

The MINISTER FOR LABOUR: Even 18 months.

Hon. N. Keenan: Two years?

The MINISTER FOR LABOUR: Even two years.

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

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

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

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

Amendment put and negatived.

Clause put and passed.

Clause 4, Title—agreed to.

Bill reported without amendment and the report adopted.

House adjourned at 9.52 p.m.

Legislative Assembly.

Wednesday, 3rd September, 1941.

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

QUESTIONS (2)—AGRICULTURE.

Wheat Stabilisation Scheme.

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

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

Shortage of Farm Labour.

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

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

QUESTION—NATIONAL SECURITY ACT.

Fodder Scheme.

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

The MINISTER FOR AGRICULTURE replied: No finality has been reached in the National Fodder Scheme of the Commonwealth Government and we are awaiting further word. 1 and 2, Western Australia's interests are being closely watched.

QUESTION—RAILWAYS.

Sleeping Coaches.

Mr. SEWARD asked the Minister for Railways: As he, on the 17th November, 1938, stated that the matter of altering four coaches from 4-berth sleeping coaches to 2-berth for use on the Great Southern line was under consideration, will he say whether it has been possible to come to a decision on the matter yet, and if so, what that decision is?

The MINISTER FOR RAILWAYS replied: It was decided, in view of the cost involved, not to proceed with the alteration of these coaches, but additional AZ cars being 2-berth sleeping coaches, are now under construction.

QUESTION—WATER SUPPLIES.

Swanbourne.

Mr. NORTH asked the Minister for Works: 1, What was the nature of the failure in the water supply to a portion of Swanbourne late last summer? 2, Did this failure suggest the need for additional plant? 3, Is a recurrence unlikely?

The MINISTER FOR WORKS replied: 1, During a period of peak demand the normal supply to Swanbourne from Mt. Eliza Reservoir was excluded for four hours by closing a certain valve. Swanbourne was then dependent upon supply from Buckland Hill Reservoir and the pressure from same proved inadequate. 2, No. 3, Yes. Valves will be operated so that supply to Swanbourne is ensured.

QUESTION—WAR PATRIOTIC FUNDS.

Mr. WATTS asked the Minister representing the Chief Secretary: 1, Does he know that the War Funds Council objects to approved patriotic committees reserving for repatriation purposes portion of funds raised? 2, If so, will he take steps to vary the decision of the council?

The MINISTER FOR THE NORTH-WEST replied: 1, No, but the War Funds Council has endeavoured to limit the proportion which may be reserved for post-war purposes. 2, Answered by No. 1.

BILL—DISTRESS FOR RENT ABOLITION ACT AMENDMENT.

Introduced by Mr. Cross and read a first time.

LEAVE OF ABSENCE.

On motion by Mr. Doney, leave of absence for two weeks granted to Mr. Boyle (Avon) on the ground of urgent public business.

BILLS (5)—THIRD READING.

- 1, State Transport Co-ordination Act Amendment.
- 2, Baptist Union of Western Australia Lands.
- 3, Reserves (No. 1).
- 4, Abattoirs Act Amendment.
- 5, Profiteering Prevention Act Amendment.

Transmitted to the Council.

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

Report of Committee adopted.

BILL—NATIVE ADMINISTRATION ACT AMENDMENT.

Recommittal.

On motion by Mr. Sampson, Bill recommended for the purpose of further considering Clause 2.

In Committee.

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

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

Mr. SAMPSON: I move an amendment—

That in line 7 of subsection 3 of proposed new Section 9A, after the word "line," the words "by land, sea or air" be inserted.

This will give greater protection when those afflicted with leprosy are moving from one point to another.

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

Bill again reported with a further amendment.

MOTION—VERMIN ACT.

To Inquire by Select Committee.

MR. MANN (Beverley) [4.41]: I move—

That a select committee be appointed to inquire into and report upon the operations under the Vermin Act with particular reference to—(a) Whether the distribution and expenditure of the Vermin Fund can be improved; (b) whether, and upon what conditions, local vermin boards should have the option of supplying netting to farmers within their districts and recovering the expense incurred by instalments as rates; (c) the fencing provisions of the Act and the retention of the Government rabbit-proof fences.

A considerable period has elapsed since the Vermin Act was first passed. Conditions existing today afford ample reason for believing that the appointment of a select committee to investigate matters under the three headings I have mentioned in the motion, would be of advantage to the State and to those associated with rural activities. The first subject I suggest as requiring investigation by a select committee is whether the distribution and expenditure in connection with the Vermin Trust Account could be improved. In many parts of Western Australia the dingo is not nearly so prevalent as it was 20 years ago.

The Minister for Lands: In some parts the position is worse today.

Mr. MANN: I agree. However, my statement is in accordance with advice we have received from various road boards that have discussed this matter. Certain of the local authorities have urged that a trappers' board be appointed. I think the Minister will agree that that phase could well be considered. In these days it is extremely hard to secure the services of professional trappers, men who know their job.

The Minister for Mines: The old-time type of bushman.

Mr. MANN: Yes, there are some in my district who are really of the old-time bushman type. They are excellent trappers, but some inducement must be offered to such men to go into the outer areas. The Minister will agree that the dingo is most prevalent today in the far south-western corner of the State. In the hills area and parti-

cularly around Armadale, where dingoes roamed in large numbers some years ago, the pest has been cleaned out. There are other areas, however, where dingoes are prevalent now, and it is essential that the problem of eradication be taken in hand. To cope with that task it is far better to get men who know their job for they will be able to clean up the district more effectively than would individuals who, knowing nothing about dingo trapping, merely accept the job for the sake of the money that may be secured from the scalps they procure. Such men too often drive the dingoes away, whereas the professional man would catch them. Few animals are more cunning than the dingo, and now that so many of them have been crossed with domestic dogs the menace is very real indeed. I have the report of the Auditor-General for the financial year ended the 30th June, 1940, in which reference is made to operations under the Vermin Trust Account regarding payments for wild dogs, foxes and eagles. The report shows that the trust account transactions were:—

	£	s.	d.	£	s.	d.	£	s.	d.
Credit Balance, 1st July, 1939							14,040	14	0
Rate Collections									
(less Reimunds, £32							16,480	12	5
							31,130	6	5
Less Payments—									
Wild dogs (including pups)	9,705	15	0						
Foxes	2,835	0	0						
Eagles	1,004	5	0						
				13,545	0	0			
Postages, freight, etc.				134	6	4			
Wages	3,174	16	3						
Sundries	250	0	3						
Advances to employees for purchase of motor vehicles (£500 1s. 3d., less £467 14s. 10d. repaid)				101	0	5			
				3,660	18	3			
							17,205	18	8
Credit Balance, 30th June, 1940							£13,924	8	2

Those figures relate to the financial year 1939-40; we have not the corresponding details for the last financial year. I commend this particular phase to the Minister as one warranting the attention of a select committee.

Another point worthy of mention has relation to the taxing methods applied to various sections of primary industry. For instance, there is the tax imposed for dealing with fruit fly through the registration of orchards. I connect that form of taxation with the motion from the standpoint that the fees derived from the registration of

orchards are used partly for the payment of inspectors. If we view the question generally from a logical standpoint, members can ask themselves if it is right that the farmer himself should be required to contribute to a fund for the eradication of a pest with which he has to contend, particularly seeing that he is in no way responsible for the position.

Mr. Sampson: Do farmers voluntarily fine themselves?

Mr. MANN: The tax is imposed by legislation. Let members consider the situation as it is. From the State and road board points of view, there is a vermin fund. The farmers are required to contribute to that fund. For what reason? To eradicate a pest that is a curse to the producers and hinders production, thereby causing tremendous losses. Who secures the ultimate benefit from the eradication of the pest? Surely it is the State! Taxation along the lines I have indicated is absolutely wrong. If any such tax is to be imposed, it should have State-wide application. Today the State depends largely upon its primary industries. Later on secondary industries may also play an important role. If inspectors are to be appointed here and there, that will be in the interests of the community generally. The present system is wrong. Today the farming community is practically the only section required to pay the vermin tax. That phase could very well be considered by a select committee. It will be far better to have more trappers.

The Minister for Lands: You know that we have several trappers.

Mr. MANN: Yes; they are good men and are doing remarkably fine work. The second point on which I seek inquiry is whether and upon what conditions local vermin boards should have the option of supplying netting to farmers within their districts and recovering the expense incurred by instalments as rates. There is a very good reason for making this suggestion. Many farmers require netting for their holdings, but they cannot get it because they are in the hands of the Associated Banks and those institutions will not provide funds for netting. This undoubtedly is a short-sighted policy, but the fact remains. Rabbits in the last few years have increased tremendously. I have a copy of the Vermin Board's report for last year. When the report for the current year is received, it will probably

show that the position in the Great Southern and South-Western areas is much more desperate than it was last year.

The Minister for Lands: There has been an easing of the number in the wheatbelt.

Mr. MANN: Undoubtedly there are fewer rabbits in the wheat areas.

Mr. Warner: Like the wise men of old, they have moved from the east to the west.

Mr. MANN: The dry seasonal conditions have probably driven them from the wheat areas. I quote from the board's report of last year, as follows:—

Rabbits generally have not shown any marked increase in the areas between the fences, the dry season being mainly responsible, limiting the breeding season to a very short period. In the more favourable districts, the pest is again becoming evident, and unfortunately the vermin boards concerned are not all doing everything in their power to enforce the destructive clauses of the Act, despite the fact that they have already had previous experience with the pest when rabbits were in far greater numbers and were a decided menace.

In the Great Southern areas right down to Albany and in the South-West generally, rabbits have increased considerably. I agree that in the wheat areas where there has been a scarcity of water owing to the dry season, the number has been greatly reduced by reason of natural deaths and poisoning. We all know how quickly the rabbits increase. The trapper has played a big part in keeping down the numbers, and the skins are valuable, but the difficulty is to get men to engage in the work of trapping. Most of the trappers have joined the defence forces. Strange to say, aborigines and half-castes will not engage in trapping, though one would think this was a class of work that would appeal to them. Evidently it is too hard for such people. To my way of thinking the best means of combating the rabbit is prevention of ingress by the use of netting. A farmer may poison and fumigate, but if there is a large area of open country adjacent to his farm, the rabbits will flock in from it, and the pests certainly know the best country to make for, namely that which has been top-dressed. Yet, when a farmer has mortgaged his property, he is denied the right of obtaining netting for his holding. After a holding has been netted, this precaution must be followed by fumigating and breaking down the warrens in order to keep the pest within bounds. No matter how much a farmer might fumigate and break down warrens, unless he can prevent invasion from

other properties, all his efforts must prove futile.

My reason in asking for an investigation of the financial side is that the road boards might be given the right to distribute netting if they so desire. One road board has asked for an inquiry into the proposal that local vermin boards should have the power—this should not be compulsory—to borrow money to help district farmers to net their properties, and that there should be authority to strike a rate to cover the interest and sinking fund payable on each property each year. Rates have to be paid by the Associated Banks and financial institutions on properties over which they hold a mortgage, and the difficulty now experienced in giving the Agricultural Bank a first mortgage for a wire-netting advance, when there is already a mortgage to another lender, would be obviated by the adoption of this course. The need for netting is increasing and the fund is now very small.

When the war is over, we may expect our primary industries to play an important part in ministering to the welfare of people in other parts of the world. We shall be confronted with a starving Europe; many millions of people will lack food, and we should take steps in readiness to produce for that time.

The Minister for Lands: Are road boards agreeable?

Mr. MANN: I will raise that point later. There is a parallel for the suggestion that local boards should have the option of supplying netting to farmers and recovering the cost by instalments of rates. A town in this State some time ago adopted a sewerage scheme, one of the objects of which was to get rid of waste water. The service afforded a hotel would be much greater than that given to a private house, and the board was authorised to rate the larger property at a greater amount relatively than the smaller property. If road boards, realising how serious the rabbit menace is and appreciating their responsibilities for the welfare of their districts, agreed to accept advances from the Government for the distribution of netting, they would then charge a special rate to the farmer who had borrowed the money. As I have pointed out, a road board is empowered to collect its rates from a farmer, even though he is being financed by one of the financial institutions. The only

mortgagee that the boards cannot collect from is the Agricultural Bank, which fact has been quite a common grievance with local authorities. If the road board provided funds for netting, it could obtain payment by way of rates, because the financial institution that has denied the farmer this accommodation would be compelled to pay the instalment in the rates. This suggestion, in my opinion, is well worth considering.

One of our troubles is that our young men will not remain on the land. I do not blame them, especially when they are asked to work as farm hands for low rates of wages. Many of them have enlisted for service overseas; they have come to the city and stated that they were unemployed. Unless we have some means of combating the rabbit curse, the outlook for farming will become very black indeed. Around Beverley and in the Mundaring catchment area are millions of acres of land where rabbits abound. South of Beverley is a large sandplain where the rodents are increasing at an enormous rate. Unless protective measures are adopted, the spread and increase of the pest will mean failure for many farming properties. What is the use of topdressing with super when the rabbits take the best of the crop? I say unhesitatingly that the greatest curse of the farmers at the moment is the rabbit invasion. It is growing rapidly, and is a very serious question. My belief is that a select committee could investigate if it is worthwhile making these submissions and taking evidence to ascertain the exact conditions of agriculture in this respect. Another question is that of fencing. A rabbit-proof fence must be built on certain lines. But does the result warrant the additional cost of this special fencing?

Mr. Watts: What about the Government fences?

Mr. MANN: I shall deal with the Government fences generally. There are two Government rabbit-proof fences in Western Australia. Today, I think, their usefulness is finished. Travelling in my electorate I have found that in the first fence the gates are never closed. No one seems to worry about that. I should say that today there are more rabbits on this side of the fence than on the other side. Again, there is the cost of upkeep. It has been suggested by

some persons—and in my opinion quite rightly—that adjoining fences be handed over to the farmer or pastoralist and left to be looked after by him. The Government fences cannot be removed, because the material would not pay for removal. The wires in the fence in my electorate are remarkably good material.

The Minister for Lands: Four-fifths of the rabbit-proof fence are outside the agricultural areas.

Mr. MANN: I am discussing the fence as a whole, including the portion in the pastoral areas. The question today is whether the Minister is satisfied that the fence is doing a good job. Does it warrant the cost of maintenance?

The Minister for Lands: Five years ago it kept 50,000 emus out of the farming areas.

Mr. MANN: Whether holders of land adjoining the fence could be made responsible for its upkeep is a question which I desire the proposed committee to investigate. I shall not labour this matter further. I have submitted three points in the hope that this House will see fit to appoint a select committee to investigate the problem. This is not a trivial question. On the contrary, to the farmers it represents a most essential matter. Therefore I hope the House will agree to the appointment of a select committee as suggested.

On motion by the Minister for Lands, debate adjourned.

DISCHARGE OF ORDER.

On motion by Mr. Watts, the Road Districts Act Amendment Bill (No. 1) was discharged from the notice paper.

BILL—DEATH PENALTY ABOLITION.

Second Reading.

MRS. CARDELL-OLIVER (Subiaco) [5.6] in moving the second reading said: I trust that this measure will meet with the approval of members. During the last day or two I have been asked why a Bill of this nature should be brought down during war time. If you will allow me, Mr. Speaker, I shall answer that question. Had any inspiration been needed for the bringing forward of the Bill in my opinion the war affords that inspiration. In this war we are riding

on a wave of emotion. The aspect of the reason or de-reason for the war is passed, and in Australia every passion has been aroused, and we are keyed up to the neck to win the war. Youths, many of them from protected homes, lads perhaps 18 or 19 years of age who have never seen a death, are going oversea in thousands, straining every nerve and muscle and sense in an endeavour to win the war in defence of their country. For from two to four or perhaps even six years—though we hope not—their young lives may be spent in daily dealing with weapons of death and in witnessing unforgettable sights.

Men and women who remain at home have been racked, are being racked, and will be racked with passionate hate for an enemy who inflicts wounds, mutilations and death upon their loved ones. Eventually an armistice will be signed and peace will be declared; but human nature and nations cannot, and in fact will not, revert automatically to peace-time conditions. Generations must pass before the passionate hate that has been let loose upon the world by every nation in the world is forgotten. Action is equal to re-action. The world will need to be re-born, re-taught, and re-constructed; and this will take much time. In that re-birth and re-construction, legislation should be in the vanguard. Therefore I do not apologise for introducing a Bill of construction during a period of destruction. I know I am justified.

As the law stands, members will know, capital punishment can be inflicted upon those who commit murder, wilful murder, treason and piracy. With treason and piracy I shall not deal, because I believe those two crimes can under war conditions be dealt with by national emergency legislation. I shall deal only with murder. This is not a novel Bill; its purpose is wrapped up in the title. The only thing omitted from the title is the sentence. As regards that sentence I shall not be accused of any mushy sentimentality, because the sentence is life imprisonment with hard labour.

My Bill has been framed upon the Queensland Act, which has met with the approval of the people of that State. In the few remarks I have to offer I wish if possible to show the futility of capital punishment. I wish to show that it violates our moral and ethical laws; that it has a brutalising effect on the people; that it is not a deter-

rent to crime, is not a protection to society, is not in keeping with our so-called civilisation, and that the majority of the people do not want it. I firmly believe that if a referendum were taken tomorrow and people given the choice of voting between capital punishment and a life sentence with hard labour, 90 per cent. would vote for the latter. Then there are errors of judgment. We all know these have occurred, may occur and will occur. When we look back upon the barbarous punishments inflicted upon people 100 years ago we are horrified; and, as we look back upon those past laws and punishments, so people of future generations will look back upon our laws and wonder what kind of people we were.

The retention of the law as it stands is all the more surprising when we realise that we are taught more and more to consider life sacred. It may seem anomalous to talk like that at present, when thousands of men are sacrificing their lives, but I believe that that very sacrifice is being made because we believe in the sacredness of human life. The apologist for capital punishment argues that it protects society. That is an old argument and some of us will have read it in the history of Henry VIII., when no fewer than 72,000 executions took place. That was to placate the people who then believed in capital punishment for the protection of society. I believe there were some 200 counts at that time for which capital punishment could be inflicted: the felling of a tree, the stealing of a sheep, the robbing of a rabbit warren or stealing from a dwelling goods to the value of 5s. or upwards were crimes sufficient to incur the infliction of capital punishment. Even children were not immune. A boy of 13 was hanged for stealing a silk handkerchief and a child of nine was condemned to be hanged for stealing two pennyworth of paint from a broken shop window. When Sir Samuel Romilly endeavoured to abolish capital punishment for these trivial offences the then Solicitor-General said in no uncertain voice, that there would be no protection for the public. Sir Samuel Romilly later endeavoured to bring down a measure for the abolition of drawing and quartering; and at that time he was denounced by officials of the Crown as being a person who would tear down the bulwarks of the Constitution. Thank God, those days are past!

For such crimes as burglary and petty larceny the abolition of capital punishment came about between the years 1832 and 1837. I particularly wish members to notice the date, because it is only a little more than 100 years ago. The figures I am about to quote were culled by me from a book in our own library that was written by Roy Calvert. I would like every member of the House, if possible, to read that book before speaking upon this motion. I have had the book in my possession for a great many weeks and have endeavoured to verify every statement in it by literature outside the House. I feel that if members would read the book not one would vote against this Bill. The figures have been taken from the criminal statistics of 1924, and compare the numbers of persons convicted before and after the repeal of capital punishment. Persons in England and Wales committed to trial for stealing cattle and sheep or for petty thefts for which capital punishment could be inflicted, numbered 7,497 during the three years preceding the repeal or discontinuance of capital punishment. For the three years after the repeal the number was 6,620, a decrease of 877. Between the years 1922 and 1924—three years—6,541 people were committed for trial for similar offences.

The difference in commitments seems to be infinitesimal, but one must remember, first, that the police were more efficient in later years and, secondly, that the population of the country the statistics of which I am quoting had risen from 13,896,797 in 1831 to nearly 38,000,000 in 1921, so proportionately the decrease in crime was very great indeed. Further, one must remember that in later years greater facilities existed to commit crimes, such as letter stealing, forgery and coining, and that with the abolition of the death sentence there was no longer the fear of hanging for those crimes. It was one thing to convict a man knowing that he was going to be hanged, and another thing to convict him knowing that he would be imprisoned, even if imprisoned for life. Imprisonment only makes convictions more certain and consequently is a deterrent to crime, whereas capital punishment is not. The reluctance of juries to convict was illustrated by Lord Suffield, when speaking in the House of Lords in 1833. He said:—

I hold in my hands 555 perjured verdicts delivered in Old Bailey over 15 years for the

single offence of stealing from dwellings. The value of the goods stolen was estimated to be 40s. and the verdict returned by the juries was that the value was 39s. When legislation raised the capital indictment to goods of the value of £5, the jury raised their verdict to £4 19s.

Those perjured verdicts were returned with absolutely one object, and that was to save life. The convicted persons knew full well that they had a hundred-to-one chance of being acquitted and therefore thefts were common. But juries took a very different view after capital punishment was abolished and life was consequently not at stake. The convictions became sure and it was then that crime decreased.

But the crime of murder did not decrease proportionately. And why? Because murders are not comparable to other crimes. Ninety-nine per cent. of thefts are premeditated, but murder is seldom premeditated. I shall point out later, when dealing with the United States of America, that murder crimes themselves are nearly always crimes of passion, and during that period the person is, at least in my opinion, insane. The thought of hanging does not deter a murderer. Can you imagine, Mr. Speaker, an infuriated, angry, unbalanced, very jealous woman, following perhaps her lover or her husband around with a revolver, stopping in the act of pulling the trigger if you said to her, "If you murder this man, if you pull that trigger, you will be hanged"? Can members imagine a man who was stealing without any intention to murder stopping at murder when defending himself against arrest merely through being told to refrain from committing this crime since failure to do so would result in his being hanged? A murderer kills first and thinks afterwards. People committing murder should receive our care rather than our vengeance.

The causes of murder are many. Sex abnormality is a potent reason; mental depression caused through poverty; shame and disgrace on the part of an unmarried mother at the birth of a child; hereditary characteristics over which a person has no control and which may be derived from some very remote ancestry; hereditary subnormality, and malnutrition are all causes of murder and the crimes committed by people from such causes are crimes for which we also are largely responsible. Statistics prove that the greatest number

of murders are committed between 10 o'clock in the evening and 2 o'clock in the morning and also on Saturday and that the fewest number are committed on Sunday, which bears out my contention that murder is mostly a crime of passion. Saturday is the main holiday. It follows pay-day, and more alcohol is consumed and more money is lost at races and there are more unbalanced minds on Saturday than on any other day of the week.

To obtain correct statistics regarding murders in other countries is very difficult because different countries have different definitions of the word. In some places attempted murder is classed as murder. In France, murder includes manslaughter but excludes infanticide. The figures for some countries are based upon people arrested for the crime and for other countries on persons convicted, so that to compare the various countries is rather confusing. Furthermore, it is necessary when making such a comparison to take into consideration the cultural, racial and climatic conditions of different lands. The homicidal rate is higher in countries where racial antagonism exists. That again indicates the existence of uncontrollable passions. It has been said that only in countries where life is cheap has capital punishment been abolished, but that is not borne out by facts. In America where life is considered cheap all States have not abolished capital punishment which exists everywhere except in eight States. There has, however, been a colossal increase in America in the number of murders and in crime generally. I have statistics covering 28 cities of America and they show that in 1900 there were 609 murders. In the same cities in 1910 there were 1,365 murders, in 1921 8,946 and more recently the figure rose to 10,000.

Mr. Cross: Would you hang Hitler?

Mrs. CARDELL-OLIVER: I do not think I would hang anybody and I think that even if the hon. member had the task allotted to him of hanging Hitler he might be afraid to do it. Such actions are always followed by consequences. I have endeavoured to indicate that capital punishment is not a deterrent to murder. In America, capital punishment exists in all but eight States, but still crime has been on the increase throughout that country. However, in those States in America that

have not capital punishment, crime has not increased at the same rate as in the other States. That can be proved by statistics. The reason crime has increased in America to such an enormous extent is that there is no certainty of sentences being imposed. There are so many money racketeers and dishonest lawyers and so much non-enforcement of the law!

Mr. F. C. L. Smith: Only in America?

Mrs. CARDELL-OLIVER: No, not only there! There is much bribery in America and a corrupt judiciary. Those, I think, are the principal causes for the increase of crime in the United States. Other sorts of crimes lead to murder and consequently murder has increased with the increase of crime generally. As I said before, however, if the States that have not capital punishment are compared with those that have, it will be found that the increase of crime in the former is not so great as it is in the latter; but I do not want to use that as an argument.

I desire to give the House some further figures. In Denmark the convictions for murder from 1911 to 1920 were .030 per 100,000 of the population; in Norway they were .052; in Sweden .063, and in England and Wales .109. Those countries are closely allied in racial and cultural characteristics and in their great respect for human life. Nevertheless, it will be noticed that convictions in England and Wales, where capital punishment obtains, were almost double those of the other countries that have not capital punishment.

Hon. C. G. Latham: You would not suggest that capital punishment encourages crime?

Mrs. CARDELL-OLIVER: No, I do not say that. In Denmark there have been no executions since 1892; therefore, a new penal code was introduced in 1926. Dr. Carl Trop, a professor of law, who was responsible for the draft code said "That this Bill which abolishes capital punishment will be passed practically without opposition is due primarily to the fact that in Denmark, as in other countries, the abolition, actual or legal, of capital punishment has not in any way contributed to an increase in the number of such crimes as were formerly punished by death."

Mr. Raphael: Denmark has capital punishment now.

Mrs. CARDELL-OLIVER: It did not exist until Hitler instituted it. Countries that abolished capital punishment before the war—and it would be unfair to deal with what has happened since—were Denmark, Norway, Sweden, Holland, Belgium, Austria, Lithuania, Finland, Portugal, Rumania, and Italy. In 1926, however, after an attack on the life of Mussolini, a limited form of capital punishment was re-imposed and it is provided that an attempted assassination of the King or the chief Minister of State (meaning Mussolini) is punishable by death. Other countries that have abolished capital punishment are the Argentine, British Columbia, Costa Rica, Ecuador, Honduras, Peru, Uruguay, Venezuela, and the eight States of America I have already mentioned. Capital punishment has been abolished in Queensland and the people are agreeable to a life sentence with hard labour being imposed on convicted persons, and I believe that New South Wales is following suit.

The abolition of capital punishment in Switzerland in certain cantons proves the point I wish to make. In that country many races are living together in the cantons, such as the French-Swiss, the Italian-Swiss, the Austrian-Swiss, and the German-Swiss. In 1874, 15 cantons, representing 75 per cent. of the people of Switzerland, abolished capital punishment, although the right was reserved to liberty of action in the way of re-imposing the penalty should that be desired. It was not, however, re-imposed in those instances. The remaining ten cantons did re-impose the penalty, although there have been only seven executions during 40 years. The difference in penalty imposed in those cantons that have capital punishment and those which do not have it, has in no way increased the number of murders in those that have not capital punishment, whereas murders have not decreased in those countries that have capital punishment, to any material extent. That is why I refer to the statement of Dr. Carl Trop when he says that the abolition of capital punishment has in no way contributed to an increase in the number of such crimes.

Capital punishment has a brutal effect upon people, especially upon the plastic minds of children. Young people hear of murders; they absorb those statements readily. Some members may have noticed

recently the case of an American girl of 15 or 16 years of age who murdered her brother of eight to ascertain what the reactions to murder would be. I dare say she committed the crime because she had been hearing or reading a lot about murder cases. Hanging used to be a popular entertainment in England. At a spot close to Hyde Park gates, Tyburn, some 50,000 people have been hanged. Land in the vicinity was leased; grandstands were erected and admission was charged for seats. When there was a reprieve, I believe people rioted because they were deprived of their entertainment. Hanging has now become more respectable. I claim definitely that no member of this Chamber would vote for hanging if he had to do the hanging. No judge who sentenced a man to be hanged would do so if he had to do the hanging. The same thing applies to jurors.

My last plea is this, that neither judges, jurors nor members of the legal profession are infallible. History reveals many instances of mistaken identity, of false evidence and other factors which have led to men being hanged wrongfully. I should like to quote from portions of an article written by the Rt. Hon. J. R. Clynes, M.P., British Home Secretary from 1929 to 1931. He said—

Last year (1938) 14 innocent persons were tried in Great Britain for murder; though not every reprieve or acquittal in the courts necessarily means innocence. One innocent man had to undergo four days' trial before being acquitted. Other men and women had to suffer similar ordeals. To stand in the dock, scrutinised by the stern eyes of a judge, who may at any moment assume the black cap, is an experience which must sear the mind of an ordinary person for life.

It is almost impossible to suppose that, if 14 innocent people had to face such trials during 1938, there is never one whose innocence fails to save him—a man who goes to the gallows, vilified and shamed, for a crime he has not committed.

Many criminals who protest their innocence right up to the time when the masked figure of the hangman appears are hanged. This being so, we have solemnly to consider whether the death sentence should be abolished.

Although it was my duty, while I was Home Secretary, to dismiss those reprieve appeals in which, after long and hopeful examination, I could find no legal excuse for mercy, I do not believe in capital punishment.

This feeling is spreading, and much agitation is now afoot in Parliament to abolish hanging.

Towards the end of 1938 when members of Parliament were trying to introduce such legislation, there was a sympathetic reaction in the

criminal courts, which showed clearly the way the wind blows through legal minds.

Nineteen reprieves of the death sentence were granted in as many weeks. All these reprieves occurred in cases where passion and provocation to an extreme degree were factors of the crime.

In certain northern countries, where the death sentence has been abolished altogether, there are very few murders—fewer proportionately than in Britain.

Last year was a very bad year for murders in Britain. There were 90; and that is the worst return since 1931. In that year, 101 people were murdered—but the conditions of the great depression were partly responsible for that, as the crisis was for last year's dreadful total.

Criminologists prove that war, poverty and depression breed murderers—war most of all.

It does not seem that the death sentence, to which certain jurists of the implacable old school pin so much faith, is really a deterrent.

And there is always that nagging question, at the back of every thinking person's mind—and particularly of everyone connected with the administration of the law, "How often is an innocent man or woman hanged?"

I am convinced that hanging does not prevent or lessen murders. Hanging, to my mind, is indefensible, whether from expediency or legitimacy. I hope to live long enough to see it abolished from British law and to see the day when the Home Secretary is no longer called upon to take the dread responsibility of refusing to advocate mercy for what may, because of human error, be an innocent man. Men have been hanged in Britain for crimes that other men later confessed to having committed.

The writer then went on to deal with particular crimes. When a life has been taken, of what use is it to indulge in remorse should it be found that the man in question was innocent of the crime? Evidently capital punishment is wrong, because it is no punishment, merely revenge. It is a relic of the old Mosaic law, under which kidnapping, violation of the Sabbath, the drinking of blood and other crimes were punishable by death. No one in this House has more regard for the interests of the public than I have, and no one wishes to protect it more than I do. No one feels more than I do that people should be punished for their crimes, and that just sentences should be imposed upon them for the crimes they commit. I am anxious, however, to abolish the worn out sentence of capital punishment, and to place upon the statute-book a just sentence, one that will never mean the taking of an innocent human life. My object is to secure the passage of a measure that will pass from the Mosaic law to the Christian law which says, "Thou shalt not kill." The

time has come when we should place upon the statute-book a measure that will tend rather to eliminate the causes that lead to crime, and subsequently to murder. I move—

That the Bill be now read a second time.

MR. STUBBS (Wagin) [5.38]: The member for Subiaco (Mrs. Cardell-Oliver), who has just moved the second reading of a Bill to abolish capital punishment, has had considerable experience of life. There are 50 members of this Chamber who were sent by their constituents to make laws governing this State. I have no desire to influence any one of them, but would like to ask the member for Subiaco one or two questions. If some man went into the house of her mother, or the house of one of her relations, and took the life of one of those people, without that person having a chance to defend himself or herself—that person might have been the breadwinner for an entire family—and the hon. member caught that man, and found herself in a position to inflict a blow on his head that might result in killing him, would she inflict that blow? I ask her that question in all sincerity.

Mr. Cross: What would she do to Hitler?

Mr. Sampson: What would she do to the member for Canning? I hope she would act.

Mr. STUBBS: I hope that every member here will view the Bill from the proper angle. We have under our Constitution an elective Parliament, and the people decide what Government is to control the destiny of this State. If any man or woman commits a murder he or she is tried, and receives British justice. Under the present law any person who commits a deliberate murder is tried by a judge and jury of 12 honourable and true men. Their verdict is recorded by the judge and sentence is pronounced. That verdict is sent in due course by the judge to the Executive Council, of which the Premier is the head. The whole case against the convicted person is considered by Executive Council clearly and without bias, and the sentence is decided by it. Is this Parliament elected to alter that procedure which has been adopted for the past 50 years since Western Australia has been a State?

Hon. W. D. Johnson: Executive Council has that right; why should not this place decide?

Mr. STUBBS: Executive Council can recommend to His Excellency the Governor,

who is a member of the Council, whether the sentence shall be carried into effect, and it considers all surrounding circumstances. Some men are convicted of murder although they never intended to commit murder. That is why I think the present system is a good one. I remember a case in this State, many years ago, when a man deliberately hired a motor car and in his desire to secure possession of it he sat behind the driver and flogged him to death, and then dragged his body away and threw it in the Swan River. Those are the facts, and he was as sane as I am.

Mrs. Cardell-Oliver: How do you know?

Hon. W. D. Johnson: What happened to him?

Mr. Raphael: He has given 17 years of his life for it.

Hon. P. Collier: He is where he ought to be.

Mr. STUBBS: I am absolutely against the hon. member in her endeavour to alter the law.

Mrs. Cardell-Oliver: He was not hanged.

On motion by Mr. Warner, debate adjourned

BILL—CITY OF PERTH SCHEME FOR SUPERANNUATION (AMENDMENTS AUTHORISATION).

Second Reading.

MR. NEEDHAM (Perth) [5.47] in moving the second reading said: It might be as well to give a brief history of the events leading up to the necessity for this projected legislation. In 1928 a Bill was introduced in this Chamber with the object of creating a scheme for the establishment of a superannuation fund for the people employed by the Perth City Council. That Bill never reached the statute-book. During the discussions here it was referred to a select committee, and eventually withdrawn because it did not provide for the payment of superannuation to the wages employees.

The matter remained in abeyance until 1934 when I introduced another Bill which had, as its object, the payment of superannuation to all the employees of the Perth City Council—members of the salaried staff, officers and wages employees. That measure reached the second reading stage and was agreed to. It was again referred to a select committee, and afterwards became law with

many, if not all, of the amendments suggested by the select committee. The 1928 measure did not become law, not only because it did not include wages employees, but possibly because the public mind was not so well informed then as it is today about the necessity for superannuation. As the result of the legislation passed in 1934, the Perth City Council, after having fulfilled all the requirements outlined in the measure, established in 1937 a scheme of superannuation that has been in operation for four years and has survived all actuarial tests. The 1934 Act did not provide superannuation for widows of City Council employees who had been on either the salaried or wages staff.

The object of the amending legislation now before the House is to extend the benefit of superannuation to widows of former employees of the Perth City Council. The provisions of the parent Act are extended to widows on the basis of their receiving half the pension or allowance to which their husbands were or would have been entitled had they lived. The effect will be that if an employee of the City Council dies before becoming eligible for superannuation, then his widow will be entitled to a pension on the basis I have indicated. Furthermore, should the employee die after becoming entitled to superannuation, and have been in receipt of payments under the scheme, then his widow will be entitled to a continuation of superannuation payments on the basis indicated in the Bill. Provision is also made for the payment of such superannuation to her during the period of widowhood, but should she re-marry, then the allowance will cease.

The Bill contains a provision which will allow employees to exercise their option with regard to widows' superannuation. Any male employee who is contributing to the present scheme is to be given the option of extending such contributions to include benefits for his widow. Should the employee not desire to take advantage of this provision, if the Bill now before the House is passed, he must indicate his refusal by serving a written notice on the board within one month after the passing of the legislation. The Bill also provides that any contributor who may be serving with His Majesty's forces will be required to give notice of his intention within three months of his return to Western Australia. Each male person joining the City Council staff in future will

be required to contribute for both his own and his wife's benefit. The contributions of female employees will remain as at present, but male employees who desire to participate in the widows' benefit section of the scheme will naturally be required to contribute at an increased rate, as outlined in the Bill. That provision is necessary because, from an actuarial point of view, the scheme is being extended to include widows and that makes it essential that contributions by members participating in the scheme shall be increased. The Bill embodies nothing new in the proposal to extend superannuation benefits to widows. The Commonwealth Superannuation Act of 1922-37 makes provision in Section 31 for the payment of a pension to a widow and her children on the death of a contributor. There is also State legislation dealing with widows. The Superannuation and Family Benefits Act of 1938, provides in Section 54 for the payment of a pension to the widow of a qualified contributor. The Bill now before the House seeks to extend that privilege to widows of former City Council employees who were qualified contributors.

When the select committee inquired into various phases of the superannuation scheme for the employees of the Perth City Council, some doubt was expressed by a leading witness as to the solvency of a scheme that would include the wages staff. That was the rock on which the original superannuation measure perished. Experience over a period of four years has proved that the witness's view was somewhat pessimistic. Beyond all shadow of doubt the scheme is solvent, despite the fact that it embraces the wages section of the City Council's employees. I have a copy of the fourth annual report of the Perth City Council Superannuation Fund for the year ended the 30th June, 1941. Perhaps members will be aided in their consideration of the Bill if I quote one or two paragraphs from the report, with a view to proving my contention that the council's Superannuation Fund is solvent, despite the fact that it covers the wages staff.

The item of expenditure "Payment under Clause 8 (1) superannuation allowances" amounted to £659 18s. 11d. as compared with £240 8s. 9d. for the previous year. As at 30th June last, there were seventeen officers and employees receiving superannuation allowances under the provisions of the fund, and the total

annual liability for pensions of these members amounts to £958. The average individual pension being paid at 30th June amounted to £56 per annum.

The total expenditure including pensions and all refunds of contributions, amounted to £1246 16s. 10d., whilst the total interest earned on investments was £1333 6s. 5d., being an excess of interest income over all outgoings of £86 9s. 7d.

The accumulated funds (as shown in the balance sheet) amount to £37,719 18s. 9d. This sum is invested in Commonwealth bonds £18,417 19s. 6d., municipal debentures £16,010 19s. 7d., road board debentures £2,043 9s. 7d., and cash at Commonwealth Savings Bank £908 8s. 9d. The average rate of interest earned on all investments during the year was £4 0s. 8d. per cent., compared with £3 19s. 2d. per cent. last year and £3 17s. 10d. per cent. for the previous year.

During the year nine officers (two from the head office and seven from the Electricity and Gas Department) retired and were placed on pensions, and as previously stated one wages employee was granted a pension on account of permanent ill-health, making the total number drawing pensions at 30th June last, 17, as compared with seven at the same date last year.

Now I come to the table in the report showing the number of men in receipt of superannuation. The number of pensioners at the 1st July, 1940, was three from head office and four from the Electricity and Gas Department, a total of seven, and pensions were granted during the year to three from the head office and seven from the Electricity and Gas Department, a total of ten, making 17 in all. The total number of members in the fund at the 30th June last was 195 officers and 265 wages employees. Thus there is a preponderance of officers over wages employees receiving pensions.

The Bill is not as formidable as it looks. It contains two schedules. The first schedule is simply a replica of the scheme now in existence, while the second schedule is to a large extent a replica of the first, except it shows in distinctive type the amendments made to the scheme. I direct members' attention to page 11 of the Bill where they will find certain portions of the second schedule in black type indicating the amendments that are proposed. The showing of amendments in this way is an innovation that might well be followed in other Bills. The distinctive type enables members to grasp at once the salient points of the intended legislation. The extension of the scheme of superannuation to widows will necessarily mean an increase of contri-

butions, but, as I have pointed out, the scale has been actuarially examined and pronounced sound. The measure contains nothing contentious and is one that should appeal to every member. I have placed before the House all the information at my disposal, and I trust that the second reading will be passed and that the passage of the Bill through its other stages will be expedited. I move—

That the Bill be now read a second time.

On motion by Mr. Hill, debate adjourned.

MOTION—FARMERS AND PASTORALISTS' DEBTS.

Debate resumed from the 27th August on the following motion by Mr. Watts (Kating):—

That in view of the fact that the secured liabilities of many farmers and pastoralists are so great that they are unable to pay their way, and in the interests of the State it is essential that those engaged in these industries be placed in a solvent position as soon as possible, it is the opinion of this House that the Government should take immediate action to legislate for the adjustment of such secured debts, and their ultimate reduction to not exceeding the fair value of the security.

MR. McDONALD (West Perth) [6.9]:

The position of the wheat industry in this State has occupied the attention of Governments both in the Federal and in the State sphere and of various Parliaments for the last ten years. In 1930 we in this State passed the first legislation designed to help the wheat industry, and in fact to help all primary producers who were placed in financial difficulties by the conditions then obtaining. The Farmers' Debts Adjustment Act was an attempt, and a reasonably successful attempt, to make available to the farmers a modified form of bankruptcy. Four-fifths in value of a farmer's creditors could agree upon such a scheme for a compulsory reduction of the farmer's debts, including secured debts, but with this exception, that there could be no obligations cast upon the first mortgagee unless the first mortgagee agreed to assent to come into the scheme. So by a kind of meeting of creditors outside the Bankruptcy Act, under the Farmers' Debts Adjustment Act, there was power by a large majority in value of the creditors, four-fifths, to adopt a scheme for the writing-down of debts, but no power to touch the first mortgagee.

The next step was the appointment of a Federal Royal Commission on the wheat industry, the most authoritative inquiry into that industry which has every been made in Australia. The conclusion reached by that Commission was that overshadowing all other factors stood the debt structure, the adjustment of which was unavoidable. The Royal Commission then proceeded to set out a scheme for the adjustment of debts by extinguishing the excess of liabilities over the value of the assets, which was to operate for a probationary period of some years, and through machinery which was suggested by the Royal Commission. But the Commission made certain qualifications or additions—and I think, with good grounds. The Commissioners said that in their opinion re-adjustment of the debt structure of the wheat industry should take the form of an Australia-wide measure. They said further that the re-adjustment should be accomplished by the finding of certain funds by the Commonwealth Government for replacing obsolete machinery, and for giving credit facilities to the farmers who were concerned in debt adjustment.

The Commonwealth Parliament made no attempt by legislation to incorporate or put into effect the Royal Commission's recommendations, but it did go this far. In 1934, I think, by the Commonwealth Wheat Industry Debt Adjustment Act it provided a sum of £12,000,000 for the wheatgrowing States of Australia in certain proportions which were paid to the States to be used for adjustment of the debts of farmers. That legislation of the Federal Parliament was a recognition of the finding of the Royal Commission that some debt adjustment, or reduction of farmers' liabilities, was necessary in the case of the Australian wheat industry. Of the £12,000,000 Western Australia's allocation was £1,300,000; and, to utilise that money, in 1935 the Government brought down and this House passed the Rural Debts Relief Fund Act. Under that Act, however, there was no power to reduce the liabilities to first mortgagees. In fact, the Rural Debts Relief Fund Act was not, in one sense, an Act by which compulsory powers of debt reduction were granted at all. It did contain this compulsory power, that the trustees appointed under the Act could extinguish the interest on the amount of debt which they froze for a certain period during which a stay order operated.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. McDONALD: As I was saying, in 1935 this Parliament passed the Rural Relief Fund Act, under which the trustees took power to extinguish interests on debts, including first mortgage debts, during the period of the operation of the stay order, but under which they had no power to extinguish any part of the principal debt of first mortgages, and opportunity to extinguish or reduce other debts was considerably limited. In the same year the Victorian Parliament passed an Act based on similar ideas in order to utilise Victoria's share of the debt adjustment fund which had been made available by the Federal Government; but that Act gave power to the trustees of the Victorian fund to reduce compulsorily all debts, including first mortgage debts, and by that Act the share of the debt adjustment fund which had come to Victoria from the Commonwealth was applied to give some compensation to all creditors, including first mortgage creditors whose debts were reduced. Moreover, the Victorian Government made available a certain sum to give credit facilities to farmers whose opportunities to obtain credit might be impaired as a result of the debt adjustment legislation. So that the Victorian Government, in 1935, with £2,500,000 which it obtained from the Commonwealth Government for debt adjustment, dealt with all the creditors of the farmer, including banks, insurance companies and others holding a first mortgage.

Mr. F. C. L. Smith: Is there a Government bank in Victoria?

Mr. McDONALD: I do not know.

The Premier: Victoria has a State Savings Bank which makes advances for the erection of houses.

Mr. McDONALD: New South Wales has a Rural Bank, which is a Government institution. In Victoria the opportunities to deal with first mortgagees were more favourable than they were in this State. The debt structure of the wheat farmers in Victoria was not, in my opinion, as onerous as the debt structure of the wheat farmers in Western Australia. Moreover, Victoria is a State possessing large capital reserves and might feel, with justification, that it was not likely to suffer any diminution of capital supplies for farmers. However, in contrast to our legislation, the Victorian Government, with the support of all the parties in Parliament, attacked the whole problem of debt structure of wheat farmers and conferred compulsory powers on the board which it had appointed

to reduce first mortgage as well as other debts. During the preceding year, 1934, our Parliament had dealt with the debt structure of farmers who were under mortgage to the Agricultural Bank. By the Agricultural Bank Act of 1934 the Government was authorised to write down the indebtedness of wheat farmers who had received advances from that bank. At that time about one half of the total indebtedness of the wheat farmers in this State was owing to the Agricultural Bank; the other half was owing to private banks, trustee companies, insurance companies and private mortgagees. So that in 1934 the debt structure position was such that the Government had, in my opinion rightly, brought down legislation to enable the first mortgage debts of wheat farmers to the Agricultural Bank to be written down to some alignment with the actual value of the farms held by way of security by the bank.

In 1937—I hope the House will pardon my referring to the history of our attempt to deal with the debt structure of the wheat industry, because I think it has an important bearing on the problem raised by the motion—the member for Katanning (Mr. Watts) introduced a Bill which had primarily the object of allowing compulsory writing-down of first mortgage debts of primary producers of all kinds, pastoralists, wheat farmers and others. On a motion moved by myself, that Bill was referred to a select committee of which the Minister for Lands was a member. Unfortunately, the session closed before its inquiries were completed; and although I endeavoured—if I remember with the concurrence of the Minister—to have the committee turned into a Royal Commission so that its task might be completed, that effort did not meet with success in this House and the committee's labours thereupon ended.

In 1939 a similar Bill was introduced by the member for Katanning and passed this House, but was defeated in the Legislative Council. The position to me appeared at that time to be this: that something should be done to ease the debt structure of farmers. My view was that I would support legislation to ease the debt structure if it were on an Australia-wide basis, as recommended by the Royal Commission on the wheat industry; or if it could be done on the Victorian basis, by which some funds could be made available

to compensate first mortgagees and give them, say, 3s. or 4s. in the pound on the debt written off and if some funds were available to provide for credits for farmers.

If those views were correct in 1939, that debt adjustment as applying to first mortgagees should be on a Commonwealth basis as recommended by the Federal Royal Commission, or alternatively that compensation should be made to first mortgagees as was provided by the Victorian Act, then I have to inquire whether the situation has undergone a change in the last two years. I conclude that it has undergone a change. For one thing, it seems to me that we cannot wait any more for the Commonwealth Government. It would have been a great advance if the Commonwealth Government had immediately put in force the recommendations of the Royal Commission in 1934 and 1935. All it did was to provide £12,000,000 for rural relief, or for the relief of rural debts. It did not pass any legislation in order to carry out the recommendations for an Australia-wide scheme of debt reduction for the wheat industry. That, however, is past history and we can now be fairly sure, on present indications, that we are not likely to get from the Commonwealth Parliament, with all its preoccupations, any measure to deal with the debt adjustment problem of the wheat industry or the pastoral industry on a Commonwealth-wide scale.

The Minister for Lands: This does not apply only to the wheat industry.

Mr. McDONALD: I am dealing primarily with the wheat industry. It is no good waiting for what I thought in 1939 was the proper basis of debt adjustment, namely, adjustment on an Australia-wide basis. The next factor that enters into the matter is the action very properly taken by the State Government last year in appointing a Royal Commission into the pastoral industry in the North-West of this State. The Royal Commissioner, Mr. Fyfe, after very careful investigation, has made it clear in his report that debt adjustment is essential in the pastoral industry. He recommended that there should be legislation for this purpose, by which the process of debt adjustment would be extended over a period of eight years, and at the end of that time the excess of debt over the value of the securities would be extinguished. That is a very important development. If we are to have debt adjustment

in the pastoral industry—and I think, after having read Mr. Fyfe's report, that is necessary—should we not extend it to the wheat industry in respect of which adjustment was declared by the Royal Commission on the wheat industry to be unavoidable? If Mr. Fyfe was wrong, then Parliament and the Government should ignore his recommendation. I have heard no suggestion that his conclusions are not soundly based, and that his recommendations are not valid. If he is right in recommending debt adjustment and legislation to carry out his recommendations, then Parliament, in the interests of the pastoral industry in those areas, cannot afford to ignore his recommendations.

The Minister for Lands: It necessitates the expenditure of a good deal of Commonwealth money.

Mr. McDONALD: I appreciate that. He recommended the utilisation of a large amount of Commonwealth money. I acknowledge that money is needed to carry out debt adjustment on what I might term equitable principles. But whether Commonwealth money is forthcoming or not, it seems essential that something should be done to assist that northern pastoral industry. Even if the Commonwealth Government said, "We have no money and will never find you any money," the problem of the rehabilitation of the pastoral industry must be tackled by this Parliament and this State. I am pleased to observe that the Minister for Lands has made a distinct advance towards meeting that problem. The arrangements he has made with the banks and the larger organised creditors for a tribunal in respect of writing down will represent, I hope and believe, a very great assistance to that industry.

But I feel that if we and the Government are to recognise that debt adjustment is necessary in the pastoral industry, and provide facilities—and the Government is providing a certain amount of money by way of interest on suspended debts for the North-West pastoralists—if we are to recognise that we have a duty to assist the North-West pastoralists, then we must recognise also any duty we owe to any other industry that is in difficult circumstances. In view of the fact that the authoritative inquiry of the Federal Royal Commission led to the conclusion that the wheat industry is in need of debt adjustment, and in view of the

fact that in 1934 this Parliament recognised that position in this State by the provisions inserted in the Agricultural Bank Act, it seems to me that logically we cannot extend to one industry relief of which it is in need and refuse to another industry relief of which it also is in need.

Mr. F. C. L. Smith: We have discharged our duty in respect of Agricultural Bank clients, have we not?

Mr. McDONALD: Yes, we have, but we have left untouched all those farmers who owe first mortgages to private institutions or private mortgagees. They are now untouched, and the question raised by the motion is whether it is our duty to make some provision to relieve the debt structure of those who still owe money to private mortgagees and have not come under the legislation introduced up to date.

The Premier: Farmers' debts have been reduced, have they not?

Mr. McDONALD: Yes, and I do not think there would be a large proportion of farmers whose debts would exceed the value of their securities. They have received distinct benefits under the Rural Relief Fund Act. But there are, I have no doubt, a considerable number of farmers whose first mortgage debt exceeds their assets, and those are the people for whose benefit the motion has been framed. It seems beyond any doubt, from our own legislation and from the recommendations of the Royal Commissions, that some debt adjustment is necessary.

The Premier: Some further debt adjustment?

Mr. McDONALD: Yes. It seems to me that if we are now to extend assistance on a voluntary system to the pastoral industry, we should extend it on the same terms to any other industry which needs it. The Minister raised a question of no small importance, and one which in 1939 occasioned me a good deal of embarrassment and led me to oppose the hon. member's Bill unless the debt adjustment could be carried out on the lines I mentioned just now, that is on a Commonwealth-wide basis or under the Victorian system. It appeared to me that some assistance would have to be given to certain farmers in the way of carry-on provisions. I was reluctant to agree to a measure which might affect the flow of credit required by the farming in-

dustry. Those arguments were very properly used on the occasion of the 1939 Bill. A lot of water, however, keeps running under the bridge, and the problem of the wheat industry in this State may well outweigh such arguments. The industry is still passing through very difficult times, and there is a large number of farmers whose debt structure is too large.

Mr. F. C. L. Smith: Would the provisions of the 1939 Act stop the flow of credit now?

Mr. McDONALD: I do not think it would to the same extent. The question is a very relevant one. Conditions in the last two years have altered. People are prepared to accept now many measures which in pre-war days, or the days just after the commencement of the war, did not appear to be in accordance with what I might call orthodox practice. Today people are very properly accepting all kinds of regulations and reductions. We do not face the same difficulties over credits today that we did in 1939. An instance of that is the very proper attitude of the banks and pastoral companies in the agreement recently negotiated by the Minister for Lands. That is an acceptance, or acknowledgment, by them that the time has come when this question of debt structure in relation to the pastoral industry has to be tackled in a practical way. I think that when it comes to the wheat industry the banks will be prepared to view the position in the same realistic light. There is, however, something more than that.

The wheat industry is one of utmost importance to this State. We will build up secondary industries in the course of time, but we would be fatally embarrassed, or if not fatally, seriously embarrassed by any great diminution in the productivity of our wheat industry, and the employment it gives. It is an industry fundamental to the prosperity of our State, and all the activities of our State—the ports, railways, towns, and all the other various parts of our economic structure. We know, and the Minister in answering a question referred to this very matter, that the young men today are leaving the land. They are going into the Forces, and unless we can make the wheat industry and the rural industries productive, they will never return to the land. They will never return to conditions under which they cannot earn the basic wage, and where they

are dependent upon some unspecified, uncertain, and very often trifling allowance made by the father out of the difficult financial position in which he stands.

If we are to maintain our industry, and be able to use that industry as a means of re-absorbing our men when they come back from the war, and even if we are merely to keep on the land those who are now there, we must improve its financial and economic stability, and also that of all other primary industries.

The Premier: Do you not think the guaranteed price for wheat has made a great difference?

Mr. McDONALD: Yes, a very great difference.

The Premier: It has changed the outlook.

Mr. McDONALD: It has greatly improved the outlook of the wheat farmer. With that guaranteed price the normal and capable wheat farmer should be able to pay interest on a reasonable debt on his farm, pay his way and have a reasonable amount for himself and his family, and provide a reasonable wage for his employees. But first mortgage debt of a wheat farmer may exceed the value of his assets. By assets I mean all his assets and not merely the value of his farm. If he has outside assets I count them as part of his security. The first mortgage debt might exceed the total value of those assets. The farmer might have a farm worth £9,000 and his debt be £11,000. The idea of this motion is to extinguish, after a period of years, the £2,000 by which the debt exceeds the value of the assets. The creditor loses nothing from the value of the security but he does lose, admittedly, the prospect of getting that £2,000 from any improved earnings of the farmer at some future time. There may not be many farmers whose debts exceed the value of their assets. I hope there are not. If there are, and they are deserving farmers—because the proposed legislation has always been confined to those farmers whose conduct entitles them to this relief—then they represent a class to whom this relief, the extinguishment of the excess of debt over the value of the assets, might not unreasonably be extended. Even then, the farmer will still have not £1 worth of equity in his farm.

We want, in these cases, to provide by our legislation a modified form of bankruptcy but without the stigma of bankruptcy and without the usual accompaniment of bank-

rupture, namely, that the farmer is forced off his farm. If a man has been on a farm for 10, 20 or 30 years and, as the books used to say, has "grown to the soil," and is a deserving man, and with the extinguishment of his debt beyond the value of his security, he could make a do of his farm, then it seems a great pity, not merely for himself and his family, but also for the State, that circumstances might compel him to leave the farm.

Mr. F. C. L. Smith: It would be bad luck for the creditor in that case.

Mr. McDONALD: Yes, and that is why there are some suggestions that creditors might well acquiesce in this form of legislation in their own interests. One further argument, which has rather impressed me, has caused me to look more favourably on this type of legislation than I did before. It is this: I do not think that after the war we shall have the same regard for what I may describe as the supremacy of debt as in the past. If a man has been deserving, has spent years of his life on a station or farm and has arrived at the stage when his debts exceed his assets, then I do not think the feeling of the people will be that the excess of the debt beyond the total value of his assets should be allowed to weigh against the hopes and prospects of that man for the future. I hope that view will prevail. I think it will, and that it will prevail with the concurrence of those people who are in the position of creditors.

A few words regarding the nature of the relief to be afforded. I think the Minister's arrangement with the banks and pastoral companies regarding the pastoral industry, is on the right track. I believe that any legislation we pass should comprise two parts. The first should be to encourage and provide machinery for agreements between parties for the voluntary and amicable adjustment of debts. We know that would not be possible in every instance. There can be unreasonable creditors, just as there can be unreasonable debtors. Moreover, the banks and pastoral companies deal with only a portion of the creditors. There are a number of private creditors, private mortgagees, unpaid vendors who sold at peak values, and other individuals who cannot be reached so easily. Therefore, while the first part of the legislation should make provision for voluntary agreements, the second part should

cover the position that would arise if the parties could not agree upon an adjustment of the debt, so that any such adjustment could be determined by some competent responsible tribunal—just as in our industrial legislation we provide first for conciliation as between the employer and his workers, and, if that fails because one or other side is unreasonable, then for arbitration by a competent impartial tribunal. So, I am all for the voluntary arrangement and adjustment of debts as between creditors and debtors. That is the ideal way, but I feel it should be supported by arbitration if a fair and voluntary adjustment cannot be arrived at. Next I wish to say a word about the sanctity of contracts.

The Premier: That is getting less fashionable now!

Mr. McDONALD: Very much so. Although I and my party are as great sticklers as anyone else for the sanctity of contracts, we must look the matter fairly in the face. I realise that during the period I have held a seat in this House, I have been party to legislative breaches of the sanctity of contracts. The legislation introduced by the Minister for Labour in 1939 to deal with rents had the effect of breaking contracts between landlords and tenants. Every year we have broken mortgagees' contractual rights by providing for a reduction of 22½ per cent. in their interest charges. The Mortgagees' Rights Restriction Act definitely takes away part of existing contractual rights of mortgagees. Year after year, we have passed legislation affecting the contracts of mortgagors, and in some instances that has been to the considerable detriment of mortgagees. I am quite prepared to extend the principle I have spoken of to any other section of the community whose debts may exceed their assets, provided those concerned are deserving, and if by the extinguishing of their excess debts, they may be able to keep their businesses, farms or homes.

In 1939, when I spoke on this type of legislation, I said that I would not be alarmed at a measure that was Australia-wide in order to ease the liability of people, provided such benefits were not confined to one section but were given application to all people who were labouring under hardships arising from indebtedness. I said I was prepared to apply that principle to the worker,

the small householder, the small farmer, or anyone else who, by reason of the depreciation of his security, was in the position where his first mortgage debt exceeded the total value of his assets, and the individual was a person deserving of such assistance. It is desirable, too, if we are to have debt adjustment legislation, to provide a fund from which to assist farmers with seasonal credits. I would agree to that, and at this stage, if we cannot get it from the Commonwealth, I am prepared to take the risk as to where we shall obtain it.

The Minister for Lands: Would you consider the availability of money an essential part of any such arrangement?

Mr. McDONALD: I would not regard it as essential; in 1939 I thought it was. My opinion now is that there has been a great change since 1939 in the views held by the chief creditors in the rural industry—the banks and pastoral companies. They look at this matter in a much more realistic way than they did in past years. They acknowledge that in many instances too much credit has been granted to farmers whose liabilities therefore have grown out of all proportion to their assets. I feel that the danger of affecting the credit of farmers as a result of legislation is far less today than in the years preceding the war. If we can have established some fund as I suggest, I should like some compensation for the man whose first mortgage debts are written down.

After all, as the Royal Commission that investigated the wheat industry reported: One man's debt is another man's asset, and a creditor's asset may be something he has built up over a period of years by the exercise of self-denial. If we can, as the Victorian Parliament did, provide some small compensation for the extinguishing of a debt, we should endeavour to do so. Moreover I would hope, as an ideal perhaps, that any debt adjustment should be part of a general scheme of reconstruction for the wheat industry. I know that the Minister has in view schemes for dealing with the marginal areas, but I think we need to go far beyond that because we have to realise that, with markets uncertain in the future, we cannot as an economically sound proposition, probably for years, allow entirely unrestricted production, and there must be a greatly increased regulation, not only of the wheat industry but also of many other industries. I should like to see debt adjustment as part and par-

cel of a wide and far seeing reconstruction of primary-producing industries generally.

I am not concerned at this stage with the details of the scheme. I think they could doubtless be reasonably and equitably determined if we were considering legislation of this kind, but the conclusion I have arrived at is that we cannot wait for the conditions which, in 1939, I thought were necessary to debt adjustment, that is, Commonwealth-wide action or Commonwealth funds. I think the time has come when, in the interests of our wheat industry and pastoral industry and as a gesture of encouragement and hope to the people engaged in those industries, we ourselves should grapple with the problem and meet the present difficulties and any other difficulties that may arise. I think we will inevitably encounter difficulties from an attempt to meet this problem in the way suggested in the motion, but we will encounter still more difficulties if we allow the problem to remain any longer without grappling with it.

Mr. BERRY: I move—

That the debate be adjourned.

Motion put and negatived.

MR. BERRY (Irwin-Moore) [8.12]: I wish to associate myself with the motion and congratulate the mover on having brought it before the House and the people of Western Australia. The member for Katanning (Mr. Watts) is to be commended for his persistency in this matter. The whole question is one of debt shadow. More and more as the years go by that shadow has crept not only over the properties of the primary producers but also into the very lives of those people. Today we have a position that is indeed appalling. When I first entered this House, I mentioned that unless we took definite and firm action on the question of debt structure, the time must come when we would need to employ ledger-keepers mounted on horses to write the farmer's debt in the dust of a 10-acre paddock. That time has come. The member for Katanning said that the tendency of people to take a more direct and personal interest in the question of the secured creditor was growing day by day. I assure the House very definitely that the people of Australia are now firmly of the conviction that we must tackle this question of secured credit and

debt shadow. The debts incurred in primary production were incurred at a time when wheat was 5s. or more per bushel. Yet the wheat farmers are expected to pay interest on the basis of debt contracted with wheat at 5s. per bushel when today it is perhaps worth 2s. 6d. per bushel.

The Premier: No.

Mr. BERRY: I say that because the Premier suggested to the member for West Perth (Mr. McDonald) that the wheat stabilisation scheme fixing the price at the moment has done much good. It has done much good, but a point that seems to be overlooked is that the guaranteed price for wheat is for a fixed number of bushels, namely, 140,000,000 bushels for the whole of Australia. Consequently we see another strange phenomenon, namely, that the success of the scheme will depend upon failure through drought in other places. If we get a crop of more than 140,000,000 bushels in Australia, the advantage of that price-fixing will disappear.

The Minister for Lands: I would like you to tell me what is the average Australian wheat production for ten years.

Mr. BERRY: I should like, by way of reply, to ask the Minister whether he is certain that we shall get only 140,000,000 bushels.

The Minister for Lands: That does not answer my question.

Mr. BERRY: Neither has the Minister answered my question. The point is that 140,000,000 bushels is a basic figure and is as definite a restriction on output in a practical price sense as any we could have.

Let me leave that point and consider what we have done. So far we have passed a Rural Relief Fund Act. That measure has brought a considerable amount of benefit to the secured creditor. Without doubt the secured creditor realised that, so long as he was not caught in the toils of debt reduction, any reduction made in the country by the bleeding of local storekeepers or other unsecured creditors would enhance the asset he possessed.

The Premier: He is secured to his full limit.

Mr. BERRY: If the debt of the unsecured creditor endangered the asset of the secured creditor and the unsecured creditor was wiped out, the asset of the

secured creditor was rendered safer. That is logical.

The Premier: He was secured up to his full limit then and is now.

Mr. BERRY: It makes no difference. Had the unsecured debt on the property remained, plus the secured debt, the value of the whole property was prejudiced.

The Premier: Not the value of the secured debt.

Mr. BERRY: The Premier is far too intelligent for me. He always is. The first step we took along the road of debt reduction harassed purely the country storekeepers and people of that ilk. We have had many instances of those people having to sacrifice their debts and, as far as I can understand, they were not in a position to apply to anyone else for a reduction of the amount of money they owed to secured creditors in the city. While I admire the machinery of our Rural Relief Fund Act and what it did towards helping the farmer some years back, I suggest that it represented a very short step along the road to tackling the main problem concerning the secured creditor, which has been paramount in the minds of all for the last ten years. This problem must be tackled. The shadow of debt has crept not only over the farm properties but also over the lives of the farmers, and that it is lowering the morale of people should be evident to anyone possessed of only the brains of a mouse. The farmer himself should have tackled this problem long ago. He should have said, "I will not submit to this. I would sooner walk off and leave you with your asset." But of course that is a difficult thing to do.

Whenever we bring up the question of the secured creditor, that sacrosanct economic bushranger, we are told, "Keep your hands off this man; otherwise credit will dry up." There are two lines of thought. Credit possibly may be dried up, but if the secured creditor dries up the credit of the primary producer of Western Australia he will dry up his asset too. I do not believe for a moment—though I have heard rumours to that effect—that the banking institutions declare that they can actually dry up this credit for 10 years. If they do that, they will dry up the city of Perth and every other city of Australia as well. Reverting to the Rural Relief Fund Act, we find that reputable firms like Elder, Smith & Co. have writ-

ten off considerable sums of money owing by private individuals and have carried those individuals on. Credit certainly did not dry up in those cases. My belief is that if any Government took up a firm attitude in this matter, credit would not dry up. In my opinion, this threatened stopping of the flow of credit is just one of the economic sticks which the big fellow lays across the back of the smaller. I am not afraid of credit drying up, and never was, and never will be.

To show what is happening in the matter of debts, let me mention that we had in this city a week or two ago a case where the conference of the Wheatgrowers' Union, in its wisdom, prevented the forced sale of the farm owned by Messrs. McGinnis Brothers and Ryan. Members of that conference went to the forced sale, having first called at the A.M.P. office in an endeavour to make the society see sympathetic justice. In that they failed. Therefore they went to the Palace Hotel when the sale was on, and not only blocked the proceedings but declared the property "black." I was told afterwards by several influential people that direct action of such a nature in a time of war was hardly the thing to do; but I suggest to this House that, equally, in time of war it is not a just and fair thing for the A.M.P. to attempt to turn people off their land because of debt, people who have produced an average of 12½ bushels for the last 10 years, I think it was. Inquiries have shown that these men have proved themselves hard workers and that they had been on the farm for a number of years. McGinnis Brothers and Ryan have toiled there for years, honourably and successfully, but the secured debt over their property was such that they had to go, and the forced sale—which was stopped—had to be attempted. That is sheer degradation. After years of what I venture to describe as noble work, after years of good civic work for the State, these three farmers are expected to walk off their land and go on the economic scrapheap because of some miserable, interest-loving grabbers.

Hon. N. Keenan: The A.M.P.!

Mr. BERRY: Yes; the A.M.P., if the member for Nedlands likes. A farmer has to go off his land because interest-grabbing people say he must go off. It is also a fact, known I believe to the Minister for Lands, that because of this debt structure which the mover of the motion has attacked—I hope

his attack will prove successful—many people are actually losing their lives. There are actual cases where men gazing into the deep shadow of debt that I have spoken of saw nothing but gloom, and those men are in Heathcote today. We have them there, and it is useless to ballyhoo and say that they have gone to Heathcote because of worrying about the war. Therefore I consider the motion highly necessary. I almost said it was well-timed. Certainly it would have been well-timed if it had been submitted to Parliament and the Government and the people 10 years ago, when, as the member for West Perth (Mr. McDonald) said, the Federal Royal Commission made its famous report.

I am also pleased that the member for Katanning has included pastoralists in his motion. I could not quite catch a passage in the speech of the member for West Perth, but I thought he inferred that perhaps the process of debt reconditioning should go further, that it should go wherever necessary and warranted. If that is what the Leader of the National Party said, it has my concurrence. This question is a vital one, a national question, and a question which must arise whether Governments are afraid to tackle it or whether they are not. After the passing of the war and the intense expenditure in that connection, the position must inevitably become more aggravated; and, again to quote the member for West Perth, when the boys return they are not going back on farms to take over heavy debts and work all their lives to pay the so-called sacrosanct interest, the thing to which the people of this country are wedded. I was never more astonished in my life than when, on returning to Australia from abroad, I discovered the worship in this country of interest. It beggars description.

The Premier: No!

Mr. BERRY: In everything that is done here—

The Premier: There is such a thing as honour among people who make definite contracts.

Mr. BERRY: It is incontestable that the man who made a contract with the price of wheat at 5s. was and is in a position to juggle with credit so that the price of wheat could be brought down as low as wanted. That was done in America in 1929-30.

Mr. Marshall: It was done in Australia, too.

Mr. BERRY: Before I came to Western Australia and went farming, I was in an industry where we had bought commodities, and I know exactly how the credit racket works. I know exactly, because I have worked it. That is why I fearlessly stand up here and tell these things today.

Several members interjected.

Mr. BERRY: I will lead the Minister for Health along the path of virtue, and I hope he will recognise the path as he goes along. Anyhow, I have no quarrel with the hon. gentleman. Let me return to the debt business. I have actually seen in Western Australia six little people placed on a double bed athwart-ships, as a sailor would say, where they could best fit in, and I have seen them covered with a rotten blanket sewn into a bag. And the people on that farm produced wheat and wool!

Mr. Raphael: You can see the same thing today!

Mr. BERRY: And those little people were hungry! The farm produced wool and wheat, but they had no woollen blankets and they had little bread! Those working the farm are still there battling along, and just so long as they can pay this filthy interest racket which, apparently, it is nobody's business to attack, they can remain there starving. There are cases after cases of this kind, as the Minister for Lands must know.

I have been given a very patient hearing. In conclusion let me say that I feel sure the Government will give consideration to this question. I hope Ministers will consider the question whether the secured creditor is game to dry up credit. I do not believe he is. I am of opinion that if he does dry up credit, he will dry up his own rotten business as well. Again I congratulate the mover of the motion, the member for Katanning (Mr. Watts).

Mr. Marshall: Why not use the Commonwealth Bank to relieve the situation?

Mr. BERRY: I have not gone into that aspect, because I thought it was a little far away from the main subject; but I have no doubt that we can make our money function in such a way that money will not be the master. Money is here not to master my life, your life, Mr. Speaker, or the lives of the people, but to give life. We, like idiots, however, have allowed the economic system to take charge of money, so that it becomes a commodity and not a measuring stick for hard work, decent labour and honour.

If these contracts are as sacrosanct as some would have us believe, let us look at the other side. Is it reasonable for a man to stand to a contract that is degrading him? No, Sir! I am afraid that those who hold that view will have to tell me a very different tale.

On motion by Mr. Wilson, debate adjourned.

House adjourned at 8.33 p.m.

Legislative Assembly,

Thursday, 4th September, 1941.

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

QUESTIONS (3)—AGRICULTURE.

Drought relief.

Mr. SEWARD asked the Minister for Lands: In view of the fact that the Agricultural Bank is taking an all-proceeds claim from those clients who received assistance from drought relief funds, as well as compelling those clients to surrender their 1939-1940 and 1940-1941 wheat certificates in cases where they are not already held by the Bank, will he make a statement detailing the conditions, including rate of interest charged and terms of repayment, under which drought relief funds have been advanced to farmers?

The MINISTER FOR LANDS replied: The repayment of the loan is the responsi-