

# Legislative Council.

Wednesday, 5th November, 1947.

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

## ASSENT TO BILLS.

Messages from the Lieut.-Governor received and read notifying assent to the following Bills:—

- 1, War Relief Funds Act Amendment.
- 2, Milk Act Amendment.
- 3, Main Roads Act (Funds Appropriation).
- 4, Western Australian Bush Nursing Trust Act Amendment.
- 5, Supply (No. 2), £3,100,000.

## QUESTION.

### RAILWAYS.

*As to Late Running of Great Southern Trains.*

Hon. A. L. LOTON: (on notice) asked the Minister for Mines:

- (1) In reply to my question on Tuesday, the 28th October, as to the late arrival in Perth on the 9th October, of the train ex Albany, the Minister stated that the delay was caused by the engine steaming badly between Albany and Katanning. Was a "U" class type of locomotive used on this section?

(2) In reply to question (3) on the same date, the answer given was that the setting down of passengers was the cause. This no doubt was the cause of the engine stopping, but what was the cause of the engine having difficulty in again moving forward?

(3) Is the Minister satisfied that the "U" class type of locomotive is doing an efficient job in view of the fact that on eight occasions out of thirty it has been necessary to break or bank the 3.15 p.m. train ex Perth between Bellevue and Chidlow?

The MINISTER replied:

- (1) Yes.
- (2) Driver experienced difficulty in lifting load and in the operation found it necessary to reverse engine several times. Approximately five minutes (5") occupied. There is a grade of 1 in 72 at Clackline, and any engine could experience the same trouble in lifting its load.
- (3) Yes.

## BILLS (2)—THIRD READING.

- 1, Companies Act Amendment.
- 2, Town Planning and Development Act Amendment.

*Passed.*

## BILL—COMMONWEALTH POWERS ACT, 1943, AMENDMENT.

*Third Reading.*

THE HONORARY MINISTER (Hon. G. B. Wood—East) [4.38]: I move—

That the Bill be now read a third time.

Question put.

The PRESIDENT: To pass the third reading of this measure, an absolute majority is required. I shall divide the House.

Bells rung and a division taken.

The PRESIDENT: As all members are voting with the ayes and there is an absolute majority present, I declare the question passed.

Question thus passed.

Bill read a third time and *passed*.

**BILL—COMMONWEALTH POWERS  
ACT, 1945, AMENDMENT.**

*Third Reading.*

**THE HONORARY MINISTER** (Hon. G. B. Wood—East) [4.41]: I move—

That the Bill be now read a third time.

Question put.

The PRESIDENT: To pass the third reading of this measure, an absolute majority is required. I shall divide the House.

Bells rung and a division taken.

The PRESIDENT: As all members are voting with the ayes and there is an absolute majority present, I declare the question passed.

Question thus passed.

Bill read a third time and *passed*.

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

*Second Reading.*

**THE MINISTER FOR MINES** (Hon. H. S. W. Parker—Metropolitan-Suburban) [4.44] in moving the second reading said: This Bill, as members may recall, was referred to by me when the continuance measure was before the Chamber in September last. I then stated an opportunity would be given to members to discuss the parent Act later in the session. The principal amendments in the Bill are that rent inspectors will be appointed with certain duties to which I shall refer, and that caravans will be brought within the purview of the Act if and when these are used as dwellings, but not when they are being used for what I might term their legitimate purpose, that of being taken behind a motor vehicle and used for holiday purposes. Many of these caravans are now being used as dwellings and the tenants are being charged exorbitant rents for them.

As to part-houses, members are aware that persons are renting houses and letting rooms or parts of the house at exorbitant rents. They will be brought within the provisions of the Act. The rent inspector will be enabled to visit these houses and obtain declarations as to the rents paid for them; in other words, he will be able to assist in the policing of the Act. He will also fix a fair rent for part-houses. I am

afraid that members will see no reference in the Bill to caravans, but mention of these will be put on the notice paper, the intention being that they shall be brought into line with and virtually become houses. Another provision in the Bill is that where a landlord improves the premises he must give two weeks' notice to the tenant before he shall become entitled to increase the rent. Another important provision is designed to prevent the trading—if I may so put it—in the letting of houses. The idea is to stop the practice of "paying for the key," as I think it is usually called.

It is well known that people will give almost anything in order to secure premises in which to live. This Bill will make it an offence for any person to charge or pay, or offer to pay, any sum of money or other consideration for the key of any premises or for information regarding the possibility of gaining a tenancy, or for any person to make it a consideration of tenancy that the prospective lessee be required to purchase furniture that is in the premises at more than a reasonable price. There will be no objection to a tenant paying a fair price for furniture which is in the house if he so desires. The provision is designed to prevent landlords from taking advantage of persons in need of accommodation by charging exorbitant prices for furniture. The Bill contains provisions whereby, in certain circumstances, the standard rent may be increased and where premises have been let below the standard rent which may now be charged, they may be brought back to the standard rent.

Hon. G. Fraser: How do you arrive at the standard rent?

The MINISTER FOR MINES: That is set out in the parent Act. It is the rent that was charged at the 31st August, 1939. The Bill also contains provision whereby a person may apply to the court to fix the correct rent.

Hon. G. Fraser: How do you arrive at the standard rent for a house which was not let in August, 1939?

The MINISTER FOR MINES: The procedure is set forth in the parent Act. Those provisions are tightened up.

Hon. A. Thomson: Are you still sticking to the standard rent?

The MINISTER FOR MINES: Yes. That provision is not altered by the Bill; but in certain circumstances owners may apply to the court for an increase. The Bill deals mainly with the subletting of portions of houses. This has become almost a scandal.

Hon. A. Thomson: Not almost, it definitely is.

The MINISTER FOR MINES: Well, a scandal. I quite agree with the hon. member that in many cases it is a scandal. Unfortunately, the question of caravans was overlooked in the drafting of the Bill. I will give notice of an amendment to include them as part-houses.

Hon. A. L. Loton: Would you include tent structures?

The MINISTER FOR MINES: I do not know that we would.

Hon. G. Fraser: How would you arrive at the rent for a caravan?

The MINISTER FOR MINES: I can give the definition of caravan that will be placed on the notice paper. It will include a caravan while used as a dwelling, and any land and conveniences occupied or enjoyed in any connection therewith.

Hon. G. Fraser: What is the basis for arriving at the rent?

The MINISTER FOR MINES: The rent inspector will fix the rent, and there will be an appeal to the magistrate. The reason for that is that it is anticipated a tremendous number of people will question the amount of rent they have to pay, and if the matter were left to the magistrate we fear he would not get through all the work. So it is left open to appoint one or more inspectors, and any of his decisions can go to the magistrate by way of appeal. The idea of having rent inspectors is to deal with this problem expeditiously.

Hon. G. Fraser: You will have to appoint some pretty good men as inspectors.

The MINISTER FOR MINES: Yes, they will be. Clause 12 is very important. It seeks to add to Section 15 the following proviso—

Provided that the provisions of this section shall not apply in respect of premises, for which a publican's general license, an hotel license, a wayside house license or an Aus-

tralian wine and beer license under the Licensing Act, 1911, subsists, at the expiration of not less than three months' notice to quit.

In other words, hotels are to be taken out of the Act. They will rely on the ordinary law. The reason is that in certain circumstances, tenants of licensed premises have carried on for three, four and even five years beyond the term of their lease and, as they cannot be put out, they are simply making the hotel premises into beer houses. They are not complying, or only partly so, with the requirements of the Licensing Court. The landlords have no say and can do nothing because the tenants are protected. The Bill provides that the landlord of hotel premises may give three months' notice, and terminate the lease.

Hon. G. Fraser: That could be abused.

Hon. H. L. Roche: Too right, it could!

The MINISTER FOR MINES: I do not know. If a person has a lease of an hotel for a certain number of years and the lease expires, he ought to get out. As it is, he is allowed to continue at the same rent, although conditions may have varied considerably. In many instances, premises have improved and the business has changed entirely. The premises belong to the landlord and not the tenant. I do not think there will be any abuse.

Hon. G. Fraser: I mean, the refusal to renew a lease.

The MINISTER FOR MINES: There might be, but when all is said and done, the landlord should have the right to select his tenant.

Hon. G. Fraser: Yes, but the tenant wants some protection if he works a business up from nothing to a good concern.

The MINISTER FOR MINES: When a man takes on an hotel for a certain number of years, he knows very well that at the end of the period whether he has worked up a good business or not, he is finished.

The PRESIDENT: Order! I draw attention to the fact that Mr. Fraser can make all these points in his second reading speech. This cross-examination is scarcely in order.

Hon. G. Fraser: Very well.

The MINISTER FOR MINES: At the end of the period, the lease, in ordinary circumstances, would be put up for tender

and the person submitting the best tender would get the lease. The Commonwealth Landlord and Tenant Regulations, which are operative in the other States, completely exempt licensed premises from their provisions. In Western Australia those premises are subject to our State Act. So far as standard rent and dispossession of tenants are concerned, it is not proposed to exempt local owners from the standard rent restrictions, but it is proposed by the Bill to give them the right, after a tenant's lease has expired, to obtain a new tenant. The owner will not, however, be allowed to increase the rent upon the acceptance of a new tenant. The reason for the amendment is that some hotels have careless or indifferent licensees who, in one way or another, are not giving their customers or the district, adequate services. The amendment, if approved, will permit of the owners putting in a new and, it is hoped, more satisfactory tenant, when the current lease expires, by giving the old tenant three months' notice to quit. The Licensed Victuallers Association supports this proposal, and that association consists principally of tenants, and not landlords. The president of the association, by a letter dated the 16th September, 1947, had this to say—

Members of this association, as you are aware, are affected by the provisions of the Increase of Rent (War Restrictions) Act, and we understand that it will be necessary for your Government to consider whether or not an extension of the date of operation for the Act for a further period will be effected.

As you know, the position in this State regarding licensed premises is different to other States, for I believe we are the only State where licensed premises are subject to restrictive legislation regarding rents and eviction.

My association is striving to improve the general standard of conduct in hotels throughout the State, particularly in respect to service to the public, but difficulties have occurred in the past when owners have been unable to exercise any right of eviction.

Therefore, when considering this problem we request that the Western Australian legislation be reconciled with that of other States as to recovery of possession and thus conform with the Commonwealth Landlord and Tenant Regulations.

The only other amendment is to fix a penalty not exceeding £50 for offences under the Act. There was a flaw in the original measure. Most Acts contain a general sweeping section fixing a penalty for any offence. Clause 13 provides for

that general penalty. If members will indicate any further information they require, I shall endeavour to supply it. I move—

That the Bill be now read a second time.

On motion by Hon. J. A. Dimmitt, debate adjourned.

## **BILL—STALLIONS ACT AMENDMENT.**

### *Second Reading.*

**THE HONORARY MINISTER** (Hon. G. B. Wood—East) [5.0] in moving the second reading said: This is a small Bill which seeks to amend the Stallions Act, which provides for the certification and registration of stallions, and other relative purposes. The object of the Bill is to amend the Act to reduce the burden on stallion-owners by discontinuing the annual fee of £1 1s. after five consecutive payments of £1 1s. have been made. If an amount of £5 5s. has been paid by owners for the registration of their stallions, the registration is to continue in force for the rest of the life of the animals concerned without further payment. This will afford some relief to an industry which is very much on the decline.

Owing to the small number of stallions at present being registered, this concession will not materially affect the revenue received from that source. On the other hand, it will assist and encourage the more liberal use of stallions by owners throughout the State. The Bill seeks to make the registration permanent for anyone who has paid the annual fee of £1 1s. for five consecutive years. That is a fair proposition. Horses are not very popular today and the industry generally is dying out. If we can extend some small measure of assistance like this to encourage the horse-breeding industry, we should do it. In days gone by, a man could make a lot of money out of his stallions, but that is not so today. As things are now, it is only fair that a stallion-owner should be relieved of further fees after he has paid out £5 5s.

Hon. H. Tuckey: Is this compulsory registration?

**THE HONORARY MINISTER:** It is compulsory under the parent Act, and the registration fee under that Act has to be paid every year for the life of the stallion. This

Bill will ent out the fee after it has been paid for five years. There should be no objection to that.

Hon. G. Bennetts: Will this cover race-horses and trotters?

The HONORARY MINISTER: The Bill will cover any stallion. I move—

That the Bill be now read a second time.

**HON. C. F. BAXTER** (East) [5.3]: Very few stallions of the utility class are to be found in the State today. In those circumstances, I do not think we need worry about a Bill of this kind. Most of the stallions we have are trotting animals or come from blood-stock. In such instances, the owners receive substantial fees for the servicing by those animals. In the case of the utility animal, the fee has generally been low, but in that of well-bred trotting horses and blood-stock, the fee can be quite high. I do not know that the Government is so flush of money that it can do without the registration fees charged for even a utility stallion. As I have said, the other type of stallion is numerous, as we can see from the advertisements that appear in the Press from time to time. Such animals return a good deal to their owners. The breeding of horses for farm use has practically gone out. I see no reason why the present charge should not remain and why the owners of all stallions should not continue to pay £1 1s. a year for the life of the animal.

**HON. L. B. BOLTON** (Metropolitan) [5.5]: I wonder whether the Bill applies only to stallions registered for life. If so, I fail to see why some consideration should not be given in the case of stallions which have to be registered from year to year. Not nearly so many stallions are in use today, but in certain districts they are still to be found. Is it only the stallion which has a life registration that will come under this Bill?

The Honorary Minister: They practically all have a life certificate, or none at all.

Hon. L. B. BOLTON: Certain stallions are not registered for life but only for a season or so. They would have to pay a fee for every season.

**HON. C. G. LATHAM** (East) [5.7]: I have looked up the Act, which indicates that there are two descriptions of certificates, one a season certificate and the other a life certificate. The Act says—

Every season certificate shall be issued for a period commencing not earlier than the first day of July in any year and ending on the thirtieth day of June in the succeeding year. Life certificates shall be issued in respect of stallions of or over the age of five years, and shall, subject to this Act, last for the life of the animal. In case any person has applied for a life certificate in respect of a stallion, and it shall appear that he is not entitled to that description of certificate but is entitled to a season certificate, then the latter description of certificate shall, if he so desires, be issued to him.

There is a good deal to be said in favour of Mr. Baxter's argument that the usual fee should be paid for high-class blood stallions and trotting stallions. I understand the fees are not very high.

Hon. C. F. Baxter: In many instances the fees are high for the service.

Hon. C. G. LATHAM: Yes. Draught stallions that are used for farming purposes and utility animals are in a different position. We should do all we can to encourage them, and I am with the Minister in that respect. We should help those who keep stallions and breed from them so long as the animals are of the requisite standard.

Hon. L. B. Bolton: Will trotting stallions in the country be exempt?

Hon. A. Thomson: Yes.

Hon. C. G. LATHAM: The Honorary Minister is in a better position to answer that question than we are, and will be in possession of more information than we have.

On motion by Hon. A. Thomson, debate adjourned.

## BILLS (2)—FIRST READING.

- 1, Industry (Advances).
- 2, Rural and Industries Bank Act Amendment.

Received from the Assembly.

## BILL—MUNICIPAL CORPORATIONS ACT AMENDMENT (No. 1).

*Assembly's Request for Conference.*

Message from the Assembly received and read requesting a conference on the amendments insisted upon by the Council, and

notifying that at such conference the Assembly would be represented by three managers.

## BILL—PLANT DISEASES ACT AMENDMENT (No. 1)

*Second Reading.*

**THE HONORARY MINISTER** (Hon. G. B. Wood—East) [5.12] in moving the second reading said: This Bill seeks to amend the Plant Diseases Act. According to a ruling by the Crown Law Department, the payment of inspection fees under the Act cannot be enforced. That ruling is as follows:—

The Plant Diseases Act 1914-1939, is directed to the control, including prevention and eradication of "diseases." To further control powers are provided to preclude, amongst other things, the introduction into the State of things likely to introduce disease. Non-payment of inspection fees does not come within the ambit of these powers. They cannot properly be resorted to in order to enforce payment of fees.

The need for an amendment to the Act came about for the following reasons. A certain retailer in Kalgoorlie imported goods, including vegetables, which were inspected under the Plant Diseases Act. Despite all efforts to secure them, he failed to pay the necessary inspection fees. On the 15th October last the amount involved was £12 10s. Since then, other consignments have been imported and received in Kalgoorlie, and no inspection fees have been paid. Apparently this man owes money to a large number of people and he has no assets. He is getting away with what other people are obliged to pay, and do pay. Despite this, he continues to import vegetables and fruit and cannot be forced to pay any inspection fee.

Hon. G. Bennetts: Would that stuff be coming from the Eastern States?

**The HONORARY MINISTER:** Goods are imported also through Fremantle. The matter came to a head as a result of this gentleman having imported goods from the Eastern States without paying any inspection fee. The object of the Act is to preclude the possibility of introducing disease from the other States that might be in fruit or vegetables. On most imported lines, considerable time is spent by inspectors of the Agricultural Department. The fees are very

low. I am told by people who know that the fees do not cover the cost of the work involved, or anything like it.

A considerable amount of money is collected each year overall, and if this gentleman in Kalgoorlie gets away without paying, other importers will seek a similar privilege. To do that would be only natural. The object of the amendment is to empower inspectors to hold the goods in question until the fees have been paid. That is a reasonable proposal in view of the fact that the fees are very low. If the fees are not paid within one month, the inspector may dispose of the goods by sale or otherwise. The definition of "plant" in the Act includes any part of a plant and extends to fruit. The goods involved would include fruit, plants and vegetables. Members will agree that it is most important that a rigid inspection should be made of such goods coming into Western Australia. I venture to say that no-one will disagree with the statement that nearly all our troubles have arisen from the fact of goods being imported from other countries and from the Eastern States.

Hon. A. Thomson: And despite the care, we got apple scab in the orchards at Manjimup.

**The HONORARY MINISTER:** Where that disease came from I do not know, but the outbreak goes to prove that every step should be taken to tighten up the inspection. If the amendment be agreed to, importers will have to pay their fees or the goods will be confiscated. I move—

That the Bill be now read a second time.

**HON. W. J. MANN** (South-West) [5.17]: I sincerely hope that the Bill will be passed. Mention has already been made of the outbreak of scab in the orchard districts and I think this has been directly traced to the importation of fruit trees from the East. Through the years the inspection of plants and particularly of orchard stock has been extremely successful. We in this State have a higher degree of efficiency in the matter of inspection than has any other State I know of, and I make that statement after having met many fruit-growers in the East, who are operating under conditions that are not nearly as satisfactory as those in this State.

Early this year I saw what was happening in Tasmania with regard to woolly aphis, and the amount of work entailed on orchardists to keep that pest in check is enormous. They have never been able to stamp it out because it obtained too great a hold before any serious attempt was made to combat the pest. As a result of the very careful inspection in this State and the co-operation of the fruitgrowers, which has been outstanding, we are comparatively free from any of the major pests that other States have to contend with. The Government is to be congratulated on having introduced this Bill. I consider that we should take no heed at all of one or two persons who, in order to increase their profits, are introducing goods from the East and endeavouring to evade payment of the necessary inspection fees.

**HON. G. BENNETTS** (South) [5.20]: I support the second reading. I know something of the work of inspection entailed in Kalgoorlie because that was part of my job on the Commonwealth railways. The inspector, before the arrival of a train, goes through the lists of fruit and vegetables, and when they arrive he inspects them before they are taken from the van. This is a big job and the small fee charged would not cover the cost of the work involved. Then the inspector has to make returns relating to the work he has done. We had quite a lot of trouble with one man, and I consider that if the provisions of this measure are enforced, the difficulty will be overcome.

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—MUNICIPAL CORPORATIONS ACT AMENDMENT (No. 2).**

#### *Second Reading.*

**HON. E. H. GRAY** (West) [5.23] in moving the second reading said: This is a one clause Bill which has been rendered necessary by the severe housing shortage, particularly in the metropolitan districts. This is one of two Bills that have been

introduced to cover the districts governed by municipal councils and road boards. Local authorities have power to determine lighting facilities, the height of buildings, the material used in buildings and the general amenities provided in homes, such as washbasins, bathroom facilities, sewerage etc., but it has been discovered there are isolated landlords—they are very few in number—who have refused to instal electric wiring in their houses. I am given to understand that in a dead-end street in East Perth between Hay-street and St. George's-terrace there are seven rented houses, the owner of which resolutely refuses to instal the necessary wiring, and the tenants, despite their protests, have had to use kerosene lamps. Nowadays, it is difficult to get kerosene. The member for East Perth introduced this Bill in another place in order to meet the difficulty.

I know of one or two places in Fremantle where the tenant suffers the same disability. The Bill proposes to amend the Act by adding a new section to provide that, where a house is situated within 100 yards of a service line suitable for supplying electric current, the municipal council may, if it so desires, instruct the owner to instal the wiring so that current may be supplied. This is a reasonable proposal, and it seems hard to imagine that any owner should refuse to instal an electric service in a house, but there are the facts. I stress the necessity for this measure because people have to live in any home they can get. There is no choice nowadays, and hundreds of unfortunate citizens, many of them with families, have to live wherever they can get a dwelling.

The local authority can be entrusted to administer this added power with discretion and I think that members of local authorities in this Chamber will readily support the Bill because it gives councils full discretion. Local authorities can be relied upon to do justice to the owner and to the tenant. If there were no housing shortage, people would not rent homes unless an electric service was provided. I understand that the cost of wiring an ordinary house would be £8 or £9, perhaps less. In the circumstances, we should give the local authorities this additional power and trust them to administer it fairly and justly to both parties. I regret the necessity

for the Bill. As I have stated, one can hardly imagine any owner refusing to provide an amenity of this sort, and it would not be fair to expect tenants to instal the lines. I hope the Bill will be passed without much discussion.

Hon. A. Thomson: Is there any limitation to the cost of the installation?

Hon. E. H. GRAY: The cost would not be great.

Hon. A. L. Loton: Will this make any difference to the rent of the house?

Hon. E. H. GRAY: If a landlord, under existing legislation, makes additions to a house, he has a right to increase the rent, but an owner would not need to increase the rent much in order to cover the cost of electric wiring. I move—

That the Bill be now read a second time.

**HON. A. THOMSON** (South-East) [5.30]: I have no objection to the Bill, which seems to be necessary. I notice, however, that when the Bill was introduced in another place it was mentioned that the Perth City Council would be wanting no less than £50 to install the lighting. I wonder if the sponsor of the measure in this House could give us an idea of what it is likely to cost. What would be the average cost of installing light in a four-roomed house? We may be quite unconsciously landing owners with rather a heavy expenditure.

Hon. E. H. Gray: I am informed the cost would be about £8 or £9.

Hon. A. THOMSON: Is that based on the hon. member's experience? I do not know what is being charged in Perth.

Hon. H. Tuckey: You ought to have a house rewired! Then you would know more about it!

Hon. A. THOMSON: I would say that it would be in the vicinity of £2 a point. So if there were eight points in a house, the cost would be £16. This is one of the amenities that are required and I am surprised that the owners object. It may be on account of the excessive cost of taking the leads through; but seeing that the distance has been reduced to 100 yards, it should be somewhere within reason. I would like to know whether the sponsor of the Bill here has studied the matter sufficiently to give us an idea of the cost.

Hon. E. H. Gray: I will verify the figure and report at the next sitting of the House.

On motion by Hon. C. G. Latham, debate adjourned.

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

*Second Reading.*

**HON. E. H. GRAY** (West) [5.33] in moving the second reading said: This is a replica of the previous Bill and the same remarks apply. Its introduction is necessary because in the metropolitan area there are municipal districts and road districts. I move—

That the Bill be now read a second time.

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

### **BILL—LAND ALIENATION RESTRICTION ACT AMENDMENT (CONTINUANCE).**

*Second Reading.*

Debate resumed from the previous day.

**HON. C. G. LATHAM** (East) [5.35]: I have no objection to the Bill. I have looked through it and have nothing to say about it.

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—WHEAT MARKETING.**

*Second Reading.*

Debate resumed from the previous day.

**HON. L. B. BOLTON** (Metropolitan) [5.37]: I have very little to say on this measure. The Bill really provides a safeguard in the event of the Commonwealth legislation breaking down, and the Government should be highly commended for taking the course it has. One thing we can be sure of is that should such a thing happen and should our State have control of the harvest we are not likely to have conditions hurled at the wheatgrower through the State Government as through the Commonwealth.



Wheatgrowers generally have no desire to see some countries, such as Great Britain, pay the largest increased price ruling today, but I think that they feel they are entitled to at least a reasonable return for their work. But for the Commonwealth Government to sell wheat to New Zealand at the ridiculous price of 5s. 9d. a bushel compared with the world parity price today was, to my mind, little short of robbery.

Hon. A. Thomson: Barefaced robbery!

Hon. L. B. BOLTON. Yes. If the Commonwealth Government continues, as I am afraid it will, with the legislation for future control of wheat, the wheatgrowers will have a very bad deal. I am one of those who would prefer to see our wheat sold at a low price to Great Britain, which is in such urgent need of it, provided the farmer has a reasonable return; but to sell it at such a price to a rich country like New Zealand is entirely wrong.

A world parity price of something over £1 a bushel is ridiculous. I do not think it is a fair price and I do not think the Australian wheatgrower expects as much. If it is the Commonwealth Government's idea that a fund should be built up to protect the wheatgrower in the bad days that may be ahead of us, I am in favour of that, if it is a fair thing; but I am of the opinion that if that is brought about there will be a repetition of what the woolgrowers have had to contend with. The woolgrowers of the Commonwealth have been absolutely robbed of £7,000,000.

Hon. H. L. Roche: Nearly £10,000,000.

Hon. L. B. BOLTON: The figure is between £7,000,000 and £10,000,000. They have been absolutely robbed of that sum. We are told that the money is retained for research work. If the Government did something with the money, I do not think the woolgrowers would growl or have so much to complain about; but for the Government to keep such a huge sum and sit back and say, "The money is being kept for research purposes," and yet not utilise it in that direction, is another case of absolute barefaced robbery. The Bill has been introduced on the recommendation of a very excellent Royal Commission composed of local farmers who, I think, know more about the business of wheatgrowing and salesmanship

than those in authority in the Federal sphere. I commend the Government for having introduced the Bill and will support the second reading.

**HON. H. A. C. DAFFEN** (Central) [5.42] I am very much in favour of this Bill. In my many years' experience as a wheatgrower, I have always felt that an Australia-wide stabilisation scheme should be aimed at because it is obviously absurd for the Australian States to be in competition with one another on the world's markets. At the same time, there can surely be no doubt in the mind of anyone that the wheatgrower is not getting a fair deal. While I favour a Commonwealth stabilisation scheme, I do not think it should be under the control of the Government but under the control of the growers.

If the Commonwealth defence powers cease to have effect after the end of this year, this Bill will provide a great opportunity for growers to begin an Australia-wide stabilisation scheme of their own by making use of the State machinery, which is now being made available to them, to get over the difficulty of the present harvest. Then during the coming year they could collaborate with the other States in consolidating the aim for a stabilisation scheme of their own. If all the States did not come in at once, I do not think that would matter, although I agree it would be desirable for them to do so. If only two or three States would pull together for a season, I think they could give an effective demonstration of what can be done, so that they would soon have the other States supporting them. The Royal Commission's report contains an important paragraph relating to this matter. It is paragraph 44, and reads:—

While your Commissioners have considerable sympathy with the ideal of a Commonwealth pool entirely controlled by growers, we feel that the only way to work up to such a position is to start from the basis of a State unit; then, as the machinery is developed it will be comparatively easy to form a common organisation throughout Australia to co-ordinate and manage the selling of wheat oversea.

That appears to be dependent upon the various States agreeing to handle their own wheat pools and then, probably in the next season, joining together in an Australia-wide scheme. It is in consequence of the report of

that Royal Commission that the Bill has been introduced. I think it has everything to recommend it. It is the desire of the wheatgrowers that such legislation should be brought down, as is amply demonstrated by the 15-point plan of which we have heard so much. As the 15 points were recently quoted fully in another place, I will not trouble to read them. The plan is easily available from the offices of the Farmers' Union in William-street, if members are not already familiar with it. I strongly support the Bill.

On motion by Hon. A. Thomson, debate adjourned.

### **BILL—FARMERS' DEBTS ADJUSTMENT ACT AMENDMENT (CONTINUANCE).**

#### *Second Reading.*

**THE HONORARY MINISTER** (Hon. G. B. Wood—East) [5.47] in moving the second reading said: This measure, Mr. President, is a continuance Bill, the purpose of which is to continue in operation the Farmers' Debts Adjustment Act, which was enacted in 1930. As members know, in that year the farmers were in a parlous condition in this State and the Mitchell-Latham Government introduced a measure under which the farmers of Western Australia could obtain stay orders, in order to safeguard them from their creditors. The alternative, of course, was for the farmers to go to the Bankruptcy Court, which would not have been a desirable procedure. I can remember that at about that time, or just before that Government came into office, the farmers were talking seriously about mass bankruptcy. They spoke about a march on Perth, a march on Parliament House, and all that sort of thing. I believe that Act was one of the best for the farmers that has ever been implemented in this State, as it did tide them over a difficult period. It may seem strange to some members that in these comparatively good times the Government desires to continue this legislation. However, it is necessary that it should be continued and operate until the 31st March, 1950, which is about 3½ years from the present. There is no more to it than that. Accordingly I move—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

#### *In Committee.*

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

### **BILL—CHILD WELFARE.**

#### *Second Reading.*

Order of the Day read for the resumption from the previous day of the debate on the second reading.

Question put and passed.

Bill read a second time.

#### *In Committee.*

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

Clauses 1 to 19—agreed to.

Clause 20—Power of court:

Hon. E. H. GRAY: I move an amendment—

That in line 2 of paragraph (a) after the word "by" the words "or against" be inserted.

I ask the Honorary Minister to give this amendment favourable consideration. The Bill provides for a legally qualified magistrate to take Mr. Schroeder's place, and I think we should do everything possible to protect children. The magistrate will deal with all offences, if the amendment is passed, either by or against children. That will keep children out of the police court. In more serious cases they would, of course, have to give evidence in the Supreme Court, as witnesses. Yesterday, the Honorary Minister interjected that children could only be there as witnesses, but members familiar with the Child Welfare Department and the operation of the original Act will realise that the object of both the department and the Children's Court is to keep young children away from police courts.

The provision of the present measure relating to the appointment of a magistrate is not a new departure, as it was contained in the original Act. A similar policy is in operation in New Zealand, where it has proved successful. I will admit the argument that if the magistrate is not a legally-trained man there is a weakness, but under the provisions of the Bill the magistrate will be legally qualified, and will be able to deal with all cases and look after the children. It is almost universally agreed that child-

ren should be kept away from courts other than the Children's Court, and that there should be a properly qualified man in charge of that court.

The MINISTER FOR MINES: I trust the Committee will not agree to the amendment. Although the provision mentioned by Mr. Gray is in the parent Act, it is doubtful whether the words mean anything, as when an offence of a criminal nature is committed, it is not an offence against the individual, but against the King. If a thief steals a man's watch, that is not an offence against the man concerned, but against the laws of the country. The individual has a civil remedy to recover damages if he so wishes. One case was tried in Perth in which a man was charged with having children in a brothel. The case was sent to the Children's Court and objection was taken. The Judge in Chambers held that it was not an offence against the children and that they were only witnesses. The case had to be tried in a police court. To take the amendment to its logical conclusion it would mean that all cases in which children are witnesses must be heard in the Children's Court, which would bring it to the level of a farce, as children are frequently witnesses in various cases such as those involving negligent driving and so on.

Should all offences in which children are witnesses be tried in the Children's Court? I do not think that was the intention of the mover of the amendment. If the proposal is agreed to it is doubtful what will be the effect of the words proposed to be added. An offence involving indecent exposure in the presence of children is an offence against the community and not against the individual children. They are merely witnesses. There is another difficulty especially with regard to sex cases. I think this provision is largely aimed at such cases where unfortunate children are required to appear as witnesses in a police court. The ideal magistrate for a children's court is a man who understands children and knows how to deal with them. Naturally he has great sympathy with children and I do not think he would be a suitable man to try offences committed by an adult when the children are the principal witnesses. He would, by his training, naturally lean a little too much towards the children.

Unfortunately during the course of my life I have been closely connected with a number of cases dealing with sex offences, and I can assure members that the number of instances is astounding in which children—I do not say that the children lied, because in my opinion children do not lie—have given entirely false evidence because they have been asked questions to which they invariably say "yes." The parents have put leading questions to them and the children have answered "yes," and they then stick to their stories right through. I have personally known of cases where it has been proved conclusively that the stories told by children were absolutely false.

A magistrate of the Children's Court is not likely to view with suspicion the evidence given by children. A magistrate in a police court who is experienced in dealing with adults and all types of witnesses, has a much better chance of justly trying that adult than would a magistrate of the Children's Court—assuming the magistrate of the Children's Court is a man thoroughly competent for his task. Why should a man who commits some horrible offence against children be tried in the Children's Court? Why should he not be tried in a police court? Whether it be in the police court or the criminal court, the presiding magistrate or judge invariably clears the court. In the police court when cases of this sort are being tried they are usually dealt with in the afternoon when there are no people in the gallery or in the precincts of the court, with the exception of those directly connected with the case.

There is no suggestion of the children being brought into a bad atmosphere, and after all is said and done, is the atmosphere of a police court any worse or is the effect on the child's mind any worse because that child relates horrible details in front of a magistrate in one building or in front of a magistrate in another building. Does the child take any notice of the particular type of furniture in the building? I do not think it does, but I certainly think that in fairness to the accused he should be tried by a magistrate in a police court or a judge in the Criminal Court who is used to dealing with criminal cases, and not by a magistrate who is associated with matters affecting children. The latter magistrate enters the court with a

complex of "I must protect the child," but first of all he must find out that the right man is in the dock.

Hon. G. FRASER: I support the amendment. Whilst the explanation given by the Leader of the House is interesting, if my watch had been stolen I would not consider that an offence against the King. His Majesty had not lost his watch, but I had lost mine.

The Minister for Mines: You do not want the offender put in gaol. You want your watch back.

Hon. G. FRASER: Notwithstanding the Minister's legal explanation showing that it was an offence against the law, I would regard it as an offence against myself. I will do anything I possibly can to keep children out of the police court. I think the child whilst in the atmosphere of a children's court is more likely to give the true story and not be so awed by the surroundings as he would be if he were in the police court.

The HONORARY MINISTER: The Government is particularly concerned about this clause and has no intention of agreeing to the amendment. The Minister for Mines has given a very lucid explanation of the technical side, and I shall not reiterate what he has said. It is most undesirable that criminals should go into the Children's Court. What is the good of having a children's court if we are going to make it a hybrid affair.

Hon. E. H. GRAY: The Minister for Mines has an advantage over me because of his experience in the courts. I had an impression that the reason for the amendment was not the reason that he gave, but that adults charged with offences against children would get preferential treatment in the other courts. Interjections gave me that impression. I have had experience of police courts. The Perth or the Fremantle police court is not a fit place for children. A child may have to give evidence there and may have to wait for two or three hours. In the opinion of experts on delinquency it is desirable to keep all children as far as possible from police courts. I acknowledge that extremely bad cases would have to be dealt with there, but a tremendous number could be dealt with in the Children's Court. By omitting the words

I desire to have included, we are going back 50 years. I challenge the Minister to quote one expert on child welfare in support of such a move.

The Honorary Minister: Children associated with criminal cases do not associate with others in the court but generally are looked after by a police woman or someone else.

Hon. E. H. GRAY: But the whole idea of a children's court is to keep them away from the atmosphere of a police or criminal court. If they have to go there, they must mix with other people and experts say that it has a bad effect on them.

The Minister for Mines: And you would bring these horrible people to the Children's Court.

Hon. E. H. GRAY: There would be only one, and that would be the prisoner.

Hon. W. J. Mann: A child might go there only once in its lifetime.

Hon. E. H. GRAY: Every endeavour should be made to keep it away from a police court in any case. The Government appointed a magistrate to carry out the work of the Children's Court and I think we should give him a fair deal and let him attend to that work.

The Honorary Minister: We hope he will not have much work to do.

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

Ayes	..	..	..	6
Nocs	..	..	..	19

Majority against .. 13

#### AYES.

Hon. R. J. Boylen	Hon. E. H. Gray
Hon. E. M. Davies	Hon. W. R. Hall
Hon. G. Fraser	Hon. G. Bennetts
	(Teller.)

#### NOCES.

Hon. C. F. Baxter	Hon. W. J. Mann
Hon. L. B. Bolton	Hon. G. W. Miles
Hon. Sir Hal Colebatch	Hon. H. S. W. Parker
Hon. L. Craig	Hon. H. L. Roche
Hon. H. A. C. Daffen	Hon. C. H. Simpson
Hon. F. E. Gibson	Hon. A. Thomson
Hon. J. G. Hision	Hon. F. R. Welsh
Hon. C. G. Latham	Hon. G. B. Wood
Hon. L. A. Logan	Hon. H. Tuckey
Hon. A. L. Loton	(Teller.)

Amendment thus negatived.

Clause put and passed.

Progress reported.

## ADJOURNMENT—SPECIAL.

**THE MINISTER FOR MINES** (Hon. H. S. W. Parker—Metropolitan-Suburban): I move:—

That the House at its rising adjourn till Tuesday, the 11th November.

Question put and passed.

*House adjourned at 6.18 p.m.*

## Legislative Assembly.

Wednesday, 5th November, 1947.

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

## QUESTIONS.

INFANT HEALTH CENTRE,  
NORTHAM.

*As to Staff and Re-Opening.*

Hon. A. R. G. HAWKE: (on notice) asked the Minister representing the Minister for Health:

- (1) Is she aware that the Northam Infant Health Centre has been closed for many weeks because of no nurse being available?
- (2) What steps are being taken to have the centre suitably staffed?
- (3) When is the centre likely to be reopened?

The **HONORARY MINISTER** replied:

- (1) It has been closed for nearly five weeks.

- (2) Repeated advertisements and personal solicitation.
- (3) As soon as a suitable nurse can be secured.

## HOUSING.

*As to Cunderdin Allocation.*

Hon. A. R. G. HAWKE: (on notice) asked the Premier:

When is a start likely to be made in the building of the four houses recently allocated to Cunderdin?

The **PREMIER** replied:

Steps are now being taken to acquire suitable land and tenders will be called when land has been secured.

## TIMBER IMPORTS.

*As to Western Australia's Share.*

Mr. **KELLY** (on notice) asked the Minister for Forests:

- (1) Figures released by the Pacific Lumber Inspection Board disclose that 4,800,000 ft. of lumber was shipped to Australia from British Columbia during September; of this footage what quantity was received, or is due to arrive in Western Australia.
- (2) What timbers, and in what quantities, represented Western Australia's share?
- (3) Are these shipments regular?
- (4) What was the total monthly footage of all timbers received in Western Australia from overseas during January, February, March, April, May, June, 1947?

The **MINISTER** replied:

- (1) As far as is known, none of the timber shipped from British Columbia during September was for direct shipment to Western Australia. Some quantities may reach this State by purchase and re-shipment from other States.
- (2) There is no recognised quota system with regard to imports which would set a figure for Western Australia's share.