

# Legislative Assembly.

Wednesday, 11th November, 1942.

	PAGE
Questions: Railway freights and fares .....	1259
Blowfly crutch strike .....	1259
Assent to Bills .....	1259
Bills: Health Act Amendment, 1R. ....	1259
Congregational Church (Lands) Amendment, 3R. ....	1259
Local Authorities (Reserve Funds), report .....	1259
Mortgagees' Rights Restriction Act Amendment, 2R. ....	1287
Vermin Act Amendment, 2R. ....	1288
Motions: Grasshopper menace, to inquire by Select Committee .....	1259
Traffic, St. George's-terrace bus stand .....	1263
Farmers and pastoralists' debts, as to mortgage interest .....	1267
Police Inspector Cowie's dismissal, to inquire by Select Committee .....	1272
Commonwealth and State relationships, as to referendum proposals, points of order .....	1278

The SPEAKER took the Chair at 2.15 p.m., and read prayers.

## QUESTIONS (2).

### RAILWAY FREIGHTS AND FARES.

Mr. WATTS (without notice) asked the Minister for Railways: 1, Is it the intention of the Commissioner of Railways to make an all-round increase on railway freights and fares of 12½ per cent. as published in the Press on Saturday last in the report of evidence given by the Deputy Secretary of the Railway Department to the Commonwealth Grants Commission? 2, If so—(a) Is he aware that such an increase would impose hardship on the people of the rural and goldfields areas? (b) Is it intended to submit the proposal to Parliament before bringing it into operation? 3, If the report is not correct, will he inform the House in what circumstances such a report appeared in the Press?

The MINISTER replied: The Government will take full responsibility, but the matter has not yet been considered by Cabinet.

### BLOWFLY CRUTCH STRIKE.

Mr. SAMPSON (without notice) asked the Minister for Agriculture: Is the assurance given in today's "West Australian" in connection with the new control measures which combine the 4-inch tail and Mules operation (blowfly crutch strike, sheep industry) capable of full demonstration in sheep districts in Western Australia, and if so, will the demonstrations as asked for be made on request?

The MINISTER replied: In addition to the Veterinary Branch having special officers dealing with this matter, early this year the Government took the opportunity to send specially trained field officers to a school to enable them to facilitate the imparting of instruction to all farmers in connection with the Mules operation and, as and when officers can be made available, every request to have instruction in the operation given in any district will be considered.

## ASSENT TO BILLS.

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

- 1, Jury (Emergency Provisions).
- 2, Collie Recreation and Park Lands Act Amendment.

## BILL—HEALTH ACT AMENDMENT.

Introduced by the Minister for Health and read a first time.

## BILL—CONGREGATIONAL CHURCH (LANDS) AMENDMENT.

Read a third time and transmitted to the Council.

## BILL—LOCAL AUTHORITIES (RESERVE FUNDS).

Report of Committee adopted.

## MOTION—GRASSHOPPER MENACE.

To Inquire by Select Committee.

MR. BERRY (Irwin-Moore) [2.22]: I move—

That a Select Committee be appointed to inquire into and report upon—

- (a) The incidence and spread of the grasshopper menace in this State.
- (b) Practical methods to be adopted for the control and/or eradication of this pest.
- (c) The rendering of financial compensation by the Government to every farmer suffering loss which can be ascribed to the ravages and destruction occasioned by this pest.
- (d) The need to create a special fund and to appoint special scientific officers wholly for research with a view to discovering a parasite or parasites inimical and destructive to the grasshopper now devastating our crops in spreading areas of this State.
- (e) And all other matters pertaining and relevant to the foregoing.

I make no apology for bringing this motion before the House. After listening to the debate that took place here recently, I came to the definite conclusion that now is not the time to go on talking about the grasshopper menace; it is the time for action. During the debate, we were told that the grasshopper menace is spreading westward. From that statement I assume that it is spreading over the whole of the State. The Minister for Agriculture, in reply to the member for Avon, told us that in 1937 the pest had extended as far west as Moora. I know that portions of my electorate near Pithara have been affected, and that the grasshoppers are bad just the other side of the political boundary of my district. As grasshoppers are capable of moving a distance of 15 miles, I am convinced that no political boundary will stop them. They have no more respect for political boundaries than for anything else.

The time has come when we should cease discussing the problem and should tackle it. The grasshopper is not a menace to the marginal areas only; it is a menace to the whole of Western Australia and its future. This was pointed out by the member for Pingelly. He feared for the clover pastures of the South-West, just as I fear for the clover pastures in my district, or for the clover pastures of the South-West. I feel that this grasshopper menace is, to some extent, man-made. We are all fully aware of the silly pernicious system which induced people to settle in the marginal areas, where they were bled white and then sent away as abandoned people—abandoned in every sense of the word. Their holdings were left as breeding-grounds and the grasshopper was not slow to avail itself of them. Everyone will concede that if an adequate supply of plant food is provided for such a destructive pest, the pest will multiply amazingly. That is what happened in the marginal areas. We cannot blame the settlers for it. I definitely blame the pernicious, rotten system which has set before everything else the obtaining of every ounce of economic blood from the emaciated body of the primary producer. I am aware of the difficulties besetting the department that has charge of this matter. The department has tackled the problem in a small way.

We were told in this Chamber the other day that £37,000 has already been spent in an attempt to eradicate the pest. But

settlers come to see me and I go to see them; and when we talk the matter over we discover that the settlers feel that nothing has been done. While that may be an incorrect statement, the truth is that nothing concrete has been done. We know poison has been laid and that some ploughing has been done—it was even insinuated that the ploughing was made a commercial proposition. We also know that the farmers themselves are held more or less responsible for solving this problem. Those farmers, however, are becoming thinner and thinner, not in the anatomical sense, but in the sense of their having abandoned the districts. I assure the House that it is utterly impossible to control the grasshopper pest unless we take serious and determined action. We have a marginal area reconstruction scheme under which we propose to do all sorts of things for the farmer, but what earthly use would they be if the grasshopper were allowed to remain, because we cannot or will not destroy it? It is not a scrap of use propounding any scheme for re-settlement, re-grouping or post-war reconstruction so long as this pest menaces the State. That remark applies not only to the marginal areas; as I said earlier, there can be no post-war reconstruction as regards land settlement unless this pest is dealt with effectively. It is a pest even greater than is the pest which bleeds the primary producers through interest payments.

The Minister for Lands, when speaking a few days ago, told us of the alarming outbreak of swine fever. I do not recollect whether he said it, but it was rumoured that compensation would be paid to people suffering losses from swine fever. I take this opportunity to ask whether there is any difference between the loss caused by swine fever and the loss caused by grasshoppers. There is none at all. Consequently, what is sauce for one is sauce for the other. I suggest in my motion that we should inquire into the rights of these farmers to receive compensation for damage sustained to their crops owing to the ravages of the grasshopper. The grasshopper and the locust are pests causing destruction not only in Australia, but in all countries of the world.

I cannot help thinking that we have not given sufficient attention to collaboration with other countries in an effort to discover a parasite which will attack the grasshopper

at some stage of its life's history and destroy it. That would be the most practical method of dealing with the pest. If it were suggested to plough up hundreds of thousands of acres, we would find that at present manpower difficulties would prove such a handicap that the proposal would have to be abandoned. We know that with regard to prickly pear in Queensland, a parasite was introduced—I think it is called the cactoblast. In Hawaii there was at one stage a large melon industry, which was similarly threatened with oblivion through pest invasion, even as our wheat industry here is threatened with oblivion by the grasshopper. This predatory pest attacked the melon crop in Hawaii, but the people persisted in their efforts to find a parasite. At last, somewhere in India the parasite was found. It was introduced into Hawaii and actually resulted in the reinstatement of the melon industry there. Surely we can do the same.

I ask these questions: Have we done enough? Have we made the effort necessary or have we, as so frequently happens, done nothing but talk and scheme? I noticed in a farming paper—the name of which I have forgotten—an item which I shall quote. It is as follows:—

An international organisation has been formed with headquarters in London, England, to conduct research into the world-wide menace of the grasshopper. It is known as the "International Centre of Anti-locust Research."

We shall be told that we have not the locust here; but the fact remains that our problem is the same. I had the unfortunate experience when in Malaya of witnessing a locust swarm. The locust is but little different from the grasshopper. I would like to know whether anyone in Western Australia is sufficiently concerned in the problem of the eradication of this pest to send a representative to England. What does the cost matter? Money does not come into the story at all. As I said earlier, this menace is threatening the whole State. It is threatening our one important industry, the agricultural industry. It behoves us to do everything we possibly can to gather information concerning the pest, and then to collate it and send it to the organisation in England to which I have referred. There is no reason why we should not collaborate with that organisation in an attempt to find a parasite to attack this pest. The member for Avon, when speaking on this matter

recently, suggested that the larkspur was food which would destroy the grasshopper. That might be investigated; it is such information supplied by farmers which may prove of great importance to the organisation I have referred to.

The Commonwealth Government should be asked for financial aid to deal with the pest. To allow the grasshopper to spread—and apparently it is spreading in this State—is a heinous sin for which later on we may be called to account. I personally would not hesitate to ask for financial assistance to investigate the problem. We want wheat and we want wool. If we want these commodities we must do something concrete and practical to produce them. Sending out poison to road boards is all very pretty, and the road boards in turn probably allocate it to a few people, but the problem is far too big to be dealt with in that loose way. How are we going to plough 150,000 or 200,000 acres, or the whole of Western Australia if it becomes necessary? Let us be sensible in the way we tackle the problem. It might even prove to be a national menace. I do not wish to go over everything that has already been said on the subject, but would like again to stress the point that we need some committee to make a close investigation into the items detailed in the motion.

I cannot help again referring to the subterranean clover. When I first came to this State some years ago I was assured that a clover which would revolutionise Western Australia had been found—it was subterranean clover. That particular clover has justified the promise extended at that time. Today we have thousands of acres of the most valuable pastures this State has ever produced. I for one am loath to stand by and merely discuss this matter here while these pastures are destroyed or even endangered by this public menace, the grasshopper. Therefore, Mr. Speaker, I do not hesitate to stand here and say what I have said, and to suggest that it is no use pushing the responsibility of eradicating this pest on to the shoulders of the farmers themselves. It is a waste of time. The manpower problems are too great, and even without them the abandonments and evictions which have occurred, and the policy of the Agricultural Bank, and the debt collecting policy generally have been such that the men left cannot deal with the grasshopper pest.

This is not a duty for the individual, but for the department and the scientist, and the sooner we realise that the better. Moreover, we owe it to our soldiers oversea to do something in this direction. When they return there is bound to be some land repatriation scheme for them, as there was after the last war, but we hope with the difference this time that they will be given a fair go. They cannot have that fair go if this menace still exists. It does not matter where returned soldiers are settled after the war, this menace will be there if it is not eradicated. It will be looking for the best places to infest. If it finds that the areas which it has already infested no longer offer first-class feed, it will move to pastures new, which will be the subterranean clover pastures and sheep feed in the southern and western portions of the State.

It is no use telling me that rain will control the activities of the grasshopper. This year we have had a very wet season, but the grasshoppers are as busy as ever. I have dealt with the various points. The whole thing is a question of money, as is everything we undertake. We are told that there is never any money. If we want something done we are told, "We have no money." We will be given the same information in regard to this. I will say in reply, "No, there will be no money in Western Australia unless this menace is dealt with. Unless the grasshopper pest is entirely eradicated this State will become insolvent." Where are our secondary industries? This is the only industry we have in Western Australia and the only one, apparently that the Commonwealth Government will leave to us. Are we to sit here like a lot of "goofs"? Are we to stand on our feet for half an hour or an hour and do nothing? Let us go out and get this information. Let us do the proper thing, scientifically trace the matter to its conclusion and destroy this pest. I will say no more. Certain members will deal with the motion if they get the chance, I am sure.

**MR. KELLY** (Yilgarn-Coolgardie): I wish to second this motion, and in doing so want to say that, at the time the member for Avon raised the subject of the grasshopper menace, I supported the Minister when a division was called after hearing what he had to say in reply. Since then I have had the opportunity to go closer and

more extensively into the actual state of this menace in the marginal areas. Having received from every quarter a direct denial to what we were told was the amount of work done by the Agricultural Department and the Agricultural Bank, I feel inclined to bring the facts, as I have found them through contact with the farmers affected, before this House. The Minister assured members that everything had been done to combat this menace. If that is the Minister's opinion, I can only arrive at one conclusion, namely, that he has been misinformed as to the actual position in the menaced areas. When I went through the figures for the past few years I found that the expenditure exceeded the Estimates for a number of years—five or six years. Since the 1938-39 season, however, and until the 1941-42 season inclusive, the Estimates have totalled £21,000 and the expenditure only £9,937. This clearly shows that the department must consider it has done sufficient, and therefore what the Minister said here is correct as far as he is aware. My opinion is that this general slackening off of expenditure on the eradication of the grasshopper pest has, to some extent, been the real reason for its increase and extension to the various districts to which it has gone in the past few years.

The Minister also told us that the grasshopper pest was confined to a radius of roughly 15 miles. In the past five or six weeks I have received definite proof that that is not the case, but that in different farming areas the grasshoppers have this year extended not only 15 miles, but up to 30 miles in a period of four to five days, and that not only did the grasshoppers appear in these areas, but they appeared fully grown. The idea that the grasshopper has a range of approximately only 15 miles must be dispelled. The time has arrived when the whole of our observation methods should be overhauled to such a degree as will enable us to at least determine a little more about the species with which we are dealing. The member for Irwin-Moore referred to the spread of the grasshopper pest during the last few years, but I cannot speak about that phase apart from my own electorate and the neighbouring constituency of Avon. I know the extension of the pest in that part of the State has been considerable, and if not grappled with in a more determined and effective manner it is likely

to extend far beyond the present infested localities and will threaten the whole of the agricultural areas. There can be no question whatever about the manner in which the pest has extended its operations during the last five or six years.

I consider the methods adopted for the eradication, or control, of the pest have been only partly successful to date. Farmers are unanimous in their condemnation of the policy of poisoning. They claim that method is not only impracticable but does not secure adequate results. If the Government attempted to cope with the pest on a scale adequate to achieve the results desired, the task would be indeed colossal. The Minister himself said that the only way to deal with the pest was by means of ploughing. I suggest that the work of ploughing our vacant lands would be altogether beyond the capacity of the Government, because in the marginal areas alone only one-tenth of the cleared land is under cultivation. In such circumstances it would be an almost impossible task for any Government to undertake. That applies not only from the standpoint of the area to be ploughed up but, in these days, the question of manpower has to be taken seriously into consideration. Possibly the application of more scientific methods could be adopted, and as a result of what I have advanced we might secure suggestions from scientific men not only in Australia but in oversea countries, and perhaps a satisfactory solution of the problem could be reached.

There are several phases worthy of attention. One I bring to the notice of the Minister is certainly worthy of further consideration. I refer to the ploughing of continuous strips of country. For some years past the Agricultural Bank has been in the habit of authorising the ploughing of certain localities where the breeding of grasshoppers was expected to take place. That was all right so far as it went, but the task of controlling the grasshopper pest by that means is simply colossal. Rather than continue that course, I think it would be better if the Government were to plough a strip three or four miles wide in the most affected areas, thereby confining the grasshoppers to given positions in the various districts. That method, combined with the use of poison, might possibly prove more effective. We have been told that all methods of observation pursued in the past have been via the Agricultural Bank and the Agricultural De-

partment. The grasshopper menace is far too great for the officers of those particular branches of the Government service to cope with unless the task is made a full-time job. As it is, we now have periodical visits by bank inspectors with reports made subsequently. This year, as always happens, the reports so received are much too late for any effective action to be taken regarding the pest.

If we are to achieve anything effective in that direction—which will also be of assistance to some of our secondary industries—something must be done speedily. From time to time in recent years we have voted public funds for expenditure on the eradication of the grasshopper pest, but during the past four years very little of the amounts allocated has been spent. On the other hand, South Africa, when faced with a similar position, adopted a different policy. During his recent visit to Perth the Governor-General, Lord Gowrie, told me that he was in the House the day the South African Parliament voted £2,000,000 for expenditure in one year on the eradication of grasshoppers. In that Dominion it was realised that the menace would spread if not dealt with effectively and therefore, instead of tackling the problem in dribs and drabs, they tackled it on the face and voted that huge sum of money for the purpose. So far as I have been able to ascertain, the work has met with fair success in South Africa. The member for Irwin-Moore reminded the Minister that he spoke recently in favour of subsidising the pig industry; I presume that it would be in the form of a levy. The time seems to have arrived when, if the Government cannot provide sufficient money to compensate farmers for their losses this year—such losses have extended over a period of years and are not confined to the past 12 months—the Minister might also give consideration to subsidising the wheat industry on account of the losses sustained as a result of the depredations of the grasshopper pest. I commend to the Minister the possibility of advising this House on that particular point.

On motion by the Minister for Lands, debate adjourned.

#### MOTION—TRAFFIC.

*St. George's-terrace Bus Stand.*

**MR. MARSHALL** (Murchison) [2.53]: I move—

That in the opinion of this House all bus services operating from the City of Perth in

an easterly direction, the city terminus being the south side of St. George's-terrace from Barrack-street eastward to Government House, should have their terminus changed to the north side of the Terrace exactly opposite the present terminus.

I do not propose to delay the House long in dealing with the motion. The subject dealt with is of importance and Government administration enters into the matter. Quite a large section of the public uses the transport services to which the motion refers, and many people are more than critical regarding what has happened. I patronise one of the bus services, the terminus for which is on the south side of St. George's-terrace east of Barrack-street. For many years the terminus for that and other services proceeding to the other side of the river was on the north side of St. George's-terrace exactly opposite the present terminus. As a matter of fact, the service I patronise was one of the first to run east from the city. There was also the Kalamunda service. Since then other services have been inaugurated and today quite a number proceed across the Causeway to serve various points. Besides those I have mentioned, another line of buses runs to Carlisle and Welshpool.

Originally the buses entered the city along the south side of St. George's-terrace and after the passengers had disembarked, the buses proceeded in a westerly direction, cut through the south-bound traffic in Barrack-street, took a right-hand turn cutting across the south-bound traffic again in Barrack-street, and on to the terminus opposite the Treasury Building where they loaded up again before proceeding on their east-bound journey. That was the practice for many years, and then the powers-that-be decided that the right-hand turn in the Terrace cutting twice through the vehicular traffic in Barrack-street, was not only inconvenient but positively dangerous. It was then decided to alter the terminus from the north side to where it is at present. When that proposal was first suggested I took action because at that time Riverside-drive had not been completed. It was proposed to run west, down Barrack-street in a southerly direction, along Riverside-drive to Victoria-avenue, then north to Adelaide-terrace cutting through the west bound traffic to join the east bound traffic and thence out of the city. Members can appreciate how dangerous that route would have been, particularly because of the fact that when emerging from

Victoria-avenue the view of the oncoming traffic in Adelaide-terrace would have been obscured by Christian Brothers' College on one side and a two-storeyed building with well-grown trees and shrubs around it on the other side. The authorities agreed that the route was far too dangerous. So they decided to allow the question of altering the terminus to remain in abeyance for the time being.

In due course the construction of Riverside-drive was completed and it was then decided to send the outward bound traffic down Barrack-street in a southerly direction and then east along Riverside-drive to the Causeway where, with better observation, the buses could join the eastward bound traffic. From that standpoint, therefore, the dangerous practice of cutting across traffic was obviated. The position now is that all passengers arriving in and proceeding from the city have got to cross St. George's-terrace each time they make a journey. First they have to cross the traffic when they disembark and again when they join the buses for the outward run. Mothers and children are compelled to face that danger. The authorities argue that the present conditions are best having regard to the danger of the right-hand turn in St. George's-terrace. That seemed reasonable enough; but, for some reason or other, a further change has been made. Now all these people, these women and mothers with their children, who have been forced to cross over both ways in the Terrace, are to continue to do so, whilst the latest additional services running east over the Causeway and then south have the advantage of embarking on the north side of the Terrace, at least to leave the city.

As things have now changed, and the principle has been adopted that traffic should load up on the north side, all these services should leave on the north side, and there should be no discrimination between various sections of people in this particular regard. I understood from the remarks of the member for Middle Swan, when recently moving his motion, that the authorities once held that the positive, correct and safe way of running the traffic was to go west of Barrack-street, south down Barrack-street, and out along the Riverside-drive, but that they have changed their views and now suggest that all the traffic should be shifted over to the north side. Up to date, that has not been done.

What I now suggest is that as the recently-installed services running south along the Causeway come in by the same way as all other services go out, can come along going west until they get on the city side of the Causeway and then take Riverside-drive and go right up to Barrack-street, there will be very little cutting of traffic because nearly all traffic is finished by the time that point is reached. The vehicles then take the right-hand turn to the Terrace and a half-right-hand turn up the Terrace. Then passengers unloading on the north side of the Terrace would not have to cross that thoroughfare, but would be on the safe side when getting off the buses. Some of the women travelling on those routes have big families, as I know from having travelled by the buses in question. Those buses have only to make a half-right-hand turn instead of a complete right-hand turn, and then all those conveniences are afforded to the passengers both when leaving the city and returning to it.

Another consideration is that these buses become rather congested on the south side occasionally. The A.B.C. is located there, and so is the Agricultural Department. Consequently vehicular traffic is going in and out of those places freely. That traffic, moreover, is often held up owing to buses being congested. On the other side of the Terrace there is no traffic in or out other than to the Lands Department and the Registrar General's Department, which moreover, have a pedestrian right-of-way from Cathedral-avenue to Pier-street. Thus there is ample room for four terminals for all these services. In this connection the Government would do well to avoid criticism. I am doubtful whether it can stand up to it, because the authorities have already stated that the services should be shifted since the later service from the north has been installed. I have moved my motion because the member for Middle Swan put up a sound argument on the subject, though not in conformity with the substance of my motion.

MR. SPEAKER: Of course the hon. member is not in order in discussing what the member for Middle Swan said the other day.

MR. MARSHALL: I am drawing a comparison between the two proposals.

MR. SPEAKER: The hon. member is not in order in alluding to a debate of the other evening.

MR. MARSHALL: I am not alluding to it, but only drawing a comparison.

MR. SPEAKER: The hon. member is certainly alluding to the debate at the present time.

MR. MARSHALL: I shall not disagree with your ruling, Mr. Speaker. It is obvious now that the authorities are prepared to recommend to the Government that all these services should be removed to the north side of the Terrace. I do not know whether the suggestion is that the vehicular traffic in the city is so lessened that a complete right-hand turn has now been reduced to a half right-hand turn. As that proposal has been recommended and represents so much convenience to all the people concerned, the Government should take cognisance of this motion, especially as it has been severely criticised for the discrimination now displayed in the case of one service but not in the case of other services, and the favoured service is the last service to be established and granted a terminal. All the other services are highly important—the buses are mostly filled with women and children, who are entitled to as much sympathy as are other members of the community. All the motion asks for is based on the fact that Riverside-drive now affords an opportunity to obviate the objectionable complete right-hand turn. Thus the time is opportune for the Government to instal all the termini on the north side.

MR. J. HEGNEY (Middle Swan): I second the motion. My desire is to ascertain exactly what the authorities mean. This question was raised by me recently, but my motion was not supported. Therefore I am supporting the proposal of the member for Murchison, on the ground that while one lot of buses remains on the north side, there is discrimination against the buses allowed to remain on the south side. I represent the people using the buses on the south side, and fail to see why the discrimination should exist.

MR. SPEAKER: The hon. member is not in order in alluding to what he said the other day.

MR. J. HEGNEY: I assure you, Sir, that I shall keep well within the Standing Orders. However, I did mention that I had got a copy of a letter addressed by Inspector Campbell to the chairman of the W.A. Transport Board on the 30th De-

cember, 1941. In that letter Inspector Campbell recommended that the buses should be transferred from the south side to the north. Members are also aware that about seven years ago last October, it was proposed to transfer the stopping places of the buses on the north side to the south side. However, many local authorities in the eastern suburbs objected. A number of members, including yourself, Mr. Speaker, and the member for Canning and the member for Swan, went on a deputation to the authorities to urge that the buses should not be transferred from the north side to the south side. However, the board put up such a strong case, after investigating the matter and telling us that because of congestion the transfer should be made, that the proposal was carried out.

Now, after seven years have gone by, we find that the present inspector of the Traffic Branch says the stopping places should be transferred from the south side to the north side. Why? Is there any substantial reason why the transfer should be effected? No such reason has been given. I fought for the retention of the buses on the north side previously; but when the administrative head said that the buses must go to the south side, I accepted the inevitable. Now the authorities state that there should be a transfer to the north side, and they have made a move in that direction, because the new South Perth services have a stopping place in a congested area alongside a lavatory. I am concerned about the fact that discrimination is made against users of the buses coming from the eastern suburbs. That is the case at the present time. Inspector Campbell's letter stated—

The Tramway Department is desirous of adding five buses to the transport service to and from Como and Canning Bridge which will necessitate allocating extra stands in St. George's-terrace, east of Barrack-street.

As the present position of the stands will not permit of such additions, without encroaching on the frontage of Government House, I recommend that all bus stands at present on the south side be moved to the north side, allowing for a space for entrance to the Treasury Buildings.

The additional stands (two) for tramway buses would not cause additional space beyond Pier-street.

The route to and from the Causeway would be reversed; starting from the Treasury Building, proceed along St. George's-terrace easterly to the Causeway; and returning to destination route from the Causeway, via River-

side Drive, thence to St. George's-terrace, turning east to the destination, which is the correct traffic movement.

Inspector Campbell's letter makes two points. One is that if a bus stand is allocated to a new bus service running to South Perth, there is no room for it opposite Government House. The other point is that the present movement of traffic taking the left-hand turn is not making the correct traffic movement. If the letter is sound and represents the Traffic Department's opinion, why is it that ten months have elapsed without the recommendation being put into effect? Why has not the Minister concerned acted upon this advice? The buses were formerly transferred from the north side to the south side, but now the recommendation is not carried into effect. Why not? The people I represent want the same treatment as the people of Como or South Perth. Why should there be a volte face on the part of the Traffic Department? They say they examined the traffic completely ten years ago, and also examined the flow of traffic, the number of cars and of other vehicles using the route, and in their wisdom decided that the buses should go to the south side. And now, lo and behold, they say the transfer should be to the opposite side!

If the people I represent have to go to the south side, well and good so long as everybody goes to the south side; but if one section is to go to the north side and the other to the south side, I will not tolerate it. I wish to learn from the Minister dealing with the matter what attitude he adopts on the proposal. Does he now reject the advice given by the adviser of seven years ago? What is the reason for the changed attitude? If the present motion is carried I propose to move another motion, transferring the buses from the north side to the south side. That is the natural sequel to this motion. If the Traffic Department acts upon the advice it tendered to the Transport Board it must be consistent and logical, and adopt the same principle in regard to the trolley buses and omnibuses in the Terrace opposite Foy and Gibson.

Mr. Patrick: They are running in the opposite direction.

Mr. J. HEGNEY: Previously they used to stop on the north side and they were transferred to the south side. They make a left-hand turning the same as the buses on the south side make now. That was said



to be the correct procedure. They make a left-hand turn and so do the omnibuses coming into the city from the opposite direction. It is now proposed that they should be transferred to the north side. To be logical and consistent all should revert back to the north side. I have a boy who uses the trolleybus every day. I would much sooner see him catch it on the north side than on the south side. The authorities say it is in accordance with the proper flow of traffic. Therefore all the people using the bus on the north side should have to make two crossings there during the day.

As 10 months have passed and no action has been taken, I want to know whether the Minister concerned believes in this proposition. Does he accept the advice of his advisers? If not, why has he permitted the bus stand to be established on the north side? If he does accept it why has he not agreed to the transference of the other bus stands to the north side? There should be a proper authority to define these matters. Replying to a deputation recently in connection with this matter, when it was urged that there be no transference to the north side, the Minister disregarded the advice. He said that Mr. Taylor of the Tramway Department had made a decision, and that he supported it. Because Mr. Taylor has spoken and the bus stand has been established on the north side, there it must remain! Mr. Taylor can make one decision and the Traffic Department another, and the Transport Board is not interested. Who is the authority to deal with this matter? There should be some authority. When this change was made, we had a Traffic Advisory Committee.

Mr. SPEAKER: Order!

Mr. J. HEGNEY: I cannot hear myself, Mr. Speaker.

Mr. SPEAKER: The hon. member may proceed.

Mr. J. HEGNEY: The Traffic Advisory Committee was not consulted about this matter. That committee was set up for the purpose of dealing with traffic problems. It consists of a representative of the Traffic Branch, the Transport Board, the Tramway Department, the R.A.C. and, I think, the omnibus proprietors. That committee was created to advise on traffic problems but was not consulted in this matter. Other people made decisions and interfered with existing conditions without adequate reason. I have

heard no substantial reason for the change. But as it has been recommended and certain people are already acting upon it and having the use of the north side, other people should be entitled to the same privilege. It was said recently that the right-hand turn should be eliminated. The right-hand turn was prevented during the peak period of traffic on the score that the right-hand turn created congestion. Now the Chief of the Traffic Branch says the right-hand turn should be re-introduced, saying that it provides for the correct flow of traffic. If that is so, the people about whom I am concerned are entitled to the same consideration as are people in other parts.

On motion by Mr. Cross, debate adjourned.

### MOTION—FARMERS AND PASTORALISTS' DEBTS.

*As to Mortgage Interest.*

MR. STUBBS (Wagin) [3.22]: I move—

That this House is of the opinion that the Government should introduce legislation at once to reduce during the war to not more than three per cent. interest rates on mortgage debts owing by farmers and pastoralists, whether to government instrumentalities or other financial institutions, because—

- (a) of the severe stock losses in the pastoral areas;
- (b) the compulsory reduction in wheat acreages;
- (c) the severe rationing of supplies of superphosphate and other essentials;
- (d) the insuperable difficulties regarding manpower;
- (e) the increase in all costs of production during the war which are greater than any compensating increases in prices of some products;
- (f) it is not fair nor just that interest should be charged in full when diminishing returns and higher costs make it impossible to pay it out of earnings, thus subjecting the debtors concerned to capitalisation of arrears with resultant compound interest.

In submitting the motion, I admit that the question of interest is a difficult one. I ask members to accept my assurance that nothing in the motion is relevant to any form of interest that belongs to those people who deal with the question of finance. My intention is to try to prove to the satisfaction of this Chamber that in the pastoral and agricultural areas of this State the question of interest is a burning one. I could prove that to the satisfaction of anyone thinking otherwise by the amount of correspondence that has reached me during the last 12

months in regard to this matter. I shall endeavour to deal item by item with the various points included in the motion.

First, I deal with the enormous losses suffered by the pastoralists of this State during the last 10 years. Some members might say that my district is not a pastoral area. To a certain extent that is true, but there are several large pastoral holdings in the eastern portion of my electorate, in the Esperance district, that warrant my referring to the pastoral industry. In addition, I have travelled overland from the Kimberleys down to the Murchison on more than one occasion, and was recently on the Murchison where I saw stations that 10 or 12 years ago carried 30,000 sheep. Five years of drought have depleted the flocks to 1,500. Prior to the drought, those stations owed not a penny to anyone. Today several of them have overdrafts ranging from £20,000 to £40,000. It is quite true that during the last four or five years beneficial rains have fallen and, to the credit of the financial institutions that carried these loads, it may be said that they have released large sums of money to enable pastoralists to purchase stock to replenish that loss during the drought period.

Some stations that had up to 20,000 sheep have not any more than 5,000 or 6,000 today. It is utterly impossible for them to carry the load of interest and compound interest that has piled up year after year. The House should give some serious consideration to the motion and request the Government to introduce legislation, at all events to peg the rate of interest on pastoral and agricultural holdings at 3 per cent. I am told on good authority that more than one financial institution has already reduced the rate of interest to 3 per cent. If one financial institution can do that, why cannot others? I have no hesitation in expressing the opinion that if the Government did bring in a measure of this sort the House would be well advised to have it placed on the statute book.

Leaving the pastoral industry, I draw attention to the fact that in what are considered safe rainfall areas in Western Australia, areas that have scarcely ever known a drought, there has been a very light rainfall for 2½ years. Indeed, not a drop of water has run into hundreds of dams, most of them in my own electorate. The result has been appalling. For 2½ years some

farmers have carted water for distances up to 20 miles. I pay a tribute to the Government for the work it did for those unfortunate people, who had to have water carted by train from Collie to Lake Grace and surrounding districts. The question of the cost was vital to those people. I do not doubt the word of the Minister who told me that the cost of the water delivered to those settlers was in the neighbourhood of 25s. per 1,000 gallons. For the farmers to pay that amount of money was utterly impossible, because they would have had a millstone around their necks for all time. Yielding to representations I made on their behalf, the Government decided to reduce the cost of water to those settlers to 6d. per hundred gallons. I mention that in fairness to the Government which acted in a lenient manner towards these people, some of whom have five or six of their sons in uniform helping to defend the Empire.

Today these people find themselves in a hopeless position because for years their debt has been accumulating. Everybody knows that four or five years ago wheat was 1s. 10d. per bushel. I know some farmers who received only 1s. 3d. because the wheat was not of good quality. The fault was not theirs but was due to the dry season. A large number of farmers in what are considered safe rainfall areas have suffered severe losses. I suppose that other members, especially those representing country districts, will be able to tell the House that the same position prevails in their electorates. I now come to the question of acreage reduction. The Commonwealth Government controls the whole of the wheat production of Australia. It was discovered from the wheat markets of the world that Australia was producing far more wheat than could be unloaded outside the country, that is to say, an amount in excess of what was required for the people of Australia. The result of the inquiries that were made was that the Commonwealth Government brought forward a proposal that the acreage of wheat should be reduced by one-third in the case of every farmer in Australia. Accordingly, nearly every farmer fell in with the regulations that were promulgated from Canberra. I hope members will bear that point in mind, because a number of farmers who have been growing wheat have not had enough money to enable them to buy stock. Had they been able to buy sheep, they would

also have required wire netting with which to fence in their holdings from foxes, dingoes and other pests, but it was impossible for them to obtain the necessary cash to enable them to safeguard their sheep even had they been able to purchase them.

My next point is that a grave disability has fallen upon the primary producer in connection with the rationing of superphosphates. That commodity is an absolute necessity to the growth of wheat. It is not only used for that purpose, but it has been the means of revolutionising the carrying capacity of many parts of the State by reason of effecting an additional growth of fodder grasses. The price of superphosphate today is nearly 25 per cent. higher than it was five years ago. Not only has the price risen, but the rationing has been a very serious one. My fourth point in regard to the primary industries refers to the shortage of manpower. Numbers of families have been endeavouring to carry on their avocations by means of their womenfolk. There is scarcely a farmer in my electorate who has any outside person working for him. Scores of farmers 65 years of age are endeavouring to harvest their crops today because they cannot secure labour. That is another reason which induces me to ask the House seriously to consider this motion, and support me in my endeavour to ensure that the rates of interest charged by financial houses should not be greater than three per cent.

Another point to which I draw attention is the increase in the cost of production that has taken place since the war started. The increase in price that the farmers are getting for their produce in no way compensates them for the increased charges they have to meet. This means that their income is reduced to a point when they are absolutely unable to lighten the load of debt piled against them year after year for the last eight or ten years. My last point is that it is grossly unfair that interest should be charged in full when diminishing returns and higher costs make it utterly impossible for those concerned to pay that money out of their earnings. I wish to make it clear that, knowing as I do the ramifications of what general interest means, I am desirous of eliminating that disability in respect to both the pastoral and farming pursuits. All I ask is that during the currency of the war interest shall be paid at a rate no greater than three per cent.

**MR. WATTS (Katanning):** I second the motion. I should like to compliment my old friend, the member for Wagin, on the excellent speech he has just made. I am sure the arguments he put before the House must commend themselves to the majority of members present. The matter which has been brought forward affects primarily the industries that are being carried on in the rural and pastoral areas of the State. This is no time, I think, to discuss other sections of the community because the circumstances of those industries which have been referred to by the hon. member are nothing like the circumstances that exist, broadly speaking, in other industries at present. Indeed, for other industries, if there are individual cases that require assistance along the lines contemplated by the motion, such assistance as is necessary can be attained under the National Security Regulations. To ask the whole of a section of the community numbering some thousands to proceed individually before a tribunal such as that which has been established under National Security Regulations, seems to me quite ridiculous. The circumstances which have been referred to by the member for Wagin apply almost entirely throughout the agricultural and pastoral districts.

I make no apology for supporting a motion which includes the pastoral districts, because all members know that their position has become extremely difficult. Whilst we may overlook the drought through which those districts have passed, and which ruined or partially ruined a great number of pastoralists, we know that, although the drought is over, during the war period many of those men have come up against another difficulty—to which the Minister for Lands has previously made reference—which has further depleted their flocks, in the building up of which they have been to considerable expense after the drought, by an additional 10 or 15 per cent. It is obvious, therefore, that their income must be further depleted by something which is entirely out of their control, and which cannot, as I see it, be made up to them by any other means than a reduction in their annual expenditure. That, I admit, is probably only a temporary disability but it is for that reason I believe they are entitled to temporary assistance. I agree that the member for Wagin was quite right in including that section of our rural industry, namely the pastoral, in this motion. I have no difficulty in agreeing

with the hon. member in the other aspects of his motion.

We have been told a great deal about stabilised wheat prices so far as the farmers are concerned. In Western Australia, whatever may have been the value of that scheme on a price basis it has been affected by a restriction in acreage. Formerly, if a farmer felt that he required some additional income from the wheat side of his business he was entitled to put in an extra area of crop, provided he could find the labour and time involved, as well as the super, seed wheat and machinery required to enable him to do that. There was some possibility, although it might have been a remote one, of his being able to adjust rising costs by adding to his income in that manner. He cannot, however, do that today. Every acre of wheat he desires to put in must be the subject of a license issued under National Security Regulations. If he has a license for 200 acres it is because the average of his four years' wheat production prior to last year was 300 acres. The average was 300 acres and on the basis of 300 acres he cannot today plant more than 200 acres, so that on averages there is one-third that he would have planted that he cannot plant now. He is also faced—as we know from reference to the Press of the last few days—with an order made by the rather extraordinary Wheat Harvesting Employment Commission which tells him, if he employs any labour at all, to pay for it on rates which are considerably higher than the wages paid to persons no better skilled in ordinary industrial concerns. He is asked not only to pay the basic wage plus a margin, but I understand through the Press he is asked to pay the basic wage plus a margin plus board and lodging.

By the actions of the Commonwealth Government the farmer is placed in an even more difficult position than ever before. Not for a moment do I object to the agricultural labourer being placed in as good a position as an industrial labourer, if that be at all practicable, and it would be practicable if the wheat farmer was being paid a price which is commensurate with the amount he will have to pay now if he can get labour. But he is not being paid anything like that price. He is being paid apparently 3s. 10d. per bushel on a bulk basis—and it is bulk wheat that is mostly delivered in Western Australia—for the first 3,000

bushels. That 3s. 10d. a bushel by no means represents a sufficient cash payment. By comparison with the value of money prior to the last war, it is worth about 1s. 9d. per bushel. We know well that wheat at 1s. 9d. per bushel was in no circumstances profitable even in those days when costs were considerably lower than they were today. So, for what the Scully scheme is worth, it pays 3s. 10d. a bushel, which I think the statistician would agree is worth approximately 1s. 9d. as against the figure of 30 years ago.

Suppose from this restricted area the farmer grows for delivery more than 3,000 bushels, then he receives an advance of 1s. 10d. a bushel, which, on the values of years ago, would be equivalent to an advance of something in the nature of 11d. a bushel at that time. Never in the history of wheatgrowing in the last 300 years has there been a time when 11d. a bushel could be regarded as a figure out of which a farmer could make any money. But the farmer in this country—and I am referring particularly to Western Australia, because of the acreage restriction—is told that the advance is going to be made to him, and there is no knowledge, so far as I am concerned, as to what extra amount he may receive by way of future payments or instalments. All he knows is that he has to pay wages and pay them weekly. He cannot make an advance of wages to the employee or of interest to the hanker, except he pay the compound interest mentioned by the member for Wagin. He is compelled to accept 1s. 10d. on the excess of 3,000 bushels and 3s. 10d. on the rest of his output, and out of that he has to pay all his expenses. He has been restricted in his acreage and in the quantity of superphosphate he may use, an essential commodity in this State.

In these circumstances I submit it is essential that he be given some relief so that the farmer should not be the only person to suffer because the war, in the opinion of the Commonwealth, makes it imperative that there should be a restriction upon output. It is not to be presumed that there is only one section of the community which may be restricted or ordered about. Surely if the difficulties are so grave as to warrant the restriction going on, the difficulties should not be suffered and the result of them borne by only one section: they should be borne by all sections of the community including those who

have lent money for the development of the industry.

Now a few words as to the woolgrower! When the Government acquisition scheme came into operation at the beginning of the war, an average price of 13.437d. was paid for wool, equal to 1s. 1d. and a fraction per lb. Some two years or more elapsed and an increase of 15 per cent. or approximately 2d. was made on that figure. There is an assumption—and I hope to prove it is erroneous—that the 2d. resulted in 2d. extra profit being made by the woolgrower. So far as I can judge the price of 13.437d. was a better price at the time the contract was originally made than the 15 per cent. higher figure is today. While the woolgrower has been given an increase of a little over 2d., the cost of producing the wool has increased by 20 per cent. or more. Very careful calculations were made, not only by the Primary Producers' Association of this State, but also by woolgrowers' organisations in the Eastern States, and notwithstanding that they were 3,000 miles apart, upon the same day they came to precisely the same conclusion, namely, that the increased costs of production since September, 1939, were greater than the increase granted in the price of wool.

Assuming that the price of 13.437d. in 1939 was a profitable one, there is nothing to show that the increased price today is profitable. If there was a small profit on the figure in 1939, it has been swallowed up by the increase in costs above the increased price that has been allowed. But there is no guarantee that the price in 1939 was a profitable one. So far as I am aware, no calculations were made to ascertain whether production on a reasonable property in efficient hands could be profitably carried on at an average price of 13.437d., and I do not think that price was one which could return any more than a very small margin of profit, if any. Even since the calculations were made some nine months ago, there have been further increases in the price of superphosphate and decreases in the supply available. These figures mean that production is likely to diminish. The diminution may not be apparent this year, but it is bound to be noticeable next year or the year after, as the benefit of the old top-dressing of pastures is lost and insufficient superphosphate is available to replace it in the future. So, we are likely to find

that the woolgrower has rather less wool than he is able to sell at the price.

The Minister for Lands: I think any pastoral land must go back in that way.

Mr. WATTS: I am sure of it. Therefore this section of the community is entitled to consideration. Similar arguments could be applied to other primary-producing industries of the State. We have only to consider the apple-growers. In spite of the efforts made by the Apple and Pear Acquisition Board, the position clearly is that growers are receiving for their product not more than half of what they received in normal times. If they are engaged in other lines such as the production of butter-fat, the manpower problem and the increased cost of superphosphate and the deficiencies in the supply of superphosphate, and other considerations, are increasing those costs or reducing their output. Wherever we turn in this State at present, we find that one or more—probably more—of the difficulties set out in the motion are affecting every section of primary industry in the State.

The House is not entitled to overlook these things. Let me mention the National Security Regulations, which make some reference to the control of industry. If members read them they will find that the regulations do not control the interest referred to in the motion. Nor do I see any reason why they should. The Government and the people of Western Australia are entitled to deal with this matter. We are entitled to look after our own people in our own way.

Mr. Marshall: Do you think that we can legally take effective action?

Mr. WATTS: I do, quite definitely, and moreover I consider that we are under an obligation to do so. In April last I gave notice of a Bill having for its purpose the regulation and control of interest. I did not proceed with the measure. It was open to the weakness, pointed out by you, Mr. Speaker, that if I tried to proceed with it, it would have been out of order to deal with interest due to Government instrumentalities. Without including interest due to Government instrumentalities, I would merely have been wasting my time because a substantial proportion of the farming community is pledged to Government instrumentalities. In 1931 Parliament passed the Financial Emergency Act, Section 9 of which empowered the Government to proclaim that

bank interest should be reduced to a rate not exceeding a certain figure. I have looked into that matter as closely as I could and have found that no objection was taken to the proposal. The proposal in this motion is on almost identical lines, but probably with sounder reasons to support it. The only thing wrong with the provision in the Act of 1931 was the failure of the Government at that time to take advantage of it. I do not know what reasons actuated the Ministry of the day, but reasons must have existed. I merely mention this to indicate that there was apparently no substantial legal objection to the proposal because it was incorporated in that Act. I have read some of the debates of that time and no objection on that score was raised to the proposal. I have a letter from the honorary secretary of the Pingrup Branch of the R.S.L., which is in my district, in which he says—

That this branch is of the opinion that an appeal should be made to the Federal Government, drawing attention to the state of primary producers, particularly those working under the control of the Agricultural Bank, and that an inquiry be made into the working of that institution and its relations to its clients. We feel that under the present system it is irksome and detrimental to the war effort to continue as we are, as notwithstanding reduction of wheat acreage by one-third, and further reductions of super, no attempt is being made to alleviate distress and hardship caused through over-capitalisation and interest charges. Promises were made that something would be done in the matter of over-capitalisation, but the State has shelved this matter for the duration of the war, which, to our mind, is very convenient so far as the Bank is concerned. Scores of farmers owe in the vicinity of £2,000 to the Bank, and their super supply has been cut to under 50 per cent. of their normal requirements. Notwithstanding this, however, the Bank's statutory claim is registered in full. It is obvious, therefore, under these conditions that farmers cannot give of their best, as they cannot cover normal commitments under such restrictions and certainly cannot meet interest charges in full, as stock also is heavily encumbered either to the Bank or to the stockbrokers.

In these circumstances, we consider that the Federal Government should tackle the interest problem as it affects primary producers in Western Australia as the State Government has failed to face up to its responsibilities in this matter.

I have not read the whole of the letter. I informed the writer that I objected to any suggestion that the matter should be referred to the Commonwealth Government, because I believed there was sufficient authority in the State to deal with it. Nor did

I altogether subscribe to the part of the letter in which he said that the State had "shelved the matter for the duration of the war which, to our mind is very convenient so far as the Bank is concerned." I do not know whether that is so or not. I am merely reading what my correspondent has said, and he is a responsible person acting for a responsible part of our community. But I submit the letter to the House and the Minister as an indication that I am not the only person who is thinking about this matter in support of the member for Wagin. It has been the subject of discussion for a long time; it is undoubtedly in the minds of many people in the country that the war effort is being hampered. If they cannot pay their way, their morale must suffer and in addition, as the member for Wagin has set out in the motion, they run the risk of incurring capitalisation of arrears with resultant compound interest that they cannot pay, and not for one moment do I think that this result was ever contemplated for one section of the community.

On motion by the Minister for Lands, debate adjourned.

[*Mr. Withers took the Chair.*]

## MOTION—POLICE INSPECTOR COWIE'S DISMISSAL.

*To Inquire by Select Committee.*

**MR. CROSS** (Canning) [4.0]: I move—

That a Select Committee be appointed to inquire into and report upon the circumstances under which Mr. J. D. Cowie was dismissed from the Western Australian Police Force.

At the outset I desire to say that I am submitting this motion not at the request of Mr. Cowie, but at the request of the Western Australian Police Union of Workers. The union is very disturbed about the decision of the Executive Council and its finding, particularly the recommendation made by the board. The facts of the case are, briefly, that a charge was laid against Inspector Cowie, as follows:—

You on the 7th March, 1942, at Port Hedland, being District Police Officer for Roebourne and Kimberley district, were guilty of an act to the prejudice of good order and discipline of the Western Australian Police Force by leaving said district without authority of the Commissioner of Police and without lawful excuse.

I am not complaining about the finding of the board, although I have information that had the board received additional evidence

which I have had placed before me, it would have arrived at a different finding. It seems to me one could say that, with the limited evidence before the board, it came to a right decision. There is one feature about the constitution of the board, however, that makes me think that were the Police Union of Workers a union similar to other industrial unions, it might possibly have had something to say about the matter. The constitution of the board is not on a par with appeal boards to hear appeals by members of the Fire Brigades Union or the Railway and Tramway Unions. Section 25 of the Police Act provides that when any commissioned officer is accused of a breach of duty or of any conduct rendering it unfit that he should remain in the Police Force, if he deny the truth of such accusation, and if the Governor nevertheless think that sufficient cause has been shown for further proceedings, the Governor may appoint three or more fit and proper persons—this is the part I want to emphasise—of whom only one may be a member of the Police Force, to inquire as to the truth of such charge, and such persons shall have authority to hear, receive, and examine evidence on oath, and shall, after fully hearing the case, report to the Governor their opinion thereon. The board that heard this case was constituted of a magistrate—with which I agree—and the Commissioner of Police, representing the Police Force; but, owing to the provisions of Section 25 of the Police Act, that definitely prevented the Police Union from appointing any one of its members to represent the union, unless the Governor-in-Council consented.

In regard to the other unions I mentioned, their boards are comprised of one representative of the employer, one representative of the employee, and a magistrate to act as chairman. The Police Union did not request me to draw attention to this aspect. Perhaps it escaped the notice of the union, but I would not have overlooked it had I been secretary of the union, or had anything to do with the case. After the Commissioner of Police made the charge, Inspector Cowie was dismissed within two or three days. He appealed to the board. It appears to me that much evidence could have been called which was not called, and that the decision of the board was based mainly on reports from Broome and an interchange of telegrams between the Com-

missioner, Magistrate Wallwork and Sergeant Cowie, who had taken charge after Inspector Cowie left Broome. Members will note there are two men of the same name who were employed at the same time in that district.

The events which led up to Inspector Cowie's departure from Broome can be set out as follows:—On or about the 28th February of this year the Commissioner of Police received an application from Inspector Cowie, dated the 26th February. It was supported by a medical certificate, dated the 26th February, from Dr. A. H. Jolly, of Broome. The wording of the certificate is as follows:—

This is to certify that Inspector J. D. Cowie is suffering from myocarbitis. His heart is five inches from the Und Line and he has a systole in the region of his aorta. I recommend that he be relieved as soon as possible, owing to the great burden of work being thrown on him at the present time.

In view of that certificate, the Commissioner of Police dealt with the application urgently. A transfer was approved by him on the 28th February, and Inspector Cowie was advised by air mail. He received this advice on the 1st March. I desire members to note the dates. The finding of the board was that no further advice to Inspector Cowie was necessary to authorise his departure; but under the Police Regulations it was necessary for him to wait till the arrival of his successor in order to hand over records and other documents and to give instructions and directions regarding the district generally. The relevant portion of the regulations is as follows:—

Should it be necessary for the officer in charge to leave his district, the member of the Force who is senior in rank will take charge until his return or the appointment of some other officer to it, unless the Commissioner approves of some other member of the Force being left in charge. When the officer is absent from headquarters, inspecting the stations or performing other duty in the district, the senior member of the Force at headquarters will assume charge of the headquarters station. He is not to leave the district without permission from the Commissioner, except in cases of urgency.

I should say that sickness would constitute a case of urgency. I myself have experienced the same sickness as has Inspector Cowie. As a matter of fact, I had my throat operated upon, and was in hospital a week.

Mr. Leahy: It has not affected you.

Mr. CROSS: I can speak somewhat plainer than I could before, but every now and then I get a recurrence of the complaint.

The Minister for Mines: Have another operation!

Mr. CROSS: I would be sorry if the Minister had to pass through the same experience and suffer the pain that I did. It is possible other people have had a similar experience.

Mr. Doney: Life is very hard!

Mr. CROSS: It is very evident to me that the board did not have evidence of this sickness placed before it. I draw the attention of members to the fact that on the 3rd March the town of Broome, according to a report in "The West Australian" of the 4th March, was raided. "The West Australian" placed the report under big headlines: "Western Australia attacked. Broome Bombed." I noticed that Mr. Drakeford, the Minister for Air, in commenting on the attack, said that details were not complete, but that no casualties had been reported. I do not propose to do or say anything which will be of value to the enemy, but every member of this Chamber knows there was a general "mess-up" at Broome. There were casualties, and a considerable number of them. Most unusual things had occurred in the town of Broome, and certain action was being taken by the military authorities that probably had an influence on Inspector Cowie's decision to leave the town and go elsewhere to obtain medical assistance. There has been some argument as to whether or not a doctor was in Broome at that date; but I go so far as to say that almost the whole town of Broome "went bush."

Member: No!

Mr. CROSS: Yes, it did. I say that even the post and telegraph office failed to function for a couple of days at that time.

Mr. W. Hegney: A couple of days?

Mr. CROSS: Yes.

The Minister for the North-West: It did not! Your information is incorrect.

Mr. CROSS: If this committee is appointed, we shall probably find out whether the information is right or wrong.

The Minister for the North-West: You have false information.

Mr. CROSS: That has to be proved. I have much information which I suppose the Minister has not had either time or opportunity to investigate.

The Minister for the North-West: You do not know anything about it.

Mr. CROSS: When Inspector Cowie came to Perth he was examined by Dr. Mackenzie. That was on the 7th March, as he had come to Perth by plane. Dr. Mackenzie says—

I found he was suffering from an inflamed throat of a few days' duration. He also told me that he was very exhausted and practically collapsed after taking shelter in the sandhills during an air raid at Broome. He assured me that medical attention could not be obtained at Broome, as the doctor had evacuated to some safer area. This morning, 9th March, 1942, Inspector Cowie was admitted to Mount Hospital and examined by Dr. Cuthbert (ear, nose and throat specialist). I attach his report.

The DEPUTY SPEAKER: I call the attention of the House to the fact that the time for discussing motions has expired.

[Resolved: That motions be continued.]

Mr. CROSS: Dr. Mackenzie, in this letter contained in the board's report, goes on to say—

Inspector Cowie will be in hospital some days and may require minor surgical incision of the throat.

The board's report continues—

On the 13th March, 1942, Inspector Cowie visited the Commissioner at his office and submitted a report. With regard to Inspector Cowie's health, the evidence before the board consisted of Dr. Jolly's certificate of the 20th February, 1942, Dr. Mackenzie's report of 9th March, 1942, Dr. Cuthbert's statements, dated 9th and 11th March respectively, and also the evidence of Dr. Mackenzie and Mr. Ward, hotel proprietor, of Broome, and of Inspector Cowie himself. Dr. Jolly's certificate, which relates only to Inspector Cowie's heart condition, is not supported by Dr. Mackenzie, who stated that the inspector had a perfectly functioning and good heart consistent with his age. The certificates of Drs. Mackenzie and Cuthbert speak for themselves.

Inspector Cowie said in evidence that he had suffered with throat complaints all his life. As a matter of fact, he was in the Onslow hospital for 16 days in 1939, with throat trouble. He also stated that early in 1942 he had had an attack of dengue fever and prickly heat.

After I have disclosed the finding of this board I propose to show that there was a considerable amount of evidence to the effect that Inspector Cowie was a fairly sick man at that time.

Mr. Doney: Was that evidence available at the time of the inquiry?

Mr. CROSS: No. I understand that it was difficult to get it, and that Dr. Jolly



could not then be located. Neither he, nor some of the other Broome residents were available because of military operations and evacuations. Some of these people are now available in Perth.

Mr. Doney: Was an attempt made to hold up the inquiry for those reasons?

Mr. CROSS: I do not know. I have only the report of the board itself. The board's finding was as follows:—

The board finds the charge proved as laid and is further of the opinion that Inspector Cowie should be retired on a pension from the Western Australian Police Force. The board would favour dismissal except for the fact that Inspector Cowie has previously borne a good record of efficient service extending over more than 30 years.

He was dismissed but was given no pension.

Mr. McLarty: Does he not get superannuation?

Mr. CROSS: No. Parliament some two or three years ago passed a Bill which converted the Police Pension Fund into a superannuation fund. Inspector Cowie had paid some £450 odd into the pension fund and superannuation fund, but was not granted superannuation. They returned to him the money he paid in, but without interest.

Mr. Warner: Did he not get the full gratuity?

Mr. CROSS: No. He merely got the money he had paid in. Had he been granted his superannuation rights he would have been entitled to receive £5 10s. per week for the rest of his life, and that is the conclusion at which the board arrived on the evidence before it. If a lot of evidence in favour of Cowie was not placed before the board then it could only arrive at a decision after considering the testimony it had heard. The board decided that in its opinion Mr. Cowie should be retired on a pension. It apparently overlooked the effect of the superannuation fund. The board's decision would mean that Cowie would have been retired on his superannuation, as he would have been had he retired because of ill-health. That was not done and the matter was taken up by the Police Union. I am going to quote some of the information sent by that union to the Minister for Police. The union had evidently made inquiries and had obtained information which it thought should be considered, but which was not available immediately after

the bombing of Broome. The union wrote—

We respectfully request that reconsideration of the case of Mr. Cowie should be given by the Executive Council on the following grounds:—

and it gave some pretty solid ones, too.

(a) Since the inquiry by the board evidence has become available which, if it had been before the board we believe would have materially affected the board's finding.

(b) The action taken by the Executive Council has deprived Mr. Cowie of the protection as to his pension rights which the board clearly stated they considered should be given to him.

With reference to the further evidence available, Dr. Jolly has examined Mr. Cowie since the inquiry, namely on the 18th June, 1942, and certified that in his opinion—"There is no question whatsoever that an organic lesion exists and there is some cardiac-hypertrophy also present."

Dr. J. G. Hislop examined Mr. Cowie on the 20th June and his report states as follows:—

The size of this man's heart is difficult to determine but there is a suspicion in my mind of left-sided enlargement. There is a systolic murmur heard both at the mitral and tricuspid areas—the intensity of each being different in pitch. Mr. Cowie complains of pain over the region of the heart and it is quite possible from the electrocardiograph that this pain may be of anginal type arising from insufficiency of function of the coronary arteries which supply his heart muscle. This would also fit in with clinical findings by stethoscope. The whole nasopharynx is congested. Tonsils are red and congested.

*[The Speaker resumed the Chair.]*

The Minister for Labour: That would be a five-guinea certificate.

Mr. CROSS: Doctors make more than the Minister does.

Mr. Doney: Of all these ailments, which are supposed to be the most serious?

Mr. SPEAKER: Order!

Mr. CROSS: I am loath to express an opinion against that of the doctors, but I believe that Mr. Cowie, prior to the 3rd March, was a fairly sick man and that this would be termed an urgent reason for leaving the town without the authority of the Commissioner. There is additional evidence. On the 20th June Lieut. Macnee, who was in charge of the V.D.C. at Broome, wrote to Mr. Cowie as follows:—

I hereby state that I was in close contact with Inspector Cowie during the internment of Japanese aliens and until his departure by Dutch plane to seek medical assistance. My duty brought me in close co-operation with the

inspector, and during the above period I can state that he carried out his duty in a most efficient manner, although at times his health was far from good. He had a severe bout of fever and was confined to his bed for several days. The last time I saw him I thought he looked a very sick man, his neck and face were very much swollen and he could only speak with difficulty. . . . We thought he should be evacuated and his name was placed on the list of persons that were to be evacuated from Broome. . . . In my opinion he was urgently in need of medical attention and not in a fit state to carry out his duties efficiently.

The local medical officer, Dr. A. Jolly, had left the town, and to the best of my belief no other medical officer was in Broome at the time. Flight-Lieut. Smith, medical officer of the R.A.A.F. was quartered at the aerodrome about the 6th March, 1942. I am not sure of the date of his arrival, as planes were coming in every day and it was impossible to keep check on arrivals, but to the best of my memory it was not until after the 6th March that Dr. Smith attended the hospital.

It has been said that Inspector Cowie could have gone to this doctor, but there is confusion as to when he arrived. On the date mentioned, however, Cowie had gone.

Even if he had been at the aerodrome before the date of departure of Inspector Cowie, the inspector would not have known of his presence as he was dressed as an officer of the R.A.A.F. and did not advertise his presence until he started work at the hospital some time later.

It will be recollected that Mr. Cowie left Broome on the 6th March. Mr. Arthur Male, of Broome, has made a statutory declaration dated 7th July, 1942, in which he stated, *inter alia*—

As chairman of the local road board up to the time of its resignation in favour of a Commissioner. . . . I had the best opportunity to know the inspector both from a business and social angle. I can confidently say that the inspector was one of the finest men that ever filled this position in the district.

He proceeded to say what Cowie had done for the war effort and in dealing with Japanese internees.

About Christmas in the midst of all this trouble the inspector took ill, probably with dengue fever. The weather after that was very bad, and the inspector was never well again till he left. At the time of the first raid on Broome, the inspector did much to keep up the morale of those who stayed in the town.

The Minister for the North-West: Did not they all leave the town?

Mr. CROSS: Some returned the next night.

We had a meeting at Macnee's house the night of that raid to decide the best way to assure the remaining citizens. The inspector,

though an ill man, attended that meeting and did what he could.

Mr. Male emphasised that the inspector was a very sick man. He said—

The inspector was a very ill man. There was no doctor, and the inspector did the only thing left for a man in his condition to do—seek medical aid when the chance occurred. Even to do this he had to be persuaded by the sergeant and others.

I suppose that was Sergeant Cowie. Here are extracts from a letter dated the 15th July, 1942, from Capt. L. J. Goldie, Navy Office, Geraldton—

As Military Intelligence Officer for Broome (Intelligence Section Western Command) a position which I have had since 1926—

Thus he was no blow-in.

—I was in complete liaison with the other military officer present, also I was cognisant of all matters current with headquarters Western Command appertaining to Broome. On the entry of Japan into the present conflict, your duties and my duties brought us very much together, in fact, we not only worked together, but to facilitate matters you made available to me a table in your office. . . . It became evident to me from my own knowledge, also from conversations with and a report compiled by the District Medical Officer (Dr. A. T. H. Jolly), that you were a very sick man from about the middle of February, 1942, onwards.

You may recollect that for a period of about two weeks prior to your departure from Broome I tried to persuade you to leave your office and lay up at my home. I considered your state of health was interfering with your work. . . . You refused to lay up but carried on doggedly, sparing only the minimum of breaks for meals and sleep.

Prior to your departure and immediately following the first Japanese air attack on Broome, Capt. Macnee, the then officer commanding Broome V.D.C., received instructions from Headquarters Western Command to "take command."

I suppose that meant to place the town under military control.

His instructions included attending to the sending out of Broome of "ineffectives" as well as women and children. It was at this time I drew Capt. Macnee's attention to your state of health. In my opinion you were such that to a layman it was obvious you were very sick and not capable of carrying on a useful part in Broome affairs.

Capt. Macnee informed me that he had made arrangements to send you away. . . . The whole of this period was one of action; any dalliance would have impeded the course of action put into force by Military Headquarters Western Command. The control of Broome was being directed by military authority and the officers present, including myself, deemed it necessary that you be removed from Broome whilst air transport still existed. . . . In your case your passage out of Broome was officially arranged.

Capt. Goldie told Mr. Cowie he might make any use whatever of the letter, and added that he was prepared to state these facts on oath. This man should be given an opportunity to appear before a Select Committee. Other people who have made statements, including Sergeant Cowie, should be given an opportunity to appear before a Select Committee. Seemingly the telegrams sent to and from Mr. Wallwork were of necessity brief. Had he asked Sergeant Cowie a couple of questions, the whole matter might have been cleared up. On the 20th July, Mr. J. T. MacKenzie, of Broome, wrote to Mr. Cowie as follows:—

I know the good work you carried out and all the difficult problems you had to face and solve after Japan came into the war; also the feeling of confidence expressed in the town when it was known that you were put in charge. Capt. Macnee and Capt. Goldie discussed the situation with me and always stressed the point of their confidence in your administration and how smoothly a very serious and critical position was being handled. I would like to register where it would count my appreciation as chairman of the Broome pearls, justice of the peace and a citizen, of your work during those difficult four months.

If Cowie was sacked, why were not the Inspector of Fisheries and the Clerk of Local Courts, who also cleared out, sacked? Inspector Cowie's departure was made quite as much at the instigation of the military officers as at that of anyone else. I do not think any of these witnesses came before the board at all. Had their evidence been taken, the board would have been justified in arriving at an entirely different finding. My belief is that the members of the board will regret not having received this information. I also believe that no one will object to my obtaining a Select Committee to hear the witnesses and ascertain the true position. Then the Police Force and the Police Union will be fully satisfied. If it turns out that Cowie did something he was not justified in doing, that will be a different proposition altogether. The Police Union says there is evidence to show that Cowie was a sick man before the 6th March.

It is all very well for the doctors to say that after Cowie got to Perth he became well in a few days. To me it seems that the opinion of the military authorities and of various people in the town was that Cowie then was too sick to carry on. Obviously, with all the strain of the raids, and with all the fatal casualties awaiting burial, the police officer in charge ought to

be at his best, and not sick in bed. It was thought by the military authorities that the evacuation of Cowie would not be disheartening to the people in Broome. In fact, the authorities actually arranged for his evacuation by 'plane. One of the members of the board said Cowie could have obtained medical attention upon reaching Port Hedland. That is so when there is a doctor at Port Hedland, but there was not one then. It was also suggested that Cowie could get in touch with medical authorities by wireless. The military authorities, however, would never permit the use of their wireless at that time for any such purpose. If Inspector Cowie went from Port Hedland to Marble Bar for medical assistance, he would have to travel 500 miles by sea and I believe practically the same mileage by land. It appears that not until Cowie had left did it become known that a doctor was available. Had Cowie been aware of the fact, he would never have come down here; he would not have done anything so stupid, since he might have been dead before he reached Perth.

On the 1st March Cowie received his transfer from the Commissioner of Police. It will be remembered that Sergt. Cowie, who took over, had been in the North for a good while, had a working knowledge of the conditions at Broome, and relied for information on the reports of police patrols coming in. Naturally, the military authorities would not wish to be cluttered up with sick women or sick men. Under such extraordinary conditions as those then obtaining at Broome, police regulations cannot be carried out to the letter; but if it is established that Inspector Cowie was a sick man—and that has been proved by evidence—who shall say that that was not a sufficient and urgent reason for his leaving Broome before the arrival of the officer who was to take his place? I consider that the situation was urgent, and that for this reason alone Inspector Cowie's case should receive further investigation. The aspect of superannuation I have already mentioned, and need not go further into it. I consider I have advanced sufficient reasons to warrant members in granting a Select Committee which will investigate the case fully.

If what has happened to Inspector Cowie, after being 30 years a member of the pension and superannuation fund—and there being no suggestion of any wrong act in the

past—and if after 30 years' efficient service he, when below par, can be held to have cleared out without orders and to deserve deprivation of his situation on that account is just treatment, similar treatment is liable to be meted out to any member of the Police Force, and also to any member of the Public Service. The Police Union is disturbed about the matter because the board said that in its opinion Inspector Cowie should be retired but should be given superannuation. Or the board may have said, "Given a pension," probably overlooking the term "superannuation." Policemen sometimes have to do things that do not make for popularity. For that reason alone, whenever a policeman is to be dismissed the very fullest inquiry should be made. If there was a suggestion that Cowie did not get a fair deal, he is entitled to the fullest inquiry. I maintain that, in spite of what anybody may say to me in the future. A good many men have spoken to me about this matter. One man said to me, "I don't know why you take the case up; he is a policeman." I will take up the case of any man who has not had a fair crack of the whip. I believe in fair play. If we desire to maintain a high standard of efficiency in our Police Force, we must convince its members that if they should find themselves in a jam, they will receive a fair crack of the whip. I say nothing against the board. I contend that we should have a Select Committee to satisfy not only the Police Force and the Police Union but also this Chamber and the public of Western Australia.

On motion by the Minister for the North-West, debate adjourned.

## MOTION—COMMONWEALTH AND STATE RELATIONSHIPS.

### *As to Referendum Proposals.*

Debate resumed from the 21st October on the following motion by Mr. Watts:—

1, That this House firmly believing that the Federal system of government is the only just and practicable method of governing a large continent such as Australia, strenuously opposes the alteration of the Federal Constitution as proposed by the Commonwealth Government, on the following grounds:—

(a) That the suggested amendments are apparently not genuinely aimed at necessary alterations to the Federal Constitution but will undoubtedly have the effect of ultimately destroying the

Federal System of the voluntary union of six self-governing and sovereign States.

- (b) That such proposals are designed to bring about unification, camouflaged as a war necessity. They would result in a distinct breach of faith with the States, which entered into a Federal union, and would not only be destructive of the best interests of Western Australia but of every other State of the Commonwealth.
- (c) That it is impossible to govern Australia wisely and justly by a huge bureaucracy controlled from Canberra, and that the passage of such proposals would only cloud the future of Australia by bitter home rule agitations from its distant parts.
- (d) That while this country is fighting for its very existence and people's minds are distracted by the war, it is in the highest degree improper to divide the nation by highly controversial questions. With the people again leading normal lives free from the stress of war emotions in a period of calm reasoning and clear thinking a genuine verdict might be obtained.
- (e) That the Commonwealth Government at present possesses ample powers to deal with all matters arising out of the war, and these powers could by arrangement with the States (if necessary) be extended for a period after the war.

2, That Western Australian members of both State and Federal Houses, and all Western Australian citizens, be urged to defeat the Federal proposals.

3, That the Premier be requested to forward this resolution to the Prime Minister and the Premiers of the other States.

**MR. NORTH** (Claremont) [4.47]: My name appears on the notice paper as having secured the adjournment of the debate. I desire to make a few remarks on the motion as it stands, though not because I altogether approve of its wording. I am pleased to note some amendments are to be moved, but my desire is to make a few remarks following on what the Leader of the Opposition, who submitted the motion, said. The point I wish to stress is that I think many people today agree that there is need for certain amendments of the Federal Constitution; and the failure between the last world-war and this world-war to hold a convention on that matter has given Dr. Evatt the opportunity to make the move which is now being considered by this House. Had such a convention been held, we could have dealt with three or four urgent matters everyone knows should have received attention. One is the question of interstate trade, another is the

question of the development of the less populous States, and the third in my humble opinion is the urgent need for decentralisation of the financial powers in favour of the States, because by that means we could develop the less populous States. These matters were not considered during the period between the two world-wars. The Commonwealth Government has gradually been extending its powers at the expense of the States. It has lost no opportunity whatever to strangle the powers of the State. That has enabled the present Commonwealth Government to bring forward during this war its urgent proposals, which are the result of a situation that never should have occurred. My desire is to clear the way for the amendments of which notice has been given. I trust I have made those few points perfectly clear. The various details that are to follow really do not come within my province and I therefore content myself with these few remarks.

**MR. SEWARD** (Pingelly): As I have an amendment on the notice paper which comes in very early I take the opportunity to say what little I have to say on the motion, so that I may not be deprived of the opportunity to move my amendment later. The Leader of the Opposition, when moving the motion a few weeks ago, dealt clearly and exhaustively with its subject matter. I desire to offer him my congratulations on his speech.

The Premier: I have an amendment which will come before the one which the member for Pingelly proposes to move.

**MR. SPEAKER**: The member for Pingelly is speaking to the motion. He intends to move his amendment later.

The Premier: Will I get an opportunity to move my amendment before he moves his?

**MR. SPEAKER**: His amendment occurs in the first line of the motion. The hon. member is in order in speaking to the motion. There is nothing to prevent another member from moving the amendment later on.

**MR. SEWARD**: Might I ask through you, Sir, whether the Premier will indicate what his amendment is?

**MR. SPEAKER**: Would the Premier inform the member for Pingelly where his amendment comes in?

The Premier: Yes, if I may interrupt! I propose to strike out after the word "That" in the first line all the words of the motion

and to substitute other words. With your permission, Sir, I will read my proposed amendment—

To strike out all the words after "That" in line 1 and substitute the following words:—"in the opinion of this House the present time of war is inopportune for a referendum dealing with an alteration in the Commonwealth Constitution, and this House considers that an endeavour should be made to reach agreement between the Commonwealth and the States for powers to be referred to the Commonwealth, under paragraph XXXVII of Section 51 of the Commonwealth Constitution, for post-war reconstruction problems. Further, that if, after the holding of the forthcoming Convention, amendments to the Constitution are considered necessary, they be limited to specific additional legislative powers required for post-war reconstruction proposals."

**MR. SEWARD**: After having heard the proposed amendment, I am afraid it will not meet all that I desire; consequently I shall have to make my remarks now.

#### *Point of Order.*

**MR. SAMPSON**: On a point of order, Mr. Speaker! Is it competent for the Premier to indicate his intention to move an amendment, in view of the fact that the member for Pingelly had already risen to speak to the motion and had stated that he proposed to move an amendment?

**MR. SPEAKER**: The Premier, as an act of courtesy to the member for Pingelly, quoted his proposed amendment.

**MR. SAMPSON**: You can see, Mr. Speaker, that it amounts to an act of embarrassment.

**MR. SPEAKER**: There is no embarrassment at all. The member for Pingelly is at present speaking to the motion. The member for Pingelly will proceed.

#### *Debate Resumed.*

**MR. SEWARD**: I was about to say that both the Leader of the Opposition and the member for Greenough dealt very fully with this question, consequently it is not my intention to take up the time of the House with a lot of repetition. By doing so I should be only wearying members and doing the case that we have so much at heart a disservice. I quite agree with what the Leader of the Opposition and the member for Greenough said. I maintain that these proposals that are being put forward by the Commonwealth Government will, if given effect to, take away practically all the powers the State has at the present time. In other words, they will take away from

the State Parliament the power it has to govern this State. From our experience in the past we have ample evidence that when the Commonwealth Government has had the handling of affairs that deal very largely and intimately with this State it has not made a success of the task, and that should be a warning of a very definite character to us to hesitate before consenting to part with any further powers. The failure of the Commonwealth Parliament to deal successfully with many of our local matters is due to ignorance on the part of Ministers of the Commonwealth Government and members of the Commonwealth Parliament generally. When I say ignorance, I refer to their lack of knowledge of conditions in this State.

Speaking as a member representing a country constituency, I venture to say that with very few exceptions the members of the Commonwealth Parliament have practically no knowledge of conditions existing in this State. From an agricultural point of view we have many disabilities, and they are completely different from those prevailing in the more populous Eastern States. When it comes to applying to Western Australia provisions that are introduced on the basis of experience gained in the Eastern States, our position is very seriously affected. One illustration of the point I am making is what occurred in the eastern end of my electorate in what is known as the Lakes District. One of the proposals contained in the suggested alteration of the Commonwealth Constitution is to give power to the Commonwealth to deal with post-war problems, particularly the problem of settling returned soldiers back into civil life at the end of the war.

After the termination of the last war, the question of land settlement by returned soldiers was taken up seriously in this State and certain agreements were reached whereby the Commonwealth Government, the Imperial Government and our State Government undertook the settlement of these men in various parts of the State. One portion of Western Australia affected was the Lakes district, under what was known as the 3,500 farms scheme. When that particular scheme was put into operation one condition laid down by the Commonwealth Government was that the country had to be certified as being suitable for the particular use to which it was going to be put. An investiga-

tion was made by the Soils Research Officer in Western Australia, Dr. Teakle, and on the report that he submitted, the Commonwealth Government withdrew any further support from that particular scheme. Many settlers had taken up land and commenced operations prior to the report being made available. When the report was furnished, it had the effect of depriving them of a good deal of Agricultural Bank assistance. Those settlers continued in the district and in many cases are making good, clearly showing that the question of the agricultural settlement of this State is a matter that should be left to the Ministers of the Government who are in charge of affairs in Western Australia. They are in the position of having a more intimate knowledge of the State. They live in the State and know the conditions, and are in a much better position to formulate a policy suitable to the requirements of the State than are people on the eastern side of the continent, many of whom have never even seen Western Australia and are not aware of the limitations and the possibilities existing here.

When I first entered this House, I received numerous requests from people living in the Lakes district for various matters to be brought before Ministers. For the last two or three years, however, I have had hardly any requests from that particular area. Apart from the question of the settlement of the land there was the problem of transport facilities. Through our own Ministers being able to take the matter in hand it was possible for them to evolve a suitable form of transport which has proved a success in that district, a fact which was mentioned in evidence before the Grants Commission by the Chairman of the Transport Board during the last two or three days. For that reason alone, I would oppose the granting of further powers to the Commonwealth Government in connection with settlement on the land in this State.

Under war legislation, the Commonwealth Government has closed banks throughout this State. That has inflicted a very great hardship on one of the towns in my electorate. There happened to be only one bank operating in that town. It was closed, with the result that, unless banking facilities can be re-established, the town must decline and many of the business people living there will be faced with ruin. That

raises another question. When any of these disabilities arise largely through the effect of Commonwealth legislation, electors immediately go to their State member and place their disabilities before him with a view to endeavouring to secure some rectification. That has arisen in connection with this banking matter and in connection with other matters. Electors have come to me but, though I have been negotiating with the Federal Minister for seven months, the position is no different from what it was at the beginning. He is on the eastern side of the continent. When one writes a letter to him, a considerable time elapses before a reply is received. No progress has been made and the future of that particular town is jeopardised. That is only one instance. I have not the slightest doubt that other country members could bring other instances before the House to show that a similar state of affairs exists elsewhere. In face of that, one cannot contemplate the handing over to the Commonwealth Government of practically all the powers exercised by the State Government, because that is what the Federal proposals amount to. If the Constitution is amended, the Commonwealth Government will take over any power which, in its opinion, it is necessary it should have. If that day ever comes it will be a sorry time for this State and will mark the beginning of the gradual decline of Western Australia. Consequently I cannot view with any sense of equanimity the granting of any such power.

Another of the big problems that must concern this State on the termination of hostilities is the building up of our secondary industries. For some time we have had a Minister specially entrusted with that matter, to which he has been giving much of his time. Recently we had an example of the state of affairs that is prevailing in connection with gas-producers. That matter was freely debated last week when we saw clearly the influence of the Eastern States being brought to bear upon, and practically killing in its infancy a small industry which is being established in this State and which has every chance of growing. That is not the only instance we have had. In order to protect such industries, to develop them and to get them properly established in this State after the war, it is the bounden duty of the people of Western Australia and of Parliament to fight strenuously against

a further extension of power to the Commonwealth Government that would in any way deprive the local Parliament of its power to legislate for these particulars matters. Another thing that I have met with lately on a number of occasions, particularly since the start of the war, is a lot of legislation intimately affecting the people of this State which has been brought about because of war service regulations. The people are seriously affected by it. They immediately place their disabilities and grievances before their State member, and he has to point out that it is not a matter in which he can do much except negotiate with the Federal people. It is really a Commonwealth matter, but our Federal members are so few and the areas they serve are so great that the electors hardly ever come in contact with them.

Mr. North: They are often away for six months at a time too!

Mr. SEWARD: That is so. Because the State member cannot bring about an alteration these people adopt the attitude that the local Parliament is of no use. They believe, in their ignorance, that the responsibility lies with anybody who happens to be a member of Parliament. The position of our local Parliament is being undermined. These people take up the attitude that, as the State member can do nothing for them, the best thing is to give more power to the Commonwealth Parliament in the hope that it will do better.

Mr. Watts: Of course, it will not.

Mr. SEWARD: That is so. Because of this, these people are inclined to hand further powers to the Commonwealth Parliament and so reduce those of the State Parliament. To do that without first discussing some increased State representation in the Commonwealth Parliament would be calamitous. Yet according to the statement of Dr. Evatt or the Prime Minister, the position is that they intend, through this referendum, to take all the powers they can get and then to discuss the additional representation to which Western Australia will be entitled. I hope that will not occur, because once we surrender our powers, we surrender everything. If we were to have a conference, and agree that certain powers might be handed over for a certain time or even permanently, if there were not too many of them, the first thing to do would be to find out what extra representation we

would have in the Commonwealth Parliament so that this large and growing State would have effective representation there. What should be the first thing to be done will be the last. The intention is to discuss first the question of handing over the powers, and then to deal with the matter of representation.

For these reasons I intend to support the motion and I hope that the House will carry it, even if in a slightly amended form. Amendments to it are desirable in several ways. In the first place I would like to see it amended so that the motion is passed by both Houses. It is wrong that the Assembly should pass one motion and the Council another, or that we should pass one motion and send it to the Legislative Council for concurrence and that it should pass some other motion and send it to us for concurrence. It would be better to amend this motion so that the matter can be finalised before the delegates go to the Eastern States. They can then go armed with a motion agreeable to both Houses, and so speak for the Parliament of this State. In order to give effect to that idea, I intend to move an amendment that in the first line the word "House" be struck out with the object of inserting in lieu the word "Parliament."

**MR. SPEAKER:** The Premier has given notice of an amendment before that.

**MR. SEWARD:** In view of the fact that my amendment can be moved by another member, I will content myself with supporting the motion.

**MR. McDONALD** (West Perth): I want to say—

*Point of Order.*

**MR. SPEAKER:** If the member for West Perth speaks now he will not be able to catch the Speaker's eye to move the amendment he has on the notice paper.

**MR. McDONALD:** I understand that the Premier desires to move an amendment before the one I have on the notice paper.

**MR. SPEAKER:** Yes.

**MR. McDONALD:** I understood from a conversation with the Premier that he is prepared to leave his amendment, which would be the first one on the notice paper, until the next time the matter is debated.

**THE PREMIER:** That would be tomorrow.

**MR. SPEAKER:** If the member for West Perth speaks to the motion today it will not be competent for him to move his amend-

ment later on, because the motion will be before the House and he will not be able to catch the Speaker's eye again.

**MR. PATRICK:** He can speak to the Premier's amendment.

**MR. McDONALD:** I take it that the position is this: If the Premier's amendment is carried it will be in my power to amend that amendment.

**MR. SPEAKER:** The hon. member may speak to any amendment.

*Debate resumed.*

**MR. McDONALD:** In dealing with this matter we have to take into consideration two important and far-reaching amendments to our Constitutional law which have been brought down simultaneously in the Commonwealth Parliament. One amendment is to the Statute of Westminster, and the other is the Bill known as the Constitution Alteration (War Aims and Reconstruction) Bill, 1942. I want to say a word or two about the Statute of Westminster in the first place, because it is associated with the constitutional changes sought to be brought about by the Federal Attorney General, Dr. Evatt. These two Statutes, as I said, are going to have an important bearing on the Constitution of Australia, first of all in relation to Great Britain and the rest of the Empire, and secondly in relation to the internal political structure of the Australian nation. At the Imperial Conference of 1926 a declaration, known as the Balfour declaration was made to the effect that—the Dominions of the British Empire are autonomous units within the British Empire, equal in status, in no way subordinate one to the other, and under common allegiance to the Crown and freely associated as members of the British Commonwealth of Nations. There had been a sensitiveness on the part of certain Dominions as to any legislative power that might remain in the Imperial Parliament, and it was thought that in 1926 there should be an explicit declaration on behalf of the Imperial Parliament and Great Britain in the terms of what is known as the Balfour Declaration. That declaration is in accordance with the traditions of Great Britain that those communities or peoples which form the British Commonwealth of Nations should be associated, not under any force, but entirely of their own free will.

In 1931, this matter was carried a step further by the enactment by the Imperial



Parliament of the Statute of Westminster. This statute has been described as a complete renunciation by the Imperial authorities of any measure of control over or interference with the Dominions and their affairs. The Statute of Westminster was passed by the Imperial Parliament apparently in order that the Balfour Declaration might be embodied in and have the force of a legislative enactment. The Statute of Westminster was a unilateral constitutional statement made by the Parliament of Great Britain, under which it bound itself to entertain certain views with regard to the status of all other members of the British Commonwealth of Nations. It was not necessary for other Dominions to pass legislation which would correspond to the Statute of Westminster, but it was open to them to do so.

The Lyons Government, in 1937, then in power in the Commonwealth, entertained the idea of adopting the Statute of Westminster, but the pressure of adverse opinion was so great that the proposal was dropped. It is interesting to note that the Government of Western Australia in 1937, as appears in Commonwealth "Hansard," volume 154, page 1152, made this announcement—

The Premier said his Government holds the opinion that it would be preferable to allow the relationship between the United Kingdom and the Commonwealth of Australia to be left to flexible constitutional understandings as at present rather than to attempt to define their relationship in legal form by the adoption of Sections 2 to 6 of the Statute of Westminster, which that State considers will inevitably give rise to doubts, fears and uncertainties concerning the effect of such adoption upon the States of the Commonwealth.

Mr. Patrick: That was the present Premier.

Mr. McDONALD: Yes. The statement continued—

The Premier states that his Government is opposed to the measure.

In 1930, Mr. Scullin, then Prime Minister of Australia, made a statement as follows:—

To my mind there is nothing to be gained and a great deal to be lost by attempting to crystallise our relations too closely within the confines of any document.

The Premier: There was a prior attempt to give effect to the Statute of Westminster.

Mr. McDONALD: Yes. In 1930 and in 1937, there were attempts to adopt the Statute of Westminster in the Commonwealth Parliament, but public opinion was so strong

that those attempts failed. It was not until 1942 that a further proposal was made for the adoption of this Statute.

The Premier: It has now been passed.

Mr. McDONALD: Yes.

The Premier: That is, Sections 2 to 6.

Mr. McDONALD: Yes, and in the minds of many people more is the pity that it was passed. The driving force that brought that Statute into the Commonwealth Parliament for adoption is the same as that which is now bringing forward the referendum proposals for the alteration of the Commonwealth Constitution. With the Leader of the Opposition, I can see no reason for bringing the Statute of Westminster into the Commonwealth Parliament at this time, except in association with the proposals to amend the Constitution.

The Premier: That is the reason for it. There is no doubt about that.

Mr. McDONALD: While there would not have been a constitutional right for any aggrieved State to appeal to the Imperial Parliament, because the attitude of the Imperial Parliament has been not to interfere in the domestic concerns of the Dominions, in the absence of the passing of the Statute of Westminster in Australia, there would possibly have been an appeal to British public opinion had any State thought fit to endeavour to defeat what it might regard as an injustice to itself and its people. This is an endeavour to cut the ties between Australia and the Old Country and convey a suggestion to the people of Great Britain that, although there may be a claim by a State with reference to alterations of the Constitution, the basis on which the Constitution was granted to Australia has been violated by these proposals. There will now be little ground even for an appeal to the British people on the score of public opinion. Before the adoption of the Statute of Westminster, the association between the different parts of the Commonwealth was based on inherited traditions and conceptions of liberty and founded on these unexpressed but none the less real grounds. But this has been replaced by the Commonwealth's adoption of the Statute of Westminster and by what I might call a political and commercial contract.

We have reduced our relationship to Great Britain to the status of a contract. We have decided to emphasise the material side. In effect we say, "We want you to

be bound hard and fast by the written word; you have made your promise by the Statute of Westminster, but we want it accepted by an Act of Parliament so that you cannot possibly get out of it." I do not think that is the right view, nor do I think it is the desirable view, to adopt in relation to any association of nations of the kind known as the British Commonwealth of Nations. However that may be, the fact remains that at this time—the most inopportune time at which such legislation as the Statute of Westminster could have been introduced into the Commonwealth Parliament—the Commonwealth Government has thought fit to bring it into that Parliament; and I regret that the majority of members, basing their reasons mostly on legal grounds, have thought fit to pass the Statute into law. Now we have to meet the proposal of the Commonwealth Attorney General for the amendment of our Constitution.

I first want to say something about the proposed convention to be held in Canberra on the 24th of this month. Of course conventions are well known in connection with the Australian Constitution. It was in 1852—nearly 50 years before the Australian Constitution took a final form—that the Australian people first began to think and work towards a Federal Union. A number of conventions were held for the purpose of working out the terms of the union. The final convention was held in 1897. That convention was one at which the delegates were elected by the whole of the people of Australia. Every elector had a vote to say who should represent his State in this vitally important duty and responsibility of framing a Constitution for Australia. So we had at that convention men who were directly representative of the people, delegates who had the trust and confidence of the people of the States on whose behalf they were to act as spokesmen.

Without going into many names, we had men like Sir Edmund Barton, afterwards a judge of the High Court of Australia, C. C. Kingston, the Premier of South Australia, Mr. Deakin, afterwards Prime Minister of Australia, and as chairman of the Drafting Committee we had Sir Samuel Griffiths, who was, I suppose, the most eminent lawyer that Australia ever produced, and moreover the first Chief Justice of the High Court of Australia. Under those men, and under the skill and experi-

ence of men like Sir Samuel Griffiths, we had the Constitution of Australia drafted; and when it had been drafted, six delegates were sent by Australia to London in order to explain the Constitution and see it through the Imperial Parliament. All those years went, and all that experience and that ability went, to the framing of our Constitution. Now these proposed amendments are to be preceded by a conference or a convention—a convention of delegates not elected by the people but nominated by the sponsors of these proposed alterations of the Constitution, selected by those sponsors. I do not desire to detract in any way from the delegates who are going to represent Western Australia, and who have been appointed; but they are not appointed by the people of Western Australia, but appointed and nominated by the Commonwealth Government itself. They proceed to Canberra to meet on the 24th of this month and, I suppose, are within a few days or a week to accomplish the task and responsibility of determining on these far-reaching alterations to the Constitution.

The convention, without any disparagement of those who are to take part in it, is inevitably only the shadow of a convention. It is there to play the part of those great conventions preceding 1900 which were attended by the representatives of the people, when the foundations of the Constitution of the Australian nation were laid. This approaching convention is only a facade. That is all. It cannot be otherwise. The time that will be available cannot possibly permit the delegates, however hard-working they may be, to grasp the far-reaching effects of the amendments now proposed by the Commonwealth Parliament to be made in the Constitution. What are the grounds urged for making those amendments? I shall not deal with them at any length, because members are sufficiently familiar with them. But the proposal is that the power of the Commonwealth Parliament shall extend to all measures which in the declared opinion of that Parliament shall tend to achieve economic security and social justice, including security of employment, and the provision of useful occupation for all the people; and, without in any way detracting from the generality of those powers, they include employment, the development of the country, the provision and manufacture of goods and services, the

"Four Freedoms," including freedom from want and freedom from fear, national works and services, and the improvement of living standards for all the people. Well, I don't know, Mr. Speaker, but I cannot think of anything that is left outside those powers. They are wide enough to touch all the activities and all the various aspects of life of the people. That being so, the proposal is, I think, clearly not one for an alteration of the Commonwealth Constitution, but is to subvert the Constitution. It is going to put an end to the Constitution. Our Australian Constitution is a Federal Constitution. This proposal is to destroy the Federal aspect of our Australian Constitution. I do not think the position has been put clearly to the people of Australia. It is not correct to call these proposals amendments of our Constitution. They should be called proposals to set aside our Constitution and to establish a new type of Constitution.

If those powers are given to the Commonwealth Government, the Commonwealth Government will have it in its power to terminate the powers of the States. As the Commonwealth Government successively exercises those powers—and undoubtedly it will use them progressively and aggressively—they will tend to complete extinction of all that is known as State functions. And if we have any indication from the National Security Regulations, that extinction will be very rapid and the death-throes of the State Parliaments will not be prolonged. The balance of powers which is the essence of the Federal nature of the Constitution, the distribution of sovereign powers and legislative powers between the Central Government and the State Governments, is now to be destroyed. There are many of us—and I think they are to be found in this Parliament—who believe that in the distribution of powers between the Central Government and the State Governments we have the best guarantee for the preservation of the liberty of the people. It does not take much research in history, and especially recent history, to show that the first step towards dictatorial power is to centralise all the powers of the country. And that is what these proposals are going to do!

In the past there has been a safeguard of the Constitution to ensure that the Central Government on the one hand, and the State Governments on the other hand, shall not usurp the functions of the other. There

has been a provision to preserve the balance of constitutional power, as divided by the Constitution between the States and the Central Government. That has been done by the High Court. By these proposed amendments the High Court is to be superseded. The High Court will no longer be the bulwark of the States against aggression by the Commonwealth Parliament or against aggression by the States against the Commonwealth Parliament, because the Bill which has been proposed extends to all measures of the kind mentioned which, in the opinion of Parliament, will achieve or tend to achieve the various objects of the Bill. Dr. Evatt, the Attorney General, makes no secret at all about that. He says—

I should, perhaps, draw attention to one feature of these new powers that is entirely new in Australian constitutional history. It is proposed that Parliament should have power to make any law which in its own declared opinion will tend to achieve economic security and social justice, including security of employment and the provision of useful occupation for all the people. I desire to make it perfectly clear that the amendment I propose will give the decision to Parliament itself, and no person will be able to challenge the validity of Parliament's decision. For its decisions and actions Parliament will be held responsible to one authority only, the people of Australia.

So by this Bill the Commonwealth Parliament will be the judge of its own case, and whatever it says is constitutional or within the powers mentioned, well, it will be, and there will be no means of challenging or testing the justice or fairness of the decision. The old guarantee of the liberties of the people and the rights of the States in particular, namely, the High Court, will go. Its jurisdiction is to be terminated and its functions in this respect are entirely to cease.

These powers are asked not for a period, but for all time. They are not needed now. In his memorandum Dr. Evatt says—

In war-time in Australia the defence power has given the Commonwealth sufficient authority to handle the acute problems that arise.

This power is only needed for post-war authority of the Commonwealth Government. It is suggested that, having given this power to the Commonwealth Government, then there may be delegated to the State Parliaments such subordinate functions as the Commonwealth Parliament may be graciously prepared to allow the State Parliaments to exercise; and these functions will be exercised not by virtue of the

sovereign rights which we now possess under the Constitution, but at the grace and by the leave of the members of the Commonwealth Parliament.

I desire to add a word or two about some of the reasons given for these proposals. I shall deal with two in particular. It is said that the mistakes of the past must not be repeated; every promise to the men and women of the Fighting Services must be honoured. In a public speech Dr. Evatt stated—I cannot recall the exact words, but they are something like this—there had been a shameful breach of faith after the last war to the men of the Fighting Services. I venture to say there is not the slightest ground for saying there was a breach of faith to the men who returned from the 1914-18 war. There was certainly no breach of faith by this State. In my opinion, this State could not have done more to honour its duty to the men of the Fighting Services who returned from the last world-war, nor do I think there was any breach of faith on the part of the Commonwealth or of any other State. Australia can say that, with regard to the men of the last war, it did fairly and honestly attempt to give them the protection which they deserved and to restore them to civil life in the way which they were entitled to expect.

It is a reflection on this State and on past Administrations that they should be charged with a breach of faith to the men of the last war. It is now suggested, as a ground for these alterations, that Dr. Evatt has reason to believe a similar breach of faith will occur after this war, if one did exist after the last war. There is no ground for suggesting that this or any other State will fail to honour its obligations to men returning from this war; and there is no ground whatever for believing there will be any failure to co-operate with the Commonwealth Government in all necessary measures to give justice and protection not only to men returning from the war, but also to all those men and women who have been transferred to war-time employment. There is not the slightest reason for challenging, as is done here, the sincerity, the good faith and even the honesty of State Parliaments in relation to the people who will have such a call upon our justice and fairness—the men who return from this war and the people who have to be returned from munitions service and other war service to peace-time industry.

The Premier: What statutory bar do you suggest exists will stop the Government from doing it?

Hon. N. Keenan: None whatever.

The Premier: No.

Mr. McDONALD: If co-operation should be required—and it will be—it will be forthcoming to the full from this State. This State, of all States, with its record of enlistments and support of the war effort, is the last that is going to fail in its duty to the men and the women who will need assistance after the war to be restored to their peace-time occupations. The only other point made by Dr. Evatt I want to mention—there are several others—is this: In the opening of his memorandum he says—

When the war is over, Australia will be confronted with the greatest task of economic rehabilitation in her history. Problems of employment, of housing, of health, of child welfare, of vocational training, of markets and price stability will call for enterprise and State-craft of the highest order.

The assumption is that the State-craft and enterprise will be found in the Commonwealth Government and will not be found in State Parliaments or State Governments. I am prepared to challenge that. I am prepared to believe there will be found men in the State Parliaments and Governments who will have sufficient ability, strength of mind and foresight to play their part in post-war problems quite as well as those who occupy seats in the Commonwealth Parliament, and I do not feel prepared or agreeable to disparage the patriotism and capacity of members of the State Parliament by agreeing to these referendum proposals and impliedly admitting that patriotism and capacity are to be found only in the Commonwealth Parliament. I hope there will be a protest by this Parliament on behalf of the people of Western Australia and that it will be couched in no uncertain terms. I hope there will be no possible doubt as to where this Parliament stands in the matter. When the time comes to consider the wording of the motion, I hope the House will adopt a motion that will express in the clearest and most unequivocal terms our complete opposition to the proposals which have now been brought down, and which will possibly shortly be placed before the people of Australia.

Hon. N. KEENAN: I desire to move that the debate be adjourned.

The Premier: Can you not continue?

Hon. N. KEENAN: I wish to speak on the general discussion, but would like to have the amendment of the Premier before me.

Mr. SPEAKER: The hon. member can speak to the motion and then to the amendment when it is moved.

Hon. N. KEENAN: I desire to avoid repeating myself. I intend to make one speech on the matter and one only. If the Premier wishes other members to take part in the debate I can move the adjournment at a later stage.

On motion by the Premier, debate adjourned.

### **BILL—MORTGAGEES' RIGHTS RESTRICTION ACT AMENDMENT.**

#### *Second Reading.*

**MR. BOYLE** (Avon) [5.50] in moving the second reading said: The object of the Bill is to provide that the judge of the Supreme Court, who is the arbiter in this matter, may have a bigger scope for granting relief. Furthermore, it will enable the judge to take notice of conditions due to the war. Briefly it proposes to add a subsection to Section 8 of the principal Act as follows:—

(h) Whether the default of the mortgagor has been caused or contributed to by circumstances attributable to the war in which His Majesty is at present engaged or the operation of any regulation made under the Commonwealth Act No. 15 of 1939 or under that Act as subsequently amended.

The Mortgagees' Rights Restriction Act, so far as the mortgagor is concerned, is really wrapped up in Section 8 of the Act. This section states that—

(1) Applications for leave to take any of the measures or proceedings mentioned in the last preceding section shall be made in the manner prescribed by rules of court, and in dealing with any such application the court shall consider—

(a) whether by reason of the wasting nature of the security the mortgagee is likely to be seriously prejudiced by the continuance of the mortgage;

(b) whether the mortgagor is able to redeem the mortgaged property from his own moneys or by borrowing at a reasonable rate of interest;

(c) whether the conduct of the mortgagor in respect of the breach by him of any of the covenants in the mortgage has been such as to render him undeserving of the benefit of this Act;

(d) whether the refusal of the leave asked for would inflict great hardship on the mort-

gagee, and where the money secured by the mortgage is the whole or part of moneys belonging to a trust fund, whether such refusal would reasonably delay the mortgagee or trustee of such fund from distributing same amongst the beneficiaries or persons entitled thereto;

(e) whether the granting of the leave asked for would inflict great hardship on the mortgagor;

(f) whether the default of the mortgagor has been caused or contributed to by economic or financial conditions affecting trade or industry in this State;

(g) whether the refusal of the leave asked for would be reasonably likely to enable the mortgagor, having regard to his circumstances and to the economic and financial conditions aforesaid, to meet his liabilities under the mortgage within a reasonable time.

My amending Bill proposes to take into account the fact that, under the National Security Act, certain statutory rules have been issued. Under our Act the mortgagee must apply to the court to exercise the powers that he wishes to exercise as a mortgagee and the mortgagor defends the action in the Court. Under the National Security Regulations, the responsibility is thrown on the debtor to apply to the court. I think the Leader of the Opposition has pointed out that in actual practice, where the responsibility is thrown on thousands, not only of farmers, but debtors generally, in the first place very few know of their rights in the matter and, secondly, very few are prepared to go to the extent of vindicating those rights. From the point of view of public policy, it is much easier to ask the creditor to show cause why he should use the rights he has. Under Statutory Rule 65 (National Security Contract Adjustment Regulation) it is stated, in Section 4—

Where a tribunal is satisfied, on application by any person, that, by reason of circumstances attributable to the war or the operation of any regulation made under the National Security Act, 1939, or under that Act as subsequently amended, the performance, or further performance, of a contract or agreement to which that person is a party, in accordance with the terms thereof, has become or is likely to become impossible or, so far as the applicant is concerned, has become or is likely to become inequitable or unduly onerous, the tribunal may make an order cancelling the contract or agreement, or may make such order as it thinks just varying the terms of the contract or agreement, or may provide for the repayment, in whole or in part, of any amount paid in pursuance of the contract or agreement.

In this case it is the mortgagee, or the debtor, who must make the application. I wish

to transfer the authority to a judge of our Supreme Court to use the National Security Act and the war conditions, particularly while the war lasts, so that he can avail himself of the circumstances brought about by the war. Under our Mortgagees' Rights Restriction Act, those grounds do not exist. The same thing applies to the National Security (Debtors' Relief) Regulations, Rule No. 194 of 1941. Section 6 of that rule states—

(1) An application for relief under the last preceding regulation shall be dealt with after notice to such creditors (if any) of the debtor (other than a creditor on whom a true copy of the application is served) and to such other persons (if any) as the tribunal considers should have notice of the application.

(2) If, upon hearing any such application, the tribunal is satisfied that—

(a) the applicant is unable to pay any debt in respect of which the application is made;

(b) the inability has arisen by reason of circumstances attributable to the war and is not substantially due to mistakes or defects in the conduct of the applicant's business affairs; and

(c) it is desirable, in all the circumstances of the case, that relief should be granted under these regulations to the applicant,

the tribunal may grant such relief on such terms and conditions (if any) as the tribunal thinks fit.

The Minister for Lands: You are trying to put forward another reason.

Mr. BOYLE: I see the Minister's objection.

The Minister for Lands: I cannot see any objection to it on the face of it.

Mr. BOYLE: To the amendment?

The Minister for Lands: Yes.

Mr. BOYLE: Then I need not prolong my argument.

The Premier: You wish to justify your amendment.

Mr. BOYLE: I am glad the Minister sees it as he does, because it saves my time and that of the House, which is more important. As the Premier says, I wish to justify this Bill. But when one has gained his point, there is no need to do more. If the House and the Minister are satisfied, I move—

That the Bill be now read a second time.

On motion by the Minister for Lands, debate adjourned.

## BILL—VERMIN ACT AMENDMENT.

### *Second Reading.*

MR. SEWARD (Pingelly) [5.58] in moving the second reading said: This is a small Bill, but it contains provisions which have from time to time been requested by various landowners, and which I think are reasonable. What I am first providing for is the relief from vermin rates to a landowner when he has enclosed his holding, or part of it, with a rabbit-proof fence. Under the Vermin Act there are two vermin funds. One is controlled by the Central Vermin Board, and is levied by it, and deals with the destruction of wild dogs, foxes and eagle-hawks. The other is levied by the road boards, acting as vermin boards, and deals with the destruction of rabbits. It is with the latter vermin fund that I am dealing at the present time. Under the Act, if an owner has enclosed the whole of his property with a rabbit-proof fence, he can claim exemption from that vermin fund. Frequently it occurs that natural divisions of a man's holding, such as salt lakes, for instance, or creeks, which form very awkward boundaries, occur. In some instances they practically divide a property in half, but in many others they cut off small portions, equivalent to a quarter of the total area, or even less. In order completely to enclose a holding in a rabbit-proof fence an owner has to involve himself in a large expenditure by reason of such natural intrusion which has had the effect of delaying the enclosing of the property.

It has been felt by owners that if they enclosed a portion of their property—say the most easily enclosed section—it is only reasonable that they should be exempted from vermin rates on that part of the property. It is to enable them to claim that exemption that I am including in this Bill the right to exemption for that part of the property as well as the whole holding. A recent case, which I might give as an illustration of this part of the measure, is that which was before the court within the last two weeks when, I think, the Dandaragan Road Board brought an action against a pastoral company in that area. The owners had enclosed a large portion of the property with a rabbit-proof fence, and sought to claim exemption from the vermin rate on that part of the property. Owing to the wording of the Act, they could not do so.

The entire holding must be enclosed before they could get any exemption.

Mr. Watts: They pay the vermin rates on the whole property?

Mr. SEWARD: Yes, even though seven-eighths of it might be enclosed by a rabbit-proof fence. Another reason why this might be acceptable to the House is that it would act as an incentive to owners to enclose a portion of their properties. In some circumstances, a man might have a certain amount of uncleared land. If by enclosing the cleared portion with a rabbit-proof fence he were enabled to deal more effectively with rabbits and could at the same time get exemption from the vermin rates, it would be an encouragement to him to do so. In these times of manpower difficulties and getting poison and everything else, we ought to encourage landowners to do anything that will assist them to deal more effectively with the matter.

The next provision in the Bill is to meet a case that has been mentioned by magistrates from time to time. At present, if an inspector is not satisfied with the work done by the owner in connection with the destruction of vermin on his property—I am referring again to rabbits—he lodges a complaint and brings the owner before the court. The magistrates on occasions pointed out that when that happens they have no option but to fine the owner. Under the terms of the existing Act, if the owner's work, whatever he may have done, be it large or small, does not meet with the approval of the inspector, and he prosecutes him, the magistrate must convict and fine him. He has no alternative. He cannot accept any excuse, whether justifiable or not, put forward by the owner, but must automatically fine him. I have incorporated in this Bill a clause giving discretion to the court to adjourn the hearing of any such case and to lay down any conditions it may think reasonable or desirable, with which the owner should comply before the court is called upon to fine him.

I have also included a clause stipulating that any prosecution under Sections 94 and 97 must be heard by a police or resident magistrate. It is very undesirable and in many instances difficult to get local justices to hear these cases. Sometimes a justice himself is proceeded against by the inspector; in other cases a justice may be a neighbour of the man being prosecuted.

If I had any say in the matter, I would do away with local justices altogether. However, that is beyond the scope of this measure. The only other provision in the Bill has been included at the request of several road boards, and is designed to empower the vermin board to sell rabbit poison at less than cost price. Rabbit poison for some time has been becoming increasingly dear. Strychnine now costs about 9s. 3d. a bottle, and a bottle does not go far in poisoning rabbits.

Some of the boards have been selling this poison at below cost in order to encourage owners to use more and thus more effectively deal with the rabbit pest. The auditors, however, have pointed out that road boards have done this without power and have refused to pass the expenditure. The amendment in this Bill is permissive. If a road board desires to sell rabbit poison at less than cost, it may do so. If it does not so desire, it need not do so. The provision is entirely permissive. I think the Bill should commend itself to members as one offering an inducement to farmers to take further measures to destroy rabbits. Where they do enclose their holdings with rabbit-proof fences and the property is completely enclosed—and bear in mind a rabbit-proof fence is defined in the Act and is no slipshod affair—it is only reasonable that they should have freedom from liability for vermin rates for the portion of the property so enclosed. I move—

That the Bill be now read a second time.

On motion by the Minister for Lands, debate adjourned.

*House adjourned at 6.9 p.m.*