether. There may be several men who may be able to provide their own labour and who could build a garage within the limit of £100, but the Housing Commission might scrutinise the operation so entered upon with a view to ascertaining whether that amount had been exceeded. In any case, the main objection to the increase to £150 is the need for materials to be conserved for the building of houses only. Apart from the drain on materials, it could mean that contractors and tradesmen now in the labour pool who are working on houses, might be induced to enter into building operations on their own account to erect one or more garages at £150 each.

Builders are not required to be registered if they undertake a contract under £600. In the past, that has meant that if one or half-a-dozen wanted to have additions to the extent of £50 in value added to their present home, it would not be worth a man's while to leave his usual employment to undertake a small volume of work. However, under the proposed conditions, it might be worth while for a tradesman to leave his place of employment and undertake the building of garages, which would definitely mean a great drain on the pool of materials. It is for that reason that another place thought it desirable to limit this amount of expenditure to £100. I move—

That the amendment, as amended, be agreed to.

Hon. H. K. WATSON: I appreciate the Legislative Assembly agreeing to several of the amendments which this House made to the Bill and, while I always approach any Bill or proposal in a spirit of compromise, I consider that members should hesitate before agreeing that the amendment made by this Chamber should not be insisted on. The amendment means an increase from £50, which figure has been allowed since 1946, to £150 at present-day values. I would remind the

Minister that when we inserted the amount of £150, it was after a division on an amendment, which was lost by only two votes, to insert the figure of £200. We voted for £150 on the basis that it was acceptable to the Government and that it could count on that figure remaining in the Bill. The Minister has given the Housing Commission's reasons as to why another place requests that the figure should be reduced to £100, but I am not altogether impressed with them.

It must be remembered that for five or ten years home-owners have been held at bay by the Housing Commission while the Commission itself has been building thousands of Commonwealth-State rental homes which are being offered to the tenants at figures of hundreds of pounds and, in many cases, thousands of pounds, below their present-day values, thus enabling them to re-sell the houses at substantial profits. Just as we make a closed season for quail and duck, it is about time we made a closed season for home-owners. I think the amendment made by this House, which permitted repairs to be done up to a value of £150 is reasonable and the amendment should be insisted on.

Hon. L. CRAIG: I agree with Mr. Watson—

Hon. E. H. Gray: That is unusual.

Hon. L. CRAIG: —that this House should insist on its amendment. We had a long discussion on this question and we almost succeeded in securing an amendment to enable a man to spend up to £200 on maintenance and repairs and additions to existing houses. Quite rightly, the Minister said that £100 today may be reckoned as the equivalent of £50 in 1946, but we must also remember that as from the 1st December next we shall have the increased basic wage of £1 per week affecting the position. That will mean an increase in all building costs. I think it is about time that we gave more attention to the interests of people who have been living here all their lives and not so much to the requirements of new arrivals. Mr. Gray said that a few people might build garages.

Hon. E. H. Gray: A few hundred.

Hon. L. CRAIG: Why should not our people build garages if they want to? As a matter of fact, it is possible to buy ready-made metal garages for £60, which can be erected by the purchaser himself. The housing position today is more acute than ever before. I was speaking to my son about it tonight and he said that there were some 500 houses for which tiles could not be provided. The position is getting worse. It is of no avail for the Minister to say that it is due to the effects of the war. It is due to the fact that people are pouring into the country. Had it not been for the influx of migrants, the housing trouble would have been fixed up long ago. Unless we insist on our amendment, the housing position will not be eased but will be hardened. Reference has been made to people getting rental homes and selling them at a profit. I do not think that applies very much.

Hon. E. H. Gray: Yes.

Hon. L. CRAIG: I bet Mr. Gray—

The CHAIRMAN: Order!

Hon. Sir Charles Latham: This is not an s.p. shop!

Hon. L. CRAIG: I stopped just in time. We should take steps to ease the position and in that connection we must remember that there are many elderly people who want to retire from their farms and live in the city. They should have their requirements met.

Hon. H. S. W. Parker: Where will they get tiles?

Hon. L. CRAIG: Tiles are not necessary for garages, for instance. A principle is involved in this matter and we should insist on providing for the rights of people who have been living here all their lives. The difference between the two Houses is but little.

The Minister for Transport: The Assembly has agreed to five of our six amendments.

Hon. L. CRAIG: They have mostly applied to small matters. We should assert our undoubted rights and privileges and insist upon the amendment.

Hon. Sir CHARLES LATHAM: I am sorry that I have to let the Minister down on this occasion. I know of one house in North Perth that has been let to tenants. The owner has been unable to do anything about them, and the house has deteriorated to such an extent that even £500 would not put the premises in proper condition.

The Minister for Transport: He can get a permit.

Hon. Sir CHARLES LATHAM: I have tried to get permits for people. The Minister may be able to get them but we cannot.

The Minister for Transport: I have no more power in that respect than you have.

Hon. Sir CHARLES LATHAM: I do not know. There are some deserving cases on whose behalf I have almost gone down on my knees begging for materials, but I have got nothing for them.

The CHAIRMAN: Will Sir Charles please resume his seat? I must ask members to address the Chair and not hold discussions with one another across the floor of the Chamber. Sir Charles may proceed.

Hon. Sir CHARLES LATHAM: I do not propose to continue.

Hon. J. G. HISLOP: I would be prepared to follow Mr. Craig if I felt that he is his own master and that we are our own masters, too.

Hon. L. Craig: Who do you suggest is my boss?

Hon. J. G. HISLOP: I do not think we are our own masters in this matter. I would like to insist upon the £150; but I am afraid that if we go against the wishes of the Minister for Housing, we might find that he could quite easily get over the difficulty by imposing restrictions that we hate. He could reimpose control on certain materials, and that would not meet with our approval. As the Minister has pointed out, we have obtained some concessions, and we should be careful how we deal with this amendment.

Hon. E. H. GRAY: I support the attitude adopted by the Minister and I disagree with the views expressed by Mr. Craig.

Hon. L. Craig: Most unusual!

Hon. E. H. GRAY: The Assembly has given us a fair deal. The big trouble today is that unfortunate owners of houses, because of the low rentals they receive, have not the money to spend on repairs and renovations. We must remember that the higher the amount allowed the more expensive will be the alterations undertaken by people who do not consider the interests of others. There are always selfish people in our midst. If we insist on the amendment we shall lend encouragement to unnecessary building construction.

Hon. J. M. THOMSON: It must be realised that if we do not increase the amount from £100 to £150, people will continue, as in the past, spending in excess of the allowable amount in order to put their premises in order. Restrictions have applied for a considerable time and I agree with Mr. Craig that a principle is involved. I realise that in some instances the building of garages is quite unnecessary, but that matter is subject to the control of local authorities who should decide such cases on their merits. I am afraid that, in view of the rising costs of labour and material, people will continue to spend far in excess of the amount allowed.

Hon. Sir CHARLES LATHAM: Dr. Hislop said that if we did not support the Minister we would, in all probability have materials brought under restrictions. Well, the Bill is also a continuance one, and as the Act will expire at the end of December, unless it is continued, it could last for only one more month.

The MINISTER FOR TRANSPORT: I think members have forgotten that the intention of the Bill is to ease restrictions and not to impose them. There was no special need for the Minister to introduce the Bill because the position would have remained exactly as it was, and we would have had no hope of getting any extension.

Hon. H. K. Watson: Subject to re-enactment.

Hon. L. Craig: And public pressure.

The MINISTER FOR TRANSPORT: That is so. The Minister has given his assurance that he wants controls eased as far as possible. If the Minister had indicated that he intended to tighten up, I could understand the attitude of members. The Minister met us in five out of six amendments, and partially in the sixth. I know he takes a serious view of this threat to the pool of materials. He considers it would be a big threat to the continuance of the housing programme. I am sure that the Assembly members would not agree to our rejection of the amendment, and that being so, it would mean a conference on the Bill, at which it might be lost, and we would then lose the benefit of the five amendments that have already been agreed to.

Hon. Sir Charles Latham: If the Bill were lost we would have no more control, because the Act expires at the end of this month.

The MINISTER FOR TRANSPORT: That is my impression. I would like members to support me in agreeing to the amendment submitted to another place.

Hon. H. K. WATSON: The Minister has suggested that if the Bill were lost the existing controls would continue, but the fact is that the Act will expire on the 31st December, so that the controls would cease at that date.

Hon. E. M. HEENAN: I support the Minister. Day after day we have instances brought to our notice of the acute housing position. I am a member of the Select Committee which has been dealing with various aspects of the timber industry and its relationship to building materials. I cannot quote the evidence that came before us, but, in a general way, I can assure members that the Select Committee was impressed by the dire situation which exists today. We cannot have people utilising large quantities of materials to add to and improve their existing houses and, at the same time, continue building the new houses which are urgently needed.

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

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

## BILL—WAR SERVICE LAND SETTLEMENT AGREEMENT (LAND ACT APPLICATION) ACT AMENDMENT.

*Second Reading.*

THE MINISTER FOR AGRICULTURE (Hon. G. B. Wood—Central) [8.37] in moving the second reading said: This Bill has been recommended by the Government's legal officers to solve a difficulty which has arisen with regard to the purchase of certain lands from the Midland Railway Company, for the purpose of war service land settlement.

Crown grants issued to the Midland Railway Company reserve to the Crown the rights to all gold, silver and precious metals contained in the land, the company having the rights to the lesser minerals such as coal, mineral oil, phosphatic rock, tin, copper, etc. Should the Midland Railway Company sell any land, it reserves to itself the rights to these lesser minerals. A number of desirable properties have been purchased from the company for war service land settlement purposes. However, owing to the restriction on the certificate of title caused by the retention by the company of its mineral rights, the lands cannot be revested in the Crown and removed from the operation of the Transfer of Land Act, to be dealt with as ordinary Crown lands for disposal under perpetual leases.

To solve this legal difficulty, it is proposed in the Bill, to revest the Midland Railway Company's mineral rights in the Crown when any land is bought from the company. This will have the effect of clearing the title and will enable the land to be removed from the operation of the Transfer of Land Act, and brought within the scope of the Land Act and the principal Act.

The Bill goes on to provide that a further Crown grant shall then be issued, free of charge under the principal Act, to the Midland Railway Company, revesting in it the mineral rights, which, as I have explained, consists of copper, tin, lead, coal, ironstone, phosphatic rocks, gems, precious stones, mineral oil, etc. Subsequently, when perpetual leases are issued to soldier settlers, gold, silver, and precious metals will be reserved to the Crown, and the lesser minerals, etc., to the company. As I have said this Bill seeks merely to rectify a legal anomaly and it is the result of recommendations by the State's law officers. I move—

That the Bill be now read a second time.

On motion by Hon. Sir Charles Latham, debate adjourned.

## BILL—PHYSIOTHERAPISTS.

*Second Reading.*

**THE MINISTER FOR TRANSPORT** (Hon. C. H. Simpson—Midland) [8.40] in moving the second reading said: The object of this Bill is the establishment of a course of training in physiotherapy in Western Australia. All the other States on the mainland, and New Zealand, possess legislation of this nature. Physiotherapy is defined in the Bill as—

> the use by external application to the human body, for the purpose of curing or alleviating an abnormal condition thereof, of manipulation, massage, muscle re-education, electricity, heat, light, or any proclaimed method; but does not include the internal use of a drug or medicine or the application of a medical or surgical appliance, except insofar as the application of the appliance is necessary in the use of such manipulation, electricity, heat, light or proclaimed method.

The term "proclaimed method" is interpreted by the Bill to mean "a method of practising physiotherapy which, on the recommendation of the board the Governor by proclamation published in the 'Government Gazette' declares to be such for the purposes of this Act." This definition of physiotherapy conforms to that used in the Eastern States and other countries.

The practice of physiotherapy is now internationally recognised as an ancillary medical service, and it is regarded as a profession calling for a skilled and highly trained operator. The development of medicine and surgery has made it necessary for the employment of physiotherapists' services in fields which, even a few years ago, were not considered to be within their scope. Physiotherapists have thus become of considerable assistance to medical men in the treatment of their cases. The idea once held that the physiotherapist was merely a "rubber" or a masseur can no longer be maintained.

Today there is a world-wide shortage of trained physiotherapists. This was evidenced during the poliomyelitis epidemic in this State in 1948. One of the most difficult problems then was the provision of an adequate number of trained physiotherapists whose services were urgently required. Epidemics such as this are unpredictable and it is advisable that action be taken to encourage the study of physiotherapy to assist in treating and curing such diseases.

Another example that might be mentioned is that of spastic children. In this regard the Education Department has made a laudable effort in commencing a spastic centre at the Thomas-street State school. This centre, however, provides only scholastic training. If the Education and Public Health Departments are to proceed with plans for the education and rehabilitation of spastics to enable them to take part in community and economic life, more physiotherapists will be necessary.

The physiotherapist is also of great value in the treatment of fractures and other injuries resulting from accidents, in general surgical cases and surgery of the chest, affections of the brain, nervous system and the need for muscle education in pregnant women, thereby reducing maternal illness and death, as well as the stillbirth rate. I understand that there are numerous roles which the physiotherapist can play in the treatment of patients.

At the present time there are only seven qualified physiotherapists in practice in the metropolitan area and one, I believe, at Collie. With the development of the

Government's hospital policy and the completion of the regional hospitals, for which plans are now being drawn, the establishment of a physiotherapy service in country areas will become even more urgent than it is at present.

It has been found by painful experience in Western Australia, that shortages such as this can be met only by training suitable persons in this State, and it is for this reason, and the others I have mentioned, that this Bill has been brought down. The measure provides that a board, to be known as the physiotherapists registration board, will be set up. One of its functions will be to conduct a course of training for suitable persons, and it will also prescribe the standards of the practice of physiotherapy in Western Australia.

The Bill proposes that the board shall consist of the Commissioner of Public Health as chairman, a medical practitioner appointed by the Governor, two physiotherapists appointed by the Governor, and a nominee of the Senate of the University. Further, it sets out that before a person may practise physiotherapy, he must be registered with the board. Unless such a provision is made, the practise of physiotherapy may be thrown into disrepute by charlatans and others willing to prey upon sick persons for gain.

For a start, it will be necessary to register a number of people who have been earning their living by the practise of physiotherapy, but who have not received the full scientific training or qualifications laid down by the board: this being due to the fact that there has not previously been a course in physiotherapy in this State. All persons who can establish that they have been bona fide engaged in the practice of physiotherapy, as defined in this Bill, as a means of livelihood, for at least 24 months in the three years preceding the commencement of the Act, will be registered when the Bill becomes law. Subsequently, only persons who can show that they have adequate professional training will be registered. As I have mentioned, New Zealand and the other Australian mainland States have legislation of this nature and if Western Australia does not provide similar standards, it is possible that partly trained or untrained persons will migrate to this State.

Physiotherapists provide a service which, under medical direction, can be of extreme benefit in the alleviation or cure of many ailments. The demand for such services and the extent to which they are utilised by hospitals and doctors, are increasing, and qualified persons are difficult to secure. An indication of the shortage existing throughout Australia is the frequency with which Eastern States authorities advertise, not only through the Australian Press for physiotherapists, but also in Great Britain and other countries, whose standards are similar to those specified in the Bill. If any Western Australians desire to become physiotherapists they now have to obtain their training in the Eastern States at their own expense. Naturally, many never return to Western Australia, a loss which, in these days, is most undesirable.

Members will no doubt be interested in some details of the wide use made of physiotherapy by metropolitan hospitals. At the Princess Margaret Hospital nearly 60 children are treated daily. These include poliomyelitis and accident victims, also children requiring special treatment following major surgery. At the Fremantle Hospital 25 in-patients and a number of out-patients are treated by a physiotherapist. The staff of the Royal Perth Hospital is caring for 66 in-patients, which includes 36 at the Infectious Diseases Hospital. In addition, attendances at the Physiotherapy Out-patient Clinic total 12,500 per year.

Sixteen physiotherapists are employed in Western Australian hospitals, and these are insufficient to cope with the demand for their services. It is to be regretted that approximately 200 spastic children in need of physiotherapy cannot be attended to because of the shortage of physiotherapists. This is but one of the factors which emphasises the acute shortage with which this State shares with the rest of the world and which shows the necessity for the establishment of our own machinery for training persons as physiotherapists.

The operations of the physiotherapists registration board will be financed from fees collected, and, if necessary, Government grants. The board will be empowered to make rules covering the conduct of its meetings, the prescribing of qualifications to be held by persons seeking registration, and the method of keeping the register. It may also fix the fees to be paid for examinations and registration.

All physiotherapists licensed to practise by the board will be recorded in an official register which must be kept by the registrar and a record of students will also be maintained. Every person who completes the prescribed course, who is over 21 years of age, and is of good character, will be entitled to registration. It is anticipated that reciprocal agreements will be concluded with recognised authorities of other States and countries, thus admitting to registration persons holding satisfactory qualifications obtained elsewhere.

It is realised that there are a number of callings which utilise one or more of the procedures included in the definition of "physiotherapy", examples being chiropodists, chiropractors and osteopaths. These persons fulfil a useful role, and it is not proposed to interfere with, or control their operations. They have therefore been specifically excluded from the operations of the Bill. Other persons who apply massage and heat for purposes not

connected with the treatment of abnormal conditions are also excluded. These include trainers of athletes, turkish bath keepers, and beauty parlour proprietors. Medical practitioners and dentists will not be affected by this Bill.

Provision is made for scientific progress in that the definition of "physiotherapy" may be qualified by proclaiming further methods which may be employed by physiotherapists should the necessity arise. Breaches of this Act or the regulations may result in the imposition of a fine not exceeding £25. The final provision empowers the Governor to make regulations necessary for the board to carry out its functions. This includes the setting up of a course of training in physiotherapy. To this end the Government has decided to appoint a suitably qualified person as director of physiotherapy.

The director, in conjunction with various departments of the University of Western Australia and the metropolitan hospitals, will be responsible to the board for the training of students. The course will extend over three years, and successful students will be issued with a certificate entitling them to registration. The standard of the course will not be lower than those conducted in other States and countries with which the board will negotiate to conclude reciprocal agreements regarding registration. I move—

That the Bill be now read a second time.

**HON. J. G. HISLOP** (Metropolitan) [8.55]: This is a very laudable move on the part of the Government to institute a most necessary form of ancillary medical training, and I hope that its efforts in this matter will meet with great success. There is no doubt that physiotherapy has become a necessary and integral part of the treatment of many forms of disease, illness and injury. The last poliomyelitis epidemic made it quite obvious that we would have to train our own personnel if we desired to be safe in the face of any future epidemics.

The possibility of obtaining physiotherapists from the schools of the East is very slender and in the past we have had to offer considerably increased salaries and emoluments in order to attract to this State physiotherapists from the East. Even then, we have not always been successful. Therefore, it is hoped that this school will meet with considerable success and that we shall train in our midst those persons whose skill is so necessary in the care of the sick.

During his speech, the Minister outlined the work of the physiotherapist and I stress the fact that more use will be made of these people in the future, especially as the regional planning of hospitals is brought into being. There are one or two aspects about the Bill which will have to be looked into during the Committee stage. Therefore, I ask the Minister to postpone the Committee stage until a future sitting of the House so that some further thought may be given to the Bill. After reading the measure, I wonder whether the board will have any power to pay for the services of lecturers at this proposed school.

The board will be able to appoint examiners and other officers and the remuneration of examiners, other officers and servants will be paid from the funds of the board. Can the lecturer, or even the part-time lecturer be regarded as a servant of the board? It might be wise to make it abundantly clear that this power does exist. I can visualise that members of the medical and other professions, will be called upon to give lectures to these students. Therefore this board will be faced with the necessity either of asking that these services be given in an honorary capacity, or that the gentlemen concerned be paid for their services. I am fast reaching the stage of believing that we cannot go on for ever asking that honorary services be given by professional men, because the call is becoming greater and greater in every decade. So it might be wise to consider the Bill from that aspect.

I notice that physiotherapists, registered or unregistered, who are practising today, will have the opportunity of registering with the board. It is very wise that we make provision that those who have been rendering a service to the public should be allowed to continue, provided that the board is satisfied that the service they render is legitimate and that they are skilled in their work. The board also has power to regulate the training of persons in physiotherapy, prescribing the classes to be attended, the examinations to be passed and the minimum age at which training may be commenced.

As I have emphasised before, however, there is no mention in the Bill of the words "lecturers" or "lectures". Why I am stressing this point is that when the matter was first mooted there was some doubt in the minds of the members of the medical profession to whom the Bill was referred, as to whether there were resident within the State the actual teachers who will be required for this work. We were quite convinced that anatomy could be taught because we have in our midst one or two good men—particularly one member of the profession who is well on the way to becoming a brilliant anatomist. But we could not be certain that we could rely on someone to teach the physiology necessary, unless there was a physiologist on the University staff whose services could be made available. I think a suggestion was made that it might be necessary to employ the services of a physiologist to make this course possible and sound.

I would like some assurance regarding the power of the board to appoint lecturers and if necessary to pay salaries to the University or part-time lecturers, and, if requisite, to appoint persons to fill the various positions in this school of training. My only regret about the Bill is that there should be any need for a board. I had hoped that the University would have agreed to accept this as part of its responsibility, but the Senate in its wisdom decided that it is not a university course. It is probably quite justifiable for a university to say that it desires to adhere to being a degree-conferring body.

To my mind, all these higher schools of training would be better under the care of the University than under a board of the type proposed to be established. from my general knowledge, I believe that some universities are beginning to adopt that attitude and many of them are conferring diplomas in addition to degrees. I hope the time will come when there is a medical school here, and that the physiotherapy board will be part of the faculty of medicine, because I believe then it would be in much safer keeping than it will be under this Bill.

There is one curious feature about the board and that is the right of regulating and prohibiting the method and manner in which a physiotherapist may make known the place or places where and the fact that he is practising physiotherapy. I wonder why that power is needed. After all, if the physiotherapist is a registered physiotherapist, he or she will be an individual of ethical standing, and I do not know anything that would prohibit me stating the place where I would render service.

The Minister for Transport: To which clause are you referring?

Hon. J. G. HISLOP: Paragraph (h) of Clause 16. I wonder why that power is sought. It might quite well be left to the Association of Physiotherapists to lay down ethical procedure for physiotherapists, and I think we might possibly amend the Bill accordingly. I do not believe that power is required by a board, and it would be better in the hands of an association of physiotherapists whose sole aim would be to maintain the ethical standing of physiotherapists.

One other point which must be borne in mind is that relating to the power of the board to lay down fees to be charged for registration and like matters. In this State we always have considerable difficulty in devising what fees should be charged to a hospital for the services of a physiotherapist, and if a physiotherapist comes to this State, what fees we should charge for this temporary residence within the State. I do hope that the board, when it is formed, will realise that the imposition of a fixed fee for the registration and practice of a physiotherapist whilst actually engaged in hospital practise can be irksome if it is imposed on too high a scale.

It is a different matter when that individual has taken on practise, for then I think the prescribing of a fee for registration is a matter that the board can fix. I am very pleased generally to see this Bill before the House. I believe it will fill a long-felt want and I am sure the profession will do all in its power, even to the apointing of lecturers and the holding of examinations, to see that this school is a success, and to ensure that our first venture in this State into ancilliary medical training will be one of which the State will be proud. I have much pleasure in supporting the second reading of the Bill.

Question put and passed.

Bill read a second time.

## BILL—RURAL AND INDUSTRIES BANK ACT AMENDMENT.

*Second Reading*

**THE MINISTER FOR AGRICULTURE** (Hon. G. B. Wood—Central) [9.8] in moving the second reading said: This is an amendment to the Rural and Industries Bank Act. The Bill contains one proposal, which is to return to the employees of the Rural and Industries Bank, the benefits of long-service leave, not as a right but at the discretion of the commissioners of the bank. Up to 1948 the officers of the bank worked under Public Service conditions in regard to leave, salary, etc.

In that year they approached the Arbitration Court for an award based on the salary conditions enjoyed by the employees of the Commonwealth Bank and private trading banks. In an award issued on the 22nd November, 1948, the court unanimously agreed to the application, but considered that, in the interests of the management and staff, and the ultimate destiny of the bank, that it should be removed from relationship with the Public Service, and be treated industrially in a similar manner to officers of other banks, with which it is a competitor.

At the suggestion of the court, the employees of the bank pondered this question and ultimately, by a 94 per cent. majority, decided to accept trading bank conditions. This meant that they benefited financially, but lost the right to long-service leave. Also, instead of two weeks' leave annually they became entitled to two weeks for each of the first 10 years, and three weeks annually thereafter. After due consideration, and with the approval of the Public Service Commissioner, the Government has decided to return the benefits of long-service leave to employees of the bank.

This will not be quite in accord with that enjoyed by public servants, mainly because the bank officers are receiving enhanced benefits in relation to salary and annual leave conditions. The proposal is that the bank officers may be granted three months' leave for the first 10 years of service, three months for the next 10 years, and three months for each following seven-yearly period. Leave cannot be accumulated beyond a total of six months. As I have said, this leave may be granted as a concession at the discretion of the commissioners of the bank. These conditions will be retrospective. It is felt that as almost all Government officers, both temporary and permanent, clerical and wages staff, receive the benefits of long-service leave, either on a seven-year or a 10-year basis, then it is only equitable that the employees of the Government's bank should likewise participate. I move—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

*In Committee.*

Hon. J. A. Dimmitt in the Chair, the Minister for Agriculture in charge of the Bill.

Clause 1—agreed to.

Progress reported.

## BILL—JUDGES' SALARIES AND PENSIONS.

*Second Reading.*

**THE MINISTER FOR TRANSPORT** (Hon. C. H. Simpson—Midland) [9.15] in moving the second reading said: This Bill has two objects, one to make an alteration in the system of pension payments to Supreme Court judges and the other to make an adjustment in the salaries now being paid to them. Judges' pensions are provided for under Section 14 of the Supreme Court Act which states—

> Every judge of the Supreme Court shall be entitled, on resigning his office after having served for 15 years as a judge of that court and attained the age of 60 years, or on its being made to appear by medical certificate to the satisfaction of the Governor that he is incapable of performing the duties of his office, to demand a pension by way of annuity to be continued during his life to the amount of one-half of the annual salary of his office.

There is a further provision that the pension is to be adjusted in the event of a retired judge accepting any appointment under the Crown in any part of His Majesty's Dominions and to be forfeited in the event of his practising as a barrister or solicitor in Western Australia or elsewhere in His Majesty's Dominions. The Supreme Court Act to which I referred provides no retiring age for judges, but an Act was passed in 1937 that does do so. This Act, known as the Judges' Retirement Act, provides that, notwithstanding that a judge may not have served for a period of 15 years, he shall retire upon attaining the age of 70 years and, further, that upon retiring and although he may not have attained the age of 70 years, he shall not be deemed to be deprived of his right to a pension.

Under that Act, a Supreme Court judge, if he attains the age of 70 years, although he may have acted as a judge for less than 15 years, would be entitled to his full pension rights. It is possible that he may have been appointed a judge for only four or five years, but when he attains the age of 70 years and his retirement is compulsory, he is then entitled to a full pension.

The Bill proceeds to make provision for the pensions of judges to be on lines similar to those provided for High Court judges under the Commonwealth Act. It sets out that, where a judge has attained the age of 60 years and retires after serving as a judge for not less than 10 years, he shall, on retiring, be entitled to an annual pension at the rate of 27½ per cent. of his salary, and an additional rate of 2½ per cent. of his salary for each completed year of his service in excess of 10 years, but so that the rate of his pension shall not exceed 40 per cent. of his salary. Where a judge retires and the Minister certifies that his retirement is by reason of permanent disability or infirmity—

> (a) if his retirement occurs during his first five years of service as a judge, he shall be entitled on retiring to an annual pension at the rate of 15 per cent. per annum, or,
>
> (b) if his retirement occurs after he has served as a judge for not less than five years, he shall be entitled on retiring to an annual pension at the rate of 15 per cent. of his salary and an additional rate of 2½ per cent. of his salary for each completed year of his service in excess of five years, but so that the rate of his pension shall not exceed 40 per cent. of his salary.

In the event of a judge dying before his retirement or after his retirement, his widow will receive half the pension he would have received or was actually receiving. In addition, the Bill makes provision for his children. On the death of a person who is a judge or was immediately prior to his death in receipt of a pension, an allowance at the rate of £1 per week is to be paid in respect of each of his children who is under the age of 16 years until the age of 16 years has been attained. In the event of a retired judge marrying after his retirement and predeceasing his wife, no pension is paid.

The provisions of the Bill apply to every judge who is appointed after the commencement of the Act, provided that any judge who is serving as such at the commencement of the Act may elect, within six months after the commencement of the Act, to come within its provisions. A retired judge if he so desires, may elect, also, to come within the provisions of the Act.

It will be seen that although the pensions payable to judges on their retirement have been reduced from 50 per cent. to 40 per cent. of their salaries, on the other hand, increased benefits have been provided for their widows and children. The Act provided that the pension should be reduced on a retired judge accepting any appointment under the Crown in any of the King's Dominions by the amount of any remuneration received by him as a result of such appointment, and that provision has been deleted, but that relating to his forfeiting his pension if he practises as a barrister or solicitor in any of the King's Dominions has been retained.

As members are aware, judges' salaries were considered, together with other statutory salaries, by Sir Ross McDonald, and the Public Service Commissioner (Mr. Taylor), and, in their report to the Government, they recommended that the salaries of judges should be £3,000 per annum for the Chief Justice and £2,600 for each of the puisne judges, an increase of £400 and £300 per annum respectively on the existing salaries. The Government has accepted the recommendations and the salaries provided for the judges in this Bill are those recommended. I move—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

*In Committee.*

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

## BILL—LEGAL PRACTITIONERS ACT AMENDMENT.

*Second Reading.*

**THE MINISTER FOR TRANSPORT** (Hon. C H. Simpson—Midland) [9.25] in moving the second reading said: In introducing this Bill I would first mention that the Barristers' Board of Western Australia is constituted under the Legal Practitioners Act, partly to control the conduct of the legal profession and partly to maintain a law library. Until 1926, the Barristers' Board was financed from its own funds, and by a Government grant that gradually dwindled and ceased during the depression years. This grant has never been revived.

In 1926 the Legal Practitioners Act was amended to provide that all legal practitioners should take out an annual practising certificate at a cost of not less than £5 and not more than £10 per annum, so that an annual contribution might be made to the University of Western Australia to assist in the establishment at the University of a Chair of Law. The annual practising fee was fixed at £5, and, since 1927, the Barristers' Board has duly made the annual contribution of £500 to the University, these contributions now having totalled approximately £11,500.

The late Mr. T. A. L. Davy, who introduced the Bill in 1926, stated—

> If the good intensions of the lawyers of the community, expressed in concrete form in this Bill, are given full expression, I see no reason why other sections of the comunity should not do similar things. I may inform members that there is a move on behalf of the merchants in the town to finance a chair or diploma of commerce. That would be of great value to the State. It would be more or less ancillary to a chair of law. If we establish a chair of law with the revenue found partly by one body, there is a reasonable prospect of getting a diploma of commerce financed by another body. Once we start in this way and make it popular, I see no reason why every section of the community that has any organisation should not regard it as his duty to come to the aid of the University and make that institution as complete an instrument for the improvement of education as it possibly can be.

As it has happened, the legal practitioners have, since 1926, been the only body which has in any way contributed towards the establishment or maintenance of any chair at the University. I would inform members that the first object of the Bill is to relieve the legal profession of this responsibility. In 1926, the State's monetary contribution to the University was comparatively small. Nowadays it is extremely large. As members know, the University supplies training for nearly all branches of the community, and lawyers are the only people who make any contribution to the University funds, that is, apart from the Government and endowment funds.

With the prevalent increase in cost, the funds of the board are such now that if it still had to pay £500 to the University there would be very little left for other purposes such as the salary of the board's secretary and librarian and the maintenance of the Law Library. Incidentally, the members of the board receive no payment or allowance whatever for their services as members. Some time ago, the board considered that the time had arrived when legal practitioners should be relieved of the annual payment to the University. To this end, the board wrote to the University advising that it was proposed to ask parliamentary approval for relief from the

annual contribution. The board held the strong opinion that there was no justification for contributing to make lawyers subsidise the law school. The matter came before the University Senate, which sympathised with this viewpoint and, in budgeting for 1951, has deleted the reference to the board's annual contribution.

The revenue of the board is comparatively static, but the costs of books, periodicals, etc., for the library has risen greatly. The library is available not only to the legal practitioners, but also to members of Parliament, judges, magistrates, officers of the Crown Law Department, etc.

The second amendment proposes to arm the board with additional power in cases where it finds a legal practitioner guilty of misconduct, neglect or delay. The board is of the opinion that where, during the course of any inquiry, it is satisfied that a certain sum of money is properly payable to the complainant, it would be convenient if the board could order the practitioner concerned to pay such money. Under the existing law, where the board cannot order the practitioner to pay any money except a fine, it could occur that should the board find a practitioner guilty of misconduct in withholding certain moneys from the complainant, the complainant may still be put to some expense, trouble and delay by having to take separate legal proceedings against the practitioner to recover the moneys. The board, therefore, considers that it would be of convenience if it had the power to order the payment of the money to its proper source. I move—

> That the Bill be now read a second time.

**HON. E. M. HEENAN** (North-East) [9.30]: I would like to say a few words in support of this measure, the provisions of which have been clearly outlined by the Minister. The Bill should receive the unanimous approval of the House. As the Minister said, since 1926 every member of the legal profession practising in this State has made an annual contribution of £5, and per medium of that the profession has been responsible for providing an annual donation of £500 to the University of this State to assist the Faculty of Law. It is something of which every member of the legal profession is justifiably proud, and the amount of over £11,000 which has been thus subscribed has been wisely and profitably used.

In the opinion of the Barristers' Board, which has been approved by the Senate of the University, the time has arrived when the profession should be relieved of this annual payment. The money will be profitably used in further equipping and enlarging the library at the Supreme Court which everyone will realise must be kept up to date. Like everything else, law books have risen in price. If a law library is to be up to date, the latest publications must be purchased from time to time; the reports of the various court cases, which come out at stated intervals, must be purchased and bound. The Barristers' Board has to employ a competent secretary—a man whose integrity is entirely above reproach and who has to be paid an adequate salary. For those reasons, members will agree that this Bill has a lot to commend it, and I hope it will receive unanimous approval.

**HON. H. K. WATSON** (Metropolitan) [9.33]: I was interested in the Minister's explanation of the contribution which has been made by the legal fraternity to the Faculty of Law at the University during the last 24 years—an annual contribution of £500. I cannot help expressing regret that such a good example should be discontinued and discontinued, if I understood the Minister aright, not altogether without regard to the fact that that example has not been followed by other sections of the community. I venture to suggest that if the legal fraternity had continued to set this good example for a few more years, it might have encouraged others to follow suit.

Hon. E. M. Heenan: They have had 24 years to do so.

Hon. H. K. WATSON: But many of those years were depression years and we were not enjoying the prosperity we have today.

Hon. E. M. Heenan: This Bill will not prevent anyone from following the example of the legal profession.

Hon. H. K. WATSON: The contribution made apparently represented £5 per member or £500 per year from the whole profession. I should have thought that they might have kept it going for a few more years. The Minister said that no other body or organisation had followed that example.

Hon. E. M. Heenan: Or profession.

Hon. H. K. WATSON: Yes. I think it well to place on record that Mrs. Fanny Herman, in memory of her late husband, made a donation of £2,000 to the University to assist in the establishment of a dental school in Western Australia. I happen to know a company also—not a group of organisations but a single organisation —which for many years has made an annual contribution of £250 to the funds of the University for the investigation of animal nutrition. They are a couple of illustrations that come to mind; and I am inclined to think there are probably many others who are doing the same thing. With that in mind, I express regret that the legal profession has seen fit to discontinue its donation.

**THE MINISTER FOR TRANSPORT** (Hon. C. H. Simpson—Midland—in reply) [9.36]: I can reply only briefly to one or two of the points raised by Mr. Watson because naturally I am not very familiar with the ramifications of the legal profession. However, I understood from Sir Ross McDonald that the members of that profession had been compelled, because of the heavy annual drain on their resources and the increasing price of books, to cut down their contributions to their own library, the contents of which are of advantage not only to themselves but to other sections of the community as well.

I understood, too, that it was their desire, if relieved of this burden, to devote that money to building up their own library so that every section of the community concerned would benefit. I am very pleased that the members who have spoken have paid the profession what I think is a very well-deserved compliment. I, too, am sorry that other sections of the community have not seen fit to follow their example; but I think that in the circumstances the legal profession has established a case, and I have no doubt that members will support the Bill.

Question put and passed.

Bill read a second time.

*In Committee.*

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

## BILL—AGRICULTURE PROTECTION BOARD.

*Assembly's Message.*

Message from the Assembly received and read, notifying that it had agreed to amendments Nos. 3, 4 and 5 made by the Council, and had disagreed to Nos. 1, 2 and 6.

## BILL—THE FREMANTLE GAS AND COKE COMPANY'S ACT AMENDMENT.

Returned from the Assembly without amendment.

*House adjourned at 9.43 p.m.*

# Legislative Assembly.

Thursday, 23rd November, 1950.

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