

the suggestion of Sir Hal Colebatch; and if it is possible for me to introduce some Bills in this Chamber at an early stage of the session I shall do so. At present, however, as members are aware, the Bills being introduced in another place are Bills which perhaps are peculiarly the prerogative of the Ministers who are introducing them.

Hon. J. Nicholson: Many of them are private Bills.

The CHIEF SECRETARY: The private Bills do not come into this debate. I have nothing to do with them until they reach this House. That is the position. I will take the opportunity of introducing Bills into this House, but that depends on the nature of the legislation the Government has for presentation to Parliament.

Question put and passed.

House adjourned at 4.51 p.m.

Legislative Assembly.

Tuesday, 2nd September, 1941.

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

QUESTION—SUSTENANCE AND RELIEF.

Mr. DONEY asked the Minister for Employment: 1, What number of men, if any,

are today in receipt of sustenance allowances? 2, What number of men are today on relief work? 3, What number of men were on relief work immediately preceding the outbreak of war? 4, Of the number on relief work today how many are on full-time employment and what is their weekly rate of pay? 5, What numbers of men are, respectively, on other levels of remuneration and what are the relevant weekly rates of pay?

The MINISTER FOR EMPLOYMENT replied: 1, 37. 2, 2,709. 3, 5,725 on relief work, 1,055 on sustenance work; total, 6,780. 4, 1,526; weekly rates of pay: Basic wage applicable to district where employed, plus marginal and other allowances, as prescribed in Industrial Awards and Agreements for the various classes of work. 5, 916 married, 267 single. Rates same as in answer to question 4, but period of employment based on family obligations.

QUESTION—ELECTRICITY SUPPLY.

As to Rural Areas.

Mr. McLARTY asked the Minister for Railways: 1, Has the Minister made any representations to the Federal Government in regard to the proposal considered by the Federal Ministers for Commerce and Labour to extend electricity supplies to rural areas so as to overcome the farm labour shortage, as reported in the "West Australian" on the 5th June? 2, If so, what districts in this State were suggested as suitable for the proposed extensions? 3, Has the Government received any further information from the Federal Government in regard to this proposal, and if so, to what effect?

The MINISTER FOR RAILWAYS replied: 1, No. The report in the "West Australian" on 5th June indicates that the matter was being considered and no proposals have been received from the Commonwealth up to date. 2 and 3, answered by No. 1.

BILL—METROPOLITAN WATER SUPPLY, SEWERAGE, AND DRAINAGE ACT AMENDMENT.

Read a third time, and transmitted to the Council.

BILL—STATE TRANSPORT CO-ORDINATION ACT AMENDMENT.

Second Reading.

Debate resumed from the 28th August.

MR. DONEY (Williams - Narrogin) [4.36]: Members who heard the speech of the Minister in charge of this small Bill will recall that he said it is the Government's intention to put omnibuses upon the streets of Perth to compete with private industry for Perth passenger traffic. The object of the legislation is to exempt those omnibuses from conditions which the Government in its transport measure of 1933 saw fit to impose upon private omnibuses, of course in the public interest. It is now admitted that existing legislation entitles the Government to this type of exemption. Provided, naturally, that it is in the public interest, no one, I imagine, would refrain from doing that again. It follows, therefore, that trains, trams and trolley buses operating on behalf of the Crown are exempt from the provisions of transport legislation. The present intention is to add omnibuses to that list. In his introductory remarks the Minister said that the State Transport Co-ordination Act was passed primarily to safeguard State-owned transport facilities from unfair competition by private vehicles. I would stress the word "unfair," which the Minister used; for, as I see the position, the Government is proposing to enter upon an entirely unfair kind of competition with privately-owned vehicles. The present proposal cannot fairly be described by any other word than "unfair."

For a long while omnibus traffic has been regarded as, may I say, a close preserve of private industry. So one is really entitled to ask here, what about a Bill to protect the individual from unfair competition by the Government? It would be just as reasonable to introduce such a Bill as the measure now under consideration. There can be little doubt but that this Bill is unfair, because anything to legalise an advantage to one competitor, to the hurt of other competitors, is indisputably bad. Manifestly, in a fair contest all competitors would comply with exactly the same conditions. By the present Bill, however, the Government seeks to be free in respect of its omnibuses and so forth from all such things as the expense, worry and delay attendant upon the securing of licenses, and from cost of

rates, rents, taxation, insurance and so forth. There is this, too, that neither need the Government be prepared to maintain its omnibuses in a fair and serviceable condition, nor trouble about overloading or adhering to prescribed routes.

If the Bill passes as printed, apparently Government omnibuses will be able to wander at will over the metropolitan area, including those districts where the best opportunities for securing passengers exist. They may thus encroach upon the preserves of those who are obeying the laws from which the Government by this measure seeks to free itself. It may be that the Government intends to protect in some way or other the interests of private owners. If that is so, and I hope it is so, I would suggest to the Minister that when the appropriate time arrives he gives the House a few words of advice upon that aspect. I am somewhat suspicious of this new transport move, and would like to ask the Government exactly where we are heading. Is this the beginning of an intention to push private transport off the streets of the metropolitan area and ultimately, of course, off country roads? I noticed—as I daresay all members did—the following remark appearing in today's "West Australian" and attributed to the Minister for Railways:—

It would appear that the time is opportune for the Government to take over the control of all metropolitan transport.

I do not know whether the Minister, in saying that, was speaking on behalf of the Government.

Hon. C. G. Latham: Of course he was !

MR. DONEY: We are entitled to assume that when a responsible Minister of the Crown makes an observation of that kind he is voicing the opinion of the Government in regard to the matter.

MR. WITHERS: Do you not think it is the Government's responsibility to provide transport for the people?

MR. DONEY: So far as things are at present, it has become the responsibility of the Government and of private individuals, both in their separate spheres. It cannot be that the responsibility has entirely devolved on the Government when private individuals are catering for the transport needs of the people of this State in a reasonably efficient way. If the Minister was speaking on behalf of the Government, I think that either he or the Premier or the

Minister for Works might very well tell the House what is the Government's policy.

Mr. Sampson: State trading de luxe and in extenso!

Mr. DONEY: I would like to know whether that policy embodies the idea of compensating private owners whom the Government has pushed out of business. The Minister says that the time is opportune for the Government to take over the control of all metropolitan transport. I would like him to take an early opportunity to show exactly why the time is opportune, for I cannot see it, and am interested to know upon what he bases that view. I noticed also that, when speaking at the deputation to which the Minister made the reply I have just quoted, the Hon. N. Keenan, amongst other things, said—

The prohibition which stopped private transport from picking up in the two districts had caused considerable inconvenience and delay and a similar thing was happening in the Hollywood sector.

It will be plain to the Minister and anyone else interested that the Government itself was responsible for the meddling and mess to which the hon. member referred. In the circumstances the Minister certainly had a nerve to say that the time was now opportune for the Government to step in and take full control of transport!

Mr. Cross: Would you agree to that?

Mr. DONEY: No, I would not agree. If the hon. member or anyone else could make it plain to me that it would be in the interests of the public and at the same time that a measure of fair play would be accorded to private enterprise that had suffered, I would be very glad to consider the matter. The Bill is a very small one, but I imagine it is likely to prove a little contentious, not so much on the part of members on these benches as on the part of those who represent portions of the metropolitan area.

MR. McDONALD (West Perth) [4.35]: This Bill appears to me to be right outside the original ideas of the State Transport Co-ordination Act as I recollect it and understand it. When we passed that measure it was very strongly borne in upon us that the State had invested some £20,000,000 odd in our State railways and incidentally—although that was not so important—in our State tramways. We all know that with

the growth of motor transport along our greatly improved road system there was a tendency for paying freight to be taken by road transport and the unpaying freight, such as wheat and super, to be taken by or to be left to be carried by the Railway Department. On that occasion I think it seemed to most members that as the public had invested a considerable amount of money in the railways and other means of transport, the various transport systems should be placed on some basis of equality. It would be quite unfair to allow private transport to pick the cream off the freight traffic and leave the heavy burden of other traffic to be carried by the people's railways. That is understandable.

The measure then met with general support in the House. Subsequently—about that time or a little later—trolley buses came on the scene, and they appear to have crept in as a protected form of transport along with the railways and the tramways. We are now invited to include omnibuses, when operated by the Crown, amongst those protected forms of transport. In the metropolitan area the arguments regarding freight do not apply. There is only one class of freight carried and that consists of human beings. They are all on precisely the same basis and there can be no discrimination. It is not a case of one system taking a more profitable kind of freight and another being left with a less profitable kind.

The Premier: Some systems give continuity of service.

Mr. McDONALD: Continuity of service is of the utmost value. There is a very strong case for more elasticity in the regulation of the metropolitan road services. A lack of enterprise has been demonstrated by the authorities in dealing with the situation that has been occasioned by petrol restrictions due to the war.

Mr. Cross: What authorities have shown lack of enterprise?

Mr. McDONALD: The hon. member has only to hear what is said by responsible people regarding the traffic in areas such as Nedlands in particular, and what takes place on traffic routes, to perceive that there is a lack of co-ordination and of elasticity to meet the situation occasioned by the war.

What does this Bill mean? It means this: Where conditions are absolutely equal in the metropolitan area, where precisely the

same class of freight is carried, the Government wants its omnibuses to be placed in a favoured position in comparison with private omnibuses. If private omnibuses are to continue to exist they must pay Arbitration Court wages and, in some cases no doubt, interest on their capital. They also have to pay rates and taxes. It seems to me extraordinary that the State omnibuses, which do not pay rates and taxes, should confessedly be in a need of State protection from competition with omnibuses run by private enterprise. Where conditions are equal, surely the Government authorities should be able to say with confidence, "We are at least as capable as are those people who run private buses, and we are prepared to meet them on similar terms." Such an attitude would imbue the public with confidence.

I do not like the Bill. When it is a matter of country freight and differentiation between the various classes of goods carried, the State Transport Co-ordination Act has a role to fill. On the other hand, when the passenger traffic in the metropolitan area is concerned, then I suggest it is not complimentary to the ability of the Government to run buses with which it is not prepared to meet the competition of privately-owned buses on terms of equality.

The Premier: The Government provides a lot of concession fares in comparison with those allowed by private bus companies.

Mr. McDONALD: The private bus companies are controlled under the State Transport Co-ordination Act. Their fares are regulated.

The Premier: The Government provides concessions for school children and so on.

Mr. McDONALD: The Act contains power to exercise that control. Fares in the ordinary way are regulated, and the public are protected against unfair charges.

The Premier: But the private companies do not grant the concessions that the Government does.

Mr. McDONALD: The profits of private companies are restricted to a reasonable figure. So far as I can see, no case has been made out for the Bill. I suggest to the Minister that the public would be imbued with much greater confidence in conditions of transport in the metropolitan area if the attitude he adopted was that Government buses could do as well as private buses

and did not need any special coddling or protection under the legislation, as proposed.

MR. CROSS (Canning) [5.43]: I was rather surprised to hear the member for West Perth (Mr. McDonald) say that the amendments embodied in the Bill were right outside the scope of the parent Act. In times like the present it naturally follows that the authority which seeks to provide passenger transport facilities, but is prevented because of war conditions from securing the particular type of transport desired and has therefore to provide some other form of transport temporarily, will endeavour to secure the same protective covering for the form of transport supplied as is now available to the owners of private concerns.

Mr. Doney: Are you sure this is to be temporary?

Mr. CROSS: I quite understand why the Government has introduced the Bill. The object is to establish a bus service for central South Perth and Como. Difficulty has been experienced in securing trolley buses, which undeniably represent the best and most modern form of cheap transport for the people, and the only type of transport capable of being run successfully on local fuel. Mere commonsense suggests that if the Tramway Department is to run a line of buses, it should enjoy similar privileges to those extended to privately-owned buses that run to Fremantle and other centres. It is a matter of common knowledge that when the Transport Board issues a license to a private bus company, such as the one running, say, to Kalamunda, it grants an absolute monopoly to the proprietors. That is the system operating throughout the metropolitan area at present. It is mere eyewash for members of the Opposition to pretend the position is different.

Where the route granted to a private bus company deviates from a service run by a Government instrumentality, the right to run over that route becomes an absolute monopoly. Members will find that fares become dearer too, and will have no difficulty in determining the truth of that statement. If the member for West Perth desires equality of opportunity and conditions, and desires similar provisions to apply to privately-run transport as to Govern-

ment-controlled instrumentalities, I wonder if he would be prepared to agree that similar working conditions should apply to both forms of transport. The member for West Perth said that, in his opinion, there existed at present lack of co-ordination. That statement represents the straw showing which way the wind is blowing. I believe the time is rapidly approaching when Western Australia will be forced to adopt a similar course to that followed in Great Britain where in London a Transport Board has been established to control the whole of the metropolitan passenger traffic under that single authority. To my mind that step is a natural sequence to present-day trends. Members will recollect that two or three years ago there were in Perth between 37 and 40 separate managements running different lines of buses. In addition, we had the tramways. Members will not require me to mention the names of all the different companies then operating in the metropolitan area. Some of them have been absorbed by the Metro Bus Coy. with the result that today fewer companies are operating. The fact remains that the people have to pay for the various managements controlling bus services.

What is the need for running 10 or a dozen lines of buses to various parts of the metropolitan area under separate managements? I believe that if Opposition members had their way they would advocate an open go with regard to metropolitan transportation with no co-ordination whatever. Such a state of affairs would be as bad as that which obtained with regard to the milk delivery some time ago when a multiplicity of carts delivered milk to 20 or 30 customers in the one street. I support the Bill, which I regard as prompted by commonsense. The Tramway Department will not be able to secure trolley buses for some time to come, and when it desires to run a line of buses to open up a district it should be granted privileges and protection equal to those available to privately-run concerns. I ask the member for West Perth, who is so anxious that provision should be made for equality of terms and conditions, whether he would agree to similar industrial conditions applying to privately-run concerns in the metropolitan areas as apply to Government instrumentalities. If he desires equality in competition, let the

conditions be equally fair as regards wages, working hours and conditions. Today that is not the position. Some privately-run bus companies—

Mr. SPEAKER: Order! I think the hon. member is out of order in his remarks.

Mr. CROSS: If buses are to be installed, they will have to be manned by drivers and conductors. Therefore industrial conditions enter into the question, and I think my remarks are relevant to the Bill.

Mr. SPEAKER: Order! The hon. member is getting away from the Bill.

Mr. CROSS: The time is opportune not only for passing the Bill now before the House, but for the Minister to assume powers to deal with the position that confronts us at present. A few days ago I asked some questions regarding the possibility of importing trolley buses from America. I am of the opinion that within five or six months many of the buses will have to go off the road because there will be neither petrol nor oil for them. There is a possibility of some dislocation of that form of transport. Now the Tramway Department desires to cater for a special class of traffic, and under the Bill seeks some protection for the service it is prepared to run. I hope the Minister will do all he possibly can to cater for the transport of passengers within the metropolitan area. It does not matter what members opposite say, it is a fact that private companies operating around the city cannot obtain the buses they require. The Government, on the other hand, is sitting on the box seat and will get the preference of any buses that are available, whether in the form of chassis or the complete vehicles.

The Minister for Transport in Great Britain has had a decree issued that when new buying orders are accepted in Great Britain, either for trolley buses, new buses or other equipment of that nature, the Government shall be given preference over all private buyers. That principle has been extended. The British Government has now set up a buying authority in the United States, so that if people desire to get buses in Philadelphia or Chicago it will be to their advantage to buy through the British Purchasing Commission that has been set up by the Minister for Transport in New York. Consideration should be given this session to the possibility of the Government taking over all the passenger transport facilities in the metropolitan area, and conducting the

services under one authority with a view to giving the people that transport which is so essential, and which will, as the war goes on, become still more imperative.

HON. N. KEENAN (Nedlands) [5.2]: On the face of it, this appears to be a simple Bill, and as it was explained by the Minister it occupied less than a column of "Hansard." As a fact, however, the measure means a great deal. The Minister explained that the Commissioner of Railways has lately become possessed of omnibuses, by which he meant petrol-driven omnibuses as distinct from trolley buses.

The Premier: Perhaps he meant Diesel-engined vehicles.

The Minister for Works: Or perhaps vehicles driven by producer-gas.

Hon. N. KEENAN: He has none of those yet.

The Minister for Railways: Yes, he has.

Mr. Cross: I saw one in Nedlands last week.

Hon. N. KEENAN: I have not yet seen one. The explanation was that some omnibuses had been acquired lately, and that more were likely to be acquired through the Commissioner of Railways. They are intended for use, as we learn, on the present Perth-Swanbourne section and also on the East Perth-Floreat Park section. It was desired that these omnibuses should not be subject to any of the provisions of the State Transport Co-ordination Act, and therefore should be brought within the exception that already exists in that Act in respect of the Government railways, tramways and trolley buses. One would not imagine there was anything in that except a simple amendment that would not be debatable.

There is, however, a lot more in the Bill than that. The effect of the measure would be that if petrol-driven buses were put in the same position as are the trams or trolley buses, they would get the same right of prohibition; they would have the same right to prevent any person who wants to travel upon that particular route from using any other means of conveyance. That is at the bottom of the measure, and that today has created in my electorate a most undesirable state of affairs. This House as a whole—not the Government—but this House gave its assent to the State Transport Co-ordination Act to protect the railways and even the tramways and trolley buses (of which

there were then only one or two) from competition. It was recognised that the railways were being robbed—I use the term advisedly—of a great deal of traffic to which they were fairly entitled by reason of the competition on the road. On the other hand, the tramways, which had been a useful means of conveyance in the early days when they were first established but which are now almost neglected, are slow, and in many cases are objectionably dirty—this may be unavoidable—are found to require some measure of protection as against the petrol-driven buses which are faster, more pleasant to sit in, and therefore constitute a greater attraction to the travelling public. We were prepared to give that protection, but the Government now wants to extend it to every petrol-driven bus or every gas-producer-driven bus, or one driven by any other means of propulsion, so long as it is owned by the Commissioner of Railways.

What is the result of unduly extending that protection? That is what the member for West Perth (Mr. McDonald) wished to emphasise, not that the protection in itself was objectionable but he objected to its undue extension. What is the result of that undue extension? Today trolley buses run through the Nedlands district along Stirling-highway, and leave passengers standing because they cannot take them. Those passengers have to remain standing because they are not allowed to travel by privately-owned buses. A most dog-in-the-manger attitude is adopted. The trolley buses cannot take those passengers themselves because there are not enough of such vehicles. The explanation is a reasonable one, namely, that owing to the war the arrival of buses has been delayed. It is a fact that there are not enough buses, or anything like enough. They leave the travelling public standing on the footpath, and deprive them of the right to be carried by any other means.

Mr. Cross: Many privately-owned buses are leaving passengers behind, because they cannot take them at peak periods.

Hon. N. KEENAN: If this Bill passes, it will lead to the creation of the same state of affairs in any other district, not alone in Nedlands, where Government buses are running. It will be the means of extending this impossible state of affairs where the public are left without any means of arriving at their business places, simply because

privately-owned buses are not permitted to carry them—not in competition with the trolley buses because the trolley buses will not take those people, and cannot take them, being already filled to capacity, but because there are such things as trolley buses. Just because trolley buses are operating on that route, people have to remain standing on the footpath. Now we are asked by this Bill to permit of the extension to other districts of a state of affairs like that. I hope the House will not approve of the measure.

MR. NORTH (Claremont) [5.11]: The only possible solution of the problem I can see is that which was suggested by the member for West Perth (Mr. McDonald) at the last elections, namely the constitution of an office or authority to control the whole of the transport. If I as a representative of the district where some of the trolley buses and private buses are operating opposed this measure, my opposition might have the effect of preventing even some of the existing buses from picking up passengers. The attitude I take is, why not extend the Bill to include all buses and not merely Government buses? We are asking, not that the Government buses should be debarred from picking up those passengers, but that other buses should not be deprived of that right. The passing of this Bill would result in Government buses being placed on the same footing as trolley buses, but what we need is that all buses should be permitted to lift the traffic while the present congestion exists because the Government buses cannot provide the requisite service.

Some people used to think that it would be a good thing to allow the Metro buses to pick up passengers all along the route, but I contend that in times of peace the idea of compelling certain vehicles on a long journey to run through non-stop improves the service because a higher speed can be maintained. This arrangement permits of many of the trolley buses being turned round at Loch-street and thus provides a better service where the traffic is heaviest. The further section to Swanbourne needs fewer buses because there is less traffic. The general policy of preventing buses from picking up passengers along the shorter sections is probably good, provided there are sufficient vehicles to cope with the whole of the traffic. That is the objective in peacetime. I urge the Government to extend the

scope of the Bill to include the private buses in the city. This would actually affect only a few buses, and the objections raised by the member for West Perth and the member for Nedlands would be met. If we opposed the Bill, the Government would be able to prevent more buses from picking up passengers, and I do not want that to happen.

THE MINISTER FOR WORKS (Hon. H. Millington—Mt. Hawthorn—in reply) [5.14]: I think there is some misapprehension about the effect of including the three words "or an omnibus" in the definition. The confusion arises over the belief that we are exempting them under the Traffic Act, which is an entirely different matter. The proposal is to alter the definition of "vehicle." Under the Act, "vehicle" is defined thus—

"Vehicle" means a vehicle propelled by means other than animal or human power, and the term includes aircraft, but does not include a vehicle on a railway whether used on a Government or privately-owned railway or tramway, or trolley bus operating on behalf of the Crown.

Those vehicles are exempt. We propose to include after the words "trolley bus" the words "or an omnibus." If that exemption were not made, would members suggest that the Transport Board should call for tenders to license the buses on these routes? Would members suggest that they should have to carry a license? The only worse alternative I can think of is that suggested by the member for Claremont, who would exempt the lot. This would mean that the private buses run by companies would have the use of the roads for nothing. They would not have to carry any sort license and would not have to conform to the provisions of the State Transport Co-ordination Act. They could run where they liked; there would be no means of controlling the routes over which they operated. At present we are able to establish some order in this direction.

To ensure a reasonable service to an outside district, a monopoly is sometimes granted. At one time cut-throat methods were employed and in peak periods we had various companies or private individuals competing, while in the lean periods no service at all was provided. Therefore we considered it advisable to grant a monopoly under the control of the board. When a firm is granted a monopoly it has to conform

to requirements in the matter of time-table and fares. Some bus-owners considered that they had a goodwill attached to their license, but they were disillusioned by the board. One company having assets to the value of £16,000 proposed to sell out to another company for £32,000, and the Transport Board refused to permit the sale. The board took the view that if the vendor was allowed such a good thing, the purchasing company would have to increase fares. The service subsequently changed hands at the right figure. The board will not permit these private companies to exploit the people.

Some time ago two influential men waited on me, one the managing director of a bus company and the other its solicitor. They wanted an interpretation of the rights of bus companies in the road. I took the matter to Cabinet, and the company was notified in writing and quite definitely that not one of these companies had any goodwill in the road. They simply operate on a yearly license. Therefore they have not been misled. These companies are doing very well. The Government proposes to supplement two trolley bus services with motor buses. All of us admit that each of those services is inadequate. We cannot obtain additional trolley buses; we can get other buses and we propose to use them. But we are not going to be subject to the State Transport Coordination Act for a license. The Commissioner of Railways has power to lay a tramway on any road he likes.

Hon. N. Keenan: What!

The MINISTER FOR WORKS: Subject to his securing Executive Council approval for a tramway. If he desires to lay a railway, Parliamentary approval is necessary. We are not ashamed of our policy, and we are not competing with the existing companies in any surreptitious way. If we had any intention of taking over the short-distance transport services in the metropolitan area, we would say so boldly and stand by our decision. But we have not said that. We have said that on two trolley bus routes the service is inadequate. That statement is unanswerable and unchallengeable. I understand that private buses are filled to their limit. Even if we did as the member for Nedlands suggested, I do not think private buses would stop to pick up passengers.

Hon. N. Keenan: Why not?

The MINISTER FOR WORKS: Because they are already full.

Hon. N. Keenan: That is absolutely wrong.

The MINISTER FOR WORKS: I think we are both right and both wrong. In the lean period, when they are not wanted, these buses would pick up passengers. In the peak period they would not pick them up.

Hon. N. Keenan: You understand the matter wrongly.

The MINISTER FOR WORKS: It is a matter the hon. member can discuss with the Commissioner of Railways.

Hon. N. Keenan: There are inspectors out to prevent the picking-up of those passengers.

The MINISTER FOR WORKS: The Government does not propose to encroach on anyone's route. The Stirling-highway cost the State a lot of money. A previous Government, very ill-advisedly, put in a single tram line about six miles in length which never paid. The time came when the tram line could not compete, and we had to take it up and substitute trolley buses. Having done so, we will not now let the traffic go to any private company. We are more concerned for the State than for any private company. Having said that this is our business, we shall conserve it in this way. Since we cannot obtain trolley buses to give a complete service, we will get omnibuses to help the service; and by that means we hope to cope with the traffic. Attaching blame to the owners of private buses is not the question at all. Members know perfectly well that the trouble is due entirely to petrol rationing. We must get over the difficulty.

Since we cannot obtain trolley buses, we will obtain omnibuses. We will not allow anyone to come in and supplant the Government service; rather will we get buses and do the work ourselves. Undoubtedly a difficulty exists, and the Government is trying to overcome it. Nevertheless, we will not place buses belonging to the Commissioner of Railways under the Transport Board. The buses belong to the railway system, and are subject to the conditions imposed by the Government Railways Act. To members who are under a misapprehension I say that we are not removing these buses from the scope of the Traffic Act. They have to be built in accordance with traffic regulations. If they go on the road,

they must conform with those regulations as regards width. In fact, they must generally conform with regulations applying to the building of omnibuses. I agree that where these buses have the use of all the street, as distinct from tramways, and to some extent from trolley buses, they must conform with the traffic regulations. Otherwise our traffic regulations are wrong. We say that they are right, and we tell the Commissioner for Railways that he must comply with them. Again, he must comply with them as regards driving.

We do not suggest that the drivers of these buses will have some special law. They will have to comply with the traffic regulations in all respects. It is a matter that comes under the Traffic Act. If the drivers are not subject to that statute—and I believe there is some doubt on the subject—they certainly will be subject to it in practice, because it is common sense that they should be so subject where they compete. Members can rest assured that the Government is not going to enter into competition with private owners, but merely intends to supplement its own service, for which it is responsible. The Government does not propose that the service shall be subject to the State Transport Co-ordination Act, which would mean that the State-owned vehicles would have to apply to the Transport Board for licenses to run, would have to submit time tables and fares, and in fact, supply all particulars that the private companies have to supply.

Mr. McDonald: Why should they not?

The MINISTER FOR WORKS: Why should they? Why should the Commissioner of Railways, working under the Government Railways Act, have to apply to the Transport Board for a license to run a tram or an omnibus on a given route? Does the hon. member suggest that the Commissioner is not a responsible person, or that he has not sufficient control? His position is entirely different from that of some private company coming along. What rights has such a company to the road? It has no right until given that right and charged for running on the roads! Those things do not apply to the Commissioner of Railways; neither do they apply to the tramways, except as regards the ancient three per cent. It is an entirely different thing when the State takes on the

running of a service compared with a private company doing so. I do not know that we are not a little unfortunate in that all these companies have got in so far as they have. I notice that in the Eastern States, and not under a socialised form of Government, the private companies have been pushed off—especially in Sydney. In Melbourne, too, one does not see many buses. Where a system is being altered in Victoria from the obsolete cable trams, the new system is still being operated by the Melbourne Tramway Trust, which is subject to legislative control.

In Adelaide, I believe, the system which we are now proposing obtains already. There buses supplement the tramway service, and a very complete service is rendered. There may be instances where buses are licensed, but in the main control is retained by the State. In Queensland privately owned vehicles still run alongside railways at enormous license fees, and in New South Wales heavy petrol-driven traffic is still running alongside the railway line, and is charged so much per mile for competing with the railway system. The same arrangement obtains in Queensland, with the result that neither the railway service nor the road service pays. We are fortunate in having had the State Transport Co-ordination Act passed when it was; otherwise there would be complete chaos here. It may be that in the future the Government will take over the short-run transport in the metropolitan area. If we do it, we will do it straightforwardly. This Government will not introduce such a principle as that by exempting a few buses from the State Transport Co-ordination Act.

The Bill merely asks that three words be included, that we exempt these buses just as the Midland Railway is exempted and tramways and trolley buses are. This supplementary service, running in conjunction with trolley buses on the same route, should be similarly exempt. It should not have to ask the State Transport Board whether it can run. The demand is there. We have asked the Commissioner of Railways can he help. He has replied that he can do it with the exemption proposed by the Bill. Therefore, the Government asks that although in the main subject to the Traffic Act the Commissioner shall not be subject to the State Transport Co-ordination Act. Members need not be afraid that there will be an open go on the part of these buses, or any infringement by them of the traffic regula-

tions. The whole outcome of the passing of the measure will be that two services at present inadequate will become adequate in spite of the difficult times with which we are faced.

Question put and passed.

Bill read a second time.

In Committee.

Mr. Marshall in the Chair; the Minister for Works in charge of the Bill.

Clause 1—agreed to.

Clause 2—Amendment of Section 3.

Hon. N. KEENAN: I listened carefully to the Minister's explanation, and it struck me that he has been grossly misinformed. Petrol buses have been and are being operated by the Commissioner of Railways at present. On one or two occasions petrol buses went as far as Alexander's Garage in Nedlands and brought back to Perth people who wished to travel on those occasions.

The Premier: That is a supplementary existing service.

Hon. N. KEENAN: It is absurd to bring forward this measure to give the Commissioner of Railways a power which he is already exercising. But that is not the point. No one would object to the Commissioner being empowered to run petrol-driven or producer-gas-driven buses without his having to obtain a license for them from the traffic authorities and without his submitting any time-table or giving particulars of fares, or any of the other information the traffic authorities require when application is made to license privately-owned vehicles of that description. Is the desire to make legal some action now taken that is, or is thought to be, illegal? I do not think it is illegal. A deputation from the Nedlands Road Board waited upon the Government and submitted a return made by the board's inspector, who had been assigned the duty of observing the traffic in the peak period between 8 a.m. and 9 a.m. The report disclosed that up to 100 people who were waiting to be carried into Perth could not obtain a seat in the Government-owned vehicles. There were, however, many seats available in privately-owned vehicles which were passing, but were not permitted to pick up passengers at that spot. Our desire is that the privately-owned vehicles should have the right to pick up persons only during the peak periods, when they cannot be

carried in the Government-owned vehicles.

The Minister for Works: You were negotiating with the Minister for Railways in respect to that matter; it has nothing to do with this Bill.

Hon. N. KEENAN: I am explaining to the Minister that my suggestion would be far more acceptable to these people than is the Bill.

The Minister for Works: I cannot reply to that.

Hon. N. KEENAN: When introducing the Bill the Minister assured the House that privately-owned vehicles could not give that assistance in the peak periods to the travelling public. In that statement he is wrong: he was told that the privately-owned vehicles were just as crowded as were the trolley buses.

The Premier: That is almost invariably so.

Hon. N. KEENAN: How does the Premier know?

The Premier: I have been down there.

Hon. N. KEENAN: The Premier may have been passing in a Government car travelling at undue speed and so could see scarcely anything; but the road board sent its own official to make special observations. I confess to the Premier that I myself have no evidence to tender, because I could not make an inspection. I have, however, the return made by the road board official.

The Premier: I was not on the road, but I see the vehicles arriving in the city. I am in town every morning at 8.45, and have noticed that they all arrive fully loaded.

Hon. N. KEENAN: As against the Premier's impression, I have the absolute statement of the road board official. However, the Minister says this is not part of his present job. No! He loves to shake his head when he is in a position to do so.

The Minister for Works: But you went to the Minister for Railways.

Hon. N. KEENAN: Why did the Minister, in his second reading speech, introduce all this matter? The present position is intolerable and something should be done to relieve it.

Mr. CROSS: Emphasis has been placed on the fact that the omnibuses that run along the Stirlinghighway can pick up more passengers during peak periods.

The CHAIRMAN: Order! I desire to draw attention to the fact that certain members distinctly violate the dignity of this

Chamber by passing between the Chairman and a member addressing the Chair. That practice must cease. The hon. member may proceed.

Mr. CROSS: At peak periods buses, trams and trains everywhere in the world have the greatest difficulty in catering for the people. The difficulty is not prevalent to a greater degree along the Stirling-highway than on any other line in the metropolitan area. It applies both to Government and to privately-owned transport systems, and for the member for Nedlands to try to exaggerate the position on Stirling-highway is useless. I have seen what took place at a time in the morning when he was probably in bed, and found that after picking up on Stirling-highway, between Bay View terrace and Broadway, neither the trolley buses nor the private buses could have carried any more passengers. I will guarantee that in a period of 20 minutes there was not one vehicle passing over the main road from Nedlands to Subiaco that could have taken one additional passenger. As a fact, the vehicles carried more passengers than they were entitled to. That is not the time when private buses want the right to pick up passengers; they want the right to pick up any stray passenger they see at any time, particularly in slack periods. I wonder if they would agree to Government vehicles running a few yards beyond the Claremont fire station to pick up nine or ten passengers waiting at the next corner for the privately-owned buses!

Mr. DONEY: The Minister said the omnibuses referred to were subject to the provisions of the Traffic Act. I do not dispute that; it may be so. But I would like the Minister to make that point clear by referring to the section of the Act he has in mind. I propose to quote from the Traffic Act.

The CHAIRMAN: The hon. member is departing from the subject matter of the Bill, which deals with the State Transport Co-ordination Act.

Mr. DONEY: In the definition of the word "vehicle" in the Traffic Act it is stated, amongst other things, that the term does not include a railway locomotive, railway carriage or wagon, tram motor, tram car or trolley bus. There may be another portion of the Act giving an entirely different idea. I would like the Minister to say where it is.

Clause put and passed.

Clause 3, Title—agreed to.

Bill reported without amendment and the report adopted.

BILL—BAPTIST UNION OF WESTERN AUSTRALIA LANDS.

In Committee.

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

BILL—INCREASE OF RENT (WAR RESTRICTIONS) ACT AMENDMENT.

In Committee.

Mr. Marshall in the Chair; the Minister for Labour in charge of the Bill.

Clause 1—agreed to.

Clause 2—Amendment of Section 5 of the principal Act:

Hon. C. G. LATHAM: This is the clause dealing with the imposition of a penalty under the Act. The Minister says we on this side disagree with it. We do not disagree with it. It is no use having a law on the statute book without some penalty provisions. The Minister cannot get away with that kind of thing without my putting up a case in reply to it. For that reason, I propose to put further amendments on the notice paper even if I have to introduce a Bill, that will give voice to what we feel on this side of the Chamber. The Minister cannot charge us with something he knows we did not do. He says it is because we refuse to have penalties. It is nothing of the sort. He has to be as fair to us as we are to him. If not, we will take steps to enforce it.

The Minister for Labour: You said you were going to oppose it.

Hon. C. G. LATHAM: I did oppose the second reading, not because of this clause, but because the Minister did not go far enough with amendments he knew were necessary. Year after year these piecemeal amendments are brought down. The public do not know where they are, and neither do we. The Minister cannot charge us with something we did not do. There is no need for legislation to be placed on the statute book unless there is some power to enforce it. It shows a lack of knowledge on the

Minister's part that he should have introduced this legislation. He did not realise then that he was just putting a lot of words on the statute book without provision for enforcing them.

The Minister for Labour: You opposed it.

Hon. C. G. LATHAM: Yes, but for a different reason.

The CHAIRMAN: Order! Clause 2 is under discussion. I do not want a general debate on it.

Hon. C. G. LATHAM: The clause is the penalty clause. It does not go far enough. While it is not possible to take one clause and oppose it, general principles can be opposed simply because they do not go far enough.

Clause put and passed.

Clause 3—agreed to.

Clause 4—New sections: Offences and penalties:

Mr. WATTS: I move an amendment—

That in line 1 of proposed new Section 12B the words "person who" be struck out and the words "lessor or agent of lessor who personally and knowingly" be inserted in lieu.

The word "receives" would put innocent people in a most difficult position. An agent may be employed to collect rents. The owner says to him, "The rent of premises at 26 Hay street is £2 per week." The agent receives £2 a week in pursuance of those instructions not knowing what the rent was on the 31st August, 1939. Similar circumstances could arise in a number of cases where, in all innocence, persons collect the amounts they are instructed to receive. As the Bill stands, they would simply receive payment, and subsequently if proved that the amount they received was in excess of the standard or fair rent, they would be liable to prosecution. It should be an offence only in the case of a lessor—which includes all types of landlords under the Act—or his agent, who personally and knowingly receives a rent in excess of the fair or standard rent. I do not want innocent people to be subjected to any possibility of being convicted for an offence of this nature, for which, presumably, there would be no defence as the clause stands.

Hon. N. KEENAN: The amendment appearing in my name on the Notice Paper is designed almost for the same purpose. I

am prepared to accept the amendment moved by the member for Katanning. It is not necessary for me to support his remarks as he has covered the whole of the ground.

The MINISTER FOR LABOUR: I do not propose to accept the amendment, for which the member for Katanning made out quite a fair case from his point of view. If the proposed amendment became law, it would be difficult, and could be impossible, ever to get a successful prosecution for an overcharge of rent. It would be necessary to prove that a landlord had knowingly overcharged the tenant. Landlords likely to overcharge a tenant knowingly would be those who would take advantage of the law if the amendment were incorporated in the Bill. They would not knowingly overcharge a tenant, but would probably employ some agent or representative to do so. If a prosecution were launched against the landlord he would prove that he was not aware of the overcharge, and that if it had been imposed it was without his knowledge and consent. The magistrate would have no option but to dismiss the charge because the overcharge in the particular instance would not have been imposed knowingly by the lessor. Although this amendment might, in operation, tend to protect an innocent person, or a partly innocent person, it would, in my opinion, completely protect an entirely guilty person and would make it very difficult, if not impossible, to succeed in any prosecution at all. I propose to vote against the amendment.

Mr. McDONALD: In the corresponding Federal regulations the word "knowingly" is used. Therefore in States where the Commonwealth regulations apply—and there are a number, for example, Victoria—a person cannot be convicted of the offence of receiving rent in excess of standard rent unless the receiver does so knowingly. I agree with the Minister that the insertion of the word "knowingly" will make proof somewhat more difficult, but by no means will the difficulty be insuperable. We particularly wish to protect tenants of dwelling houses, in respect of which prosecutions of this type are most likely to occur. The current method of collecting rents is by means of a rent-book, by reference to which it is easy to determine what rent has been paid; and it would not be unduly difficult to show that if any person received a larger rent, it was done

knowingly. What impresses me is that, by the insertion of the word "knowingly," some guilty person might escape conviction, which I would much regret. Let us face the position that under the Bill in its present form an innocent person could quite easily be penalised. The latter result I regard as far worse and quite contrary to the general tendency of the British legal system, which is so much against unfair conviction. The relations between landlords and tenants are sometimes accompanied by heat. A landlord may be vindictive, but so may be the tenant. Frequently rents are collected by an agent on behalf of the owner, and if too much were charged by the former, I would not like the owner to be fined for an offence of which he had no knowledge. I support the amendment, which is in accord with the law under the Commonwealth regulations, and with that applying in other States. I would much rather some people escaped conviction than that one innocent party should be fined.

Mr. WATTS: The Minister indicated he would rather an innocent person were convicted than that one guilty person should escape. That is entirely contrary to our ideas of British justice. I trust the Minister will not persist in refusing to accept the amendment or another somewhat similarly worded. He knows that what I said regarding agents is, in many instances, strictly true. The firm with which I am connected receives rents on behalf of clients, and the amounts we collect are those specified by our clients. Are we to turn ourselves into a private detective agency in order to ascertain what rentals were paid two or three years before, when we had nothing whatever to do with the business, or must we submit to prosecution which would be the net result of the Bill in its present form? It is not a mere matter of imagination. I do not think the Minister desires what I have indicated. As the member for West Perth suggested, that an odd guilty person should escape is preferable to one innocent individual being penalised. The word "knowingly" has a definite legal connotation, and justices of the peace and judges have no difficulty in determining its meaning. I submit we cannot allow to appear on the statute-book a provision that is unquestionably liable to operate with injustice respecting innocent persons. If we agree to legislation of that type, we, as a Parliament, should be ashamed of ourselves. We should not regard it as

our duty to make things easy for the prosecution but rather so to legislate as to ensure justice to both parties to an argument. If the Minister will not accept the whole of the amendment, I am prepared to limit it to the word "knowingly."

The MINISTER FOR LABOUR: The suggestion that because certain words are contained in the National Security regulations governing rents, we should include them in our legislation might or might not be a good one.

Hon. C. G. Latham: The Commonwealth regulations override our law.

The MINISTER FOR LABOUR: Not necessarily; certain things must happen before they override our law. I have yet to learn that the Commonwealth regulations have evoked enthusiasm in any State. Some States that have been operating under the Commonwealth regulations have been considering the advisableness of passing legislation of their own. A few weeks ago we received a request from the Premier of Victoria for a copy of our legislation because the Commonwealth regulations were not operating effectively there.

Hon. C. G. Latham: Victoria already has a fair rents Act.

The MINISTER FOR LABOUR: Under the amendment a prosecution could be successful only if launched against a landlord who knowingly overcharged his tenant. The word "knowingly" appears in various provisions of the Factories and Shops Act, and many prosecutions that were thoroughly justified have failed because it could not be proved that the person who committed the offence had done so knowingly. If the word "knowingly" was inserted, only in the most flagrant instances could a prosecution be successful.

Mr. McDonald: What about innocent persons?

The MINISTER FOR LABOUR: They would be acting on behalf of landlords. Generally, they would be agents familiar with the law and the responsibilities devolving upon them.

Mr. McDonald: What about widows and old people who let houses?

The MINISTER FOR LABOUR: They have had an opportunity over a period of two years of becoming acquainted with this legislation. They are not the people who would overcharge. The landlords we have to legislate for are those who deliberately set out to overcharge. If we provide that

prosecution shall be possible only when the landlord has knowingly overcharged, we shall be encouraging the very type of landlord against whom this legislation is directed.

Mr. Seward: He might receive a higher rent without knowingly charging it.

The MINISTER FOR LABOUR: He might employ an agent to collect his rents.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. SEWARD: I make a final appeal to the Minister. If the clause passes as printed, difficulties will arise because many landlords do not give the collection of their rents to recognised agents but merely instruct the tenant to pay the rent into the bank at stated intervals. Under this clause no bank would accept the responsibility of collecting rents, seeing that it would not know the correct amounts. Recognised agents, of course, charge a commission. I hope the Minister will accept the amendment of the member for Katanning. Rent cannot be increased without the tenant's knowledge.

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

Ayes	..	..	..	15
Noes	..	..	..	19

Majority against 4

AYES.

Mr. Berry	Mr. McLarty
Mrs. Cardell-Oliver	Mr. North
Mr. Hill	Mr. Seward
Mr. Keenan	Mr. Warner
Mr. Kelly	Mr. Watts
Mr. Latham	Mr. Willmott
Mr. Mann	Mr. Doneg
Mr. McDonald	

(Teller.)

NOES.

Mr. Coverley	Mr. Raphael
Mr. Cross	Mr. Rodoreda
Mr. Hawke	Mr. E. C. L. Smith
Mr. W. Hegney	Mr. Styans
Mr. Johnson	Mr. Triat
Mr. Leahy	Mr. Willcock
Mr. Millington	Mr. Wise
Mr. Needham	Mr. Withers
Mr. Nuisen	Mr. Wilson
Mr. Pantou	

(Teller.)

PAIRS.

AYES.	NOES.
Mr. Boyle	Mr. Collier
Mr. J. H. Smith	Mr. Holman
Mr. Patrick	Mr. Fox
Mr. Sampson	Mr. Tonkin
Mr. Hughes	Mr. J. Hegney

Amendment thus negatived.

Hon. N. KEENAN: I move an amendment—

That in line 4 of proposed new Section 12B, after the word "who," the word "wilfully" be inserted.

My object is to safeguard an innocent person, be he landlord or agent or anybody else. The person who receives the rent is the person at whom the clause is aimed. I wish to prevent a miscarriage of justice where such a person has only received unwittingly a larger rent than the standard rent. Although the word I propose to insert is not the same as that appearing in the Commonwealth regulations, it is substantially the same. The Commonwealth word is "knowingly." We do not want to use this legislation for the purpose of bringing in persons as guilty who are not guilty. Legislation should not be so framed that a person entirely innocent must be convicted.

The MINISTER FOR LABOUR: In connection with the previous amendment I explained that this law has now been in operation for two years. Landlords and those acting on their behalf have therefore had ample time to make themselves conversant with the law. An agent acting on behalf of a landlord is not requested to do much by being asked to make inquiries to ascertain what the standard or fair rent is. If the amendment is agreed to it will be difficult, if not impossible, to succeed in any prosecution against a landlord or his agent.

Hon. N. Keenan: Has that been found to be the Commonwealth's experience?

The MINISTER FOR LABOUR: I have yet to learn whether the Commonwealth has initiated a prosecution under its regulations.

Hon. N. Keenan: Have you made inquiries?

The MINISTER FOR LABOUR: Yes. Some of the Eastern States are so dissatisfied with the effect of the Commonwealth regulations that they have passed legislation of their own or are proposing to do so. Not long ago the Premier of Victoria, through our Premier, asked to be supplied with a copy of our Act.

Hon. N. Keenan: It has not been adopted in Victoria.

The MINISTER FOR LABOUR: The Victorian Legislature may not have had an opportunity to adopt it yet. Could the member for Nedlands give the Committee definite information on the point?

Hon. N. Keenan: I did not know that the inquiry had been made.

The CHAIRMAN: I suggest that this particular amendment does not deal with any Victorian legislation.

The MINISTER FOR LABOUR: I am not concerned whether or not the word "wilfully" appears in the Commonwealth regulations. The insertion of the word in this part of the Bill will have the effect, in practice, of enabling a landlord who overcharges to escape punishment for his breach of the law. The landlord could so arrange matters that it would be practically impossible to prove that he had wilfully disobeyed the law. I oppose the amendment.

Mr. McDONALD: This is a matter of principle. With few exceptions, in all the laws of the State that involve penalties, provision is made for imprisonment if the penalty is not paid. The law has always been extremely careful to provide that no person shall be convicted of an offence unless he had a guilty intent. The standard rent is not so simple as the Minister suggests. To the standard rent, or the rent which applied on the 31st August, 1939, the landlord may add six per cent. per annum on the amount of structural alterations. What structural alterations are, contrasted with renovations and repairs, is sometimes an exceedingly nice and very difficult matter of law. A landlord who has made structural alterations may, in all good faith, have had some incorrect legal interpretation of structural alterations and may have charged six per cent. interest on their cost, as by law he is entitled to do. It may be a widow whose rents are collected by an agent; or the agent may be acting for old or for busy people. He may in all good faith charge an additional rent on the amount expended on alterations which may afterwards, by a decision of the court, not be deemed to be structural alterations. The matter may be a highly debatable point of law, yet the landlord would become automatically liable to a penalty, and if it were not paid, to imprisonment. There are rare instances where the Legislature has departed from the principle of guilty knowledge, but that is not the case here. In any event, the tenant who is overcharged has the right to recover the amount he has overpaid.

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

Ayes	..	..	..	..	16
Noes	..	..	..	..	19
					—
Majority against	..	..	..	..	3

AYES.		NOES.	
Mr. Berry	Mr. North	Mr. Raphael	
Mrs. Cardell-Oliver	Mr. Seward	Mr. Rodoreda	
Mr. Hill	Mr. Stubbs	Mr. F. C. L. Smith	
Mr. Keenan	Mr. Warner	Mr. Styans	
Mr. Kelly	Mr. Watts	Mr. Triest	
Mr. Lambert	Mr. Willmott	Mr. Willcock	
Mr. Mann	Mr. Doney	Mr. Wise	
Mr. McDonald		Mr. Withers	
Mr. McLarty		Mr. Wilson	(Teller.)
AYES.		PAIRS.	
Mr. Coverley			
Mr. Cross			
Mr. Hawke			
Mr. W. Hegney			
Mr. Johnson			
Mr. Leahy			
Mr. Millington			
Mr. Needham			
Mr. Nulsen			
Mr. Pantou			
AYES.		NOES.	
Mr. Boyle		Mr. Collier	
Mr. J. H. Smith		Mr. Holman	
Mr. Patrick		Mr. Fox	
Mr. Sampson		Mr. Tonkin	
Mr. Hughes		Mr. J. Hegney	

Amendment thus negatived.

Hon. N. KEENAN: I move an amendment—

That in line 10 of proposed new Section 12B, after the word "person" the words "duly authorised in writing by the Minister" be inserted.

As the clause is worded, any busybody could start proceedings. If the amendment were agreed to, I am sure the Minister would have no hesitation in giving authority in writing for proceedings to be taken, provided he was satisfied as to the bona fides of the person making the complaint. I do not know whether the Minister will oppose the amendment.

The Minister for Labour: I do not oppose the principle, but cannot agree to the amendment. The next amendment is acceptable.

The CHAIRMAN: No discussion may take place on an amendment that has not been moved.

Hon. N. KEENAN: If the Minister is not prepared to accept my amendment, it is one the Committee should accept. As the proposed new section now reads, any person may take proceedings, not merely a tenant or person who is really interested.

The MINISTER FOR LABOUR: I have some sympathy with the motive that led the member for Nedlands to place this amendment on the notice paper, but there are many difficulties in the way of giving effect to it. I doubt very much whether he or any other member would like to be the Minister charged with the responsibility of duly authorising in writing any person to

lay a complaint under this provision. It would place upon the Minister concerned the responsibility of making a decision before a prosecution could be launched. He would be in the not very enviable position of possibly having people coming to him from time to time with complaints and asking him to set prosecutions moving. Every now and then, on the merits of the case put before him, the Minister would decide to refuse a prosecution. He would then immediately be open to criticism. It would be said of him that he was refusing a prosecution because he was prejudiced in favour of the landlord. In other instances he would be accused of authorising prosecutions that were not justified. He would be charged with doing so out of a spirit of vindictiveness and that criticism would be increased if the prosecution failed when a case came before the court. I told the Minister for Justice that I would not be prepared to accept this responsibility, but that if he cared to do so I would not offer so much opposition to the amendment. He replied that he was not at all favourable to taking the responsibility on his shoulders.

Hon. C. G. Latham: None of you will take any responsibility if you are not forced to do so.

The Minister for Mines: Now just listen to that!

The Minister for Lands: That was an irresponsible statement.

Hon. C. G. Latham: It was a responsible statement.

The MINISTER FOR LABOUR: We hope that we shall never be forced to accept responsibility for the foolish interjections of the Leader of the Opposition.

Hon. C. G. Latham: You need not. I would not expect you to.

The CHAIRMAN: Order!

The MINISTER FOR LABOUR: Whilst I have some sympathy for the principle underlying the amendment, I certainly do not think the way the hon. member proposes to deal with the point is acceptable. It would make the Minister's position very difficult. It would be better if the administration of this law necessitated the setting up of a department, but that has not been done because there has not been any real need for it, and because in avoiding the establishment of such a department the

Government has saved the State the expenditure that otherwise would have been involved. I cannot believe that many people in the community would run around as busybodies, laying complaints under this law.

Mr. Watts: We have had them in other spheres.

The MINISTER FOR LABOUR: Yes, and finally they have been brought to heel. Anyone disposed to be a busybody under this law would be involved in the expenditure of a considerable sum of money. Although an odd busybody might arise, the expense involved would soon put him out of action. I oppose the amendment.

Amendment put and negatived.

Mr. WATTS: I move an amendment—

That in line 10 of proposed new Section 12B, after the word "person" the words "being a lessee who is aggrieved, or the Minister, or any person authorised by him in writing" be inserted.

It will be noted that the amendment is slightly different from that appearing on the notice paper. It differs substantially from the one moved by the member for Nedlands in that the first person to bring the complaint is the lessee who is aggrieved. To some extent I agree that the Minister should not have the full responsibility of authorising prosecutions. He should be at liberty to authorise one and I have provided for that. The person most interested, however, is the lessee who has suffered by reason of being overcharged in his rental. He is the one to institute proceedings in order to take reprisals, as it were, against a landlord, and is the person who should bring the prosecution. Rather than have it left open to the general public, the busybodies referred to by the Minister, I would like to give him the authority, in suitable cases where he does not think the lessee or tenant should take proceedings, to authorise someone to take them on his behalf. Only in rare instances would action by the Minister be required, and it would be entirely in his discretion whether to take proceedings or not.

The MINISTER FOR LABOUR: I have no objection to this amendment. It covers the point dealt with in the previous amendment in a much better way, and it does not place entirely upon the shoulders of the Minister the responsibility of authorising a prosecution. It covers a much wider field by giving any lessee, who has been over-

charged, the right to lay a complaint and proceed with the prosecution. It gives the same right to the Minister, and in addition gives it to any person authorised by the Minister. Because it spreads the responsibility over a much wider field, I support the amendment. It will achieve all that was sought in a previous amendment but in a much more reasonable and satisfactory way.

Amendment put and passed.

Mr. WATTS: If the member for Nedlands proposes to move an amendment dealing with a resident magistrate, I do not propose to proceed with mine on the same subject.

Hon. N. KEENAN: I move an amendment—

That at the end of proposed new Section 12B the following words be added: "Such prosecution shall be heard and determined by the police or resident magistrate, sitting alone, of the district in which the prosecution is brought."

As the Minister has intimated he has no objection to this amendment I do not propose to speak on it.

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

Clause 5—agreed to.

New clause.

Mr. WATTS: I move—

That a new clause to stand as Clause 5 be inserted as follows:—"Section 14 of the principal Act is hereby repealed."

Section 14 of the principal Act provides that the Act shall not bind the Crown nor any instrumentality of the Crown. The instances I will give to the Committee in a moment will show that it will be just as well for the Act to apply to the Crown. In his remarks on Thursday night last the Minister said, "In this argument my sympathy goes out to the lessee rather than the landlord. Some say owners should be handed the increment. I am surprised to hear that argument put forward." In 1935 the Cunderdin refreshment room was let, after tender, by His Majesty's Government, through the Commissioner of Railways at a rent of £300. That tenancy was created for the period of five years expiring at the end of June, 1940, or approximately ten months after this Act came into operation. In 1940 tenders were called and the premises were let for £500, an increase of £200. Similar circumstances at Fremantle will be found appearing in

the "Government Gazette." The rental for those refreshment rooms was £370 in 1935 and £468 in 1940, an increase of £98. At Katanning the rental was £64 in 1935 and £78 in 1940, an increase of £14. At Narrogin the rental was £156 in 1935 and £168 in 1940, an increase of £12. In the same "Government Gazette" will be found the rental of the book stall at Coolgardie which in 1935 was £6 and in 1940 £7 6s., an increase of 11 6s. At Fremantle the rent was £9 2s. in 1935 and £31 4s. in 1940, an increase of £22 2s. At Kalgoorlie it was £52 in 1935 and £60 in 1940, an increase of £8. At Midland Junction it was £48 in 1935 and £57 in 1940, an increase of £9. All this is due to the fact that the Commissioner of Railways, not being subject to the provisions of this Act, has been allowed to call tenders and so has been able to take advantage, presumably, of the improved conditions at some of these places, particularly Cunderdin, Narrogin and Fremantle where military or armed forces' camps of some kind are to be found. He has been able to accept tenders at a high rate. The Minister in charge of this Bill and of the Act, declines to admit that in similar circumstances any private lessor should have a similar opportunity. This serves to demonstrate the attitude of the Minister, as indicated earlier in my remarks, that the increment should not go to the owner! Here is an example set by the State, as owner of refreshment rooms, being able to command the increases I have indicated. Notwithstanding that, we are asked to agree to legislation that will allow the State to continue taking advantage of increments in such instances while at the same time the private individual, who is in exactly similar circumstances, is not to enjoy a like advantage. It is time the provisions of the Act were made to apply to Government instrumentalities so that we may demonstrate that what is excellent for the private goose is no less excellent for the Government gander.

The MINISTER FOR LABOUR: The amendment seeks to delete Section 14 of the principal Act, which provides that the measure "shall not apply in relation to any lease granted by the Crown or by any Crown instrumentality." The member for Katanning suggests that because the Railway Department, over the years, has followed the practice of leasing railway refreshment rooms by tender, Section 14 should be deleted, thus depriving the department of the right to

call for tenders and at the same time placing the Crown and Crown instrumentalities generally under the provisions of the parent Act. Had the Railway Department pursued a course other than that adopted over the years, something might be said for the amendment. Had it been restricted to the operations of that department with regard to refreshment rooms the position might be different, but the member for Katanning seeks to delete the provision in the Act that excludes the Crown and its instrumentalities from the operations of the measure. The case submitted and the arguments in support of it are not sufficient to justify the Committee in adopting the course suggested. I imagine the hon. member does not think he has furnished sufficient justification for that being done.

Mr. Watts: Oh yes, he does.

The MINISTER FOR LABOUR: Another point is that under the present system of calling for tenders the Railway Department gains advantage in centres where business may have improved, although it may be disadvantaged elsewhere where business has fallen off.

Hon. C. G. Latham: That applies to private individuals.

The MINISTER FOR LABOUR: Yes, except that private individuals do not let their premises under a system similar to that adopted by the Railway Department with regard to refreshment rooms.

Mr. Seward: What about hotels at centres where there are military camps?

Hon. C. G. Latham: And what about shops?

The MINISTER FOR LABOUR: The position would apply to some extent to hotels, but they are definitely covered by the Act; it would not apply so much to shops. The most the member for Katanning should ask is that the operations of the Railway Department, so far as they affect railway refreshment rooms, shall be brought under the provisions of the Act, although I do not suggest I would support even that proposal.

Hon. C. G. LATHAM: I am surprised at the Minister's argument. At least we should expect the Government to give a lead in the direction suggested. No finer example could be set the public than for the Government to lead the way in keeping down rentals. The Minister suggested that the Railway Department only might be included, but the Government has leased cottages. Not

long ago city properties in possession of the Government were leased through the Public Works Department. Should such transactions not be subject to the law that applies to private individuals? I was surprised when the section was included in the parent Act, but I raised no objection to it at the time because I thought that, in all probability, if action were taken against the Crown, the proceedings might fail. There is some doubt as to whether the Crown is subject to its own laws. That debatable point can be determined only by means of an application to the court. The Minister, so far from convincing me, has merely clouded the issue. These people are renting premises in order to make a profit. They pay no rates and taxes and they have not the charges that other citizens have to meet. It is extraordinary to find the Minister excusing a department like the Railways.

The Minister for Railways: The department is not showing a profit.

Hon. C. G. LATHAM: What is a profit? Surely it is based on the cost of construction plus ten per cent! Nearly every hotel run by a company, a brewery or a number of individuals is let by tender. There might be a number of cottages in different parts held in a trust estate and, according to the Minister, if a loss is made in one place, the estate should be permitted to make a profit in another. The Minister's argument clearly demonstrates that the law in this respect is a farce. The State should set an example and should not have to be told to do so. I am surprised at the increases quoted by the member for Katanning. The hon. member should have gone further and stipulated that this law shall bind the Crown. Many people in poor circumstances are leasing railway cottages in towns where employees are not occupying them. They are to be excluded from this legislation and the cottages of a private individual located alongside will be subject to it. The Government should be required to do what it asks of citizens.

Hon. N. KEENAN: I am in full sympathy with the amendment and appreciate the reply of the Minister. It is not a fact that the only Government instrumentality that is a landlord collecting rents is the Railway Department. All over the country are houses let by the Education Department or the Works Department to teachers who have to pay rent for them. The rent from time to time is revised and no doubt would be

increased if the example given is the line pursued by the Government. Cottages are let by other instrumentalities including the Parks and Gardens Board.

The Minister for Mines: That is not a Government instrumentality.

Hon. N. KEENAN: We are told in effect that a law approved by Parliament is a good one as applying to landlords, but cannot apply if the landlord happens to be the Crown. I am doubtful whether the amendment would achieve the hon. member's object. The Crown is not bound by any statute unless it expressly consents to be bound. The mere striking out of Section 14 would be difficult to construe as amounting to a consent by the Crown. What we should do is to insert words definitely binding the Crown. Apart from the constitutional problem, the position taken up by the Government seems clear. If the Government as a landlord is not to be bound, but may increase rents at its own sweet will, we should understand the position.

The MINISTER FOR LABOUR: It has been somewhat amusing to hear members of the Opposition trying to establish a belief that the Railway Department, of all Government departments, is profiteering. If there is one department that is more or less a philanthropic institution in many of its activities, it is the Railway Department. Not only does it not profiteer, but it even sells its services at well below cost, and consequently makes a heavy loss. The extent of the department's profiteering during the last financial year can be found in the fact that it incurred a deficit of approximately £300,000. It is not highly convincing to suggest that the Railway Department has been engaged in profiteering activities. The only case that has been made out for the amendment is that the Railway Department's policy in this respect might be looked into.

Hon. C. G. Latham: That is no good to us.

The MINISTER FOR LABOUR: The member for Nedlands suggests that the Government through the Education, Railway, and Public Works Departments, and probably through other departments as well, owns houses in the State.

Hon. N. Keenan: And acts as landlord.

The MINISTER FOR LABOUR: The hon. member suggests that the departments let those houses to people willing to occupy

them. Though he did not say so, he left the impression that the departments concerned were profiteering in the matter of rents. Can the hon. member quote one instance in which a rent has been raised recently by a department?

Hon. N. Keenan: Yes. In the Education Department the rent is determined by the teacher's salary. If he gets a rise, up goes his rent.

The CHAIRMAN: Order!

The MINISTER FOR LABOUR: Houses owned by Government departments have been let on the same principles as were operating prior to August, 1939.

Hon. C. G. Latham: Will you extend that system to the civilian population?

The MINISTER FOR LABOUR: The Leader of the Opposition is anxious to destroy the effect of this legislation altogether. The matter of railway refreshment-room rentals can be looked into. Otherwise there is no justification for the amendment, to which I am strongly opposed.

Mr. WATTS: I can safely claim that as regards the parent Act I have not been critical. Indeed I gave considerable support to the measure on its introduction. But I never dreamt of the circumstances I discovered, almost by accident, after the Minister's remarks on Thursday last. The hon. gentleman suggested that the Government of which he was a member never for a moment thought of calling tenders for railway refreshment-rooms which might increase rentals operating prior to August, 1939. He suggested that merely because there happened to be greatly increased business at the Northam railway refreshment-room, it was not to be thought that an increase of rent should be granted to the landlord. Apparently, the Minister's sympathies were entirely with the lessee. If any private landlord were to collect, by tender or otherwise, £1,595 for the rights in premises similar to those existing at the Chidlows railway station, he should be haled before a magistrate under this measure and dealt with severely. All there is at Chidlows is the business brought by the travelling public. The rent of the premises as they are should not be more than 50s. or at most £3 a week. At the same time I do not object to the rental of £1,595 per annum, seeing that it was obtained prior to 31st August, 1939, and obtained by tender. It is useless to say that the Railway Department

is not receiving a rental greatly in excess of what was paid prior to the passing of the parent Act, and the same thing applies at various other railway refreshment stations. Government instrumentalities in this respect certainly consider the lessor.

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

Ayes	..	..	..	16
Noes	..	..	..	19
Majority against	..	..	3	—

AYES.

Mr. Berry	Mr. Seward
Mrs. Cardell-Oliver	Mr. Shearn
Mr. Hill	Mr. Stubbs
Mr. Keenan	Mr. Thorn
Mr. Kelly	Mr. Warner
Mr. Latham	Mr. Watts
Mr. Mann	Mr. Willmott
Mr. McLarty	Mr. Doney

(Teller.)

NOES.

Mr. Coverley	Mr. Rodoreda
Mr. Cross	Mr. F. C. L. Smith
Mr. Hawke	Mr. Styants
Mr. W. Hegney	Mr. Triant
Mr. Johnson	Mr. Willcock
Mr. Leahy	Mr. Wilson
Mr. Millington	Mr. Wise
Mr. Needham	Mr. Withers
Mr. Nulsen	Mr. Raphael
Mr. Pantou	

(Teller.)

PAIRS.

AYES.	NOES.
Mr. Boyle	Mr. Collier
Mr. Patrick	Mr. Fox
Mr. Hughes	Mr. J. Hegney
Mr. Sampson	Mr. Tonkin
Mr. J. H. Smith	Mr. Holman

New clause thus negatived.

Title—agreed to.

Bill reported with amendments.

BILL—ROAD DISTRICTS ACT AMENDMENT (No. 2).

Second Reading.

Debate resumed from the 28th August.

MR. DONEY (Williams - Narrogin) [8.42]: Unlike the Bill just disposed of for the time being, this is unlikely to be contentious. With one or two exceptions, it appears to me to be acceptable. The Minister says that the Bill was asked for by the individual road boards and by the Road Boards Association. I am glad that is so, although the boards may not necessarily accept the Minister's interpretation of their wishes in this matter. I agree with the provision of an alternative method of severing a portion of a road board district and annexing it to the territory of an adjoining dis-

trict. This alternative allows the Minister, instead of the Governor by Order-in-Council, to decide the fate of the transferred portion. The method is less cumbersome than the older method and consequently less costly. I do not, however, agree that the Minister should proceed to sever such land upon the application of one board only. There should be a joint application by the two boards; or at least the two boards should make known separately or jointly their wishes in the matter. I need not go into my reasons for saying that. When in Committee I shall submit an amendment on the point.

The Minister for Mines: It is important to know your reasons.

MR. DONEY: The provision empowering the Minister to fix a quorum lower than the existing quorum, that is, in cases where through war or petrol rationing members find it difficult or sometimes impossible to attend road board meetings, is interesting and—so far as I can see—desirable. I would like the Minister to inform the House when he replies—if he so decides—what circumstances would lead him to intervene. He might perhaps indicate that it would be on the application of a board; I hope that is so. Another provision deals with reproductive undertakings. I am glad to see it, as it proposes to empower a board to impose a loan rate not for the full amount of the interest and sinking fund charges, as is the case now, but only for such portion of those charges as might not be available from existing income. No objection is likely to be raised to this provision; certainly I shall not offer any.

I cordially support the provision enabling old-age pensioners to appeal against rates without first depositing the statutory 25 per cent. of the amount of the rates. To me those appear to be the only comments necessary on this Bill. It is rather lengthy, but, as I intimated at the outset, quite unlikely to be contentious. I have much pleasure in supporting the second reading.

Question put and passed.

Bill read a second time.

BILL—RESERVES (No. 1).

Second Reading.

Debate resumed from the 26th August.

MR. THORN (Toodyay) [8.47]: I have much pleasure in supporting the second

reading. At the outset, I desire to express to the Government the thanks of the Returned Soldiers' League for making this land available to it. The League greatly appreciates the gift; that is, provided the Bill passes both Houses. It is appropriate that the Government should make this land available to the League. Members will recall it was the Mitchell-Latham Government that made available the land on which the present building is erected. This gift provides ample evidence of the high respect and esteem in which the League is held by all Governments, who have so willingly assisted it to make provision for housing our returned sailors, soldiers, airmen and nurses. The Government is acting wisely in making provision for the widening of Irwin-street. That is very necessary work. The street has always been too narrow and dangerous to traffic and this is an opportune time to widen it.

The Bill also makes provision for closing the right-of-way that runs on the east side of Anzac House. I think the Press reported that the land being made available by the Government runs through to Hay-street, but that is not so. It only goes back to the alignment of the present establishment.

The Minister for Mines: That was wishful thinking!

Mr. THORN: Yes. After all, we do not really require it.

The Minister for Mines: We would not object to it!

Mr. THORN: No, but the urgent need is the block which has been granted, and is in alignment with the present building. From the point of view of accommodation, Anzac House has not proved the success we thought it would, and we urgently need further accommodation. As many storeys were erected as the foundations would carry, but the accommodation is inadequate. It has been necessary for the main sub-branch in the State—the Perth sub-branch—to seek other quarters in which to carry on its operations. The staff is accommodated in the basement of the present building, and that is not the healthiest accommodation possible. Taking into consideration the fact that young men will be returning from the present conflict, we shall find ourselves suffering from a serious lack of accommodation, and the League hopes in the near future to make arrangements for increasing that accommodation. At present the League has a membership of

over 8,000 and there are 187 branches throughout the State. In passing, I might state that several members in this Chamber are associated with the State executive of the League, and although I may differ from the Minister for Mines in this House—

The Minister for Mines: Sometimes!

Mr. THORN:—it should be pleasing to members to know that he and I sit alongside each other at the League table and endeavour to agree and work in the best interests of the organisation.

Mr. Warner: That is the spirit of Anzac!

Mr. THORN: The present debt on Anzac House is approximately £4,000. The building cost £25,000, so members will see that we have definitely made progress and our present burden is not very heavy. We hope soon to make plans for the provision of urgently-needed accommodation. Being closely in touch with this movement, I can assure the House that members of the League appreciate the action of the Government in making the block available. I want to stress the point that whatever happens, that building will be passed on. When the returned soldiers' movement no longer requires it, a competent authority will decide to what use it shall be put. Whatever happens, the building will be used to assist some patriotic cause so that members need have no fear as to its future. I have pleasure in supporting the second reading.

MR. WARNER (Mt. Marshall) [8.56]: I join with the member for Toodyay (Mr. Thorn) in expressing my appreciation of the Government's action in bringing down this measure, and the opportunity it gives the Returned Soldiers' League to enlarge its accommodation. The hon. member has said sufficient about the activities of Anzac House and the League and there is no need for me to add anything in that connection. As a member of the executive of the League, I am satisfied that the action of the Government will be looked upon by the executive as a grand gesture which will enable us to have a home that will be required for some time to come. A short while ago we had every reason to believe that there would be no need for such a measure. We thought, in view of the fact that the returned soldiers of the last war were gradually passing out, this lovely building would soon be put to some different

use by a body of younger men. Unfortunately the outbreak of the present war has meant that the building is likely to be a home for returned soldiers for many years to come. The measure will enable the League to continue to carry out the good work it has endeavoured to do for returned men in the past. We hope that those who, as a result of this war, will inscribe their names on the roll of Anzac House will be the last to do so for another century.

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—NATIVE ADMINISTRATION
ACT AMENDMENT.**

In Committee.

Mr. Marshall in the Chair; the Minister for the North-West in charge of the Bill.

Clause 1—agreed to.

Clause 2—New section: Restrictions against natives travelling within the State.

Hon. C. G. LATHAM: There is an amendment to be moved by the member for Swan. He informed me that he had an undertaking from the Minister that he was not proceeding with the Bill tonight.

The Minister for the North-West: That is not so.

Hon. C. G. LATHAM: This first amendment might be agreed to. It would give a little more power to the Minister. If he found there was an area over which he wanted to impose further restriction this would give him the power to enforce it. I move an amendment—

That in line 3 of Subsection 2 of proposed new Section 9A, after the word "latitude" the following words be added:—"or such other boundary as may from time to time be declared by the Governor by proclamation."

The MINISTER FOR THE NORTH-WEST: I am sorry if there has been a misunderstanding, but I gave no undertaking that we would not reach this Bill tonight. It must have been assumed by the member for Swan from the progress made when he left after tea.

Hon. C. G. Latham: I asked the member for Swan about it and he said that he had been given that undertaking.

The MINISTER FOR THE NORTH-WEST: I certainly have no objection to the amendment moved by the Leader of the Opposition. I am astounded at the reversal of form, both by the Leader of the Opposition and the member for Swan, who was to have moved the amendment. On every occasion when powers of this nature, effect to which has to be given by way of regulations, have been sought they have been bitterly opposed. If I had asked for this, there would have been arguments on my audacity as Minister in seeking such power. I would always be prepared to come to Parliament and ask for further powers, or permission to alter the boundary line, if I thought fit.

Hon. C. G. LATHAM: I do not like the Minister putting up that story. I asked him why he had defined the boundaries south of the Kimberleys, and why he did not include some of the North-West. I did not suggest that there should be any restriction. I believe that under the Native Administration Act he already has the power to limit the travel of natives from one district to another. The Minister said he would come to Parliament, but Parliament does not meet until the final six months of the year. If he suddenly found an outbreak of leprosy in some corner of the North-West and decided to prevent the natives travelling, is he going to call Parliament together especially for that purpose? He would not get the Governor to agree to it. This is not my amendment. I moved it because I gave an undertaking to the member for Swan to look after his amendments on the Notice Paper. When he left this Chamber he told me the Minister had arranged with him that he would not proceed with the Bill tonight.

The CHAIRMAN: I hope the hon. member will not discuss the possibility of the member for Swan knowing of any particular postponement.

Hon. C. G. LATHAM: I have a perfect right to move the amendment in his name. If it is harmful I am not going to force the Committee to accept it.

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

Clause 3, Title—agreed to.

Bill reported with an amendment.

BILL—MUNICIPAL CORPORATIONS ACT AMENDMENT.

Second Reading.

THE MINISTER FOR WORKS (Hon. H. Millington—Mt. Hawthorn) [9.9] in moving the second reading said: The provisions contained in this short Bill have been submitted at the request or suggestion of the local authorities concerned. Members are aware that comprehensive amending legislation was passed in 1938. Experience since then has demonstrated a few weaknesses in certain provisions and it is now sought to clarify and strengthen these particular sections. The Bill contains nothing of a controversial nature. It will be remembered that one of the 1938 amendments gave municipal councils power to rate on the unimproved values in lieu of on the annual rental values should they so desire. The principal Act specifies the number of votes to which ratepayers rated on the annual values are entitled. Unfortunately the schedule contains no provision in connection with unimproved values. It is proposed in the Bill to adopt the schedule that appears in the Road Districts Act. That suggestion should be acceptable.

Another matter dealt with in the Bill has caused much inconvenience, particularly in country districts. I refer to the closing time for the reception of nominations, which has been fixed at 4 p.m. Local authorities have complained that the returning officer has had to wait from noon until 4 p.m. before nominations could be declared closed, whereas it would have been convenient to him and to those nominating if the closing hour were noon. An alteration along those lines is embodied in the Bill. While that is a small matter, it will meet the convenience of those administering the Act.

The issuing of ballot papers is also dealt with in the Bill. The Act provides that ballot papers must be issued through the returning officer who usually is the town clerk, and this has proved most inconvenient. If the returning officer has not been the town clerk, some other person has been appointed to carry out the duties, and the returning officer, in turn, has had to re-issue voting papers to those entitled to take absentee votes. The Bill provides that voting papers may be posted direct to postal vote officers. The present procedure at annual elections and extraordinary elections has given rise to much delay, and occasionally those entitled to

receive postal votes have not secured them in time.

Another provision in the Bill is similar to one in the Road Districts Act Amendment Bill, which I have placed before members, and deals with the position of old age pensioners. Although they may not have paid their rates, such pensioners will be able to appeal against their assessments. Members probably understand that in many instances the rates of pensioners are pyramided, but notwithstanding that fact, if it is considered that the rates are excessive and the old people desire to appeal, they will have the right to do so. Under the existing law, ratepayers are required to pay their rates in full before they can appeal. These are the main provisions included in the Bill. They are non-controversial and have been included at the request of local authorities concerned. I move—

That the Bill be now read a second time.

On motion by Mr. Doney, debate adjourned.

BILL—ABATTOIRS ACT AMENDMENT.

Second Reading.

Debate resumed from the 26th August.

HON. C. G. LATHAM (York) [9.15]: I do not propose to oppose the second reading of the Bill, which contains two clauses only. One provision is to give power to the Minister to permit the slaughtering of cattle in places other than abattoirs. Paragraph (c) of Section 6 of the Act prohibits slaughtering of stock except at abattoirs, but now the Minister seeks to make provision by law to do what has been done for years past, and to give the right to people to slaughter stock away from abattoirs. For that purpose the Minister proposes to issue licenses. In the coastal country, as far down as Spearwood, many pigs are reared and slaughtered for disposal in the market. The carcasses have to be passed by health inspectors.

I hope the Minister will bear in mind that an important part of the livelihood of the farmers in the districts to which I have referred is derived from pigs, and I trust he will not prevent them from continuing their operations. The position of those men would be serious if they were prohibited from that course. Most of their returns have been derived from the slaughtering of pigs and

calves. We must watch closely the interests of the health of the people. Meat, before being disposed of to the public, has always been passed by health officers at the markets. The suggestion has been advanced that it is impossible to determine whether a pig is free from tuberculosis or whether a calf is healthy, unless the entrails of the animal are examined. Generally speaking, close supervision has been exercised in that regard.

The other principle embodied in the Bill is important. The Minister for Labour controls price-fixing measures, and for long there has been much argument about the price of meat. Usually we find that the price fixed for first quality meat has really been applied to meat as a whole, irrespective of quality. Now it is proposed to brand lambs as first, second or third quality, according to the inspection. That will apply to other meat, whether it be beef, mutton, pork or lamb. I am pleased that that is so, because in Perth the public has had to pay first quality prices for second or third quality meat. When discussing the position with butchers, I have advocated the branding of first quality meat, as is done in the case of export meat. I support the second reading and trust the Minister will administer the measure liberally, because it is essential that that be done. As I mentioned before, the introduction of the legislation does not mean the granting of any additional powers to the Minister.

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—PROFITEERING PREVENTION ACT AMENDMENT.

Second Reading.

Debate resumed from the 26th August.

MR. WATTS (Katanning) [9.21]: This is a small Bill. The only thing the Minister wishes to do by it is to have the right to commence proceedings in respect of offences against the Act at any time almost, and be alluded to a period of six months after the investigations of the Prices Commissioner

or his agents had been completed. I admit that the Minister might have difficulty in tracking down offenders against legislation of this kind, and I am sympathetic with him in the view that the provision in the Justices Act, namely, six months after the commission of the offence, is not long enough, as it may take six months after the offence before the department's officers know that an offence has been committed. Nevertheless, I do not like the provision in the Bill—six months after the Commissioner has finished his investigations—because they might not be started until years after the commission of the offence, and I am always anxious to oppose any more or less unlimited extensions of this nature. I suggest that when the Bill reaches the Committee stage the Minister should compromise on the matter; I realise that he needs some extension of time. In the circumstances I shall not oppose the second reading.

MR. McDONALD (West Perth) [9.23]: I support the second reading. I know the Minister will have the concurrence of members of this House in any measure to ensure that people who do profiteer at this time shall be adequately punished. I feel, however, that the remarks made by the member for Katanning (Mr. Watts) are just. The Act provides that any prosecution shall be under the Justices Act, and this means that there cannot be a complaint with a view to prosecution unless the complaint is made within six months of the offence having been committed. That period might be too short, but I think the proposal in the Bill to allow an indefinite time is more than is required to meet the occasion, and might mean hardship to innocent traders who could be called upon, after a lapse of a long period of time, to show what took place on a particular day.

On the whole, the traders have made a very honest endeavour to carry out the intention of the Act and I think, as the Minister said, that only a very small proportion of traders has endeavoured to violate the principles laid down by the Act. There is this point to be borne in mind, however, that the prices control business is a matter of great anxiety to many traders. The dishonest trader does not mind very much; he is out to profiteer on the public and take the risk of the consequences. The great bulk of the traders, on the other hand, desires to

ensure that there shall be strict compliance with the Act, and for this reason the measure is occasioning great anxiety. One can well realise that, to a responsible trader who has spent a lifetime in building up a name for integrity, the mere suspicion of a prosecution for profiteering would be like a sentence of death. It is something that would be appallingly harmful to his career.

If we allow an indefinite period, the possibility is that the trader might not have the records of what happened on the day in question, and therefore might be at a disadvantage to show his side of the case. With the enormous multitude of transactions in the retail trade, it is hardly practicable, I believe—I have not spoken to a trader about this Bill—to maintain over a long period all the records of all the articles sent out of a shop in the course of a day. The trader should know that he must give an account of his transactions over a definite period, but he should also know that apart from this, he might regard his transactions as having been within the law. I am not supporting this suggestion for the sake of the small number of traders who might be dishonest because I want to see them punished, but I do support it as fair treatment for the vast majority who are trying to carry out the provisions of the Act.

I hope that the Minister will accept the assurance of our desire to assist him to deal with any cases of profiteering, but that he will also meet the situation of the traders who are operating under very grave difficulties and multiplicity of regulations by ensuring that they shall not have a Kathleen Mavourneen inquiry of this sort suspended over their heads for a long period. The Minister might say that the operation of the Act is limited to the duration of the war and six months thereafter. I hope this measure will not have to be retained much longer on the statute book in its present form, but we must have regard for the fact that it may be desirable and necessary to continue the Act for some time, and ensure that the scales are held evenly between the members of the public we wish to protect and the trader who is trying to observe the law.

Question put and passed.

Bill read a second time.

In Committee.

Mr. Marshall in the Chair; the Minister for Labour in charge of the Bill.

Clauses 1, 2—agreed to.

Clause 3—Amendment of Section 28:

Mr. WATTS: I move an amendment—

That in lines 3 to 5 of the proposed new proviso the words "six months after the completion by the Commissioner, his servants, or agents of investigations and inquiries into any alleged" be struck out and the words "12 months after the commission of the" inserted in lieu.

The effect will be to double the term within which proceedings must be commenced under the Justices Act, namely within six months after the commission of the offence. In view of what has been said by the member for West Perth and myself on the second reading, it is unnecessary to labour the point further.

The MINISTER FOR LABOUR: The Bill aims to extend the time within which a prosecution must be launched against any person for an offence against the Act. The present Bill is particularly aimed at those business men who deliberately indulge in profiteering and go to no end of trouble to cover up such activities. Some of them are quite clever at that sort of thing, with the result that it is extremely difficult to discover any particular act of profiteering. Even when there is a strong suspicion of profiteering it is hard to carry out the necessary investigations and obtain the evidence required to justify a prosecution. It might well happen that six or even 12 months after the commission of the offence might elapse before its nature would come to the knowledge of the Commissioner of Prices or of some officer working under his authority. I cannot conceive that any business man operating within the provisions of the Act would have anything to fear by reason of the extension of the period within which a prosecution for profiteering may be launched. The Bill is aimed at the minority section of the business community, at the business man who deliberately profiteers and should be liable to prosecution for even longer than 12 months if necessary.

Why should we declare that a business man who is able to cover up his profiteering for 12 months should escape whereas another business man, who might unwittingly profiteer because of a misunderstanding of the Act or regulations, should be liable to prosecution within six months or even the extended period of 12 months? If the argument were that the extra period of six

months allowed to the Commissioner after the completion of his investigations to launch a prosecution might be lessened, that might be reasonable. That period might perhaps be cut down to one month. It is not difficult to conceive of a position arising where the Commissioner would discover that an offence had been committed, but would not make the discovery until six, nine, or 12 months after the commission of the offence. That position has already arisen in various instances. A person guilty of profiteering should remain liable to prosecution until such time as the Prices Commissioner has had time to investigate the offence. A person who accidentally and unknowingly profiteers would soon be found out, because he would make no attempt to cover up his action. We are concerned with the type of business man who deliberately sets out to profiteer and covers up his act by the use of every method possible. I am prepared to reduce the period of six months after the Commissioner has completed his investigation to a much shorter period, but that is as far as I consider it reasonable to go. I oppose the amendment.

Mr. McDONALD: It is not my wish that profiteers should escape punishment. On the other hand, I do not think 95 per cent. or 99 per cent. of honest traders should be obliged to keep records, maintain evidence of sales and be subject to departmental inquiries for an indefinite period. Does the Minister realise the burden of returns and obligations—inescapable, I admit, to a large extent owing to the war—thrown upon the commercial community? That burden is becoming almost impossible for them to bear. Much of their time is now occupied in filling up forms and wondering whether or not they have unwittingly and unknowingly broken the law.

Mr. Cross: Traders are now compelled to keep special staffs to prepare these forms.

Mr. McDONALD: Yes. The cost of these returns to the business community amounts to hundreds of pounds. Our State Parliament is not so much to blame in this respect; it is the Federal Parliament.

The Premier: The Commonwealth makes regulations under the National Security Act that have the effect of law.

Mr. McDONALD: Yes. Traders consult men like myself and the member for Kataning. They say, "We see by the paper that a new regulation or law is in force. What

is it?" We do not know; it probably has not even arrived in the State. These business men do not know whether or not they are under a liability to be indicted and put in gaol. Parliament should give a little encouragement to the mercantile community. I am not wedded to the period; it is not the six months to which I object, but the indefiniteness that this amendment offers. There is no time-limit. No matter how honest and painstaking a trader may be, he could be called upon at any time to answer what to him might be the most serious charge of his life. The Minister may, should he think fit, provide that the Prices Commissioner may, if he has not completed his investigation within a specified time, apply to a magistrate for an extension of time. The trading community should not be put in a position of suspense. The time should arrive when they can regard themselves as free from investigation and from the obligation to turn up files and perhaps procure evidence from employees who have left the State, in order to prove their innocence of what is, we admit, a heinous offence. I hope the Minister will reconsider the clause.

The MINISTER FOR LABOUR: I agree with much of what the member for West Perth has said about the many forms and returns that must be supplied by the business community, but these are rendered necessary under the National Security regulations.

Mr. McDonald: But this may be the last straw.

The MINISTER FOR LABOUR: The business community, however, is not called upon to do much under our profiteering prevention legislation. We do not issue regulations under our Act, except for the purpose of setting out the goods coming under the law. The passing of this Bill in its present form will impose very little additional work or responsibility upon our business men. Their transactions will, under the Act, be open to investigation at any time, but only for the purpose of ascertaining whether they have been profiteering. It is only when they have been guilty of profiteering that the Commissioner will take action. The member for West Perth admits that the offence is one of the worst than can be committed. We should not therefore allow any profiteer to escape the consequences of his action merely because his offence has not been discovered within six or 12 months.

Hon N. Keenan: What about 18 months?

The MINISTER FOR LABOUR: Even 18 months.

Hon. N. Keenan: Two years?

The MINISTER FOR LABOUR: Even two years.

Hon. N. Keenan: The sky is the limit.

The MINISTER FOR LABOUR: No, because this legislation will remain in force only during the war period and six months thereafter.

Mr. McDonald: You are profiteering on the time-limit.

The MINISTER FOR LABOUR: We should not allow any business man who profiteers to escape prosecution merely because he is clever enough, cunning enough or unscrupulous enough to hide his profiteering activities in such a way as to prevent them from being discovered within a certain period of time.

Amendment put and negatived.

Clause put and passed.

Clause 4, Title—agreed to.

Bill reported without amendment and the report adopted.

House adjourned at 9.52 p.m.

Legislative Assembly.

Wednesday, 3rd September, 1941.

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

QUESTIONS (2)—AGRICULTURE.

Wheat Stabilisation Scheme.

Mr. DONEY asked the Minister for Lands: 1, Have committees of review and advisory committees, as required under the conditions of the Wheat Stabilisation Scheme, yet been appointed at all sidings where they are required to operate? 2, What powers have those committees? 3, Do those powers entitle the committees to vary the acreage allotments made by the authority in this State which acts in this matter for the Commonwealth Government?

The MINISTER FOR LANDS replied: 1, Arrangements for appointments are not yet completed. 2, According to the instructions issued by the Commonwealth Stabilisation Board. 3, The committees have power to recommend alterations to the State committee for submission to the Federal Board for its approval.

Shortage of Farm Labour.

Mr. WITHERS (without notice) asked the Minister for Lands: Is he aware of the shortage of farm labour, and if so will he give consideration to having such labour and made available to farmers?

The MINISTER FOR LANDS replied: I am aware that there is a shortage of farm labour. The Government has had the matter in hand to try to bridge the gap for immediate needs, and also the extremely obvious shortage which will arise at the shearing period. The Government has taken the matter up with the appropriate military authority and hopes that something may be done, particularly with respect to those called up for compulsory military training.

QUESTION—NATIONAL SECURITY ACT.

Fodder Scheme.

Mr. SEWARD asked the Minister for Agriculture: It having been stated on the 13th August by the Federal Minister for Commerce that regulations under the National Security Act to provide for the creation of a board to administer the National Fodder Scheme have been gazetted, and that the board will be appointed shortly—1, Has he taken any steps to have at least one Western Australian appointed to the board? 2, If not, will he do so?