

# Legislative Assembly,

Thursday, 14th September, 1933.

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

## QUESTION—WHOLE MILK BOARD.

Mr. CROSS asked the Minister for Agriculture: 1, What is the estimated annual cost of the Whole Milk Board? 2, What is the estimated annual contribution towards upkeep of the Whole Milk Board from Zone A—inside area? 3, What is the estimated annual contribution from Zone B—outside producers? 4, Is the chairman of the Whole Milk Board financially interested in the milk industry, directly or indirectly?

The MINISTER FOR AGRICULTURE replied: 1, As the board have not yet been in operation for twelve months, it is impossible to supply the information desired. 2, £1,576. 3, £1,434. 4, The appointment is in conformity with the Whole Milk Act.

## LAND BILL, SELECT COMMITTEE.

### Report Presented.

**THE MINISTER FOR LANDS** (Hon. M. F. Troy—Mt. Magnet) [4.33]: I present the report of the select committee appointed to consider the Land Bill. The committee have held several meetings and have recommended various amendments. I move—

That the report be printed and the Bill, as amended by the select committee, be reprinted, and that consideration be made an order of the day for the next sitting of the House.

Question put and passed.

## BILL—SOUTHERN CROSS SOUTHWARDS RAILWAY.

### Second Reading.

Debate resumed from the 12th September.

**HON. N. KEENAN** (Nedlands) [4.35]: The Bill now before the House to authorise the construction of a railway from Southern

Cross for a considerable distance southwards has been objected to on two main grounds. The first is that the money that will be spent in constructing the railroad constitutes an expenditure for an industry that does not present any prospect of successful development in the near future. It is said that all the wheat-growing countries of the world have joined in taking measures to restrict and not to expand production. It is perfectly true that such action has been taken by the wheat-growing countries of the world, but if that restraint be any more than a temporary measure adopted to cure a disordered and glutted market, it is obvious that it would be so hostile to the future of Australia as a whole, and particularly Western Australia, that we could not possibly remain an assenting party to any such proposal. For the present, however, the Commonwealth have agreed on behalf of the States of Australia to restrain the export of wheat. As consumption in Australia must remain more or less constant, that amounts to an undertaking to restrain the production of wheat generally. If we bear that in mind, it is somewhat illogical to bring down a proposal to construct a public work that would be justified only if in fact it was meant to bring about increased production, but inasmuch as the restraint on production is purely of a temporary character, and further, with far greater reason, inasmuch as the whole future of this State is bound up with the future of the wheat-growing industry, I do not intend to offer any opposition to the Bill. But it is further said that this State has overdone entirely the construction of railways, that it has exceeded all proper bounds. That contention is supported by certain figures given to the House by the member for Guildford-Midland (Hon. W. D. Johnson) showing the relatively small number of persons who are served by each mile of constructed railway. The figures at first sight appear alarming, but there are two considerations which materially relieve us of that alarm. In the first place the small number of people served per mile of railway, which the hon. member, reading from the latest report of the Commissioner of Railways, told us was 98, is no new development. The number was only 97 in the year 1923, and yet the Government which came into power in 1924, and of which the member for Guildford-Midland was Minister for Works—

Mr. Latham: No, not in that Government.

Hon. N. KEENAN: Anyhow the Government that came into office in 1924 did not for that reason feel bound to abandon the policy of railway construction. In the second place it might well be said that a comparison of the number of persons served per mile of railway in this State and in the other States of Australia is very misleading.

The Minister for Railways: It depends upon what they are doing.

Hon. N. KEENAN: It is misleading for this reason. The large populations at the metropolitan termini of the railways are taken into account to arrive at the average. When one remembers the huge populations of Melbourne and Sydney and the effect those two huge populations have on the average number of persons served by each mile of railway there, it is clear that a comparison of their average with the average in this State is entirely out of proportion to the necessity for constructing railways. On that ground also I do not feel that I would be warranted in opposing the Bill. It is not difficult to account for the general chorus of approval with which the measure has been received. It is almost traditional in this Parliament to welcome any proposal for the construction of a railway, and, I am afraid to adopt that attitude independent of any consideration of the increased load of debt which the State must incur, and very largely independent also of any consideration as to how far the new extension will be able to pay working expenses. The construction of railways has been looked upon as part of the work of development which we must carry out if we are going to secure the future of the State, and it has therefore been regarded entirely apart from any immediate business view. I am not prepared to question that proposition as being unsound. I would not say for a moment that it is unsound. In fact I am prepared to admit, as I think all members will admit, that we must look upon work of this kind with long range vision, not as a work that is going to be profitable in the near future, but as one that will be advantageous in the far-distant years when, with development fully achieved, we shall reap our reward. For that reason I am not prepared, notwithstanding the figures which show a somewhat alarming picture, to object to the Bill. Still, there is clearly a limit to the extent to which we can proceed in pursuit of this policy of railway construction,

and that limit must be the limit of our resources and the comparative value of the work which the limited resources we possess enable us to carry out. For instance, at the present moment the proposal might be one that might be hardly justified because our resources are extremely limited, and it might be a proposal that in normal times would require scarcely any words to justify it. That exemplifies the fact that we must gauge the value of the work as compared with other works which the same money would carry out and which might also lead to the development of the same industry. The member for Guildford-Midland, I think, very justly observed that the mere carrying-out of this work will not in any way cope with the major problem with which we are faced—the problem of unemployment. It is, of course, certain that the construction of the railway would provide employment for a few, but it is equally certain that the work would end at an early date and that even those few would then be out of employment. This merely illustrates the fallacy that the carrying-out of any public work can lead to any permanent cure of unemployment. The only use of public works is that they provide temporary relief for some of the unemployed. If the public work is not undertaken for the establishment or development of some industry, it is clear that as soon as the work is completed, no longer will there be any advantage gained from the standpoint of relief of unemployment. Those are considerations which would apply to any public work, and of course apply to this public work in the same sense as to all other public works. I must confess that at first I felt myself much in accord with the views of the member for Guildford-Midland (Hon. W. D. Johnson) when he argued that the expenditure of these moneys in assisting settlers already on the land, or in placing new settlers on lands which adjoin existing railways was a sound proposition. But the speech made by the Minister for Lands provided matter which, I saw, entirely refuted that argument. The Minister pointed out—and I accept it as being correct—that the moneys available would be of no use whatever to indulge in any new scheme of settlement, or to finance men now on the land, who we know are in many cases in grievous want of finance. Again, therefore, I find that there is no reason why I should not support the Bill. There is a particular reason

which has a strong bearing on my mind, a reason urged by the member for Murchison (Mr. Marshall). The farmers whose interests will be served by the construction of this railway are men who have been removed from their former employment on the goldfields and placed upon these lands. I was not aware of that until the incident was recalled by the member for Murchison. Those settlers were given a definite promise of railway communication. It does seem to me that in those circumstances one should not lightly refuse to carry out the promise. That appeals to me as a strong reason for supporting the measure. But whilst it can and must be conceded that these farmers are entitled to better means of communication between their lands and the existing railroad, it still remains a question whether the better means of communication should be given to them in the form of a railway. Times are changing, and the carriage not only of passengers but of goods is in rapid course of development. As we all know, the internal combustion engine is challenging successfully the railroad in respect of both carriage of passengers and carriage of goods. Hon. members may recollect that the last Engineer-in-Chief, Mr. Stileman, before he left Western Australia presented a report on these feeder or spur lines, pointing out that they were uneconomic and that instead of indulging in that form of transport for conveying produce and goods to our main trunk lines we should establish what are called road trains, and feed the main lines by means of road trains. That matter has not been given the consideration it deserves, because undoubtedly the challenge which the motor has issued to the steam engine is a challenge that every day is becoming more insistent. Only for the carriage of heavy goods over any distance, and only for the carriage of any class of goods, possibly, over a long distance, is the railway any longer a useful implement, as compared with the petrol-driven lorry. So, if it were not for the special reasons which I have dealt with and which appeal to me so strongly that I shall support the measure, I would feel it incumbent upon me to ask the Ministry not to construct a spur line but to consider seriously the establishment of State-owned lines of lorries which would carry the produce to existing railways.

The Minister for Railways: That has been the subject of adverse report.

Hon. N. KEENAN: Mr. Stileman's report, to which I have referred, was strongly in favour of it. I have not seen the report to which the Minister refers. However, inasmuch as the present case is one in which that matter arises only incidentally, and there are other reasons, and grave reasons, why I should support the Bill, I intend to do so.

**MR. SEWARD** (Pingelly) [4.52]: While I recognise the necessity for providing railway communication to these country areas, and especially to the area under consideration, there are one or two points I would like to submit to hon. members before a vote is taken. True, the length of line in this particular instance is not great—something like 28 miles—but it is sufficient to warrant those settlers being put within reach of the main railway system. Although I am supporting the construction of this line, I would not be willing to continue lending my support to the construction of lines brought down as this one has been. We have already had a Bill for the construction of the line from Yuna to Dartmoor, which I supported. I did so because of the peculiar character of the soil in that locality, which I consider renders it necessary to give railway communication. Turning, however, to the report of the Commissioner of Railways recently laid on the Table, we find that there are no fewer than five railway lines already sanctioned by Parliament, of which four have been surveyed. Consequently I say that those lines, if they warranted the sanction of Parliament, should not be indefinitely shelved in favour of other lines. With regard to the construction of small spur lines, I think it is necessary to bring down some comprehensive plan showing how these small spur lines are to be included in the railway system of the State. The report of the Railway Advisory Board laid on the Table shows that this line does not deal only with the small piece of country south of Southern Cross, but takes in the whole of the country beyond Muntadgin and Narembeen and Hyden, running down almost to the southern boundary of the State. We should know what is the Government's proposal for serving that area. It must be borne in mind that those who have been farming in that area for the last five years are distant 50 and even 60 miles from a

railway. They have to cart their wheat over roads, and it is impossible for them to keep on indefinitely in that way. They must have railway communication, or they must abandon their properties. Up to the present the State, as pointed out by the member for Irwin-Moore (Mr. Ferguson), has paid something like £17,000 annually as a wheat carting subsidy to those farmers. Obviously, the State cannot continue in that way. That amount of £17,000, the expenditure of which was necessary to enable the farmers to get their wheat to the market, has not yielded to the State a pennyworth of assets to show for it. Therefore, the time is rapidly approaching when a determinate policy of railway communication for the area in question should be arrived at.

The Minister for Railways: The Railways Advisory Board will report on that aspect almost immediately.

Mr. SEWARD: The board have already reported on it. The Minister laid the report on the Table.

The Minister for Railways: They are giving further consideration to the whole subject.

Mr. SEWARD: I am glad to have that assurance from the Minister. The particular reason that leads me to say I shall not be content to go on giving support to these independent spur lines is the fact that the board, in their report on this line, laid down five alternatives for giving railway communication to the district. The first alternative, and I daresay the best, is a line running east from Karlgarin for 32 miles and then south-east for 80 miles. That is intended to serve the areas of Lake Varley, Carnody and King. But that plan has been rendered impossible owing to the building of the Lake Grace-Karlgarin-Hyden line. That alone shows the necessity for building these lines in a manner that will enable them to fit in with the whole plan. I shall not weary the House by giving the other five alternatives; they are to be found in the report. But in this particular country certain lines, although recommended by the Advisory Board, would not, if built, prove as remunerative or as economical to run as some of the other alternatives. There is a proposal to connect Newdegate with the Lake King district, a distance of about 35 miles. To do that, the line would have to run through about 25 miles of unproductive plain country; and after reaching the productive area

it would strike out at right angles, rendering long cartage necessary both north and south to connect with the line, or alternatively there would have to be spur lines running north and south. The plans of the board provide for a line running out east and through the productive land, and then south-east all the way through productive land. I think that line would appeal to hon. members by reason of the fact that it would be running through productive country for the whole of its length. The line now being constructed, the Southern Cross line, is presumably the last of the alternatives, being mentioned under the heading "(c.)" That provides for a line 32 miles south of Southern Cross, 32 miles east from Karlgarin, 35 miles east from Newdegate, and 30 miles north from Karlgarin. Such a line, it appears to me, would serve a lot of territory, whereas the further alternative for the one long line right down through the district should at all events be much more economical to construct. There is another point that I think should be further considered in connection with this matter, and that is as to whether the produce of the Southern Cross area and of this particular district should be taken to Fremantle and Bunbury at all. There is, I believe, a port at Hopetoun which at present is not highly suitable for loading vessels. From information I have been able to gather, the port provides for a depth of only 12ft. at low water. That is not sufficient, but it may be possible to deepen the harbour by dredging, and so provide a new harbour from which the produce of this area can be shipped. Members conversant with New Zealand will know that that Dominion has few natural harbours, but that the late Richard Seddon set to work to overcome that difficulty, with the result that harbours were built practically all round the coast of New Zealand. The trouble there was not the same as that at Hopetoun, but the unsheltered nature of the harbours. Accordingly large walls were run out and sheltered harbours were made. What was achieved in New Zealand could probably be achieved here by deepening the water and dredging, and providing facilities to start loading there and top up in deeper harbours. That is as far as the harbour question is concerned; but if we look at the distance which the produce has to be railed, we find that from Southern Cross to Fremantle is 237 miles, or from the end

of the line, which is 30 miles long, 267 miles. That is to Fremantle, the nearest port. On the other hand, if there were an adequate port at, say, Hopetoun the distance would be only 160 miles, representing a saving of 100 miles. In the case of Hyden, Karlgarin and that area, it is 230 miles to Bunbury, whereas to Hopetoun it is only a matter of 120 miles, or of 90 miles from the northern end of the area running through Lake Carmody to Lake King. In both cases it means a saving of 100 miles in freight, and that to the wheatgrower is a very important matter, and one that should be borne in mind, particularly in connection with railway development that we may embark upon in future. It also shows the necessity for a comprehensive plan setting forth the railways required for the development of the State. As the member for Nedlands (Hon. N. Keenan) mentioned, those engaged in the primary industries are suffering from the severe restriction in the value of their products. If they are to continue in their industries, it will be necessary that every conceivable reduction in costs shall be effected, so that producers can put their goods on the markets of the world at the lowest possible prices. We should endeavour to effect reductions in those costs in every available direction. With that object in view, an endeavour is being made to secure a reduction in railway freight charges levied because of excessive haulage. One member asked whether it would not be advisable to allow wheat-growing to go by the board, and to encourage producers to devote their attention to other avenues. He instanced the position regarding hop-growing in Tasmania, and said that it had supplanted wheat-growing. We must remember that nowhere else in the world can wheat be grown as easily, cheaply and profitably as in Australia.

Mr. Latham: It can be done in the Argentine.

Mr. SEWARD: As cheaply as we can? Member: Yes.

Mr. SEWARD: I do not think it can be produced more cheaply. In any event, I think the price lists will show that the Argentine cannot grow better wheat than we can in Australia. At one time Manitoba hard wheat was in greater favour, but in recent years hard wheat from Western Australia has supplanted it. We must also remember that it is absolutely necessary for

the solvency of the State that wheat-growing shall be made to pay. It is from the returns that we get from our wheat that we are able to pay our way and provide the money that is so urgently required for the development of the State. There is another phase regarding the reduction of costs for the farming community. Frequently when Country Party and other members advocate steps in that direction, it is said that we contemplate the lowering of wages. Such an object is not in our minds, and, in fact, I do not think anyone desires to gain that end. On the other hand, by a reduction of freight charges the cost of production can be lowered without affecting wages at all. Another matter that has been brought under my notice during the last day or two is the proposal of the Commissioner of Railways to increase the freight charges in connection with the bulk handling system, which is to be installed. That system is being inaugurated with a view to reducing costs; and yet the Commissioner of Railways intends to levy higher freight charges for dealing with wheat under that scheme!

Mr. SPEAKER: Order! I hope the hon. member will not pursue that phase too far.

Mr. SEWARD: No, but it has a great bearing on the problem.

The Minister for Lands: It has no bearing on the question before the House.

Mr. SPEAKER: There will be plenty of time to discuss that matter at a later stage.

Mr. SEWARD: If we are to construct railways into the wheat-growing areas and increase the freight charges, it will mean that we shall continue to make wheat-growing unprofitable. That has a decided bearing on wheat-growing and, therefore, I consider I was in order in my remarks, but in deference to your ruling, Mr. Speaker, I shall not pursue the subject. There is one way only by which we can make wheat-growing unprofitable, and that is by piling up unjustifiable and unwarranted charges against the industry. If an adequate plan covering future railway developmental work were to be drawn up, we could then determine how railways proposed to be constructed would fit in with the plan as a whole. Incidentally, I would draw attention to the report of the Advisory Board in which it is estimated that at the end of ten years the annual loss on the line under discussion will be about £4,000. As there will be an appreciable loss during the

intervening years, it will be seen that the aggregate loss to be incurred will be considerable. In the estimate of the revenue to be derived as the result of the construction of the line, wool is referred to, thereby indicating that the farmers are expected to carry sheep. The estimate shows that on a 2,000-acre farm the producer is expected to carry 175 sheep. The point I want to make is that it is of little use anticipating the carrying of sheep on the farms unless the line will serve existing markets. Some lines have been suggested that do not connect with the nearest market, and that precludes farmers from running sheep on their holdings. That in itself indicates how necessary it is to have plans showing that lines to be constructed will lead to the nearest markets. I support the second reading of the Bill, but I hope the Government will take an early opportunity to furnish Parliament with a comprehensive plan of railway development in this part of the State, in order to show members and the settlers concerned how the lake country is to be served with railway facilities.

**MR. J. H. SMITH** (Nelson) [5.5]: I do not intend to oppose the Bill, because I am diffident about doing anything likely to work a hardship on people who are eking out an existence on the land in these trying times. On the other hand, I desire to draw the attention of the Government to promises made for the construction of other railways that are of equal, if not of greater importance than the Southern Cross southwards railway. I recall to the mind of the Premier and the Minister for Railways the promises made to construct the Boyup Brook-Cranbrook railway. I think it was in 1911 and again in 1923 that Advisory Boards went over the proposed route and reported on the project. I shall at a later stage read a letter from the secretary of the railway league interested in that line, and members will see that it will outline everything that has happened during the past two decades. It was in September, 1913, that the Premier, who was then Leader of the Opposition, was communicated with by the secretary of the league, and in his reply, Mr. Collier said that he would do all he could to assist in the construction of the line. That line should have been built long ago when the State had the advantage of the so-called cheap

money that was available under the Migration and Development Scheme. However, in 1928 the Labour Government, in their wisdom, decided to go on with what was then known as the 3,500 farms scheme. The money that was to have been used for the construction of the Boyup Brook-Cranbrook railway was diverted for the purpose of providing railways for the 3,500 farms scheme. That has since gone by the board. I want to indicate to the House how sincere the Government were in their desire to build the Boyup Brook-Cranbrook railway. They had the whole route surveyed, and men were put on to cut between 80,000 and 100,000 sleepers, which were duly cut and have been lying in the bush for the past eight years. In view of the action taken at that time, the Government must have regarded the railway as of great importance and urgency. Now the present Government, under the same Premier, who formerly were so anxious to build that railway, have adopted another policy. The member for Albany (Mr. Wansbrough) will remember having introduced a large and influential deputation to the Minister for Railways, Mr. Willecock in his reply, said that he realised the line would open up a new province, and that it would be criminal to delay the construction of the line much longer. He said that it would increase the flocks of the State by 12½ per cent., vastly increasing the State's production of wool. I would like the Minister for Railways to tell the House how he justifies the construction of other railways in preference, if the Boyup Brook-Cranbrook railway was then regarded as of such importance. Why is he so anxious to have the Yuna-Dartmoor railway constructed and the Southern Cross southwards railway built? Surely there is every prospect of the value of wool increasing, and if there is any part of the State where wool can be grown to the best advantage, it is in that part which would be tapped by the Boyup Brook-Cranbrook line. In addition, there is, in the country that will be served, one of the finest belts of timber in the South-West. It is a beautiful jarrah forest that has been dormant for thousands of years. The timber is deteriorating every day. In that belt, there is a vast field of untapped wealth waiting to be opened up and developed by means of the railway I have in mind. Immediately the timber industry revives, timber freights on the Boyup Brook-

Cranbrook line alone will pay for the cost of construction and the interest and sinking fund charges on the line. The Premier knows all about the project, and on numerous occasions has assured us of his intention to support the construction of the line. The Leader of the Opposition, when in office, also received deputations dealing with the same project. Certainly he met us to an extent, and the Mitchell Government made a start by clearing the route and building the culverts and bridges necessary to carry the rails. We were led to believe that a road train was already on the water in order to carry on the service until the complete railway facilities could be installed. We knew that the first section had to be laid down with rails, but we were satisfied that it was for the good of the State that the road train would be made use of for the time being. Alas, we have heard no more about the road train! Even if the Mitchell Government contemplated the use of that means of transport, we know that the Commissioner of Railways and the Minister for Railways did not favour that method. We have heard that it is the policy of the Government to build three railways, and that their construction is to be carried out concurrently. For my part, I shall be satisfied if the Government make the Boyup Brook-Cranbrook line one of the three included in that policy. At the same time, I do not see the use of building railways such as the Government propose, although I realise that promises made to people on the land should be honoured. There is one method only by which their interests can be conserved from the standpoint of transportation, and that is by railway construction. I cannot see why the Government should build railways for the purpose of wheat production alone. Wheat prices to-day are low, and we know the restrictions that apply all over the world where that industry is concerned. We know that restrictions are placed upon the areas to be cropped, and yet in Western Australia the Government propose to construct railway lines entirely in the interests of wheat-growing. Is that a wise policy? It was on account of the war that the price of wheat increased. In 1911 wheat went to about 4s. a bushel, but prior to that, it ranged between 2s. 6d. and 3s. 6d. a bushel. After the war, the efforts of European countries were mostly in other directions, with the result that the granaries of the world became empty. In consequence, wheat prices soared,

and yet farmers asserted that they could not make a living with wheat at 4s. or 5s. a bushel. Since then, those European countries have gone in for agriculture and are now able to grow sufficient wheat to feed their own people. Despite all that, the railway under discussion is to be constructed in order to serve wheatgrowing country alone. That is not in the best interests of the State. The member for Greenough (Mr. Patrick) said that the South-West was covered with a network of railways. No such thing! If members look at the map, they will see that there is a great undeveloped section of the State in the South-West, where there is an assured rainfall of between 30 and 40 inches every year. There is no fear of a drought there, and yet no railway has been constructed through that part of the State. The advisory board in their report said we could settle on unalienated land along the route of that railway at least 2,500 people. We have 250 settlers there now and, as the Minister for Lands said last night, a number of those settlers are paying their Agricultural Bank interest.

The Minister for Lands: I said nothing of the sort.

Mr. J. H. SMITH: I do not know any settler along the route who is behind with his Agricultural Bank interest. Some of them have been there 30 or 40 years. The member for Northam (Mr. Hawke) the other night said that the coming of a railway always enhanced the value of the land. That is true, and it is time the value of the land down there was enhanced by the building of that long-promised railway. I have been advocating this railway down there for the past 25 years. Just to show the value of the timber there, I may say that in 1922 we had a private offer to build the first 20 miles of the railway out into the timber forests. That offer was turned down by the then Premier, Sir James Mitchell, which I thought was a very short-sighted policy. Under the offer that was made, the timber was to be cut on Government royalty, and after 15 years the railway was to be handed back to the Government free. It was very foolish of the then Premier not to accept that offer. There are lying stacked down there over 80,000 jarrah sleepers that were cut years ago in expectation of the railway being put through. The reason given by the Government for delay in the building of the railway was that there was no money available for the purchase of the rails. Twelve months ago it

was said that the manganese railway was to be pulled up, and the then Premier promised the settlers that if that railway were pulled up, theirs would be the first to be built. When the Minister for Railways a week or so ago brought down the Yuna-Dartmoor Railway Bill, I concluded that he contemplated carrying out the promise to construct at least the first 20 miles of the Boyup Brook-Cranbrook line.

Mr. Hegney: Is the hon. member discussing the Boyup Brook-Cranbrook railway or the Southern Cross Southwards railway?

Mr. SPEAKER: The hon. member is giving reasons why another railway should be built. I think he is in order.

Mr. J. H. SMITH: I am putting the one line against the other, and giving reasons why the Southern Cross railway should not be built before the railway I am advocating; indeed I am showing why no further railway Bill should be brought down until the promises of this and previous Governments to construct the Boyup Brook railway have been fulfilled. Let me read a letter I have received from the secretary of the Boyup Brook-Cranbrook Railway League, as follows:—

Dear Sir, As further railways are being authorised, and the projects are getting by no means the unanimous support of members, is it not an opportune time to remind the Government of their obligations to the settlers along the Boyup Brook-Cranbrook survey? Surely we must have put up a State record for patience. You will remember that the Bill authorising this line had practically the unanimous support of both Houses, and furthermore was recommended by the Railway Advisory Board of 1911, the personnel of which was Messrs. Johnson, Hewby, Muir, and Despeissis; and by the advisory board of 1923, consisting of Messrs. Camm, Lord, Anketell, and Sutton. After the survey had been completed and somewhere about 80,000 sleepers stacked, the project was withdrawn in 1928 from the Migration and Development Agreement to enable the 3,500 farms scheme to be proceeded with; but Mr. Collier wrote on the 4th September, 1930, stating that his attitude towards the building of the railway was unaltered, and he would be pleased to support any action that might be taken to ensure the early construction of the line. As you know, the late Government put in hand the clearing, bridges and culverts of railway standard, and earthworks sufficient for a road, commencing 14 miles out from Boyup Brook to within four miles of Cranbrook, and these works are now practically completed. Sir James Mitchell made a definite promise at the Bridgetown show of 1931 that if the manganese railway was to be pulled up, our work would have a just claim on them. You were present when this assurance was given. To-

wards the latter end of last year the late Premier said we would have a road train service until money was available to purchase rails.

### *Point of Order.*

The Minister for Lands: The hon. member is not discussing the Bill before us, but is reading a letter in favour of the building of another railway in another part of the State. I am sure your generosity, Sir, has been extremely lenient, and I ask if the hon. member is in order?

Mr. Speaker: I understand the hon. member is connecting his remarks with the Bill before the House; if not, he is out of order.

Mr. J. H. Smith: I am connecting it up with the Bill before the House; I am opposing the construction of the line to be authorised by the Bill before the House, and am showing reasons why it should not be constructed.

The Minister for Railways: You said at the beginning that you were in favour of it.

Mr. J. H. Smith: Nothing of the sort; I am opposed to it, and I am making out a case for its opposition. It is impossible for us to live on wheat alone, and I say that before going on with any other railways the Government should fulfil their promises in regard to railways already authorised. Surely I am entitled to show the reasons why I think this proposed railway should not be built in preference to the other.

Mr. Speaker: Very well.

### *Debate resumed.*

Mr. J. H. SMITH: I am glad, Sir, that you have upheld me in this. The letter continues—

If you have not available the figures collected by personal canvas in 1925 re the number of settlers, etc., I will repeat them, although the area of cleared land, the number of stock, etc., must have increased by nearly 50 per cent. since then. And please remember that the following figures include only settlers more than 12 miles from either Boyup Brook or Cranbrook and within 15 miles of the survey:—

Freehold and C.P. land held	479,325 acres
Cleared land .. .. .	16,046 "
Partly cleared .. .. .	23,400 "
Orchards .. .. .	411 "
	No.
Sheep .. .. .	150,700
Cattle .. .. .	330
Pigs .. .. .	446
Horses .. .. .	1,616
Bales of wool .. .. .	2,512
Settlers .. .. .	256



I will not read the whole of the letter. I am pointing out to the Minister for Railways that it is the duty of the Government to keep faith in regard to the building of railways authorised years ago, and to do something about those 80,000 sleepers. Really, I have nothing against the construction of the Southern Cross railway, but I claim that before we build any more railways we should do something for those already authorised in the southern portion of the State, where so much wealth is lying dormant. I will oppose the second reading, for I think authorised railways should be built first.

**MR. DONEY** (Williams-Narrogin) [5.25]: The two previous speakers seem to have the idea that railways should be constructed in the order of their authorisation. I cannot see any wisdom in that policy at all. It is a bankrupting sort of policy. Except in cases where the Government have quite definitely pledged their word, I think railways should be built in the order of their urgency.

Mr. Griffiths: The hon. member can speak with every safety, for he has plenty of railways throughout his district.

Mr. DONEY: I have not referred to the Yarramony line. As I say, I think railways should be constructed in the order of their urgency, or of their capacity to pay interest on their capital cost. At present the outlook for the wheatgrower is not very favourable; but that is only a temporary phase, and we would not be justified in permitting it to draw us aside from the policy of railway construction subscribed to by all parties in the House. Quite a number of strange objections have been offered to the construction of this proposed railway, the strangest of all being that put forward by the member for Guildford-Midland (Hon. W. D. Johnson). I am pleased to say his pleading was not listened to. There is, in fact, a good deal of unused land adjacent to existing railways, but that has not the smallest bearing on this question.

Mr. SPEAKER: That matter has been settled.

Mr. DONEY: With permission, Sir, I might point out that it was referred to in the hon. member's second reading speech.

Mr. SPEAKER: It was referred to on an amendment which has been defeated, so it cannot be discussed again.

Mr. DONEY: It was referred to by the hon. member during his second reading speech, before bringing forward his amendment. So long as this State is dependent almost entirely upon the production of wheat and wool, and so long as railways are essential to the satisfactory transport of wheat, so long shall we need to build new railways into new wheat areas. If we are to grow wheat, we certainly cannot leave it in the bush. The fact that we send surveyors to cut up new land away out on the eastern fringe of our wheat areas implies an obligation on the Government to transport to the seaboard wheat grown in those areas. We shall not be justified in ceasing the eastward extension of our railways until such time as we cease to coax settlement out on to the eastern fringe by cutting up land that is not within, say, 15 or 20 miles of an existing railway. One thing I am sorry for—I hope the Minister for Railways will take notice of this—is that he did not bring down the proposed transport Bill before introducing the two railway Bills. The transport Bill is likely to have a very important bearing upon any railway proposals we may be called upon to discuss, and I certainly think that the House should have had knowledge of that proposed legislation. Quite plainly, knowledge of the way in which the Government intend to co-ordinate motor and railway transport would have been invaluable during a debate such as the one in which we are now engaged. I should like the Minister to tell us whether the authorisation of this railway implies its early construction. I have in mind, in common with the two preceding speakers, the fact that other railways considered to be very urgently needed at the time they were authorised are still not constructed. I would also like to impress upon the Minister the need for making some declaration of the Government's railway policy respecting the lakes area east of Lake Grace. In that part is a very large area of land of proven fertility where the people, despite many inducements to leave the land, are sticking to it because the land is so very good. The Minister will appreciate the point that if we construct the two railways that have been debated this session—as I hope we shall—it will have a very depressing effect upon an extraordinarily fine body of settlers in the lakes area. The only other mat-

ter to which I wish to refer is this: The most amazing aspect of the debate has been the nature of the opposition offered by two members on the Government side of the House. They pointedly objected to the construction of this railway, but they quite freely admitted that they did not know the tiniest bit about the country to be served. I suppose they are opposing the railway on some principle or other—I do not know on what principle—but plainly it is not a principle to which any good Western Australian could subscribe, certainly not a person who understands, as I presume those members understand, how entirely is this country dependent upon its production of wheat and wool. As I indicated, I shall support the second reading.

**MR. GRIFFITHS** (Avon) [5.33] rose to speak.

Mr. Marshall: What about the Yarramony-eastward railway?

Mr. GRIFFITHS: It is not my intention to say anything about that railway.

Mr. Marshall: Then I feel disappointed.

Mr. GRIFFITHS: I am sure the hon. member must.

Mr. SPEAKER: Order!

Mr. GRIFFITHS: I was struck with the remarks of the member for Williams-Narrogin (Mr. Doney) regarding the priority of railway construction and his contention that the fact of railways having been long promised should carry no weight but that the value of a particular line should be the only consideration. The member for Nelson (Mr. J. H. Smith) strongly emphasised that it was not desirable to devote so much attention to wheat in view of the present low price. I wish to point out that the Commonwealth is entirely dependent upon primary production to meet its debt obligations overseas. In 1932 wheat, wool, dairy products and other commodities raised from the soil to the value of £86,771,000 were exported, while of manufactured products exported the value was only £3,419,000. The percentage of primary products to total exports was 96.53, while the percentage of manufactured products was 3.47, and those percentages have remained almost constant during the last ten years. Plainly, Australia's overseas credit depends upon its export of primary products. To talk of restricting the production of primary commodities is to adopt a policy of despair. The member for

Nelson advocates devoting attention to other lines of primary production, but the Commonwealth records show the value of pastoral production as £42,000,000 and of agricultural production about half of that amount. The figures are so enormous that we must maintain production of wheat and wool. In Western Australia this year there has been a reduction of about 15 per cent. in the acreage sown for wheat, and the wool clip shows a similar falling off. Taking everything into consideration there is going to be a big difference between the overseas credits of the Commonwealth this year as compared with last year. I oppose the view that because wheat is not at present a payable proposition, we should hold back. I contend that we have to increase production and make it possible for the men growing the wheat and the other commodities that create our overseas credit to produce on a payable basis until a drastic change is made in world conditions. I support the second reading of the Bill, but I consider there is a good deal in the statement of the member for Nelson regarding the constructing of long-promised railways. With that indirect reference to the Yarramony-eastward line, I conclude.

**MR. TONKIN** (North-East Fremantle) [5.38]: This is the second Bill presented to us this session for the authorisation of the building of a railway, and if equally strong cases are put up for railways by other members, the chances are that we shall have many more railway Bills to consider. I am wondering whether it is wise at present to contemplate any considerable building of railways. I am not one to deny transport facilities to settlers, especially to those who have gone into distant parts to pioneer the country. However, wheatgrowing is receiving considerable attention at present and probably a restriction of wheat areas is not at all unlikely.

The Minister for Railways: God help us if ever it comes into active operation!

Mr. Griffiths: Hear, hear! It is a policy of despair.

Mr. TONKIN: But the question of restricting areas has been under consideration, and from my reading of the Press reports, we were within an ace of agreeing to a restriction.

The Minister for Railways: No.

Mr. Marshall: Yes, we were.

The Minister for Railways: Who are "we"?

Mr. TONKIN: This country.

The Minister for Railways: No, the Commonwealth consulted the States and took some action, but restriction went by the board pretty quickly.

Mr. TONKIN: If we can believe the Press reports, the United States of America threatened to bring considerable pressure to compel Australia to agree to an acreage restriction. We cannot set our faces in the opposite direction and say that such a thing was not contemplated.

Mr. Griffiths: It was stoutly denied, anyhow.

Mr. TONKIN: The question of restricting the acreage is exercising the minds of prominent men and we have to face that possibility. I agree with the Minister that it would be a bad day for this country if we had to agree to a restriction of production. It is a ridiculous proposition, but it has been suggested and we must take cognisance of the world's position. If we are to be obliged to fall in with a world agreement to that effect, we should simply be squandering money by building railways to areas which possibly might have to be abandoned later on. I am not saying that the area proposed to be served by this railway is such an area, but it is possible that it may come in that category. Consequently we have to be careful of what we do. Many wheat farms in Western Australia have never been payable propositions. Land has been taken up in the wrong places for wheat growing and the farms have never paid, not even when wheat was bringing a high price. I may be unduly pessimistic, but I am one of those who believe that we shall never again see a high price for wheat.

Mr. Doney: "Never" is a pretty long time.

Mr. Stubbs: What do you call a high price?

Mr. Cross: Eight shillings a bushel?

Mr. TONKIN: Well, two-thirds of what it was when it was called a good price. Those farms which could not be made to pay when the price of wheat was high have no possibility of being made to pay even with the price 30 or 40 per cent. above the present price. This means that so long as those farms are being carried on, they are a distinct economic loss to the State. If a business is carried on at a permanent loss, it is of no advantage to the State. If the loss

be only temporary with a possibility of making profit later on, it may be good business to subsidise those concerned and enable them to carry on. If it is established that many farms have no reasonable chance of becoming payable propositions, it is only a waste of public money to build railways into such areas. While I am prepared to support this Bill—

Mr. Doney: Why support it when you have such a dismal outlook for the industry?

Mr. Marshall: Could he have any other outlook while he gazes on your countenance?

Mr. TONKIN: I am not taking a dismal view; I am facing facts. I am prepared to support the authorisation of this railway, but I hope the Government do not intend to hearken to every member who wants a railway and so go on constructing railways as a matter of policy. Things are in such a state at present that every proposition must be carefully considered. The building of railways is one of those things that should have close attention. Railway transport is not the popular thing it used to be prior to the advent of the motor. I trust the Government will exercise considerable caution whenever they contemplate building railways.

**MR. MARSHALL** (Murchison) [5.45]: I would have been content with my contribution to the debate had it not been for two points that were raised by other speakers. When I was speaking to the amendment the Minister for Mines interjected that no road would be built parallel to this line. I assume that, from the Government point of view, such will be the case. The object of the Government would be to ensure that motor transport, which elsewhere is successfully competing with our railway system, should not compete with this particular line. My reply is that, whether the Government build a road or not, a road will be built.

The Minister for Railways: By whom?

Mr. MARSHALL: By the local authorities.

The Minister for Railways: Those roads would not stand up to heavy traffic.

Mr. MARSHALL: The natural roads on the Murchison stand up to heavy traffic, and are successfully competing with the railways from the other side of Wiluna. When this line is constructed and sidings have been established here and there, small towns will grow up around those sidings,

each with their business area. An acute demand for road facilities between one town and another is bound to arise.

Mr. Rodoreda: All the better.

Mr. MARSHALL: Of course. It will not matter to the goldfields people who pays the piper for these things. Motors haul all the traffic that carries a high freight, and leave the low freight lines, such as wheat and super to the railways to carry at a loss. In other words, motor transport picks out the eyes of the profitable freight, and leaves the taxpayers to carry the baby. The time is opportune to give more serious consideration to transport generally. I think it was premature to bring down two railway Bills this session. We should go more fully into the matter of railway transport before deciding to authorise the construction of new lines.

The Minister for Railways: The matter is being gone into.

Mr. MARSHALL: I know to what the Minister is alluding.

The Minister for Railways: I do not see how you can know, because I have not made up my own mind yet on the subject.

Mr. MARSHALL: I am making a guess. It is a matter of legislation. Most members know this has been contemplated for some years, and was contemplated two years ago by the previous Government. There is the ever-present danger of motor transport successfully competing against new lines, as well as it does against existing lines, and of leaving the taxpayer to carry an annual liability to make up the deficiency in the running costs of our railway system. I am very bitter towards those engaged in the motor transport industry because of the attitude they adopt. They talk about interference at the hands of the Government, but I say nothing is so unfair and unjust as the attitude they take up. They first of all ask the taxpayers to build railways in order to establish communities in the country districts, and then ask for main roads to provide facilities whereby they can conduct their industry. They pick out the eyes of the traffic and leave the taxpayers to make up the deficiency on the railways at the end of the year. That is positively unfair. If they carried super and wheat, we would not be discussing this Bill to-day, but they decline to do that. I would remind the Minister for Railways that there is room for adjustment

in the freights charged on the railways. He knows well that the Midland Railway Company have run traffic from Fremantle to Geraldton, the centre of his own electorate, for many years on a flat rate, and have done it successfully.

Mr. SPEAKER: Order! I hope the hon. member will not discuss freights on this Bill.

Mr. MARSHALL: No. I was merely guessing at what was in the mind of the Minister when he interjected a little while ago. No doubt many good arguments will be brought to bear on that legislation when it comes down. The second point raised was with respect to the policy adopted in the past of constructing spur lines in lieu of loop or trunk lines. A good deal can be said in opposition to the proposal contained in the Bill. During the peak period of wheat haulage our rolling stock is always inadequate for the needs of the situation. There are several spur lines protruding from trunk lines in various places and in various directions, all running into dead-ends. There is no continuous process whereby we may shift our harvest rapidly and economically. This means that our rolling stock has to run into dead-ends, and we are now asked to perpetuate that agonising aspect of the situation by constructing this line. The time is opportune for the Government to look around the coast and see where we can possibly provide reasonably good seaboard towns, and from them project lines in a systematic manner, so that they can be economically run. That is the sort of thing that should be done when railways are being constructed, instead of the piecemeal method being followed. First we connect up a spur line with an agricultural line here, and run it into the never-never country there, and so we go on with this haphazard policy. I am going to support the Bill. In the days gone by many settlers went to that district from one goldfield or another, because their health was not good, and because they could not continue in the goldmining industry. They were promised a railway when they took up the land, and I gave my word to support it. It is only because I gave that promise that I feel obliged to support the second reading of this Bill. If I had not made that promise I would vote against the measure, as I did against the Yuna-Dartmoor Railway Bill.

**MR. PIESSE** (Katanning) [5.55]: I am not prepared to take the responsibility of opposing the Bill, but agree with quite a lot that was said by the member for Nelson (Mr. J. H. Smith) in respect to past delays in the fulfilment of promises that have been made by previous Governments and by Parliament to construct certain railways which have been authorised. I think I made my position clear during the debate on the Yuna-Dartmoor Railway Bill. Members representing districts in which railways have already been authorised, but not built, were very diffident about pressing the Government of the day to fulfil their obligations. The financial position of the State was so serious and such material changes had taken place that the future regarding railway construction assumed a totally different outlook. Evidently, in the short space of two years, confidence in railway construction has returned. The Government have brought down Bills for the authorisation of two new railways, one of which has been approved and the other is now under consideration. I am in much the same position as the member for Nelson, who represents a district for which a railway was authorised some ten years ago but has evidently been abandoned without any explanation. When speaking on the Yuna-Dartmoor Railway Bill I suggested that some information should be given to the House as to why the Boyup Brook-Cranbrook railway was not being dealt with. I hope the Government will not overlook the promise that was made to construct that line, as soon as it can be shown that the money is available, and that the time is ripe for the closer settlement proposals that were forecast. I am chiefly concerned about the manner in which unfair competition on the roads is hampering the railway system. I agree with what has been said by several members, that before any more railways are built we should learn what the policy of the Government is, and what their intentions are in respect to governing road transport. I understand that a transport Bill will be brought down for discussion. We see this unfair competition with the railways going on every day. Those concerned in the transport industry are picking out the eyes of the traffic. They will have nothing to do with wheat and other low-class goods, but centre upon the third-class higher rate of traffic. The Commis-

sioner of Railways might well say to the transporters that if they use the roads for one class of traffic, they might well use it for the less-paying class of traffic.

**Mr. Marshall:** He would be justified in saying, that if the producers like to use the roads for the goods carrying the higher freight, they should also use them for other merchandise which is carried at a low rate.

**Mr. PIESSE:** In this matter there has been a delay of five or six years. In fact, it should have been tackled seven years ago. The unfair road competition forced the Government to build new roads. Travelling along the old road from Perth to Northam a few years ago, I found that it was torn to pieces from end to end by motor trucks. A new road had to be built to enable motors to compete more effectively with the railways. Natural barriers in the shape of hills, in the Darling Range and on the Perth-Albany-road were cut away so that the trucks could make the journey more easily. I trust we shall hear something practical from the Government about what is to be done this session to meet the competition or co-ordinate road transport.

**The Minister for Railways:** You cannot hear of it on this Bill, because it would be entirely out of order.

**Mr. PIESSE:** One feels diffident about voting for expenditure on the construction of a new railway in view of the knowledge that until protection is given to the Railway Department our railway system must be carried on at a loss. However, I have no doubt of the future of the district this railway is intended to serve. Nothing is ever lost by giving transport facilities to good land within a safe rainfall area. With proper transport facilities this district will prove a valuable asset to Western Australia. Most hon. members appear to have lost sight of the fact that this is not always going to be a wheat-producing district. The areas now known as the wheat belt will yield many primary products besides wheat. Probably they will prove among our best dairying and sheep districts in time to come. It is true that restriction of wheat export is spoken about, but with proper assistance from the Commonwealth these districts will be able to turn to other avenues of production. For instance, wheat could be turned into bacon, etc. There are numerous avenues into which primary production can be diverted. Per-

haps the areas comprised in the wheat belt are not as suitable for mixed farming as is the country mentioned by the member for Nelson (Mr. J. H. Smith), but I firmly believe that those areas will in time become one of the most valuable assets of Western Australia. I shall vote for the Bill because I feel under a definite obligation to the people who settled there upon the promise of railway facilities.

Question put and passed.

Bill read a second time.

*In Committee, etc.*

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

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

*Second Reading.*

Debate resumed from the 7th September.

**MR. LATHAM** (York) [6.9]: I oppose the second reading of the Bill, and I feel sure that the Minister in charge of the measure will appreciate the reason for my attitude. On referring to the parent Act, passed in 1930, hon. members will see that it provides for the giving of relief to tenants who, by reason of unemployment, find themselves unable to pay rent, to purchasers who for the same reason find themselves prevented from continuing their payments, and to mortgagors who are in similar difficulties. The Act, as far as possible, gives the protection that is necessary.

**Mr. Sleeman**: Not sufficient protection.

**Mr. LATHAM**: It is not possible to pass a piece of legislation that will satisfy everybody. When the Commissioner is asked to authorise one man to live in another man's house indefinitely without paying rent, it cannot be regarded as fair by ordinary standards.

**Mr. Sleeman**: I do not think the Act as it stood satisfied the Commissioner.

**Mr. LATHAM**: The Commissioner had power to grant relief for three months, and then for an additional three months.

**Mr. Sleeman**: In some cases he had not power to grant any relief.

**Mr. LATHAM**: The Act stated definitely why he had not in those cases. If a land-

lord or vendor of a house, or a mortgagee, was in the same unfortunate position as the other party, the Commissioner had not power to grant relief.

**Mr. Sleeman**: That was not the reason why he could not give relief.

**Mr. LATHAM**: I feel perfectly sure that this Bill will not afford the relief which some hon. members anticipate. This legislation has only one object, to prevent contracting out of the Act. It is totally different from the Mortgagees' Rights Restriction Act. The operation of that Act is limited to such contracts as had been entered into prior to the passing of the measure. But the Tenants, Purchasers, and Mortgagors' Relief Act goes further, and applies to all transactions of the kind indicated, whether entered into before or after the passing of the measure, provided there has been no contracting out.

**Mr. Sleeman**: No.

**Mr. LATHAM**: This provision was specially inserted—

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

**Mr. Maloney**: Is not that fair?

**Mr. LATHAM**: Yes; I consider it fair. It is exactly what I want. The section proposed to be deleted allows people to enter into an undertaking not to avail themselves of relief under the Act. It enables a person to obtain a house, or money for the building of a house, or a loan on mortgage, well knowing what the conditions are at the time. The Act was originally passed for the benefit of people who had entered into contracts without having any knowledge of what lay ahead of them.

**Mr. Sleeman**: You do not appear to know much about the working of the Act.

**Mr. LATHAM**: I think it will be admitted that any person who contracted after the passing of the Act knew exactly what was liable to happen.

**Mr. Sleeman**: No.

**Mr. LATHAM**: The man who puts down a substantial deposit towards the purchase of a house believing himself to be immune from the tremendous volume of unemployment prevailing is foolish. People who signed an agreement not to contract out of the Act must have known what the position

was. I do not know that Parliament ever expected to pass legislation which would satisfy everybody. Further, it is extremely difficult to make legislation fool-proof.

Mr. Sleeman: Have a talk to the Commissioner and see what he says.

Mr. LATHAM: The Commissioner sometimes says, "I cannot grant this application, though I should like to." He has to view the question from another angle. If Parliament legislated as desired by some hon. members in regard to contractual rights, no more money would be invested in the building of homes by persons who could not give ample security.

The Minister for Employment: Have those whom the hon. member represents told him to make that statement?

Mr. LATHAM: I use my own common sense. And whom do I represent that the hon. gentleman does not represent? I represent the people of the State, or portion of the people, exactly as he does. I do not pretend to represent one interest only in this House, as apparently the Minister does.

The Minister for Employment: You made a fairly definite statement then.

Mr. LATHAM: Would the Minister advance £500 or £600 to build a house knowing very well that the first time the borrower got into difficulties he could go to the court and obtain relief? There are other avenues in which money may be invested much more profitably and much more securely.

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

Mr. LATHAM: The man who obtained a house after the passing of the Act was fully aware of the conditions prevailing at the time. If such a man were desirous of entering into a contract with the landlord to occupy a house, he must have been fully aware of what he was doing. There could be no excuse for him not possessing that knowledge. The same applies to a man who was buying a house. If he entered into a contract to purchase a house, he must have known that the position at the moment was difficult and that, in entering into any agreement, he must have been conscious of the economic and financial position as it affected himself and the man from whom he borrowed the money. What I am afraid of, regarding this type of legislation, is the retrospective nature of it and the cancellation of the provision regarding contracting outside the Act itself.

The Minister for Employment: The original Act that you supported did that.

Mr. LATHAM: There was no contracting out—

The Minister for Employment: But people had entered into agreements at the time it was drafted.

Mr. LATHAM: I was trying to explain to the Minister that when those concerned entered into the contract, they had an appreciation of the period ahead of them. The position was quite different when times were normal and, in fact, it was rather above normal for a few years prior to 1930 when the depression set in. In those circumstances a person might be excused for entering into a contract because, obviously, he must have believed that he could fulfil his obligations. Members of this Chamber might excuse themselves by saying that they were justified in passing legislation to break contracts entered into in those circumstances. But the Bill has a retrospective effect at a time when we all know what has happened. No member of this Chamber would have suggested at the time that the depression would pass in a year or two. Many of us may not be drawing a long bow when we say that the depression will probably continue for some years to come. So that that excuse cannot be advanced in justification of the legislation. The intention is to permit the breaking of contracts, and that makes the position extremely difficult for the other party to any such agreement. The second party should be permitted to cancel such an agreement, if we are going to permit the other interested party to break the contract. It seems unfair for Parliament to deal thus with one party to a contract and leave the second party with no redress whatever. It seems to me that rather than operate favourably in the interests of the people the Minister desires to assist, this legislation will do them an injury. I cannot see how it can possibly assist those people. Persons who are in a position to let houses, and who would probably want to enter into an agreement with the prospective tenants to the effect that they would not make use of the provisions of this legislation, will say to their clients, "We will not let you have the house unless you produce proof that you are able to pay the rent." In consequence of that, many people who are at present in occupation of houses will not be able to continue in them.

Mr. Sleeman: And the landlords will allow their houses to remain empty.

Mr. LATHAM: That will be the position.

Mr. Sleeman: That will be worse than having someone in the house to look after the property.

Mr. LATHAM: I do not know that it will be. The member for Fremantle (Mr. Sleeman) has taken up many of these cases, and he knows that it cuts both ways. Very often a person who owns the house is just as hard-up as the tenant.

Mr. Hegney: That is taken into consideration.

Mr. LATHAM: Of course, but it takes some time to give effect to decisions.

Mr. Sleeman: It does not take long.

Mr. LATHAM: Of course it does.

Mr. Sleeman: How many people have secured exemption for three months.

Mr. LATHAM: I know quite a number who have secured it.

Mr. Sleeman: I do not know of many.

Mr. LATHAM: I do, and I know many owners of houses who have extended a great deal of consideration to their tenants, quite apart from this legislation. I also know that tremendous hardship has been experienced by some people. Many people who have a little means, have advanced their money for the purpose of building houses. I know of one particular instance in Victoria Park. The person concerned let out a small sum of money on interest and, owing to the depression, he is now destitute. Many people lend themselves in that position to-day. One old chap who is 72 years of age, cannot secure the old age pension because he happens to have £500 out on interest, from which he cannot secure any return. He cannot get any State aid because that money is out on mortgage.

Mr. Sleeman: There are some such instances, no doubt.

Mr. LATHAM: We must be very careful about this type of legislation. I do not know that it will prove of assistance to those concerned. To-day the Minister is quite sincere in his desire to encourage the building of houses. I am afraid he may find that this legislation will be injurious rather than of assistance. I know the Minister is strictly honest in his desire to build homes for the people. At the same time, I do not know that the effect of the legislation will be other than to conserve the interests of those who entered into arrangements prior

to 1930. It appears fair that a person may enter into a contract at any time he may desire. Even though he may not have the required legal knowledge to appreciate the position fully, he can secure the necessary advice. I know of many amounts that have been advanced because of the provision enabling the parties to contract themselves out of the Act. There is little more to be said about the Bill. When the legislation was introduced, it was intended to be of a temporary character. It was never intended to be left on the statute-book for all time. The case I have submitted represents, in my opinion, the workers' point of view. I do not think they want Parliament to make their position more difficult than it is to-day, for it is indeed hard enough.

The Minister for Employment: The worker may be excused if he does not recognise it as representing his point of view.

Mr. LATHAM: The workers are not silly people. Taking them generally, they have a lot of common sense.

The Minister for Employment: Some people would make them out to be anything but that.

Mr. LATHAM: I do not, but I think the Minister, in submitting legislation of this description, has shown that he cannot comprehend what the workers really are. I give them credit for being able to understand the position. It is unfair to make that position more difficult for the man who desires to get a house or to build a residence. It is wrong to pass legislation to make it more difficult for the man who wants to borrow money to extend his residence. I feel sure the Bill will not do what the Minister is aiming at. On the other hand, it will aggravate the position, and make it far more difficult for those whom the Minister desires to help. Very frequently, I am afraid, legislation is introduced without giving thought to whether people require it or not.

Mr. Sleeman: That was done during the last two or three years.

Mr. LATHAM: It was not. Surely the hon. member will realise that all the legislation he refers to was positively unpopular, and I do not know that anyone is desirous of introducing unpopular measures. All that salvaging legislation—that is how the Premier aptly described it; the description was quite correct—was introduced in an attempt to keep the State going and adjust matters fairly, having due regard to the difficulties of the prevailing conditions. It



was because of the extremely difficult financial position that the legislation was introduced. Because I know the Bill will not assist people the Minister desires to help, I shall oppose the second reading.

**MR. SAMPSON** (Swan) [7.40]: I am disappointed that the Minister should have introduced a Bill embodying such objectionable principles. No opposition would be raised to the continuance of the parent Act, but the Minister's Bill provides that not only shall it be illegal for any person entering into a contract to contract himself out of the Act, but that provision is to be made retrospective. In every walk of life retrospective legislation is unpopular. It is wrong. The judiciary have always been opposed to retrospective legislation, and I am surprised that the Minister should seek to do what all sections of the community are opposed to, and in doing so, to treat one section of the community unfairly. It may be said that those constituting that section are well-to-do, and that those who are in a position to sell or let homes are comfortably off and can afford to allow the consideration provided for in Clause 2 of the Bill. But that is not always so. There are many instances of properties having been sold on the instalment plan on long terms. Money received from such a transaction may be the only income that the owner or vendor possesses. The Minister is not concerned with that phase. He forgets the obligation that he entered into to do right by all men. This is not doing right by all men. The Bill seeks to extend favours to one section only.

The Minister for Employment: It seeks to prevent people from being thrown out on to the streets.

**Mr. SAMPSON:** But the Minister is not justified in making the Bill retrospective, whatever he may desire to do regarding the future. No one can justly support the retrospective application of the Bill. When the emergency legislation was introduced, we had a full knowledge of the circumstances.

**Mr. Sleeman:** I doubt if you have any right to speak on this Bill.

**Mr. SAMPSON:** The position to day is that—

**Mr. Sleeman:** What about pecuniary interests?

**Mr. SAMPSON:** —the financial outlook is no worse than it was when the legislation was first introduced. That being so, there is no justification for its retrospective application. That is the special objection I have. Apart from that, I will support the Bill. The provision will impose great hardship on some people, who will be forced either to accept pensions, or possibly to go into some institution. House builders, those concerned with property, are not necessarily men and women of a vicious type; probably they are equally concerned with the rest of the community in watching the interests of those who are in distress. There have been many instances where houses occupied for months have been vacated finally; or again the houses have been sold on long terms, and the payments have stopped for many months, and when ultimately the purchaser has declared that he cannot go on, it has been discovered that the rates throughout the whole of that long period have remained unpaid.

The Minister for Employment: We are not going to make it the equity of the man who has disappeared altogether.

**Mr. SAMPSON:** The owner or vendor, as far as I am aware, is never anxious to get the house back; he desires to sell the house, and I have not known a case where the purchaser has not been treated with the greatest consideration. There may be an isolated instance, but I have not heard of it. If the clause precluding the right of contracting out of the Act is to remain, a provision might be added for a judge to examine all the circumstances and order accordingly. At all events, the contracts which have been entered into have been entered into in good faith, and since 1930, and those contracts should stand. To make that retrospective is definitely improper. I am hopeful that if the Minister insists on the Bill passing as it is, it will be possible for an amendment to be approved giving to any person adversely affected by this provision, liberty to apply to a judge of the Supreme Court for an order exempting his contract from the operation of the Act. No objection could be raised to that. If, however, that is not agreed with, I proposed in Committee to move to strike out the words, "heretofore or" appearing in Clause 2, so that should the Minister insist on the passage of this clause it shall at least be amended to pre-

clude its having any retrospective effect. Again I say it is wrong for anyone to take up an action the effect of which will impose hardship upon the people. To endeavour, as the Minister apparently is doing in this Bill, to bring in a harsh, inequitable, unfair, retrospective clause has no justification whatever, and as indicated, I will vote against it.

**MR. NEEDHAM** (Perth) [7.48]: I will support the Bill, because unless it be adopted we might as well discontinue the legislation altogether. The parent Act was introduced as a consequence of the economic blizzard which struck us a little before that time and which, unfortunately, is still raging with no immediate signs of relief. The measure had the laudable intention of giving relief and protection to tenants, purchasers and mortgagors. While for a considerable period the Act was effective, I have reason to know that during the last few months, at any rate, the measure of protection intended under the legislation is not being given to many people. Frequently has it been brought under my notice by unfortunate people unable to pay their rent. I have referred them to the provisions of the parent Act and advised them to go to the police court and make an application to be heard by the magistrate. But in very many cases I discovered that they had contracted themselves outside the provisions of the Act and so had given away their protection. The longer this legislation is in existence, the greater will be the crop of those cases, and thus the object of the measure will be defeated. I realise with every other member that the landlord has had probably just as bad a time as the tenant during these years of economic stringency. But I do not think it is the desire of members of this House to see people ejected from their homes, people who through no fault of their own cannot meet the obligations they have entered into. We find that because this legislation was passed by this Parliament, certain people have demanded a signature to a contract prior to tenants entering into possession, a contract that they would not avail themselves of the provisions of this legislation. But in order to get a home, the tenants had to sign, and I am sure that in many instances those people contracted themselves outside the Act in the full belief that they would be able to meet their obligations, would be able to pay the rent they contracted to pay. But as time

went on they found they could not meet that obligation, and then they had no redress, because they had contracted themselves out of the legislation. I do not suppose any member can foretell when this economic stringency is going to cease, when we shall get back to normal times, when men and women shall be able to return to their ordinary employment, and when this army of unemployed citizens shall find themselves in work once more. It is not within the competence of any member to foretell when that desirable state of affairs will again exist. The longer we are involved in this economic cataclysm, the greater in number will be the victims of this economic war; and if the landlords continue to insist upon this contract being entered into, we shall find that the legislation we are now seeking to amend will become useless and will not have the effect of giving the protection which this Parliament originally intended it should give. The member for Swan complains of the retrospective nature of this legislation. I cannot see wherein he can prove that it is retrospective. We might as well say that when any Act is amended in a Parliament, that piece of legislation is retrospective. It is retrospective in the sense that after experience of the working of that Act defects have been discovered, and certain people have taken advantage of given sections of the Act and so have defeated the object of the Act. Time and again has Parliament amended such legislation because of that knowledge and experience. If that is legislation of a retrospective nature, all right, the member for Swan can thus claim it as retrospective. But if that is so, we must not amend any Act of Parliament. It is only because we know from experience how an Act is working that we discover its defects and find people succeeding in defeating the object with which the legislation was passed. Whilst I fully realise there are in this State many landlords who have held the scales of justice evenly and fairly, yet there are others who do not work from any humanitarian motives. In order that full protection shall be given to those to whom the parent Act intended it should be given, I believe this amending legislation is necessary and that it will be better to prevent anybody contracting out of the Act, and thus give the benefit of the Act to every citizen in the community. I will support the Bill.

**MR. McDONALD** (West Perth) [7.56]: I am concerned about the effect of this legislation if we are to continue it for apparently an indefinite period. There are certain principles involved. The first is that the community is bound to the fullest extent of its resources to provide for the necessities of that section which is unemployed; by necessities I mean housing, food, clothing and medical attention, to specify the main four. The other principle is that this obligation or burden should be equitably spread over the whole community, as far as that can be done. I think the whole system of operation under this Act can well come up for reconsideration, not merely in the interests of the house owners, but in the interests also, as the Leader of the Opposition said, of the employees themselves, or of that section which is out of work. This is emergency legislation, and we have to consider how far it should be given an indefinite lease of life. In the first place this legislation undoubtedly did certain service to the community; it absorbed the shock which the community suffered by the coming of the depression, and so gave people time to turn around and see how they stood. For that reason, probably, it may be said to have served a useful purpose up to the present time. The owners of those houses in which the unemployed section dwell are mainly what we may call poor people. The rich man does not invest in houses of this kind; houses of this kind are owned by people who have saved a few hundred pounds as the result of a lifetime of thrift and put the money into a dwelling—probably under mortgage—because they understood that sort of thing; they do not understand stocks, shares and bonds, but they understand bricks and mortar. So people investing in such houses may be described as comparatively poor people. A large number of house owners have been found to be worse off even than the tenants who have sought relief. I do not know whether I properly understand the position; if not, the Minister will correct me. As I understand it, the object of the sustenance payment and work given by the Government is to provide for the necessities I mentioned. It is to give a man sufficient sustenance or work to enable him to pay a reasonable rent and to buy food and clothing. If, under our system, which has greatly developed since the Act was passed in 1930, our unemployment relief is meant to cover reasonable rent, food

and clothing, then I presume it would be the duty of any man receiving relief to pass on to the houseowner that part representing rent. The tenant would be under a moral obligation to pay his rent, if the Government were paying him by way of relief a sum sufficient to meet rent and the other necessities of life. If the Government are paying such a sum to meet rent, as well as the other necessities, we do not need the Act, because the only man in trouble would be the man who did not carry out his moral obligation to pass on to the houseowner the sum paid to him by the Government to enable him to pay his rent. If I am wrong in that assumption and the amount found by the Government for unemployment relief is computed on the basis that it is not sufficient to pay rent, the unemployed man's first object must be to buy food and clothing for himself, his wife and his family. He cannot get that unless he pays cash, and so the people who provide those necessities get their money. If the amount paid does not include a sum for rent, then the houseowner goes short. The houseowner has to pay the unemployment tax, just as does everyone else, and if unemployment relief does not include a sum for rent, then the houseowner also contributes a special sum towards the housing of that section of the people who are unemployed. That appears to be the logical situation from which we cannot escape. If the Government pay an unemployed man sufficient for his rent, he should hand that sum over to the landlord. If the Government do not pay him sufficient to cover rent, the houseowner has to meet an obligation to contribute to the housing of the workless as well as to pay the unemployment tax. What is the position? We have either to say that the State should increase the amount of unemployment relief to enable a man to pay a reasonable rent—

Member: Would you support that?

**MR. McDONALD**: Yes, in preference to the existing position. Either the State should pay the man sufficient to meet reasonable rent, or we are placing on landlords a special obligation to contribute to the housing of the unemployed. If we are placing that obligation on houseowners, many of whom, as has been admitted, and as we all know are people in poor circumstances, then should we in fairness also place on them this piece of restrictive legislation? Those are

the issues which confront us in reconsidering this legislation after the passage of three years. It is the logical situation that the House has to face. Either we pay the unemployed sufficient to meet reasonable rent, or we call upon the landlords as a section to undertake a State obligation to house those who are out of work. I wish to discuss the matter from another point of view. In continuing this Act we shall not be doing those who are out of work a good service. All this emergency legislation, although it had the effect of meeting the shock of the depression in the first place, restricts trade and confidence. There is a considerable amount of money in this State lying idle in banks on fixed deposit or current account. It belongs to people who have sums of £300, £400 or £500, but they simply do not dare to put it out on mortgage or utilise it for building or other investments because they do not know whether, on account of restrictive legislation, they will ever get it back again. While such legislation exists, the flow of money and the stimulus to trade and work is bound to be seriously impeded. All such Acts of Parliament are merely palliatives; they help lighten the pain that falls on the unfortunate section of the community, but they do not touch the root cause, which is to get the unemployed back to work. So in passing this measure, which will only perpetuate the same difficulty and stem the flow of money, are not we doing a disservice to those whom we desire to assist? At present there is a movement on foot to increase building. I am told that the best way to revive trade is by building. I have been told that if £1,000 is spent in building, it circulates 22 times. I do not know whether that is true, but everyone agrees that a building revival is very desirable. At present, however, how many prudent men owning £400 or £500 would build a house to let as a dwelling while this legislation exists? Such men are so limited in their resources that any restrictive provision preventing them from receiving their rent or from realising on their asset would make them pause, and they will keep their money in the bank at 1 or 2 per cent. or on current account until they can invest it with greater confidence. We had an experience of restrictive legislation during the war. The Federal Moratorium Act protected purchasers and people who had borrowed money on mortgage. In 1919, provision was made

by which the legislation should terminate. It was done by giving notice to purchasers of land and borrowers of money that, after the lapse of a certain time specified in the Act, the ordinary contractual obligations would apply. That appeals to me as the way in which this restrictive legislation could gradually be removed from the statute-book. If due notice were given, no undue hardship would result, and trade would be allowed to flow freely once more.

Mr. F. C. L. Smith: Is not there any necessity for the Act now?

Mr. McDONALD: No. During the last two or three years, since the passing of the Act, during which time contracting out has been rather prevalent or probably rather general, I do not believe there has been any serious hardship occasioned to tenants. Many tenants have come to me and spoken appreciatively of the consideration extended to them by their landlords. Taken on the whole, I do not think the tenants have been subjected to any great degree of unfair treatment. I think over 90 per cent. of the landlords have, despite the contracting-out clause, given tenants fair treatment. In the circumstances cannot we trust to the ordinary fairness of houseowners, who themselves are mostly poor people and able to sympathise with others in distress, in the hope that by getting rid of one piece of restrictive legislation, we shall help to get the currents of industry travelling once again and unemployment thereby decreased? Those are the problems confronting the House. Rents have dropped 30 per cent. on the average. That can be readily seen from the taxation returns, and anyone who likes to attend the annual court of the Perth City Council to adjust rates will realise that the rents of the city area are down an average of 30 per cent. As rents are down, a certain amount of benefit is given to tenants. I wish now to refer to the contracting-out clause. The member for Perth (Mr. Needham) said that if it was found that the Act had been defeated, it was quite proper to bring in a provision to prevent that occurring. I quite agree with that, but the situation is rather different. So far from the Act being defeated by the contracting-out clause, those who have availed themselves of it have obeyed a direction given by the Act. The Act was not merely silent about contracting-out but it specifically stated that

apart from all existing leases, mortgages and purchases, notwithstanding the restrictive legislation, it should be lawful for any future contract or lease to contain a condition that the statute should not apply. People who have availed themselves of the contracting-out clause have merely utilised a specific permission or invitation given by Parliament in 1930 when the Act was passed. In the circumstances, it seems to me, from a broad point of view of principle, that the House would be taking a very grave step if it provided that all that had been done during the past two or three years, under the authority of Parliament, was hereby declared to be unlawful. I mentioned just now that much of our trouble was due to want of confidence, want of stability. Yet what we authorised under this Act and what has been done during the last two years is now to be declared unlawful. That would deal a blow to confidence and lend colour to the theory that it is unsafe to do anything because of the risk of Parliament passing legislation of this kind.

Mr. Sleeman: Do you expect people to have confidence if they are thrown out on to a cold world?

Mr. McDONALD: I do not intend to cite isolated cases. If I quoted one case, the hon. member could quote one on the other side, and we would get nowhere. I am talking on broad principles. There will always be a few men who, as landlords, will abuse their position, but from what I have heard during the last two or three years, there has been very little of that. That being so, shall we be wise in continuing on the statute-book an Act which is going to prevent people from embarking on building schemes and lending money and financing the purchasing and building of houses, whereas if such people were encouraged in their enterprise, we would be finding employment for many of the workless so that they would have no need at all of the Act? This Act was passed in 1930. It was the first piece of restrictive or protective legislation. It affected not only tenants but the purchasers of homes and the mortgagors of homes. By the Mortgagees' Rights Restriction Act, 1931, a more extensive measure was also passed to protect those who were paying for their homes, and who had borrowed money on mortgages on their homes. That protection was not

confined to dwellings, but extended to other buildings and land, and covered cases that were due not only to unemployment but to various other circumstances. If the present Act ceases to apply, all those who have bought houses and borrowed money on mortgage have still the protection afforded by the Mortgagees' Rights Restriction Act, an extension of which has been approved by the House. My view is that the Government and the House have to reconsider the whole policy regarding this matter, how far the provision of housing is a question for the taxpayer at large, or whether it is a matter for the particular section of people who happen to own chiefly small houses in which the unemployed happen to be dwelling. I intend to oppose the provision which abolishes the contracting-out clause, because I think its retention will enable the application of the Act gradually to cease, a most desirable thing. The Act will gradually cease to operate through the continuance of the contracting-out clause. By that means this piece of restrictive legislation will taper out without any injustice to anyone. I oppose the abolition of the clause governing contracting out. I am, however, prepared to vote for the extension of the Act in its present form in other respects for a further year. I would prefer to see the principle adopted in this and the other restrictive legislation by which notice is given, especially notice of this Act, that after a certain time it will cease to apply. Everyone concerned will then have an opportunity of providing for the time when he has to observe his contractual rights, and in the meantime one more obstacle to the flow of money and the stimulation of building and trade generally will have been removed.

MR. CROSS (Canning) [8.17]: I support the second reading of the Bill. The amendment of Section 24 of the parent Act is an absolute necessity. I hold an opinion that is diametrically opposed to that voiced by the member for West Perth (Mr. McDonald). Whilst a large number of the house owners and agents are honourable and fair, many others are unscrupulous. When the emergency legislation was first introduced, directing that a reduction should be made in the rentals for leases, many cases of hardship occurred. I know of one man whose lease was due to expire on the 31st December of this year. In the first month in which he paid his rent the landlord threatened

that if he took advantage of the Act he would not have his lease renewed. The tenant has, therefore, been forced to pay £4 a week during the whole time because of the contract, outside the Act, he was forced to make. Similar conditions have applied when mortgages have been taken over homes. The mortgagees have told the purchasers of the homes that if they took advantage of the Act to pay less interest, the mortgages would not be renewed when they fell due. People have been compelled through circumstances to contract outside the Act under Section 24. The effect of the emergency legislation introduced by the last Government was to enrich the seller at the expense of the buyer. Other portions of the emergency legislation reduced the ability to pay on the part of the people, but the contracts remained as they were. The unfortunate buyer should be protected to a certain extent in view of the change in the circumstances generally. I know of a man who entered into a contract to buy his home as far back as 1916. The contract was entered into for a sum of £600. The purchaser paid £350, and then lost everything. That is not fair. I hope that the Bill as printed will be placed on the statute-book. With regard to weekly tenancies, the previous emergency legislation made no provision for reductions in rentals that were on this basis, although it did make reductions in the case of leases. Many people have been penalised because of that omission. The member for West Perth considers that rents have come down, but my observations in the metropolitan area tend to show that they are almost as high as they were in 1928. In my electorate the rents are as high, particularly in the case of weekly tenancies, as they were a few years ago. There is another reason why the Act should be amended, namely, to catch the one or two unscrupulous agents who are abroad. I have had a fair amount of experience of this sort of thing in the last three or four months. Agents have gone into homes when the husband has been away, and forced the wife, by compelling her to sign certain papers, to become her own bailiff, just because the husband was a week or so behind in the rent. I know of one woman who was in a bad state of health. She was in no condition to look after her own interests, and was frightened by the agent into signing certain papers. She had no idea what she had done until the bailiff

came to take the furniture away. There is another case of a man who had been out of work for some time and owed seven weeks' rent. This occurred about a month ago. On the very day when he was picked up for a job the bailiff called at his house. His wife had only been out of hospital for ten days, and was still receiving treatment in the out-patients' section of the Perth Hospital. This person—he cannot be called a man—forced the woman to sign papers making her her own bailiff, and the first thing the husband knew when he returned five days later was that all the furniture had been taken away, except a few sticks which the law provides should be left. The husband came up to Parliament House, and the furniture was returned the next morning. I saw the landlord myself. He assured me he was not entirely responsible for the agent's action. In that case the tenant had entered into a contract not to take advantage of the Act. People who are inclined to enter into such a bargain should be prevented from doing so. Most people are making every effort to meet their commitments. I hope the Bill will be carried in its present form.

**MR. MOLONEY** (Subiaco) [8.23]: When the Leader of the Opposition was referring to the parent Act, I interjected "What is wrong with it?" He said that as far as it went it was all right. It has certainly been efficacious in many directions, but contains many anomalies which even this Bill will not entirely remove. It is essential that the anomaly with regard to stay orders should be removed. I listened closely to the rather academic speech of the member for West Perth (Mr. McDonald). There is no doubt that certain elements contained in the Act could well be applied to many house owners. I have had a fair amount of experience in dealing with unfortunate people who have had to apply to the Commissioner for relief. I say unhesitatingly that the Commissioner on all occasions has carried out his administration of the Act in a judicious manner. In any case where the owner of the premises can show that he is in an unfortunate position, the person who has occupied the house has received the same consideration as he would have received if the positions had been reversed. The Act has been the means of preventing a considerable amount of disturbance. People were

being evicted from their homes and a certain amount of relief was afforded by that legislation. If we pass the Bill as printed, there still remains an anomaly which should be removed. A stay order cannot prevail until the Act is brought into use. It operates only when an order is made by the Commissioner. It is still competent for the owner of a property to take possession of it, even if the papers have already been filed. There is nothing in the Act to prevent him from doing that, although it may prejudice his case. The Act should be amended so that it would automatically serve as a stay order to prevent execution taking place over the occupant of the dwelling. It is very necessary that some legislation should be placed on the statute-book to afford relief to those who are in necessitous circumstances. I mentioned that the Commissioner at all times exercised the greatest discretion. To my mind the holder of the position, Mr. Moseley, has as human a touch as a man can possess. That gentleman carries out his duties with the utmost credit to those who placed him in the position. In the event of this Bill being carried, owners of property need not fear being prejudiced. What will be affected, however, will be the nefarious methods of certain agents in this city who hold a gun at the head of the tenant, by demanding the signing of a contract abrogating the operation of the Act. The passing of the Bill will eliminate anything of that nature, and will benefit those people who have the greatest need for relief. Again, to me it seems ironical that a member sitting on the Opposition side of the Chamber should prefer a raising of the sustenance scale. We have been told on every possible occasion by the previous Government that the highest scale of sustenance in Australia is that granted here. Now that there is an attempt to increase what was previously given, in view of the larger number brought within the purview of relief and work, we are told ironically that it is incumbent upon us to provide more money in the way of wages so that the rents of premises occupied by wage earners may be paid. That is our desire. We have no need to be told that that is so. The panacea of all public ills will arrive on the day that all persons now unemployed are returned to work. There is a reference to unemployment in the parent Act. If it is proved that tenants are earning sufficient to pay their rent, the Commis-

sioner will tell them to pay or get out. The proposed amendments are highly necessary, and will not prevent the legitimate owner from letting premises to legitimate tenants as in the past.

**HON. N. KEENAN** (Nedlands) [8.34]:

I have no desire to detain the House at any length on a matter of this kind, but I would like to place before the Minister certain reasons which, it seems to me, should be considered before the Bill is passed in its present form. This is one of the measures necessitated by the continuance of what is called the depression from which we are suffering. It is a piece of what is known as emergency legislation. It should be, as far as possible, slowly but surely departed from when normal conditions prevail, if we are to return at any time to normal conditions. Apparently we sometimes forget that there are two parties affected by this legislation. Indeed, I do not know of any better way in which that aspect could be put than it was put by the present Minister for Works when the statute was first before this Chamber. The hon. gentleman then pointed out that under the Bill there would be landlords, and that their interests would need attention. He said that he had had a couple of instances brought under his notice of old people relying for their very existence on the rent of a cottage or two, who would have to go on the dole if they did not get their rents.

Mr. Moloney: The Commissioner deals with that aspect.

Hon. N. KEENAN: The Minister only put it in the sense of a comparison of the incidence of the burden of the Act. The Commissioner cannot say, when an applicant comes before him with a perfect case in the sense that the applicant has not in any way brought on himself his inability to pay rent—

Mr. Raphael: Both sides are considered by the Commissioner.

Hon. N. KEENAN: Perhaps the hon. member will allow me to point out what is the case. If the merits are undoubtedly against the applicant, the Commissioner will not listen to the application; but there must be cases in which, although the applicant had absolute merits, the granting of the application would be a grave hardship on parties relying on the income derived from certain properties to carry on.

The Minister for Employment: Would that be a justification for evicting the tenant?

Hon. N. KEENAN: It is not a question of justification for evicting. It is a question of declaring whether we are entitled to say to such a landlord, "We will place on you a burden"—which is an intolerable burden in the instance—"simply because of the abnormal state of affairs we are passing through." It is passing on the burden, and passing it on to a person who is not able to bear it. That is, perhaps, an observation that deals more with the principal Act. What I want to direct the Minister's attention to is, how far will the amendment, so far as it makes contracting out impossible and so far as it affects contracts already entered into, benefit the class he wishes to benefit? What will be the result? Surely the result will be this, and only this, that the particular landlords who are dependent almost entirely for their income on cottages will not let their cottages at all. Suppose this becomes law and some doubtful person applies for a cottage—some person who probably will not be in a position to pay the rent—is it to be thought the landlord will let it?

Mr. Moloney: He does not let it now; he rather lets it stand empty.

Hon. N. KEENAN: Is it not only common sense to think that in those circumstances he would say, "No; I would sooner wait till next week, or the week after next, or even the month after next, and see if I cannot get a tenant certain to pay his rent"? We are asked by the amendment to shut the door on many and many a man who would get a cottage and possibly be able to pay his rent, though he has not credit at the moment. Such a man would therefore be placed at a great disadvantage. What will be the effect of this legislation? It will affect the landlord, and particularly the small landlord to whom the rent is of far greater importance. To a big landlord it is not a matter of much importance that one cottage should stand empty, and of course the small landlord would take care not to let a cottage to any person who he thought was not sure to be able to pay the rent. I ask the Minister to consider how far he will really benefit the class he desires to benefit, and which deserves consideration, by passing this legislation. Now I desire to say a few words on the retrospective effect of Section

24. That aspect has already been dealt with by the member for West Perth (Mr. McDonald), but I think it is a matter of sufficient importance to warrant being dealt with on a second occasion. There can be no doubt at all that in many cases—and I am not talking of those scandalous cases of agents who take advantage of the situation—

Mr. Sleeman: But they are there.

Hon. N. KEENAN: But they do not form anything like a considerable number. They do not weigh at all as against the great mass of cases. Undoubtedly there are always scandalous cases in any community; but if we legislate merely because of that small group, we shall be doing injustice to the great number of cases. There are many small landlords of the type spoken of by the present Minister for Works—old widows of men whom I knew personally in days gone past, men who made a small competence and invested it, as they thought, in the safest possible manner in small freeholds. Those people, relying on the existing law and knowing that they were assured of getting possession of their premises if they did not get the rent, have let their houses to certain occupiers. Will the Minister for Employment justify saying to such landlords, "When you have acted in a perfectly lawful manner, as the law warranted you in acting, we are going to turn round now and say that all that will be null and void; and you will be placed in that position although you acted strictly within your rights"? All such contracts would be treated as null and void. Nothing but the most extreme necessity would justify a step of that kind. Therefore I appeal to the Minister at any rate, whatever other view he takes of the Bill before the House, to consider whether the retrospective portion of it might not be very well left out. It is a difficult thing to voice the views that I am attempting to put forward, because the landlord is often an unpopular person and it does not tend to raise one's personal popularity to voice such views; but I should consider myself entirely unworthy of any position in public life if for that reason I hesitated to express my opinion. And so here to-night I desire to put forward the case of these small landlords who do not get the consideration they should get, and who, if no person is ready to voice their views, may be, and I am afraid sometimes are, the subjects of ill-treatment.



**THE MINISTER FOR EMPLOYMENT**

(Hon. J. J. Kenneally—East Perth—in reply) [8.44]: Generally speaking, I desire to thank the House for the manner in which the Bill has been received. I hope some hon. members will alter their minds before the measure comes out of Committee. The remarks of the member for West Perth (Mr. McDonald) and the member for Nedlands (Hon. N. Keenan) interested me greatly. Both hon. members have pointed out that the vast majority of landlords are doing the right thing, and that only a small minority are acting in a manner that may be considered reprehensible. I am sure that the legal training of those hon. members will have informed them that one must legislate to save the community from people who are likely to act in a reprehensible manner. If all the people were prepared to do the right thing, it would be unnecessary to pass laws to control their activities. Because some people are not prepared to act in that way, legislation is necessary to curb their endeavours, and to limit the operation of their actions that are detrimental to the community. It is therefore necessary in this instance to see that those who are not prepared to do the right thing are controlled by legislation. As the member for West Perth (Mr. McDonald) and the member for Nedlands (Hon. N. Keenan) pointed out, we can admit that the majority of landlords will continue to do the right thing, quite irrespective of any alteration of the law. The Act in its amended form, if the Bill be agreed to, will give us the right to see that the actions of those who are not in that category will be curbed and a limit placed upon their activities. Since the Act was passed originally, I have had an opportunity to judge the attitude of landlords and tenants. I admit frankly that the majority of landlords have acted quite properly in the face of the present crisis. When we realise that 1,100 cases have been dealt with by the Commissioner appointed under the Act, and that, owing to Section 24, which gives the right to parties to contract themselves outside the provisions of the Act, many applications have had to be rejected by the Commissioner because of lack of jurisdiction, we must appreciate that the present crisis has imposed a heavy strain upon the financial resources of landlords. It is not in a spirit of unmindfulness of

that fact, that the amending legislation has been introduced. While admitting that a large number of landlords have been prepared to do the right thing, we must also remember that the crisis has placed a large section of the community—the workers—in such a position that they have been unable to pay their rents. When the member for West Perth contends that one aspect of the problem that the Government should pay sufficient money to men to enable them to pay their rent, I suggest that a little reflection on his part would make him appreciate the fact that no Government could undertake the responsibility of paying the rent of the people as a whole. That is not one of the responsibilities of a Government. The Government can, so far as finances permit, pay wages that will enable their employees to live under reasonable conditions. Even if the Government were able to pay wages to all their employees, even to those on relief works, that would enable them to do that, it would not solve the general rent problem, because invariably people who are out of work cannot pay any rent at all. Then there are a large number of men who are on part-time employment with private firms or people, and they cannot pay their rent. Even if we assume that the Government would be in a position to accept responsibility regarding the payment of rent—

Mr. Sampson: Do you think it is a proper burden for one section of the community to shoulder?

The MINISTER FOR EMPLOYMENT: I think it right that in a crisis, all sections of the community should be called upon to do what they can in that respect. One man may be called upon to do his part, through being the possessor of a house for a period during which he will receive no rent. On the other hand, we do not say that simply because that man has a house, he is not going to get any rent. We say to the Commissioner who was appointed under the parent Act, "You have to take into consideration the position of both parties. You must consider the position of the tenant and then you must consider that of the owner." The legislation is very clear. It makes provision that if, in the opinion of the Commissioner, the granting of an order for the protection of the tenant will inflict injustice on the owner, no such order shall be granted. So we do

not say that because one person owns a house, and a tenant, who cannot pay any rent, secures the occupancy of the premises, that tenant shall receive a protection order entitling him to retain possession of the house. Nothing of the sort.

Mr. Sampson: Do not you think that if a house is occupied for three months or more without the landlord receiving any rent from the tenant, the local authorities should waive the rates payable on the premises?

The MINISTER FOR EMPLOYMENT: That is something to be considered.

Mr. Sampson: Could we not amend the Municipal Corporations Act and the Road Districts Act along those lines?

The MINISTER FOR EMPLOYMENT: That is a different proposition altogether. If I were to discuss that phase you, Mr. Speaker, would call me to order with an intimation that it had nothing to do with the Bill. As the member for Swan (Mr. Sampson) is so closely associated with local governing bodies, he will be able to take action in the direction he has indicated, and I am sure the owners of property will appreciate anything he can do to relieve them of the necessity to pay their rates. I want to make it perfectly clear, that the Bill is not introduced because of the actions of the majority of the landlords. It has been introduced because a few landlords have constituted themselves a menace to right-thinking men. What has taken place under Section 24 of the Act is that a few landlords, through their agents, conceived the idea of demanding the signing of the contracting-out proposition by tenants before they would agree to let them occupy houses. The majority of the landlords who were quite prepared to act properly in the crisis, stood apart from that movement. At the outset, they would have nothing whatever to do with it. However, as the unscrupulous landlords continued to operate along the lines I have indicated, the fair-minded landlords, for their own protection and to safeguard themselves from having all the tenants who could not pay thrust upon them, were forced to adopt the same attitude as the unscrupulous persons. The Bill will tend to alter that position. The intention is not only to delete Section 24 from the Act, but also to protect those people who, through dire necessity, were compelled to contract themselves outside the provisions of the Act.

It will provide, as the parent Act did, that contracts entered into up to the time of the passing of the legislation shall be subject to its provisions. Members opposite supported the Mitchell Government and now protest against the retrospective clause, which will nullify contracts entered into prior to the passing of the legislation. But they did not protest when the Mitchell Government introduced the parent Act which embodied a similar provision.

Mr. Latham: But at that time people did not know what was ahead of them.

The MINISTER FOR EMPLOYMENT: Of course.

Mr. Latham: They have known since 1930.

The MINISTER FOR EMPLOYMENT: They know that Section 24 has operated as I have indicated, and that landlords who desired to do the right thing by the community were forced, through the action of a few unscrupulous landlords, to adopt a similar attitude.

Mr. Latham: What will happen, after the Bill becomes law, if a person will not sign the contract? Will he get the house?

The MINISTER FOR EMPLOYMENT: I do not know; I am not concerned about that to any extent.

Mr. Latham: I am. I want them to get houses.

The MINISTER FOR EMPLOYMENT: The landlords will not leave their houses empty all the time.

Mr. Sleeman: They will be foolish if they do.

Mr. Latham: They might just as well leave them empty as have them occupied under these conditions.

The MINISTER FOR EMPLOYMENT: We have heard it stated that if Labour secured power, capital would be packed up in bags and taken out of the country.

Mr. Latham: I have heard of that being done.

The MINISTER FOR EMPLOYMENT: Of course the hon. member has.

Mr. Latham: What happened in New South Wales?

The MINISTER FOR EMPLOYMENT: And that is why Labour Governments get more credit for their operations than anti-Labour Governments. The same bogey is raised at this juncture. It is now suggested that because we introduce such legislation, all landlords will shut up their houses and keep them empty.

Mr. Sampson: Will the Bill not discourage the erection of new buildings?

The MINISTER FOR EMPLOYMENT: I will deal with that phase presently. Although the bulk of the landlords have been prepared to do the right thing, they have been prevented from doing so because of Section 24. The Bill, by deleting that provision, will protect them against the actions of the few unscrupulous and unprincipled landlords. The retrospective aspect of the Bill has been mentioned. It has been contended rightly that if contracts have been entered into, the parties concerned will be in a difficult position if we legislate to provide that the contractual conditions shall not be observed. I have already mentioned that the parent Act operated in that direction, and the Bill merely continues that part of it. Those who are criticising the Bill from that standpoint, did not criticise the principle when it was included in the parent Act. I direct the attention of the House to the fact that there are other contracts that have been broken during the period of depression. Let them consider the position regarding wages paid to employees, even those employed by the Government. In perfectly good faith, men who were in receipt of £200 or £300 a year, entered into commitments and yet we did not hesitate to say to them, "We know you have entered into these contracts because you knew you were in receipt of a certain wage or salary, but now we shall cut down your remuneration by 22½ per cent. It does not matter that because of that cut, you cannot carry out your contracts and that you must lose the equities you have in your propositions."

Hon. N. Keenan: They were protected.

The MINISTER FOR EMPLOYMENT: Under a different measure and with respect to their houses only. What about contracts entered into apart from those applying to houses? When a person had a certain salary and was able to enter into contracts to do certain things, the then Government did not hesitate to say to him, "You thought you were alright, but we are going to cut your salary by 22½ per cent. and so you cannot carry out those contracts." Why should we make such objection now, seeing that the principle involved in this measure was part of the parent Act introduced by my friends opposite?

Hon. N. Keenan: What kind of contracts are you referring to?

The MINISTER FOR EMPLOYMENT: Any contract other than a contract for the purchase of a house. If a man is in receipt of what he considers to be a definite income of, say, £300, and so can enter into a contract to purchase furniture, and then, if the Government come along and say that instead of £300 he is to get considerably less and therefore will not be able to carry out that contract—if the Government are entitled to do it in that case, we are entitled to do it under this measure.

Mr. Latham: But we simultaneously introduced legislation to give relief.

The MINISTER FOR EMPLOYMENT: Exactly. The only difference is that if that man in receipt of a salary, instead of entering into a contract for furniture, enters into a contract for house property, we say that whereas it is proposed to protect the house property, the bailiff can have the furniture. That is the difference. But we propose by this measure to say that, just as we protect the house property, so also the bailiff shall not have the furniture. This measure is intended to protect a person's furniture from seizure. If the protection shown here is granted, he will be protected to that extent, and at the expiration of the protection order he is entitled to get out of the house he happens to be in. I do not think we are asking too much in that, nor do I think we are asking too much when we say the right of some unprincipled landlord to resurrect the evictions that were prominent here some time back shall be curbed. In that we are acting as would the vast majority of landlords themselves, acting in order to bring all within the provisions of this measure, and to compel them to act in the manner they have been called upon to act in order to keep their own property from being in a worse position than the property of other people. It has been asserted that this will mean less building. I cannot follow the contention. This community will have to be housed. I believe we are getting past the worst period of the depression, getting to the end of the period when this legislation will be necessary.

Mr. Latham: Then why go on with it? Why not back your opinion?

The MINISTER FOR EMPLOYMENT: For the reason given by the member for

West Perth. Having legislation of a protective nature, if we, all of a sudden, say it is going to stop, we are going to get back to the chaotic condition we were in before. That is on account of the operation of Section 24, which has allowed a large number of people to contract themselves outside the provisions of the Act. That is why, with so many people contracted outside the Act, the Act is operating in a manner which makes it of very little use to a large portion of the community, and acting adversely to those prepared to give of their best in order that the crisis may be weathered by those in an unfortunate condition. The Leader of the Opposition said these people can always get legal assistance when entering into those contracts. But can they? If they had the money with which to get legal assistance, they would have the money with which to pay their rent.

Mr. Latham: I was talking about the man purchasing a home or giving a mortgage over his house.

The MINISTER FOR EMPLOYMENT: This measure does not confine itself to people purchasing homes. As the Leader of the Opposition knows, the majority of the cases where this measure is brought into action are not the cases of those who are purchasing homes, but of those who are striving to remain in a house and not be put out into the street.

Mr. Latham: It was the man buying a home with whom I was dealing.

The MINISTER FOR EMPLOYMENT: I suppose in 95 cases out of every 100 in which the provisions of the Act have been evoked, they have been evoked by people trying to remain in a house, not by people purchasing homes.

Mr. Latham: You can have no objection to my mentioning what the Act applies to.

The MINISTER FOR EMPLOYMENT: No, but I have objection to the contention that those people, if they wish to do so, have the money to pay for legal assistance.

Mr. Latham: When we get to the Committee stage, I will talk about that.

The MINISTER FOR EMPLOYMENT: The Leader of the Opposition is always making these threats of what he is going to do; if given a big stick and basket of eggs, he would do very effective work.

Mr. Latham: All right, I will assist you in stonewalling.

The MINISTER FOR EMPLOYMENT: The member for Swan imagines that the Bill

is to give a privilege to a section of the community. There is in this measure no privilege given to a section of the community. What we propose to do is simply to take away a privilege which up to date a section have had. That section—I am dealing now with a section of the landlords—has been responsible for the remainder of the landlords having to take action in order to protect themselves. This measure is introduced with a desire to remove that.

Mr. Sampson: If Clause 2 passes, it will do harm to everyone concerned.

The MINISTER FOR EMPLOYMENT: We are anxious to see that those on the verge of being evicted from their homes on account of the action of a few unscrupulous landlords shall be relieved. We want this measure passed in order that the majority of the landlords will be in a position to do as they did before the operation of Section 24 compelled them to take protective action in their own interests.

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

Ayes	..	..	..	..	20
Noes	..	..	..	..	10

Majority for .. .. 10

#### AYES.

Mr. Cross	Mr. North
Mr. Cunningham	Mr. Raphael
Mr. Keenan	Mr. Rodoreda
Mr. Keenally	Mr. Sleeman
Mr. Lambert	Mr. F. C. L. Smith
Mr. McDonald	Mr. Tonkin
Mr. Millington	Mr. Wansbrough
Mr. Moloney	Mr. Willcock
Mr. Munsie	Mr. Withers
Mr. Needham	Mr. Wilson

(Teller.)

#### NOES.

Mr. Griffiths	Mr. Seward
Mr. Latham	Mr. J. H. Smith
Mr. McLarty	Mr. Stubbs
Mr. Piesse	Mr. Welsh
Mr. Sampson	Mr. Doney

(Teller.)

Question thus passed.

Bill read a second time.

#### In Committee.

Mr. Sleeman in the Chair; the Minister for Employment in charge of the Bill.

Clause 1—agreed to.

Clause 2—Amendment of Section 24:

Mr. LATHAM: The Minister declared that I said these people should get legal assistance before they become tenants of a house. I made no such ridiculous statement.

I pointed out that the Bill deals with three sections of the people, namely tenants, purchasers of homes, and mortgagors. As for the weekly or monthly tenancy, no one would be ridiculous enough to suggest that the tenant should first get legal assistance. I object to the Minister crediting me with a statement I did not make. It is not fair.

The Minister for Employment: It is fair enough. The hon. member said they could always get legal assistance before entering into a contract.

Mr. LATHAM: I suggested that everybody entering into a contract for the purchase of a house or before signing a mortgage, should get legal assistance.

The Minister for Employment: Or before they contracted themselves outside the provisions of the Act.

Mr. LATHAM: I said nothing of the sort. I spoke of a contract for the purchase of a house. I doubt whether there is any contract required for either weekly or monthly tenancies. A document might be signed undertaking not to avail oneself of the Act, but I was speaking of contracts; and the Minister knows to what contracts I referred. To misrepresent what I said is grossly unfair. I referred to a contract for the purchase of a house, and a purchaser, unless he has knowledge of contracts, would be well advised to obtain legal assistance to ensure that it did not impose conditions that might be difficult to fulfil. The same remarks apply to a mortgage. I understand that an amendment is to be moved to delete the retrospective effect of the clause. Money is available to people who can pay a deposit on a home, but unless they are permitted to contract outside the Act, it is difficult to get the accommodation. There are other opportunities for investing money. Consequently the Minister will be doing an injury to those who desire to build homes and to those engaged in the building trade. If a man desired to borrow to increase the accommodation of his home, no one would advance the money if he knew that the borrower could, a week or two later, claim the protection of the Act. I was sorry to vote against the second reading, because the Act must be continued, but I had to oppose Clause 2 because it is not in the interests of the workers.

The Minister for Employment: That is why you voted against the whole measure.

Mr. LATHAM: That is the important part of the Bill. Had the Bill been defeated,

there is no doubt that the Act would have been continued.

Mr. SAMPSON: I move an amendment—

That in line 4 of the proposed new section 24, the words "heretofore or" be struck out.

That would eliminate the retrospective effect to which such objection has been raised. I doubt whether there is any member who at some time or other has not spoken against retrospective legislation. It is unpopular generally. From the standpoint of equity and fairness, everything is against it. The effect of the clause will be to discourage building and to depreciate property. I am sorry that the Minister, vitally interested as he is in employment matters, should thus undo much of the work that is being done. There is a movement in Perth to resuscitate building, but such a provision would have a bad effect. I am disappointed that the Minister should introduce such a vicious and unwarranted provision.

Mr. DONEY: I support the amendment. It is unthinkable that parties should have their contracts broken by the very House that a couple of years ago gave legal right to make those contracts. It is tantamount to defaulting upon our own word.

Mr. RAPHAEL: I oppose the amendment. The Minister is seeking to protect people forced by circumstances to sign an agreement contracting outside the Act. To suggest that it will cause a stalemate in building is ridiculous. The Act contained a loophole of which land agents have taken advantage, and people have signed agreements that were not contemplated when the Act was passed. The previous Government introduced the measure with the tongue in the cheek—it was pure hypocrisy.

Mr. Latham: Section 24 is pretty definite.

Mr. RAPHAEL: When the original measure was passed, we thought the hon. member would have been as good as his word, and that there would have been no opposition from him.

Mr. Latham: I did not speak on it.

Mr. RAPHAEL: Yes, the hon. member did, and when I interjected, he told us what a friend of the unemployed he was.

Mr. STUBBS: I support the amendment. The provision would do more harm than good to the people the Minister desires to help. Some people make a good living, though not a fortune, by building houses on time payment and accepting deposits of £25

or £50. The provisions will have a detrimental effect in that it will hit those people. During my 26 years in Parliament retrospective legislation has been the subject of many heated debates by members on both sides of the House. I object to anything in the way of retrospective legislation.

Mr. CROSS: I oppose the amendment. The Leader of the Opposition said people purchasing houses should obtain legal advice to decide whether they could fulfil the conditions of the contract. Nobody could so advise because the financial position of the man at a later date could not be foreseen.

Mr. Doney: Every party to a contract has to take some risk.

Mr. CROSS: The Leader of the Opposition also said there were very few contracts for weekly or monthly tenancies. Evidently he does not know that it is hardly possible to get a house in the metropolitan area unless the applicant signs a contract not to take advantage of the Act.

Mr. Latham: I said one might sign a document of that nature.

Mr. CROSS: This amending Bill is badly needed.

Mr. Latham: Why do they sign the documents?

Mr. CROSS: In order that they may get a house.

Mr. Latham: Will they get a house more easily if no document is in existence?

Mr. CROSS: The amendment will kill the Bill.

Mr. Sampson: It merely eliminates its retrospective effect.

Hon. N. KEENAN: By the parent Act the parties were told they could enter into a contract of this nature, and that it would be lawful for them to do so in order to gain possession of a home. I am certain it is the wrong step to take to alter that. We deliberately informed the people that it was a lawful act on their part to sign such contracts as these, and the Government now want us to declare that such an act is unlawful. Prior to the passing of the Act no one had been told that it would be lawful for them to enter into a contract taking them outside the scope of the law, but now they have been told, it would be wrong to alter it.

Mr. Doney: It would be repudiation on the part of this Chamber.

Hon. N. KEENAN: I appeal to the Minister to give further consideration to the

matter. I would also point out to him that a contract for the buying of furniture under a hire purchase agreement would not in any way be affected by this piece of legislation.

The Minister for Employment: I did not say so.

Hon. N. KEENAN: Then I misunderstood the Minister. I thought he was referring to hire purchase agreements.

The Minister for Employment: To contracts for the purchase of furniture.

Hon. N. KEENAN: Such contracts would not be affected in any way by the provisions of this Act.

The Minister for Employment: If you take away the protection from the tenant, the furniture that is in the house must go with it.

Hon. N. KEENAN: If the furniture in the house were under a hire purchase agreement, and the landlord wanted to distrain for rent, the hirer of the furniture would take it away.

The MINISTER FOR EMPLOYMENT: I was illustrating the case of a man who had an income of £350 a year and expended some of it on furniture. We told such a man that no matter what commitments he entered into when he thought he would continue to receive that income, the contract he had made could go by the board. The member for Nedlands claims that we specially invited people to contract outside this Act, and that before it became law no such legislation existed. The law as it then obtained had to be obeyed, and it provided for contracts being entered into. The person who entered into a contract then was entitled to believe that it would be observed, but we did not hesitate to alter the law and provide otherwise. We are only continuing the principle contained in the parent Act, but we are making it all-embracing because of the experience we have gained of the operations of the Act. We want to ensure that the landlord who is prepared to do the right thing shall not be at a disadvantage compared with the landlord who is operating against the interests of the community.

Mr. NEEDHAM: I would remind members of the psychology of the community when the parent Act was passed. No one at that time would have believed that the difficulties then existing would have lasted so long. The people this Bill seeks to protect may have increased in

numbers. This is an endeavour to force the rapacious landlord to take his share of the responsibilities arising out of the situation. I would also inform the Leader of the Opposition that many people cannot afford to pay for legal advice. He considered that when a tenant contracted outside the Act he merely entered into an arrangement with the landlord. When the document is signed, the power is taken out of the hands of the Commissioner to afford relief. I do not admit that this is retrospective legislation.

Mr. Sampson: Do you believe in retrospection?

Mr. NEEDHAM: It is not retrospective legislation such as is suggested by the hon. member.

The Minister for Employment: The hon. member did not hesitate to make the wages cuts retrospective.

Mr. Sampson: Never!

Mr. NEEDHAM: The Commissioner will be the man to determine the situation, and hold the scales of justice evenly. All the Bill seeks to do is to give every citizen who finds himself in difficulties an opportunity to appeal to the Commissioner and abide by his decision.

Mr. GRIFFITHS: I move—

'That progress be reported.

Motion put and negatived.

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

Ayes	..	..	..	13
Noes	..	..	..	16

Majority against .. .. 3

#### AYES.

Mr. Griffiths	Mr. Sampson
Mr. Keenan	Mr. Seward
Mr. Latham	Mr. J. H. Smith
Mr. McDonald	Mr. Stubbs
Mr. McLarty	Mr. Welsh
Mr. North	Mr. Doney
Mr. Piesse	(Teller.)

#### NOES.

Mr. Cross	Mr. Rodoreda
Mr. Cunningham	Mr. F. C. L. Smith
Mr. Kenneally	Mr. Tonkin
Mr. Millington	Mr. Wansbrough
Mr. Moloney	Mr. Willcock
Mr. Munster	Mr. Wilson
Mr. Needham	Mr. Withers
Mr. Raphael	Mr. Lambert
	(Teller.)

Amendment thus negatived.

Mr. SAMPSON: I move an amendment—

That the following be added to the clause:—“Any person adversely affected by this section shall be at liberty to apply to a judge of the Supreme Court for an order exempting his contract from the operation of the Act.”

The Minister for Employment: The Commissioner already has the right to do that, under the parent Act.

Mr. SAMPSON: In at least some instances large purchases of property would be involved, and Clause 2 might prove a difficult proposition for a man hard pressed, possibly a man purchasing a factory or a shop.

Mr. DONEY: Had not the amendment better read “Any person who considers himself adversely affected”?

Amendment put and negatived.

Clause put and passed.

Clause 3, Title—agreed to.

Bill reported without amendment, and the report adopted.

*House adjourned at 9.50 p.m.*

## Legislative Council,

*Tuesday, 19th September, 1933.*

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