Hon. Sir Charles Latham: We can tell the Government about it, but no notice is taken of us.

Hon. E. H. Gray: Then read the Riot Act at your party meeting!

Hon. H. TUCKEY: I would prefer to alter the year mentioned in the clause and then the Government could take the matter up and deal with the whole question without waiting for another 18 months. I reserve my right as to how I shall vote on the clause.

Hon. G. W. MILES: I hope the Committee will agree to the clause as it stands without accepting the suggestions advanced by Dr. Hislop and Mr. Fraser. The passing of the legislation is a matter of urgency. During the debate Mr. Fraser said he did not agree with any of the amendments, and if we were to effect the alteration he suggested, there would be considerable argument in another place.

Hon. Sir Charles Latham: That would be nothing new.

Hon. G. W. MILES: Of course not, but this legislation must be passed before Monday.

Hon. A. L. Loton: And this is Thursday evening.

Hon. G. W. MILES: The hon. member is looking for an all night sitting. I hope the Committee will accept the clause as it stands.

Clause put and passed.

Title—agreed to.

Bill reported with amendments and the report adopted.

Bill read a third time and returned to the Assembly with amendments.

Sitting suspended from 8.40 to 10.37 p.m.

Assembly's Message.

Message from the Assembly received and read notifying that it had agreed to the Council's amendments.

House adjourned at 10.38 p.m.

Legislative Assembly.

Thursday, 12th August, 1948.

CONTENTS.

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

QUESTIONS.

RAILWAYS.

(a) *As to Late Running on Wongan Hills Line.*

Mr. BRAND asked the Minister for Railways:

(1) Of the two passenger trains per week on the Wongan Hills line, what percentage for the last year arrived at Mullewa one and a half hours late?

(2) Would he say where the time is lost on the journey, and whether it is in actual running or otherwise?

(3) If it is physically impossible to run this train on the present schedule, would he consider having a time-table drawn up to which the train could run?

The MINISTER replied:

(1) Fifty-five per cent.

(2) and (3) Time is said to be lost en route, but I am not satisfied that better arrangements cannot be made, and am having inquiries made with a view to giving a better and more reliable service.

(b) *As to Late Running of Suburban Passenger Trains, etc.*

Mr. BRADY asked the Minister for Railways:

(1) Is he aware of the continued late arrival at Midland Junction and Perth of the following important passenger trains:—7.29 a.m. ex Midland to Perth daily; 8.11 a.m. ex Midland to Perth daily; 7.58 a.m. ex Perth to Midland daily; 6.2 p.m. ex Perth to Midland, Monday to Friday; 6.13 p.m. ex Perth to Midland, Monday to Friday?

(2) Is he aware of the long intervals between trains from 6.13 p.m. to 8.17 p.m.?

(3) Is he satisfied that the best service is being given to railway patrons in the eastern suburbs with the available engine power?

(4) Is adequate maintenance being carried out on suburban passenger engines?

The MINISTER replied:

(1) Locomotive troubles and unforeseen circumstances have caused some delays to the trains mentioned. The opening of the new Meltham station since the time-table was printed has also added to the length of the journey. The timing will be adjusted in the next issue of the time-table.

(2) Trains leave Perth for Midland Junction at 6.13 p.m., 7.10 p.m. and 8.17 p.m. A train leaves Perth for Belmont at 6.22 p.m. These cater adequately for the business offering.

(3) Yes.

(4) Maintenance is behind the pre-war standard due to shortage of staff and plant.

WHEAT.

(a) *As to Marketing Scheme Poll and Honorary Minister's Attitude.*

Hon. J. T. TONKIN asked the Minister for Lands:

(1) Has it not been the invariable custom when controversial questions have been submitted to a referendum for determination, that the cases in support of the opposing sides have been prepared independently by representatives of both sides?

(2) Why is this custom being departed from in connection with the proposed ballot of growers on the question of a Commonwealth wheat marketing scheme versus a State scheme?

(3) By whom are the cases in support of the Commonwealth scheme and the State scheme being prepared?

(4) If the case for the Commonwealth scheme is not being prepared by the Australian Wheatgrowers' Federation, which is in every respect an appropriate body for the purpose, will he invite the Federation to do it?

(5) Is it a fact that the Honorary Minister (Hon. G. B. Wood), acting on behalf of the Minister for Agriculture, and representing the State Government at the most recent meeting of the Agricultural Council, agreed with all other State Government representatives present to recommend acceptance of the Commonwealth's wheat marketing proposals?

The MINISTER replied:

(1) Yes.

(2) This custom is not being departed from.

(3) The Honorary Minister for Agriculture is now preparing the case for the State scheme. He is also endeavouring to get a case prepared by a supporter of the Commonwealth scheme.

(4) No.

(5) No.

(b) *As to Petrol Issued and Subsidy for Road Cartage.*

Mr. REYNOLDS asked the Minister for Transport:

(1) How many gallons of petrol were issued to subsidised carters for the purpose of cartage of wheat from country centres to Fremantle since March, 1947?

(2) When did the wheat subsidy end?

The MINISTER replied:

(1) Five hundred and fifty-six thousand six hundred gallons (556,600 gallons) of petrol were used for road haulage of wheat since March, 1947, but the individual quantities for haulage to Fremantle, Geraldton or to local mills cannot be segregated.

(2) The 26th June, 1948.

(c) *As to Coal Consumption for Railway Haulage.*

Mr. REYNOLDS asked the Minister for Railways:

(1) What tonnge of coal would have been required to haul all the wheat carted by road and by rail since March, 1947?

(2) What quantity of coal was required to haul the wheat handled by the railways during this period?

The MINISTER replied:

(1) 22,353 tons.

(2) 15,308 tons.

These figures are approximate only and are based on average haul of wheat and average train loads.

"NARROWS" BRIDGE.

As to Government's Decision.

Hon. A. R. G. HAWKE asked the Minister for Works:

(1) Has the Government made a decision to build a bridge across the "Narrows" of the Swan River?

(2) If not, what are its views regarding the proposals?

The MINISTER replied:

(1) No decision has yet been made.

(2) The Government must await the investigations and report of the engineers.

ALBANY HARBOUR.

As to Projected Development Scheme.

Hon. A. R. G. HAWKE asked the Minister for Works:

What are the major differences—if any—between the first stage of the Albany Harbour Development Scheme, as planned in 1946 by the Engineer for Harbours and Rivers and the Director of Works, and that recently recommended by Mr. Tydeman?

The MINISTER replied:

Mr. Tydeman's scheme, stage I., provides for the reclamation of 64 acres of land and the provision of two berths on a marginal quay lay-out system, and includes transit sheds, road access and marshalling yards, etc., with additional dredging. The berths are also located nearer to the town than in the case of the Engineer for Harbours and Rivers' proposals.

The Engineer for Harbours and Rivers' scheme provides for two berths on the pier and slip lay-out system, and would include transit sheds and limited railway access and the reclamation of 22 acres of land.

TOBACCO INDUSTRY.

As to Control under State Legislation.

Mr. HOAR asked the Minister for Lands:

(1) Is he aware that, as a result of the "No" vote in the recent prices referendum, the Australian Tobacco Board will probably cease to operate at the end of this year?

(2) If so, has any agreement been reached between the tobacco-growing States regarding future control and marketing?

(3) Has he made any advances in this direction? If so, what?

(4) Is the Government prepared to legislate this session for the control and management of this industry in this State?

(5) If so, how does the Government propose to ensure to the growers a payable price for their product, bearing in mind that it is now subsidised by the Commonwealth, who may refuse to continue the subsidy?

(6) Under a State marketing scheme, would the growers be licensed and acreage controlled?

The MINISTER replied:

(1) Yes.

(2) No agreement has been finalised yet, but this matter was considered at a conference held in Sydney on the 10th June, the report of which will be submitted to the next meeting of the Agricultural Council.

(3) Yes. The scheme for this State under consideration is for sale by auction after appraisement.

(4) Yes, if considered necessary.

(5) This matter will be considered when assessing values under an appraisement scheme.

(6) It is desired to increase the production of tobacco in Australia, and therefore it is considered undesirable to license growers or restrict acreages at present.

GAS.

As to Determination of Basic Price, Fremantle.

Hon. J. T. TONKIN asked the Minister for Works:

(1) Has a basic price for gas supplied by the Fremantle Gas and Coke Co. been determined by the Electricity Commission in accordance with Sections 4 and 5 of the Gas Undertakings Act?

(2) Is the price which is at present being charged for gas by the Fremantle Gas and Coke Co. more than decimal nought one-four of a penny per gas unit in excess of the basic price?

The MINISTER replied:

(1) No. The price being charged by the Fremantle Gas and Coke Co. was determined by the Price Fixing Commissioner just prior to the Gas Undertakings Act being proclaimed.

(2) See No. (1).

KNITTING WOOLS.

As to Shortage in Supplies.

Mr. STYANTS (without notice) asked the Honorary Minister for Supply and Shipping: Is the Honorary Minister now in a position to give the answers to the questions I asked some days ago in connection with the shortage of knitting wools?

The HONORARY MINISTER replied: I think the hon. member's questions can now be answered satisfactorily. I have been in touch with the largest retail firms in the State, who claim that the idea of holding wool until there is a rise in price when the subsidies have been discontinued, is ridiculous. All wool is offered for sale as it comes to hand. I would like to read unsolicited letters from the Retail Traders' Association and from the Lincoln Mills (Australia) Ltd. The letter from the Retail Traders' Association reads—

> Reference was made in the paper to the possibility of knitting wools being withheld with the objective of the suppliers obtaining a higher price for such wools in the event of the withdrawal of subsidies. For your information, knitting wool is coming forward as in the past but, apart from this, it is not apparently understood that the price-fixing regulations would not permit any increase in price of knitting wools either by the retailer, wholesaler or manufacturer where such wools are manufactured from yarns which have been subsidised. You will see from this that no possible benefit could be derived from the withholding of knitting wools from the market.

The other letter arrived this morning from the Lincoln Mills (Australia) Ltd., and is as follows:—

> It is with some concern that this company views the present apparent shortage of knitting wool, and we would humbly draw your attention to the following facts:—
>
> (a) That knitting wool is being delivered to retail stores at the same rate, and in some cases more than last year.
>
> (b) That retailers report that supplies that would normally last for several weeks, are sold in the same number of days at present.
>
> (c) That this sudden excessive demand for knitting wool is brought about by the announcement that subsidies are likely to be lifted.
>
> (d) People are buying beyond their immediate need, thus depriving legitimate buyers, also invalids and old people, who cannot make continued trips to the stores in order to purchase when supplies are available.
>
> (e) That the suggestion made in the Legislative Assembly regarding the possibility of supplies being held, pending the lifting of subsidies, shows the lack of confidence in the price control set-up. We are sure you will agree that it would be impossible to gain by holding back supplies.

This company operates in all the large cities of Australia. The letter continues—

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

Second Reading.

Debate resumed from the previous day.

HON. F. J. S. WISE (Gascoyne) [4.40]: I am not quite sure that the very short notice the House had in connection with the Bill was absolutely necessary, but I am alive to the necessity of avoiding any lapsing of the legislation. Since the Commonwealth will be withdrawing from this field of control on Monday next, I think this House has a responsibility to assist in continuing the position as it is at present, with the proviso that there is an obligation upon the Government to consider during this session—and to do so quickly—the anomalies that are known to have been in existence since the original passing of the Act and its subsequent amendments, and, after consultation with those who know of many such anomalies, to submit to this House appropriate amendments to the legislation.

After the examination I have made of the Bill and the regulations that will be tabled in connection with it, I think there would have been very little, if any, different action, or attitude, adopted had members on the Opposition side of the House been in charge of the Treasury bench. We were responsible for the introduction of this measure and, with all its frailties in attempting to handle a very difficult situation there is no doubt that its provisions have afforded protection to people who would otherwise have suffered serious hardship.

On the other hand, there are certain unavoidable principles associated with this type of legislation that impose upon others hardship from another angle. The truth of that will, I assume, be admitted by the Minister in charge of the Bill. In the circumstances, I would like to have an assurance from him that although it is essential that the Act shall be prevented from lapsing, it is necessary for him carefully to scrutinise the parent measure and to amend it later in the session. With respect to the regulations, those proposed to be used are different from those provided by the State Government in accordance with its legislation. Some of them have advantages over the State regulations. For example, in those now proposed there is authority with regard to the issuing of a certificate by the Minister to enable the temporary occupation of an owner's house, with the safeguard that the owner can re-occupy it at the end of a stated period. That is a very important matter, because it has been the means of creating enmity between persons who formerly were friends.

The provisions in the Commonwealth regulations are of advantage, but the comment I have made regarding the Act itself also applies to them. The Minister has already given the House an assurance that within a matter of weeks he will see that the regulations under the Act are altered to comply appropriately with the amended law. I would like him to go further than that and, in considering the parent Act and its amendment, thoroughly to scrutinise the regulations which should be brought up to date and appropriately altered to provide for the anomalies that we now know to exist.

One phase that was mentioned last evening regarding the hardships that are created, concerned that coming within the defence law. I do not know how long it will be possible for protection under that law to continue, but there again most members know of cases where people have been imposed upon and protection accorded that was not valid. I have no intention whatever of opposing the Bill nor of hindering its passage, but I would like an assurance from the Minister that he will thoroughly examine the position and invite from members information regarding anomalies they know to exist, so that he will be in a better position shortly when he introduces a Bill to amend the principal Act.

MR. MARSHALL (Murchison) [4.48]: It is not my intention to oppose the passage of the Bill.

Hon. J. B. Sleeman: Then sit down!

Mr. MARSHALL: If the member for Fremantle would keep sitting down instead of constantly rising, we would get on with the business of the House much better. It is customary for him to keep rising in his seat and delaying the proceedings, particularly with regard to matters of no consequence at all—which is important to the proceedings.

Members: Hear, hear!

Mr. MARSHALL: Although I do not propose to offer any opposition to the Bill, I am one of those having strong objection to controls. Despite that, I realise the necessity for controls under given circumstances. If we are to exercise control over factors associated with commodities and services that are in short supply as compared with the demand, then I feel that the matter now under discussion constitutes one of those factors that will live with us for many years to come. To me it seems utterly impossible to overcome the shortage of accommodation for our citizens, particularly having regard to the possibility of mass migration, for a considerable number of years.

I have given consideration to the Bill and also to the proposed regulations. With the Leader of the Opposition, I am desirous that the Minister shall be most expeditious in bringing forward a thoroughly comprehensive amending measure; not that I find so much that is objectionable in the measure, having regard to the circumstances under which the regulations were promulgated, but because of what is not contained in the regulations. Many of the cases tried under these Commonwealth regulations found dissentients from the courts' decisions. When the cases were reviewed closely, however, it was found that the objection was to the magistrate's decision. That was the cause of the displeasure. Inevitably, it is impossible for a magistrate, even if perfect, to satisfy two contesting parties. The objection was not actually to the regulation itself. I draw the Minister's attention to

some anomalies which may be overcome in the drafting of the new regulations and I sincerely hope he will give earnest consideration to them.

It may be accepted that there are very good landlords and, for that matter, good landladies; but others are atrocious in their desire to get rich at the expense of unfortunate people who are in need of accommodation and who in consequence are competing keenly for the limited accommodation offering from day to day. I refer particularly to sub-let premises. You will have noticed in the papers, Mr. Speaker, advertisements offering accommodation and you will also have noted the amount to be charged for that accommodation. It is extortionate in the extreme. Provision should be made in the regulations to control that aspect, if the regulations are to be just and fair to all sections of the community, and also to regulate the rents to be paid by lessees. The unfortunate person who is crammed in a room or two rooms is as much entitled to consideration under these regulations as the person who may be fortunate enough to be in occupation of a complete dwelling. As I said, there are very good landlords and landladies who charge reasonable rates, but there are others with an appetite for high rents almost beyond the capacity of tenants to satisfy and they should not be called upon to pay these extortionate rents simply because they are enduring a period of hardship as far as accommodation is concerned.

There is another aspect of the matter and it is the last with which I propose to deal at present. We have in the State a large number of civil servants—although this aspect is not confined to civil servants alone —who are under an obligation to leave the metropolitan area and serve for a term in country areas, or on the Goldfields or in the North-West. Many of these people have an equity in a home in the city; some probably own the freehold of the property. They cannot refuse to go to the country, as it is a condition of their employment that they must go if transferred. It certainly would not be wise for them to leave their homes untenanted, so they lease them.

Hon. F. J. S. Wise: That would come within the arrangement about the certificate.

Mr. MARSHALL: No, it would not, unfortunately, because the certificates are limited to a term of six months only. I wish the Minister particularly to note that these certificates are issued for any period up to, but not exceeding, six months. The courts have no jurisdiction to issue a certificate for a longer period. Some of these civil servants, as I think the member for Kalgoorlie can inform the House, must leave the city for a period of three years. Some of them decide to stay longer in the country if the conditions there suit them; but, on returning to the city, they are unable to regain possession of their homes. Whatever justification there may be for satisfying the landlord's appetite for high rents, surely there is no reasonable or fair ground for disentitling a person to repossess his home. I shall give the Minister a case in point, without mentioning names.

A constable who was in my electorate owned a home in Perth. He served a number of years in the outer goldfields and returned to Perth with his wife and one little child. He was under an obligation to pay £2 a week for accommodation for himself, his wife and child, while only collecting 25s. a week for his five-roomed house. It took him four months to regain possession of his home. Another person who was in my electorate had to wait two years to re-possess his own home, as the tenant had been in occupation of it for a lengthy period and under the earlier Commonwealth regulations it was necessary for this person to give the tenant two years' notice to quit.

Those are the only two aspects which I find are objectionable and to which I hope the Minister will, when bringing in the new measure, give consideration. I sincerely hope the passage of the measure will not be delayed and that he will embody as much in it as he possibly can and leave to the regulations as little as is necessary. Provided the Minister will give consideration to these two points, I have no objection to the passage of the Bill, although I am not altogether favourably disposed to controls of any sort.

MR. SMITH (Brown Hill-Ivanhoe) [4.57]: I have no objection at all to this measure, so it might be said on that ground that I should not say anything about it. However, I want to speak to it. First, I commend the Government for having brought down the Bill in its present form, if the explanation given by the Minister is

the correct explanation of it, as he told the House it would continue, for the time being at any rate, the existing conditions. We have had some difficulty in discovering what the Bill is all about, because I find that the parent measure was consolidated in 1943 and that the consolidation is not to be found in any of the volumes in the House. One stray copy, however, was circulating in the Chamber, apparently, and I was fortunate enough to be able to peruse it for a few minutes.

With only the statutes available in the volumes, I defy anyone to gather from them what this amending Bill means, as it refers to Sections 17 and 20, whereas in the volume the highest number is Section 15. The Government has done the best it can in the circumstances in which it finds itself. But it cannot give that same assurance to landlords and tenants, as a result of this measure, that they had under the Commonwealth regulations—proclaimed under the Defence Act—that have operated up to this time. I say that, because although the Government has included the regulations in the measure, there is nothing to stop members of another place moving to disallow some of them within a week of the passage of the Bill.

Again, as the Bill makes provision for amending and revoking—and I understand from what the Minister said—of bringing down what might be called State regulations under the Bill, that will give to members of another place a further opportunity of moving to disallow the regulations. As far as I can see the whole effective machinery of the measure will be in the regulations. It stretches my imagination too far to believe that a Chamber which is representative of only about 50 per cent. of one-third of the adult population of the State, and is elected in the main by the landlord class, will for very long tolerate the restrictions and controls exercised under these Commonwealth regulations. Members of the Commonwealth Government, on the other hand, both in the House of Representatives and the Senate, being elected on an adult franchise, would be in a much better position to give assurances under a measure of this description.

When a Labour Government is on the Treasury bench in the Federal sphere and it brings down legislation in the House of Representatives, we can be pretty sure that it has been approved by the party and will get the necessary support in the Senate to make it effective. But this Government can give no such assurance; it cannot give assurances to the people in connection with Bills that have a reference to important points in its policy. Some of the measures that were thrown out last session by the other place, had a very definite bearing on the policy of the Government of this State. What do the members of the Legislative Council care about the Government's policy? In the matter of rent control, they are representative of the landlord class; they have been elected by that class. They will have some of their thoughts directed to the next election and to the interests of the landlords, upon whose votes they depend in order to be returned to that Chamber when they again go to the electors.

So, despite the assurances given by the Minister—and I commend him for giving them—I am satisfied very little time will elapse before the Commonwealth regulations under the measure will be disallowed by another place. I also feel pretty sure that if State regulations are substituted, the Legislative Council will be permitted to disallow them, and I look forward to members there disallowing quite a number of regulations, which now form part of the Commonwealth regulations, at an early date; and suggesting further amendments to the parent Act that will be detrimental to the tenants but advantageous to the landlords. The Minister on two previous occasions has drawn attention to the attempts of landlords in that connection. He did not go into the matter very fully, but he did suggest that as the value of money has declined there should be an all-over increase in rent, and that the parent Act would not be amended in such a way as to make it possible for the tenants of the 42,000 houses that are let in this State to go to some court to establish a fair rent, but he did suggest that there might be an all-over increase in rent of 10 per cent. or 15 per cent., such as occurred in the United States of America. He also drew attention to the fact that the cost of maintenance and repairs is much greater now than it was in 1939.

These aspects, which the Minister touched on at that time, concern the landlord, but I do not remember his mentioning any pro-

posed amendments concerning the interests of the tenants when he introduced the measures on those two prior occasions. I feel that when introducing this Bill the Minister was sincere when he said that it was brought down as the result of eight years' experience, and because of the amendments that have been made from time to time to endeavour to make the Act as perfect as possible, but I am afraid that pressure will be brought to bear upon the Government before very long. If amendments are not effected in this place, they will be in another, by the disallowance of regulations, to the detriment of the tenants and in the interests of the landlords.

MR. NEEDHAM (Perth) [5.9]: I support the second reading, but I would like to see incorporated in the regulations something to prevent a recurrence or continuation of the system, referred to by the member for Murchison, of exorbitant amounts being charged for what is mentioned in the Bill as share-accommodation. I know of many instances where portions of houses have been sub-let, furnished and unfurnished, and exorbitant rents charged. I have told the people concerned that they should approach the court with a view to having a fair rent established, but they were afraid to do so because they felt they would be put out as other people were ready to go in.

Mr. Fox: They would only be lodgers.

Mr. NEEDHAM: I am speaking now of people with families sharing a house. If the regulations were framed to provide for that aspect, it would save a lot of trouble in the court, and would give more protection to the people who are compelled to share houses. Another feature which might be looked into by the Minister is the subletting which takes place without the knowledge or consent of the lessor. I have a case in mind where three portions of a house have been sublet without the lessor being consulted or considered. Here again exorbitant rents are being charged for the parts sublet. Realising though we all do that there is an extraordinary shortage of houses, I still think that the owner or lessor should have some say as to who the occupier shall be.

Another feature of the Bill I would like the Minister to explain more fully to me is that dealing with the exemption of Crown instrumentalities. The State Housing Commission and the McNess Housing Trust are exempted. I would like to hear further reasons for that provision. Another matter that applies not only to this Bill but to others, is that members have difficulty in following the amendments when they consult the statutes concerned. In this instance, as the member for Brown Hill-Ivanhoe has said, we have no complete principal Act in the statutes. The amendments contained in the Bill refer to various Acts passed in 1939, 1941 and 1943. In relation to this Bill they are not mentioned at all in that particular statute. That has occurred several times and I suggest that perhaps a new procedure could be adopted.

When an amending Bill is brought down the section of the principal Act to be amended should be set out in bold black type. The amendment then could be easily referred to by any member and he could follow the clauses in the Bill itself. That is the procedure adopted in the Commonwealth Parliament. There is no need to refer to the principal Act, for a member can look at the amending Bill itself. I suggest to the Minister that he adopt the same principle as it will save members a lot of time and give them a better chance to understand a Bill of this kind.

THE MINISTER FOR HOUSING (Hon. R. R. McDonald—West Perth—in reply) [5.16]: I am indebted to the Leader of the Opposition and other members for their references to this Bill, which comes down, as I explained, to meet a need for action due to the imminent termination of the Commonwealth regulations. I agree with the Leader of the Opposition that the existing Act and regulations which we are now proposing to adopt, thereby embodying existing Commonwealth law, should be re-examined with a view to any necessary action to meet conditions as they now are, and I am prepared to undertake to do that. The member for Murchison and also the member for Perth made reference to what is called "shared accommodation," that is to say, cases where part of a house or a room is let by the owner or tenant of the whole house to people who are prepared to take that limited accommodation. Those members referred to cases where exorbitant

rents are sometimes charged for portion of the house or room which is so let.

This Parliament last year passed some amendments to the Increase of Rent (War Restrictions) Act, the measure now before us, in order to meet that position. The rent inspector at the request of the tenant of the shared accommodation is empowered to inspect the premises and make a determination on the spot as to what is a fair rent for these shared premises. The landlord has the right of appeal, but in the absence of appeal there can be this summary, prompt determination of a fair rent. I think that the amendments which this House passed last year in that respect will go quite a long way towards meeting any cases that may arise.

Hon. A. R. G. Hawke: That does not apply to lodgers in the ordinary sense.

The MINISTER FOR HOUSING: I think it would apply to lodgers, too, because last year we dealt with the matter of furnished premises as well as premises shared unfurnished.

Mr. Fox: A tenant can give a lodger a week's notice and such lodger has to get out.

Mr. Styants: I do not think a lodger is protected under the "eviction" clause.

The MINISTER FOR HOUSING: No, he will not be, but I think he is protected under the "rental" clause. Under the eviction clause he has not the exclusive possession of the whole or part of the house which he shares. I think, in reply to the member for Brown Hill-Ivanhoe, that the measure which was brought down last year was substantially for the protection of tenants, and it represented a useful contribution to the existing law for the prevention of unfair treatment by landlords to people who, at the present time, still have difficulty in obtaining alternative accommodation. At the same time, I agree with the hon. member and others that there are grounds for reviewing and re-examining the existing law and regulations in order to meet cases in which the current law may not operate reasonably fairly. The member for Perth referred to an unauthorised letting. I think that is covered to a certain extent by the Commonwealth regulation. It is one of the grounds for terminating a tenancy, in that a person who is a tenant has sublet it without authority to some person without the consent of the owner. There is a certain measure of protection given and whether it should be properly amplified is a matter which I undertake to examine.

The member for Perth and also the member for Brown Hill-Ivanhoe referred to the wording of the clause. In that respect I must plead guilty to a certain amount of omission. When introducing the Bill I should have drawn attention to the fact that in the consolidation which was made, I think, in 1943, some alteration was made to the numbering of sections. I regret that such alteration has made it more difficult for members to follow the terms of this amendment. The member for Perth desired me to say something about the exclusion, from the operation of the Bill, of the State Housing Commission. Under the State Housing Act the Commission is declared to be a Crown instrumentality and I think that probably it has always been exempt from the terms of this particular measure—the Increase of Rent (War Restrictions) Act—under Section 19 which says that the Crown will not be bound.

There is, without going into too much detail, another aspect regarding the State Housing Commission. This Commission operates under a Commonwealth-State agreement ratified by this Parliament in, I think, 1945, under which it builds houses for rental purposes and under which, by the terms of the agreement, it fixes a rent which is called the economic rent based on the family income of the tenant. It may be that in the same house from time to time, or successively, there will be tenants whose family income would be different, and under the agreement with the Commonwealth the Housing Commission would need to vary the rent in order to collect the economic rent based upon the family income of the tenant for the time being. I think, therefore, it would perhaps be a matter of some difficulty and embarrassment if the Housing Commission were unable to vary the rents without having to go through the procedure of an application to the Court.

I think, too, that as the Housing Commission in this relation is concerned with Commonwealth-State rental homes which are erected under the terms of the Commonwealth-State agreement and in which special provision is made for low income

tenants, it can be felt that the Housing Commission in the exercise of its ordinary powers would not be oppressive. In fact I am quite sure its discretion and good judgment could be relied upon, because there is no element of personal profit in the State Housing Commission in relation to any houses of which it is the landlord. The intention is by this Bill to carry forward the existing law as it is now applying under Commonwealth regulation and as soon as possible—a few days, I hope—to table in this House and another place the same law as regulations adapted to the State regulations. Up to that stage it is not proposed to endeavour to make any alterations in the law.

When we have reached that stage and set up what may be called State regulations I think it will then be proper, as the Leader of the Opposition has said, for the State Government to give adequate consideration to any amendments then deemed fit to be brought in. I quite agree with the member for Brown Hill-Ivanhoe that when regulations are tabled then they are in the custody of either House of Parliament, and it is open to either House to disallow an amendment if the majority of members think that should be done. For the time being, the object of this Bill is to translate the existing regulations to State regulations and having done that and passed the transitional stage, opportunity will be afforded to re-examine those regulations as to their suitability. I think I have dealt with the points raised.

Question put and passed.

Bill read a second time.

In Committee, etc.

Mr. Perkins in the Chair; the Minister for Housing in charge of the Bill.

Clauses 1 to 3 agreed to.

Clause 4—Amendment of Section 4:

Hon. F. J. S. WISE: I am wondering whether the Minister can tell us if the Crown Suits Act applies in connection with this legislation—a point which we raised last evening.

The MINISTER FOR HOUSING: I must confess that while I intended to give that point consideration I did not do so owing to other matters that occupied my mind. Speaking from my recollection of the Act, I do not think it does.

Hon. F. J. S. WISE: From my examination, Section 8 suggests that it might.

The MINISTER FOR HOUSING: The Crown instrumentality would not be exempt from being sued. In other words, the Crown Suits Act was, in general, to enable remedies to be pursued against the Crown in the same way as against the subject. If we can make provision here for the application of a specific Act, then that provision would apply as against the general provision which is contained in the Crown Suits Act. Section 7 of the Crown Suits Act contains the following:—

> Nothing in this Act shall affect—
>
> (a) the rights or liabilities of any corporate body or instrumentality of the Crown created by any Act of Parliament;

This would mean that if any instrumentality were specifically dealt with by an Act of Parliament, the Crown Suits Act would be read subject to that specific provision.

Hon. F. J. S. Wise: Would it not mean the exact opposite?

The Minister for Education: Before one may sue the Crown, one must have the right to sue, and this Bill proposes to give no right to sue and therefore the Crown Suits Act does not apply.

The MINISTER FOR HOUSING: The marginal note to Section 7 states, "Statutory rights preserved where already given," and that expresses the intention. The section deals with rights and liabilities, and if in an Act dealing with a specific subject the position of a Crown instrumentality is thereby determined, I consider that the Crown Suits Act must be read subject to the specific provision made by the later Act. The point raised by the Leader of the Opposition is interesting, but I think there is no danger to be apprehended on that score.

Clause put and passed.

Clauses 5 to 7—agreed to.

Clause 8—Sections 18A-18E added. Parts III and IV of Commonwealth regulations to apply until regulations made under this Act:

Hon. F. J. S. WISE: Subsection (4) of the proposed new Section 18A reads—

Regulations in operation pursuant to the provisions of this Act shall have effect notwithstanding the provisions of any other Act.

Will the Minister explain what is meant by that provision?

The MINISTER FOR HOUSING: The intention is to make clear the exclusion of the operation of certain other Acts that deal with ejectment matters. In the Local Courts Act are provisions dealing with ejectment or repossession of premises which have more or less fallen into desuetude, but have not been repealed, and in 1 and 2 Vic., ch. 14, adopted by 7 Vic., ch. 110, provision is made dealing with the repossession of premises. The provision in the Bill will exclude from operation the provisions in those Acts.

Clause put and passed.

Clauses 9, 10, Title—agreed to.

Bill reported without amendment and the report adopted.

Bill read a third time and transmitted to the Council.

BILL—PRICES CONTROL.

First Reading.

On motion by the Attorney General Bill introduced and read a first time.

Second Reading.

THE ATTORNEY GENERAL (Hon. A. V. R. Abbott—North Perth) [5.38] in moving the second reading said: I propose briefly to outline the steps that have led to the introduction of this measure. As members are aware, the Commonwealth during the war years controlled prices under the National Security (Prices) Regulations, and those regulations were continued by means of the Commonwealth Defence (Transitional Provisions) Act of 1946 and the amending Act until the 31st December of this year. In 1947, the Commonwealth Government introduced a measure known as the Constitution Alteration (Rents and Prices) Commonwealth permanent power over prices, rents and charges. The referendum was held on the 29th May last, and was defeated.

Hon. F. J. S. Wise: Were you pleased about that?

The ATTORNEY GENERAL: I agreed with the verdict of the people. The Commonwealth then approached the States and notified them that it had determined to vacate the field of price-fixing. The Prime Minister's letter was received by the States about the 18th June, and stated, amongst other things, the following:—

The Commonwealth will relinquish administration of the following controls as from the expiration of the periods mentioned—

Rent, two months.

Price fixing, three months.

Land sales, three months.

That the Commonwealth Government shall invite the State Governments to set up machinery to assume these controls within the periods mentioned.

That the Commonwealth Government and the Commonwealth staffs give all possible administrative assistance to the State Governments in the setting up of such State controls as the respective State Governments consider necessary and adequate.

The Commonwealth Government at the same time notified the States of its intention to abandon the system of subsidy that had formed an integral part of its own price stabilisation scheme. The Prime Minister called a conference of State Premiers, which met in Canberra on the 23rd June. The conference decided that it was necessary that the closest co-ordination should take place between the States in the matter of price control, and the following resolutions were adopted:—

1. If the economic stability of Australia is to be maintained, it is vital that an effective system of price control be continued.

2. In the interests of the whole of Australia, it is imperative that the general principle of price fixing should be as uniform as possible.

3. In order that the interests of individual States should not be jeopardised by the actions of any one or more States, there should be the closest collaboration between the States in the detailed implementation of the price control policy.

4. It is desirable to reduce to the greatest extent possible the incidence of price controls, and action should be taken immediately to survey all existing orders with a view to their elimination when such course does not interfere with the economic stability of the States concerned, or of other States.

5. In order to achieve maximum uniformity and to ensure that no State suffers because of the isolated action of any other State, an advisory co-ordinating authority consisting of the

six State Ministers concerned should be established to consider and recommend to the respective Governments those goods and services from which controls should be removed immediately and from time to time thereafter, and generally to advise the respective Governments on the policy deemed advisable.

(6) The New South Wales representative to be the convener of meetings of the committee when required.

In accordance with those resolutions, a meeting of the Ministers was convened by the Premier of New South Wales for the 8th and 9th July. An agreement was reached for close co-ordination between all the States. Further consideration was given to this matter at a meeting of the Ministers held on the 30th July, and another meeting has been arranged for the 27th August. I think members will agree it is essential there should be very close co-ordination in the policies of all the States in connection with price fixing. At the meeting of Ministers on the 8th and 9th July the following principles were arrived at:—

The Ministers agreed that in the case of goods which will be the subject of interstate trade, the State in which the goods are produced will determine the price and will communicate its decision to all States. Subject to any adjustment that may be required, the price determined by the investigating State will be the price in other States.

This, of course will apply more to New South Wales and Victoria which are by far the largest producers of manufactured goods. It was gratifying to all Ministers attending these meetings that serious difficulties associated with co-ordinating policies were overcome, and there is no reason to fear that there will be any difficulty in administering the various Acts which are being brought into force to implement the decisions of the meeting.

Mr. Fox: You are an optimist.

The ATTORNEY GENERAL: I referred earlier to the fact that the Commonwealth, in connection with its price fixing policy, had subsidised a large number of commodities. In the Prime Minister's letter in which he notified the State that it was intended by the Commonwealth to relinquish price control, it was also stated that the Commonwealth's intention was to withdraw a number of subsidies at various times. The threatened withdrawal of subsidies is a very serious matter for the States. I think I am correct in saying that at present the Commonwealth is expending some £40,000,000 a year in subsidies and if they are withdrawn sharply there will be a very greatly increased price for many essential commodities, and this will react on the basic wage and will have a serious effect on all States. This was discussed at the first conference of Ministers. The position was realised and the following resolution was passed:—

That this conference draw attention to the sharp rise in the cost of clothing and the subsequent rise in the basic wage which will result from the withdrawal by the Commonwealth of subsidies on wool, cotton, cotton yarns, imported textiles, piece goods and interstate shipping. It recommends the Commonwealth Government to continue these subsidies for a further period of 12 months and that this matter be referred to the forthcoming Premiers' conference.

This question has been placed on the agenda for the Premiers' Conference which I understand is to take place on the 27th of this month; and it is of very considerable importance not only to this State but to all States that these subsidies should not be cut off suddenly, with a consequent sharp impact on prices but that if they are to be withdrawn they should be withdrawn over a reasonable period so that prices will rise gradually instead of suddenly. I point out to members that under the Constitution, the States, even if they wished to do so, have no power to grant subsidies on goods. This matter lies entirely in the hands of the Commonwealth. The Prime Minister also pointed out in his letter that there was a certain class of commodities in respect of which the oversea price or the export parity was considerably higher than the local price; and included in such commodities are leather, tallow, rabbit skins and a number of metals.

Hon. A. R. G. Hawke: What sort of metals?

The ATTORNEY GENERAL: Lead, copper and—I think—zinc, and a number of others. The Commonwealth pointed out that if price control were to be retained on those commodities, it would be necessary for arrangements to be reached by the States with the Commonwealth for the export control of those commodities. It can be fully appreciated that whatever the States might do to fix a reasonable price for such commodities, if they could be exported—and of course the State has no power to withhold exports—the result would

be that the local market would be starved and the commodities would be sent oversea. It is the intention of the States that suitable arrangements shall be made with the Commonwealth in this regard. I think all members will agree that price fixing is required, and I can assure them that it is the intention of the Government to watch carefully all those items and services that would adversely affect the existing position of food, clothing and shelter.

I propose now to deal with the provisions of the Bill in detail. The principal provision is to maintain the status quo as it will exist at the time the Commonwealth relinquishes control. All orders and regulations which prevail at that time will become State regulations and orders, under the provisions of this measure. Power is given to amend those regulations by regulation and to amend the orders by proclamation. The Bill places the administration of price control, subject to the general control and direction of the Minister, under a price control commissioner. Power is also given to the Minister to arrange with the Commonwealth to co-opt any Commonwealth servant to act as price commissioner or in any other capacity in connection with the price fixing department. Every person connected with the price fixing department will be required to keep secret all information that may come to his knowledge by reason of his duties, and he will be required to sign a declaration that he will do so.

Hon. A. H. Panton: Is the commissioner going to have full control?

The ATTORNEY GENERAL: No. The department will be under the control and direction of the Minister.

Hon. A. H. Panton: That does not go very far.

The ATTORNEY GENERAL: That follows the exact provisions of the Commonwealth Act.

Hon. A. H. Panton: I do not like it too much.

The ATTORNEY GENERAL: That is the provision of the Commonwealth Act and that is the intention of this Bill.

Mr. Triat: Let us hope we can improve on the Commonwealth Act.

The ATTORNEY GENERAL: Power is given to the price fixing commissioner to convey to the price fixing commissioner of any other State such information as will be necessary to enable the commissioner of any other State effectively to carry out his duties. The Governor is authorised to make regulations with respect to the prevention of undue increases in prices and rates for goods and services, particularly in relation to food, clothing and housing; the regulation so far as it is necessary of prices and rates for goods and services which are essential to the life of the community and of goods and services in general use which are in short supply; the progressive removal of the control of prices and rates and cooperation between the State and the Commonwealth, and any other State of the Commonwealth in carrying into operation or facilitating the operation and provisions and purposes of this Act. Power to revoke or amend regulations is conferred on the Governor and in the case of orders and declarations on the Minister.

Hon. F. J. S. Wise: This is really another instance of government by regulation, is it not?

The ATTORNEY GENERAL: This follows very closely the form of the rents Bill introduced by the Minister for Housing.

Hon. F. J. S. Wise: It depends on the regulations under the Bill.

The ATTORNEY GENERAL: I quite agree that it does.

Hon. F. J. S. Wise: I did not think that you agreed to that sort of legislation.

The ATTORNEY GENERAL: Quite frankly I believe in it only in cases of emergency, and I consider this is a case of emergency, but I would prefer to have things incorporated in the Bill itself.

Mr. Graham: It is quite a change from three months ago.

The ATTORNEY GENERAL: It must be appreciated that the price-fixing regulations which were carried into effect by the Commonwealth were extremely lengthy, and it was thought that it would be much better to follow the procedure of incorporating the Commonwealth regulations and on the day we take over subsequently State regulations will be laid on the Table of the House.

Hon. F. J. S. Wise: Do you think that there is a chance of alterations being made in this Bill at your conference on the 27th?

The ATTORNEY GENERAL: No. Satisfactory arrangements have already been agreed upon by the various Ministers. The New South Wales and Victorian Ministers adopted the principle of a blanket control, which is similar to this measure. Queensland are going to use their old Profiteering Act, under which all items will have to be proclaimed. The South Australian Bill also provides that each item or items must be proclaimed and that is not a blanket control. The three States which have taken blanket control did so because it was thought better to take over regulations as they stand and amend them from time to time when found necessary.

Mr. Hoar: Did you not think that there was any room for amendment to the regulations in the first place?

The ATTORNEY GENERAL: As far as the regulations are concerned, it was thought better to take over the operations of the Commonwealth regulations as they stand and then deal with them because the regulations do not deal with the price of goods or the de-control of goods. They deal with the general principles. The Leader of the Opposition mentioned something about a meeting that is to take place between the various Ministers. As I pointed out earlier the Premiers passed a resolution which stated that the States should, at the earliest possible moment, consider what articles could be de-controlled and it is for the purpose of considering such items that the meeting on the 27th August is to take place.

Certain offences are provided for under the measure and it is an offence to fail to comply with any of the provisions of any regulation or order and the punishments provided are—

(1) In the case of an offence prosecuted summarily—a fine not exceeding £100 or imprisonment for a term not exceeding six months.

(2) If prosecuted on indictment, a fine not exceeding £500 or imprisonment for a term not exceeding two years.

In addition the court may, if it thinks fit, order the forfeiture of any money or goods in respect of which the offence against the Act was committed.

Hon. F. J. S. Wise: The fine may be only £1.

The ATTORNEY GENERAL: Yes, but on the other hand the goods may be forfeited. Where a person convicted of an offence against the Act is a body corporate, then every person who, at the time of the commission of the offence was a director or an officer of the body corporate, shall be deemed to be guilty of the offence unless he proves that the offence was committed without his knowledge, or that he used all due diligence to prevent the commission of the offence. The Ministers have agreed that a small secretariat be set up in New South Wales for the purpose of co-ordinating the administration of price-fixing by the various States.

Hon. A. H. Panton: Sydney is nearly as far away as Canberra, is it not?

The ATTORNEY GENERAL: I quite agree it is a long way, but the hon. member must appreciate that it is necessary for the State Price Fixing Commissioner to have a co-ordinating centre where all information in connection with articles being imported into the State, should be available. The Act is to continue in operation until the 31st December, 1949, and no longer. I move—

That the Bill be now read a second time.

On motion by Hon. F. J. S. Wise, debate adjourned.

ADDRESS-IN-REPLY.

Ninth Day.

Debate resumed from the previous day.

MR. KELLY (Yilgarn-Coolgardie) [6.9]: I do not know whether it is that the preceding speeches made by the Lieut.-Governor have left some members, including myself, expecting too much or not, but the Speech of this year left me unmoved. It certainly was a voluminous one, but I am afraid it was not very impressive. As a recital of the stewardship of the Government it was undoubtedly very wordy, but again not very convincing. There was practically no mention at all of the Goldfields or of goldfields towns and this is a matter of great importance to me. Most of the Speech was directed to the metropolitan area and the South-West. I would like to know what is the Government's intention in connection with the maintenance work in many of the goldfields towns. I

would add that there is a great amount of work that had been authorised by the previous Government, very little of which has been put into operation since it went out of office. I am concerned as to whether the present year will again be notable for the almost complete absence of much of this maintenance work being carried out as was the case during the past 12 months.

I notice, too, that in the Lieut.-Governor's Speech mention was made of the numerous extensions of water supplies which had been completed throughout the metropolitan area. Again I want to know about the numerous extensions, renewals and repairs to various mains in the different goldfields towns. For the past few years there has been some excuse, and I think, too, some legitimate excuse, in the inability to carry out some of this work owing to the shortage of pipes and manpower. When we find that the city reticulations are receiving so much attention, and I suppose not only the Goldfields and the outback areas, but other parts of the State also, are not receiving very much attention, I think it is time an appeal was made to the Government for a more rational volume of the materials available being sent to many of the goldfields areas.

There are several very important towns where mains have practically corroded beyond effective use. Recently, whilst in Coolgardie, I was confronted with the spectacle of men having to work many hours of overtime, and in some cases all night, on burst mains in various parts of the town. It is unfair that a small gang such as is employed in most of the centres should have to spend cold nights and nights on end, to repair these corroded pipes. We find that in a number of our towns, particularly in those towns where reticulation was carried out perhaps 35 or 40 years ago, these pipes are in a very bad state.

Through the opportunity afforded me as a member of this House, I have asked a number of questions in regard to what was being done about the renewal of many of these reticulations. The answer has always been that a certain amount of money is made available and that when materials and manpower are more plentiful these works will be put into effect. I consider that goldfields towns at least are entitled to their share of the available material plus an influx of extra manpower needed in those areas. I, too, would ask what has become of the many decisions made by the present Government's predecessor in connection with many of the public buildings in the towns to which I have already referred.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. KELLY: Prior to the tea suspension, I had begun to draw the attention of the Government to the starved provision made for maintenance, repair and renovation of many of our public buildings. These include schools, teachers' quarters and other buildings of the several departments under various headings, all of which need a tremendous amount of repair work, and in some cases enlargement or replacement altogether. There are many instances where the delay has possibly not been the full responsibility of the department most concerned. That may sound a little odd, but when one comes up against obstacles, the reason is apparent. The Education Department, for instance, may feel quite happy with regard to certain work that is quite necessary. The Treasury may see fit to approve of the expenditure required for the particular job. We find, however, that the blame for the delay in carrying out what is required, has to be placed at the door of the Public Works Department.

To an extent there has been, in the rather distant past, some particular stress upon the scarcity of manpower and materials, which retarded the commencement of such work. On the other hand, when one hears the recital by a number of speakers on the Government side of the House, respecting the vast volume of work carried out in their electorates, it is high time that Ministers took stock of the position of outback schools, and at least set aside a certain proportion of the money available for expenditure on those buildings. During the whole of the time when lack of attention to such buildings is continuing, the depreciation of the buildings greatly increases. For instance, at the Southern Cross court-house, for over 12 months one of the chief walls of the room occupied by the registrar, has been entirely held up by the architraves of the door.

The Minister for Works: For how long has that been going on?

Mr. KELLY: It has gone on particularly during the last nine or ten months.

The Minister for Works: When did the trouble start?

Mr. KELLY: About 40 years ago, when it commenced with a slight crack but since then the trouble has increased materially, and particularly since 1947. The trouble was not very apparent in the early stages, but from then onwards it has increased appreciably.

Hon. F. J. S. Wise: You know that there have been white ants here for the last 18 months!

Mr. KELLY: We cannot claim that white ants have had anything to do with the condition of the building at Southern Cross, because the stone walls are about 18 ins. thick. Even in the Yilgarn district we have no ants that could cope with that situation. I suggest to the Government that it should give some attention to renovations and renewals necessary in connection with buildings in many of the outback towns. As a matter of fact, I do not think it would be too much to ask if we sought the expenditure of one-tenth of what is spent in the metropolitan area.

Mr. Hoar: Or in Middle Swan!

Mr. KELLY: During the early stages of the debate on the Address-in-reply, the member for Irwin-Moore indulged in certain statements that I deprecated. I certainly take exception to his sweeping statements in which he undeniably linked the Education Department with Communism. Such a suggestion was totally unjust because it brought under a cloud the entire staff of the Education Department.

Mr. Ackland: You know I did not do that, and that my remarks applied to individuals only.

Mr. KELLY: I have with me the hon. member's exact words as set out in "Hansard." I have what the hon. member said in the Chamber this year and what he said on the same subject in the Chamber last year. Certainly on the previous occasion his references were to the University only, but this year he went further and brought the Education Department as a whole under review. Such a course was totally unfair. It is not right that any member should, by the use of parliamentary privilege, make such sweeping statements, having such a far-reaching effect and encompassing as they did so many innocent people.

Mr. Ackland: It is unfair to suggest that such a statement was made.

Mr. KELLY: Perhaps the hon. member's intention was somewhat misapplied because of the words he used. I take that as the only excuse that could be advanced for such statements. Then again, I regret the very low standard to which the debate sank last night in consequence of the contribution by the member for Middle Swan.

The Attorney General: What about the speech by the member for East Perth?

The Minister for Works: Yes, what about that?

Mr. KELLY: If the member for Middle Swan has any conscience he should, in his calmer moments, be filled with remorse.

Mr. Grayden: Never!

Mr. KELLY: It was a shocking outburst. I do not desire to dwell further on that subject. I turn now to the work of the Agricultural Department, and my remarks in that regard may well apply to many of our other departments at present. To get to the point I desire to emphasise—the under-paid research and scientific staff—I find it necessary to traverse quite a lot of ground and in my endeavour to place the case clearly before members I shall claim their indulgence. I shall go back to 1933, which is quite a long time, and in going far back I indicate that I do not desire to throw the onus for what is apparent on the present Government or, in fact, on any particular Government. I realise that, perhaps to a degree, this matter has gone on without sufficient notice for a very long time. In 1933 the Agriculture Vote totalled £78,000. From then until 1946-47 the Vote has increased until for the last financial year it stood at £215,000. Notwithstanding that increase, I claim the Vote is still totally inadequate.

Agriculture and agricultural research may still be described as at the Cinderella stage in the State's economy, despite the fact that agriculture stands high in the records of the State's prosperity. Our wool, wheat, meat, dairy products and many other primary products, all help to increase the huge national income we now enjoy. The work of the scientists and agricultural research officers has been largely responsible for

many of the achievements that this State can claim in the advance it has made. I can readily recall the far-reaching and tremendous effects of some of the advances that have been made, and their effect upon the agriculturists of Western Australia, having particularly in mind the marvellous improvements with regard to toxic paralysis, the Denmark wasting disease, and Gingin rickets. The work done in that regard constitutes an outstanding achievement that has benefited agriculture generally. That work has always been coupled with the problem of the minor deficiencies of the soil.

It is to the work of the scientists and the research officers that we owe most of the success that has been achieved. Those men had to engage upon long and arduous and sometimes disappointing service in bringing to the State the advances that have been noted. The farmer himself, too, can be said to have assisted in a small measure. Naturally, he is at a distinct disadvantage when it comes to the matter of experimentation, because he mostly lacks the equipment necesary to carry out such finely adjusted forms of investigation. It is here that the research officers, in close collaboration with field officers, have always assisted the farmer to become a reasonably efficient and proficent part of the State's economy and also helped him to contribute very largely to the State's prosperity.

Until recent years it can be said that no section of the Western Australian community suffered more setbacks and more disabilities than the agriculturist. In fact, over a period of years he has suffered enormous losses. The officers of the research branch of the Agricultural Department have made a welcome contribution to the State's advance with, unfortunately, very limited resources throughout the major portion of that period. I think it is high time that we recognised very fully the great services these technical officers have rendered to the State. Despite the fact that they have contributed so largely to the State's advancement in many ways, they represent probably the most underpaid section of the whole of the professions. I say, too, that in no other State have the scientists and research officers been used more effectively and been more respected by the agriculturists than those who have worked in Western Australia. I claim, too, that no other State has paid its research officers so poorly as has Western Australia.

Many of the Government departments throughout the past few years—the Agricultural Department is no exception—have found it necessary to advance a great many excuses because of their inability to keep pace with requirements. In most cases those excuses have been accepted, and rightly so, because of the lack of staff with which most of the departments have been faced. We find trained, capable and talented scientists in their respective departments frequently faced with the prospect of reaching a position where promotion is unlikely and where there is no chance of their remuneration being increased. Therefore, many of these talented and trained men are forced to seek employment in the other States. No fault at all can be found with them doing so in the circumstances I have outined. Much criticism can be levelled at a policy that is responsible for the loss to this State of its scientists.

Frequently, young and promising men are watched during their university career by the various departmental scouts. After these students have graduated they are offered employment in some branch of the Government to which they are suited. They accept the appointment, but find, all too soon, that they have reached the limit of what the department can offer them. So, with the financial brake applied and because of the slow salary advance that faces them, they seek more lucrative posts in some other State or even oversea. This should not be so, if the State is to continue the excellent advance that has been made from a very poor beginning in the early thirties. A steep increase in the salary range must be made if we are to retain the services of these men. True, a small increase was granted them recently, but it is totally inadequate and will do little to stem the tide of men leaving the State.

The Agricultural Department has been a little more affected than other Government departments because of the wide variety of research work that is open to it. We have in this State men with B.Sc. degrees classed as agricultural advisers, on a salary range of which £500 per annum is the maximum. We have, too, highly qualified botanists, entymologists, plant pathologists and

other officers on a salary of under £700 per year. Year after year these scientists are departing from the State, thus depriving the Government of their services and experience. The majority of these men, if not all, have no desire to leave Western Australia, but because of the low remuneration they receive they eventually leave our shores. I could name dozens of them by going through the reports of the various departments. I have also come in personal contact with the departments in past years and am aware of the gaps in the ranks of some of the men I have spoken of.

I could name many who have complained —and complained very bitterly—that there is little scope for their advancement; they have reached the top of the scale as far as their salary is concerned, and so many of them have left. We find that in the Department of Agriculture it is apparently impossible to retain the service of veterinarians for any time. Frequently these officers are offered more remunerative positions in private practice and they leave the department. The department should at least be able to compete with private practice by offering similar inducements to retain the services of these qualified men.

Hon. F. J. S. Wise: It is only some five years ago since three veterinarians in private practice sought Government appointments because their profession was not sufficiently lucrative.

Mr. KELLY: I am informed that the position today is different and that at present the department is without a veterinarian.

Hon. F. J. S. Wise: That is so.

Mr. KELLY: Recently a promising plant geneticist, the person responsible for the breeding of Bungulla wheat, was employed at a salary of £604. He was also responsible for the high rust resistant variety of flax now grown in this State. He was offered a better position elsewhere and accepted it. I understand he went to the Roseworthy Agricultural College. Another highly qualified and valued field technician received a salary of £342 per annum. That hardly seems credible, but one will find it is true by reference to the department's books. I understand he, too, recently left the department. The Dairy Branch lost its only degreed officer recently. There are three skilled technicians employed at the Animal Health and Nutrition Laboratory; none of them is degreed, but nevertheless they are carrying on a job which requires a high degree of skill and accuracy. They are respected officers and are capable of going a long way. Yet they are only paid the basic wage. They are not even listed as permanent officers, but are classed as persons temporarily employed.

Any unskilled labour in this State is capable of commanding a far higher rate of pay than these men are receiving. There is lack of foresight on the part of those controlling the department or of the Minister in not rectifying this position. Scores of other men are doing excellent work. I have not time tonight to go through the very lengthy list, but they are all underpaid. The number I have mentioned will serve to indicate what is the position of these highly qualified men. I realise that a vast amount of research and field work is still being carried on by the various departments, particularly the Agricultural Department. I know, too, that many officers have been working on certain lines of research but, owing to pressure of other and perhaps more important work, they have not been able to complete it, and it may be some time before they can start again where they left off.

It may be argued that lack of funds contributes to our small number of these technical men and that is why the work falls into arrears. I am sure that if we offered reasonable remuneration there would be no gaps in the ranks of the various departments. These positions would then be speedily filled. I understand that recently there was extensive advertising for a person to fill the vacant position of geneticist or research chemist, but that the advertisement failed to bring forward one single application. That is evidence of the low conditions applying to that classification. I noticed a letter some time ago stating that the outgoings and incomings of these officers were comparable. On reviewing the position more closely, it will be found that almost without exception the incomings have been men who are to a large extent inexperienced and who are satisfied, because of their lack of experience, to accept the lower salary offering. The outgoings have been mostly highly trained and efficient officers who have done valuable work for the Agricultural Depart-

ment, but who found it impossible to remain here any longer.

The State cannot afford to relegate the science of agriculture to the comparatively unimportant position which it will occupy if what I have said cannot be remedied in some way or other. The science of farming cannot be treated too lightly. We have reached the stage where the use of fertilisers in many of our areas has led to the almost entire killing off of the soil bacteria that those areas enjoyed in the earlier stages of farming. That avenue must be thoroughly explored, or we shall be up against a terrific problem so far as some of those areas are concerned. The vast amount of work to be done by the department must soon receive earnest consideration. It is only by intensive research by skilled officers that our farmers can be guided in the growing of better pastures, the control of stock and plant diseases, the increase of cereal production and in the production of more bushels per tree or vine.

All other progressive countries have recognised the technical skill that is needed because of the great amount of knowledge required from time to time to cope with the new problems that are constantly arising. As a result, I do not think it can be refuted that we must bring about an alteration both in the numerical strength and the remuneration of these officers. I pay a tribute to the farmers of the State. I think there is no-one in the community more willing to learn than the agriculturist. When sound knowledge is imparted to him, his appreciation is great, and we can rely on his furthering the knowledge he gains. Advance in agriculture can only be maintained and promoted by keeping the department thoroughly staffed with scientists, research officers and a number of advisory officers.

I claim, too, that there is no finer stock with which to staff the various branches of that department than our own Western Australian students who are capable, competent and properly equipped through our University, and who have a natural love for the country and the future of the State. Farming practice is not static. We know that manurial and cultural practices change from time to time, soil problems arise, new pests and diseases occur every year, and even the demands of the consumer change periodically. The farmer not only needs the services of highly qualified men, but is entitled to receive all the attention the State can give if Western Australia is to remain in its present position in the agricultural industry. As I said before, if the only obstacle to the retention of these highly qualified men is the salary, then there is no excuse for this or any other Government not offering proper inducements.

I go from this subject to one on which I have on a number of occasions addressed the Chamber and one which concerns a large portion of my electorate—goldmining. I regret to report that I was amazed at the opinions expressed by the member for Brown Hill-Ivanhoe when he addressed members on this subject. I think it is wrong to say that the mining industry is based on sound lines. I think, too, it is entirely wrong to compare the condition of the industry with one or two of our more advanced, better equipped, and well established and developed mines.

Hon. E. H. H. Hall: They are in the great minority.

Mr. KELLY: Yes. The mines that have reached the stage of proficiency where production can be said to be on a payable basis are few and far between, even in Western Australia. I am not concerned with the position of the affluent mines, and I do not believe that I ever indicated to this House—I certainly never desired to do so—when advocating forms of assistance to the mining industry, that they should be given consideration. I am, however, much concerned with the position of the industry today from the point of view of the many hundreds of men who are getting their living from it, either by way of wages or as owners of small mines or members of syndicates. If a further decline takes place, they are faced with the possibility of having to uproot their families and shift to other centres in order to take on other types of work in which they are not skilled and would not, in all probability, be able to demand the same remuneration as their fellowmen.

Hundreds of people are housed on the Goldfields, and whilst their homes are not palaces and probably would not be allowed within the confines of a city, yet they are their all. If they had to shift, they would find all the obstacles in the world placed

in the way of getting a release for materials to build elsewhere. If anything happens to the industry, the State will have a major problem on its hands—that alone of housing the many engaged in goldmining would be very serious. The member for Brown Hill-Ivanhoe also referred to taxation. He said that the goldmining industry was tax free. I agree, of course, and all members know that from the point of view of direct taxation it is free. But there are many indirect taxes, to a large extent in excess of what are imposed on other industries which are today being subsidised, that it is meeting.

Under that heading I would include the money that the Commonwealth Government collects in customs, excise, sales tax, payroll tax, land tax, and the tidy amount that comes from the trans-Australian railway. The goldmining industry is also indirectly taxed by State instrumentalities, mainly through Government loan moneys which have been absorbed in both railways and water supplies. There is no justification for any claim that the industry is not in a parlous position. During the last 18 months, I have frequently indicated the condition of the industry and the repercussions that are likely should it decline further. Daily we find more indications that the view I have expressed is the general feeling throughout the whole industry. I have had from practically every branch of the Prospectors' Association either a direct letter or a copy of correspondence showing that the members—they number between 600 and 1,000 men; it is hard to get the exact figure—are of the same opinion as I have expressed tonight. That position applies at every centre.

Only yesterday in the Press I noticed that the Government fully appreciated the gravity of the position facing the goldmining industry. The subject had been placed on the agenda for discussion at the forthcoming Premiers' Conference. The Premier, Hon. D. R. McLarty, said that in a letter to Mr. J. G. Porteus, secretary of the Leonora Branch of the Prospectors' Association. I intend tonight to direct my remarks mainly to a review, as briefly as possible, of the position of the industry, and the state of our gold production from four aspects. I want to deal, firstly, with the oversea position; secondly, with that of the Commonwealth; thirdly, with that of Western Australia, and fourthly with the effect of the industry on the prospector. Members know that gold production has long since reached the stage of being in a most invidious position. That is to say, that whilst increases are continually causing production costs to rise, the industry since 1937, has remained on a pegged basis and so has been denied the right to increase the cost of its product to the consuming world. I think that this can be said to be unique in the history of trading conditions of the world.

Of course, this was the position as far as the signatories of the International Monetary Fund were concerned. That fund is, as members know, virtually the American Treasury. When the International Monetary Fund was mooted it appeared from the details that were given to the world at large that most countries would receive reasonable recognition and that the position would be tenable. Of course, detailed information was not available to the extent which I think it should have been to the gold producing nations, so that a full appreciation of the likely position could have been analysed. There are some nations, including Australia, which refrained for some time from becoming signatories to this agreement because I think some doubts did exist as far as some of the leaders were concerned, and probably those men envisaged a certain amount of difficulty once they became part and parcel of that agreement.

The chief alteration that has taken place, as we all know, is from a production cost point of view. To prevent an economic landslide some signatory countries, when the shoe pinched, were quite prepared, and thought it their just right, to depart from the principles embodied in the fund agreement. We have information coming through from time to time. Some of this information is hard to pin on to a sheet which we could term totally accurate, but nevertheless, we find that there is complete agreement expressed from time to time in the various references I have made. Those countries are Canada, Southern Rhodesia, France, and now West Africa.

Dealing with the position in Canada, we find that a most interesting situation has developed from the various advances and approaches that have been made by the industry in Canada. In September, 1947, it was reported that after representation had been made to the Canadian Government,

there was no likelihood of any immediate action being taken to subsidise gold production owing to Canada's commitments with the International Monetary Fund—and this is a very important point. Those commitments are the same with all nations. In November, 1947, the Canadian Government proposed a subsidy on gold production above the quantity production in the year ended the 30th June, 1947, of two guineas an ounce and because the International Monetary Fund decided, on application by the Canadian Government, that there were some two or three weighty and objectionable features in this proposal, the Government withdrew its plan which actually, in round figures, provided for an additional seven dollars per ounce to be paid for gold produced over and above that produced in the year ending the 30th June, 1947.

Then the next interesting feature regarding the Canadian approach to this very extensive problem was in March, 1948. The Canadian Government substituted a new plan giving some producers the equivalent of roughly an extra five dollars per ounce and I think it was retrospective to July, 1946. This action was approved by the International Monetary Fund and I say, to the credit of the Canadian Government, that it did not hesitate to change its plans or opinions in the face of necessity. At this juncture, I ask what our own Commonwealth Government has done to keep in step with these other nations?

In Southern Rhodesia it was recognised very early in the period that times were most chaotic in the industry in the early part of 1947. The seriousness of its declining goldmining industry was realised by that country, and thus, seeing that the task of revival was one of stark necessity, the position was approached. Its Parliament later, with very little controversy, assented to what became known as the Rhodesian Gold Subsidies Act. The estimated cost of this subsidy to goldmines of Southern Rhodesia at 27s. 6d. per fine ounce was £695,000. I have no full verification, but it is reported in one reference in the morning Press that the Gold Mining Subsidies Act of Southern Rhodesia also subsidised low grade mines, which represent one of our difficulties in this State, at the rate of £2 per fine ounce in addition to the 27s. 6d. per fine ounce.

Referring to France, we read recently that a free market for gold has been established coupled with the devaluation of the franc. Whether that policy is wise or not I do not know and I would not care to comment, but I feel that the move was a direct counter to the wishes of the United States and apparently, from France's point of view, has not borne any ill-effects. It is realised, throughout most of the gold producing countries, that France regards gold as the key to international trade and peace.

Regarding West Africa, until recently, the experts connected with the industry in that country told the world at large that their post-war difficulties regarding the industry would not be very great, but we find now, after the lapse of eight or nine months, that the West African section has again come into prominence and today it is urging a higher local price for gold. I have no doubt that as the conditions have reached such serious proportions in West Africa, the Government there will give very serious and genuine consideration to the approach of the industry on this subject. Again, in yesterday's Press—and I cannot verify any further than this particular reference—there appeared this report—

> Help from Gold Coast: Low grade mines in the Gold Coast will benefit substantially from new legislation that will be introduced in the Gold Coast Legislative Council next month. The existing duty will be repealed from the beginning of October and will be replaced by a new form. Mines—

and this is very important.

> —operating at a ratio of profit to recovery by 20 per cent. or less will gain handsomely from the new arrangement. Various qualifications will assist mines re-opening after a period of closure.

Reverting to the position in Britain, the British Government has expressed, and continues to express from time to time, its keen willingness to help the goldmining industry of the Dominions by making available to them the machinery necessary for extension. The International Monetary Fund, in perfect justice to it, has agreed that any member nation's proposal to subsidise gold production would be considered on its merits. So I think those merits, if we are going to do justice to the industry in this State, must be extended to the full. No stone must be left unturned if this State is to survive what is probably one of the

most dangerous periods the industry has been faced with.

I revert now from the oversea position to that within Australia. I ask: "What has the Commonwealth Government done? What has happened in Australia regarding the gold-mining industry? What case has the Commonwealth Government placed before the International Monetary Fund on Australia's behalf? And again, with what results? What degree of genuine concern has Canberra displayed in the future of the gold-mining industry of Western Australia?" I think we are perfectly justified in asking that many of these questions be answered by the Commonwealth Government. It has taken over, and has done for a number of years, the entire handling of the whole of the gold output of this State, which is very considerable. I think, in justice, we are entitled to know what has been done in those connections. I feel, too, that condemnation of their efforts, if those efforts have been advanced on the right lines as far as this State is concerned, would not be voiced to-night if we were to know the true position.

Information concerning that position has been denied to us, and the very meagre excuses that we have had from time to time leave us very much in doubt as far as knowing what the true position is. In 1946 the Commonwealth Government was approached for assistance to the industry. Again in 1947 a number of approaches were made on behalf of the industry. In January 1948, when the Prime Minister was in Western Australia, he was contacted with regard to the industry by the Premier and the Leader of the Opposition. On that occasion he agreed, on his return to Canberra, to constitute a committee to examine the position fully. I desire to place on record what has happened from time to time since this matter was first brought under the notice of the Commonwealth Government. Before quoting the results of the approaches and the statements made, I should like in fairness to the Commonwealth Government to say that in September, 1947, the following appeared in the Press as being the position:—

> Canberra, September 9. Reduction of the gold tax which was increased to 17s. 7d. an ounce during the early stages of the war is being considered by the Federal Government.

We know of what value that consideration was to the industry.

> Methods to increase the supply of gold because of its importance in the dollar crisis are also being investigated.

Thus in September, 1947, the Commonwealth Government was fully appreciative of all that gold meant to the country. There was no mention at that time as to what might be the position of the Commonwealth in relation to the International Monetary Fund. On the 11th February, 1948, under the heading of "Marginal Mines," the following appeared:—

> Means of giving assistance to marginal gold mines in this State will be considered at the meeting of Federal Cabinet next week. The Federal Government is sympathetic to the plight of those mines likely to be worked at a loss through the operation of the new gold-mining award, but it is not prepared to give over-all assistance to the industry. In addition, the Government wishes to avoid the payment of a direct bounty which might find disfavour with the International Monetary Fund.

That was the position five months later. On the 10th March of this year, the following appeared:—

> Gold industry. Minister confident of Federal aid. Confidence that the goldmining industry can expect to receive some assistance from the Federal Government as a result of negotiations going on in this country and America was expressed by the Minister for the Interior, Mr. Johnson, in Coolgardie.

As regards materialisation of those promises, nothing appears to have eventuated with the exception of some sort of understanding that four, five or possibly six mines classed as marginal may receive some assistance. It has taken 18 months or nearly two years for us to arrive at a decision as to what might or might not be a marginal mine, a mine showing a profit, or a mine in need of assistance. During that period this State has been frequently visited by Commonwealth officers collaborating with our State Mines Department, who have reviewed the position of the industry. If procrastination has not been practised by the Commonwealth Government, I cannot understand its tardiness in coming to the assistance of the industry. On the 28th April, we had a message from Canberra stating that no general subsidy was contemplated. The message read—

> Although consideration was being given to assistance to the gold producing industry, it would definitely not take the form of a general subsidy.

production fell at a rather alarming rate. In the years 1945 to 1947 the output greatly increased, but the decline was exactly £18,000,000.

The returns from goldmining during the seven months of this year have fallen month by month. I think that in only one month during the present year have we recorded an increase on the output for 1947. In 1938, there were 15,300 men engaged in the industry, including those on wages, prospectors, small mine-owners and others engaged indirectly in the industry. We have heard it said that the figure would climb back to 20,000, but that number has never been employed in the industry. There have been times when the figure was slightly greater than 15,300, but never were they directly employed as wages men. The figure was made up of men in the three of four categories under which the industry is kept going. In 1948, the number of 15,300 had dropped to 7,150 directly engaged in the industry.

It is true to claim for the industry that from an ancillary services point of view very many more men are employed in the State, and it has been variously estimated that 20 per cent. of Western Australia's entire population is dependent on the goldmining industry. I think that is rather a conservative figure when an analysis is made of all other industries and avenues of production in Western Australia. We cannot afford to retard the progress of this industry any further. It is a vital economic national asset which must be preserved. I feel that the time has arrived when the State Government must face this problem irrespective of the national outlook—that is, the outlook of the Commonwealth Government. The time has come when the Government will have to act realistically and judiciously if we are to retain for this State some of the vast importance the industry has brought to Western Australia over the past 40 odd years.

The Government must act very promptly if the complete doldrums are to be avoided. I think, too, that it is time the State Government had a show-down with the Commonwealth Government. I do not mean by just sending one member from this State to talk business with the Commonwealth and submit figures that the Commonwealth seeks, and then come back satisfied that all is being done that can be done, when we know full well that other nations have found it possible to make progress by the introduction of various means, not all on the same lines, of giving an impetus to the industry. I feel that very strong exception must be taken by the State Government regarding the tardiness of the Commonwealth Government in assisting the goldmining industry. We have heard from time to time of obstacles being placed in the way of the Commonwealth Government's taking the necessary action.

I asked a series of questions earlier in my address. Only by a strong force from this State and a determined show-down with the Commonwealth, can any progress be made in this industry. I think that if the Commonwealth Government is made to face up to the fact that the industry is in such a parlous position, something will be done, especially if a strong enough approach is made from Western Australia. The industry itself is in this frame of mind today that if the State Government fails to get what is required for Western Australia from the Commonwealth Government, the onus will be on the State Government to take the matter into its own hands and through its own Treasury finance some form of assistance to the industry.

I want to make reference to the position of the prospectors. We all realise that the past success and enormous achievements and prosperity of this State so far as goldmining is concerned, have been the outcome of the efforts of the prospector. It is through his ingenuity and perseverance that the industry has climbed to its present high peak. I am not saying that the £294,000,000 worth of gold produced is entirely the result of prospecting, because I know that many exploratory companies, following on the successes of the prospectors in given localities, have, with the aid of science, caused a large increase in the revenue of this country. But the prospector is the one who originally put the industry where it is today and I say he has never been fully appreciated.

We often hear that a certain amount of credit is given to the prospectors, but not many of us have realised what the efforts of these men have meant to goldmining. They are entitled to far more consideration than they have received in the past. In 1938-39

exploratory and that no decision had been reached.

In April, the Premier stressed the vital importance of the goldmining industry at a conference of Premiers held in this State, at which I think the Premiers of South Australia and Victoria were present. Although I went very carefully into the matter, I could find no report of a decision on the result of those negotiations or on the policy or the approach of this and the other State Governments to the Commonwealth Government. I dare say we would be safe in assuming that, whatever was done at that conference, it amounted to nothing as far as the Commonwealth Government was concerned. May, June and July, and portion of August, have passed, and I take it that as nothing of moment has been reported in the Press, nothing has eventuated during that period in connection with the goldmining industry. The Government is very quiet on the subject.

I repeat, seven months have elapsed since this matter was brought very urgently before the Premier, yet we are in the same position as when we started. Notwithstanding the strong terms of the Premier's telegram and his urgent approach to the Prime Minister, I am wondering whether the Government realises just how much the goldmining industry is floundering. Valuable rehabilitation time has been lost to the industry, largely since the cessation of hostilities. That time has been lost, also, to the sterling countries and to Great Britain and I feel that it can never be regained. The Commonwealth Government, through the State Government, has said that it is prepared to assist marginal mines and that those mines number anything up to half a dozen; in one instance, it was said they numbered fewer than half a dozen.

I warn the Premier—and I hope he will pass the warning on to the Commonwealth—that there are not only four or five mines on the marginal line in the State today; there are also a number on the borderline of payability and a number fast approaching the time when they will be unable to carry on unless granted some assistance. Costs are rising. There is no means of preventing that. We are advised that if a machine, or a part of a machine, or some commodity is needed by the industry, it will be available at a given time, but the supplying firms are unable to state what the cost will be. I know the Premier can do nothing on that score; but that is the great danger facing the industry, as these rising costs will force out of production many of our borderline mines which today are struggling on in the hope that something will turn up.

The tendency of the other mines—I speak not only of the mines operating and showing a bare profit, but also of our better class mines which are making a profit—has been since the war ended to mine higher-grade ore. That practice, as I have pointed out previously in this Chamber, is very materially shortening the life of the various mines concerned. It has become with some of them not merely a temporary expedient but a permanent necessity, in order to keep the mine machinery working. It does not need me to explain to the House that this form of continuity of mining operations is not only costly but will have a very far-reaching effect on a declining gold production rate. To show just how greatly this industry is declining, I want to give the House a few figures, because I feel there are many members opposite who do not fully appreciate the position. I speak mainly of private members. I take it that Cabinet has given proper thought to the goldmining industry, but there are many others who perhaps do not realise what has happened. I was rather pleased that the member for Canning saw fit to depart from his little borough on the other side of the river and give some prominence to remarks in connection with the goldmining industry.

Mr. Styants: His predecessor had a reef over there, near Canning Bridge.

Mr. KELLY: Probably he has been inoculated with the same needle. I think it commendable that members should take some stock of the position regarding the industry and realise it is a vast portion of this State's economy and will play in the future a very great part in the rebuilding of Western Australia to what it was in pre-war days. In 1939-40-41 the gold production of Western Australia brought to this Treasury £36,000,000. For 1945-46-47 the production had fallen to £18,000,000, of which 1947 provided nearly £8,000,000. I want members to realise that the period I mentioned covered ten years and during that period—particularly the war years—gold

In the early part of my remarks I intimated that at no time had I, or any sane person connected with the industry, considered that a general subsidy, bonus or assistance should be given to the whole industry. We knew, on account of the situation that had developed on certain mines over a period of years and because of the degree of production they have reached and their ability to handle large quantities of ore, that they were in a paying position and definitely would not require assistance. There was nothing new in the statement that a general subsidy should not be paid, particularly for mines not in the category of those requiring assistance. On the 25th May the following appeared:—

> The possibility of a Government subsidy to enable a few Western Australian gold mines to remain in production was still being considered, the Prime Minister stated in Canberra today. An examination of the industry had divided the Western Australian mines into three groups, those operating successfully, mines which could not carry on in any circumstances and less than half a dozen in the marginal group which could continue production with reasonable Commonwealth aid.

Now this is the gem—

> The economically unsound mines are understood to be small and adjacent to other mines which could absorb their labour.

What a display of ignorance! And this after all the visits paid to this State by highly technical officers in the interests of the Commonwealth! Why, a schoolboy on the Goldfields would know that that was not the position.

Mr. Styants: Did that come from the Commonwealth Government or was it a newspaper report?

Mr. KELLY: It came from the Prime Minister himself. The latest information we have had through the Press—and that appears to be the only source of our information—came on the 16th June. I ask, "Where do we go from here?" We do not seem to be able to get down to tintacks or to find out what is likely to happen to the industry. Commonwealth officers who were over here recently, Messrs. Drummond and Sullivan, and Dr. Dunn, reported to their various departments, and their recommendations, I take it, were submitted to the Commonwealth Cabinet. But what has happened since then? That was on the 16th June and we are now approaching the 16th August and still we do not know what has happened. I think that after the lapse of two years, it is high time some decision was reached by the Commonwealth. It has been clearly indicated just what amount of assistance is likely to be granted to marginal mines, but what about the large number of other mines?

To assist the marginal mines along the lines indicated, I believe, would be costly and to a great extent ineffective in-so-far as over-all assistance to the industry is concerned. It is questionable whether this temporary assistance will succeed in its object, which is the extension of the life of some of our goldmining towns. There is every likelihood that it may only defer their inevitable decline. It can be regarded merely as a palliative and not as helping the industry to any extent. I desire now to deal with the goldmining industry from a more parochial angle, the one that concerns our own Government. What has the Government achieved during its term of office for the industry? We have seen from time to time small references made to advances to prospectors, cartage subsidies and, in some cases, assistance to small mines to enable them to continue working. But that assistance has been very small when one takes the whole industry into consideration; and, in any case, it is only a continuation of the assistance that has been rendered to these various sections of the industry by the Government's predecessors.

The Prime Minister, when in Western Australia, agreed to the appointment of a committee to inquire into the industry; and, naturally, that could not be done overnight. I give the Premier credit for having approached Mr. Chifley on the matter, but I want to know what following-up has been done. We find that in February the Premier telegraphed to the Prime Minister pressing an early appointment of the committee, but that telegram would not have had the slightest effect in view of the fact that there had not been time to appoint the committee. So, up to February, no progress was made. In March a conference was held in Canberra which was attended by the Under Secretary for Mines, Mr. Telfer. We can assume with every confidence that he presented a solid and vigorous case for this State; but, even so, it was reported that the talks were purely

we had between 700 and 800 men in a prospecting scheme financed by the State Government. At the 30th June last there were only 43 remaining in it. That is a clear indication of the state of the industry today. There is an abundance of employment offering throughout the country and that is the chief reason why we have so few prospectors.

It is not to the credit of the Minister for Mines—I reiterate it is unfortunate he is not in this Chamber—that he is reported to have made the statement during one of his visits to the Goldfields, that the Government was not very interested in keeping the prospecting scheme going because the services of the prospectors could easily be used on the various mines at present operating. That is a very near-sighted outlook and, I feel certain, it is a dangerous one to the future of the State.

The Minister for Works: Are you quoting him exactly as he put it?

Mr. KELLY: I am quoting his statement as given to me by members of the Prospectors' Association at Kalgoorlie.

The Minister for Works: Were you present when he made the remarks?

Mr. KELLY: No, but I have every reason to believe that the veracity of the statement can not be questioned. I think the scheme—I suppose the same conditions are operating today as when the Labour Government went out of office—is too restricted in its application and scope to enable prospecting to be properly carried out. Officers of the department say that the scheme was commenced with the idea of simply assisting prospectors to equip themselves to go out and search for gold. If that is the case, I think the time is opportune to scrap that idea and to put into operation something more progressive. Prospecting should be stimulated so that the industry may in the years to come be an increasing instead of a decreasing asset.

Many of our most competent and able prospectors are men who have had nothing out of goldmining. They probably had numerous rises but have put everything back again into the industry and are penniless today. They would be agreeable to going out again if assistance were granted them. They would go out into the back country and so endeavour to balance the goldmining of the future with that of the past. I feel there is ample justification for the long time I have spent tonight. It was not my intention to speak until next Tuesday, but the address I have given has filled in the period during which we have been awaiting a reply from another place. I notice that now the Speaker has the reply in his possession so I will conclude my remarks.

On motion of Mr. Nimmo, debate adjourned.

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

Returned from the Council with amendments.

Council's Amendments.

Schedule of two amendments made by the Council now considered.

In Committee.

Mr. Perkins in the Chair; the Minister for Housing in charge of the Bill.

No. 1. Clause 8—In proposed new Section 18B (1), page 4, delete the words "or in any other manner" in lines 28 and 29.

The MINISTER FOR HOUSING: Shortly, this proposed new section provides that a person shall not by a threat, or in any other way, dissuade any person from taking proceedings under the Act. The Legislative Council is quite agreeable to the prohibition of any threat, but it does not like the words "or in any other manner." The words are rather comprehensive and, although they are contained in the relevant Commonwealth provision, I feel they could be omitted without any serious danger occurring. If the words remain in the clause it might be contended that any person who approached someone about to take proceedings and endeavoured to persuade him from doing so by offering a house or making it worth his while, the man would be guilty of an offence. The words can be omitted without seriously affecting the clause and I move—

That the amendment be agreed to.

Hon. F. J. S. WISE: I do not like the suggestion. A person might dissuade or endeavour to dissuade another by a promise and not by threat. It might be by suggestion of bribery and that is the very purpose

for which the words were inserted. I think that the Minister should insist on the clause remaining as it is.

The MINISTER FOR HOUSING: I do not think the element of bribery would arise because this is a transaction between a person who may be about to take proceedings and some other person who seeks to dissuade him from doing so.

Hon. F. J. S. Wise: That does not render the use of these words redundant or unnecessary.

The MINISTER FOR HOUSING: If a person seeks to dissuade another, not to force him but to dissuade him, I think it would be perhaps rather strong, if he were considered guilty of an offence.

Mr. Graham: What if it is accompanied by a monetary consideration?

The MINISTER FOR HOUSING: If that were so, I do not think there would be very much wrong with it. If a man contemplated taking proceedings and somebody said to him, "I will make it up to you in cash," that would be a kind of agreement that could be made and come within the framework of a legitimate transaction. As the clause stands, the powers are very wide and it may be possible to dissuade persons from takings proceedings in a number of matters to which no possible exception could be taken.

Hon. J. T. Tonkin: As, for instance?

The MINISTER FOR HOUSING: Mere argument.

Hon. J. T. Tonkin: That is a weak one.

The MINISTER FOR HOUSING: Suppose a man decides to take proceedings to eject tenants and a person approaches him and informs him that the people are very old and that they have lived there for many years and it would involve very great hardship if proceedings were taken. That would be an attempt to dissuade in a certain manner. If a monetary consideration of, say, £50 was offered, that also would be an attempt to dissuade the person from taking proceedings.

Mr. Fox: Can you give the Committee some reasons why the words should be struck out?

The MINISTER FOR HOUSING: I suggest it is not unreasonable to agree with the suggestion because as a penal section it involves punishment which might be harsh in certain circumstances. I do not regard the matter as being of sufficient importance to justify so much attention and if the words are struck out there is still sufficient protection for those who desire to take proceedings.

Hon. J. T. TONKIN: In this argument I cannot follow the Minister at all. The only conclusion I can come to is that some threat has been made towards him by members in another place, and that is the reason for what is going on in this Committee.

The Minister for Housing: That is not so.

Hon. J. T. TONKIN: Let us see. When the Minister introduced this Bill this was the original intention—

> A person shall not by any threat, or in any other manner, endeavour to dissuade a lessor or lessee from making or prosecuting any application.

That was his intention; a complete prohibition against endeavouring to dissuade or prevent. Now he wants to endeavour to add "dissuade or prevent." That is to say, one can endeavour to prevent and dissuade in any other manner one likes providing it is not a threat. That will satisfy the Minister now because that is what another place wants. I think this Committee is entitled to a much stronger explanation of the Minister's attitude than the one we have already. If he starts off with a Bill which makes a complete prohibition against endeavouring to dissuade or prevent and then is prepared to water it down where threats are made, then there must be a substantial reason for the change. To threaten, of course, is to menace, but there are very effective ways of dissuading or preventing. One can hint to persons in such a way as to promise, without threatening, but there is a possibility that certain things might occur. That is not a threat, but it might be more effective in preventing or endeavouring to dissuade persons from taking certain action.

Mr. GRAHAM: To some extent I can appreciate the point of view of the Minister when there is a nice approach from one person to another, merely for the sake of pointing out reasons as to why any explanation of his action should not be made. I do feel that the deletion of the words

proposed would be leaving it too open. I would like to know what the Minister's reaction would be in the event of the Committee agreeing to the deletion of these words and substituting other words which might be along the lines of offer of monetary reward. I do not think the processes of the law should be interfered with on account of monetary consideration.

I think it will be inevitable that it will tend to act unfairly and in favour of the person who is possessed of worldly goods, particularly cash. A lessee would be able to offer perhaps £25 or £50 to the owner on consideration that he instituted proceedings, and the law therefore would be inevitably in favour of the wealthy man. Many a man, although it is in the interests of his family that he should obtain possession of his home, may be deterred from taking that action because of an offer that is made to him. To put it crudely it is a bribe. In other words, it means: "If you are prepared to jeopardise the interests of your family, then this money is yours." I therefore ask the Minister to look at the proposition again.

Mr. MARSHALL: There is only one feature of this proposed amendment which would influence me to treat lightly the submission of it for reconsideration, and that is the assurance from the Minister in charge of this measure that it is only of a temporary character—

The Minister for Housing: Not this part; this is in the Act.

Mr. MARSHALL: —and in the very near future we shall have a consolidating measure which will include this one.

Hon. F. J. S. Wise: The Act will include this one all right.

The Minister for Housing: This is the Act itself.

Mr. MARSHALL: That is the point I want clearly to understand from the Minister because the proposed amendment says—

> A person shall not by any threat, or in any other manner, endeavour to dissuade or prevent a lessor or lessee from making or prosecuting any application under the provision of this Act or the regulation in operation pursuant to the provisions of this Act.

That is the point. That is the one thing that matters. In the Bill "lessor" means one or more individuals jointly, even the agent. A lessee means one or more lessees. It should not, under all the circumstances, be an argument between two or more that might involve four or half a dozen of them, and if one particular lessee wants to take a line of action the second one might be easily influenced to restrain, not by threat, but by some other means which might be a lot more effective than a threat. Unfortunately, in this country, we from the Goldfields know full well and appreciate it entirely, that quite a lot happens in the goldmining industry and in other directions, wherein people are prevented from taking a certain line of action or course, not by virtue of a threat but by a more popular means of getting over the difficulty. I consider that the Council has not given the matter the consideration to which it is entitled. I do not believe that the amendment was moved out of a desire to be obstructive, but it seems to me that members of another place have exaggerated the possible consequences without paying regard to the effect of the regulations. The Council should certainly be given an opportunity to reconsider its decision.

Mr. NEEDHAM: I regret that the Minister proposes to accept the amendment. I can conceive of no reasonable argument that could have been adduced by the promoters of the amendment to justify its adoption. I can visualise a man's being in some danger of losing his employment if the words are not retained, and this could be brought about otherwise than by way of a threat. Another danger could arise in the case of shared accommodation where one or two of the occupants resolved to take action under this measure. My feeling is that if the words are not retained, we might as well put the Bill in the wastepaper basket. I am afraid that this represents the thin end of the wedge on the part of the Council to weaken legislation that has for its object the control of rents and that, when other measures are sent to another place later, attempts will be made to weaken them also.

Mr. GRAHAM: Would not the effect of deleting these words be to encourage blackmarketing in the matter of rentals? One party might offer to increase the amount of the weekly rent by secret agreement and contrary to the law, and such an inducement could be sufficient to deter the other

party from instituting proceedings. With the excision of these words, there would be nothing in the measure to prevent that happening and we would be, in effect, encouraging people to break other provisions of the measure and the regulations.

Mr. FOX: I feel sure that this amendment has been inserted by a number of men, a good many of whom are landlords or who have a wide view of the possibilities that might arise if the words were retained. Would not a man be a fool to make a threat? So far from making a threat, he would simply act. By deleting these words, we shall be leaving it wide open to such people to do whatever they like. I agree with the member for Perth that it might be possible for a man to lose his job if the words were not retained. The Minister should stick to his guns. We were told that the Council would cut such Bills to pieces. Of course, members there do not believe in controls at all, nor do many hon. members opposite; they have not the courage of their convictions.

Mr. READ: Despite the arguments adduced for the retention of the words proposed to be struck out, I feel the words are altogether too wide. They mean anything and everything. An argument might arise between a lessor and a lessee and both may decide to postpone or drop a prosecution. I can visualise the case of a tenant saying to a landlord who wished to eject him, "My wife has to go into the King Edward Memorial Hospital in a month's time and consequently I do not want you to take action until she has done so. I have a doctor's certificate to prove that this is so." He would be breaking the law by doing this if he used that excuse for evading what the lessor wanted him to do. I am not altogether wedded to the striking out of the words, however.

Mr. LESLIE: If we accept the face value of the arguments put forward by various members, particularly the member for Victoria Park, I must agree that they appear to be sound. However, I am concerned about one thing, which is that we must not generalise too much in our legislation; we must be specific, otherwise we shall only create trouble. If the Minister decides to adhere to the Bill as printed, he certainly is going to create a happy hunting ground for the legal fraternity. I agree with the member for Victoria Park that the application of the words sought to be struck out is too wide. The point could be dealt with later when the whole Act is before us for review; we can then provide for the offences to be specified. I remind the Committee that included in the Bill is the question of rents.

It would be an offence for a landlord to overcharge for rent, notwithstanding that he may have done so by inadvertence. He would, on discovering his offence, say to the tenant, "I have overcharged you for a period, but will repay you; there is no need for you to take action against me." Immediately a charge could be laid against the landlord in that case not only for overcharging rent, but also for attempting to prevent legal proceedings. The same thing might happen in the case of a tenant. A landlord might ask his tenant, after putting up a reasonable case, to vacate the premises. The tenant then makes a proposal to the landlord such as that which the member for Victoria Park outlined. If he did so, an action would lie against him also. As I said, the words are too wide altogether; they will result in 24 blackbirds in the pie for our legal friends.

Hon. J. T. TONKIN: The purpose of this sub-section is to do two things; (1) to endeavour to prevent a person from taking action which would prevent an application from being made and (2) to impose some penalty or punishment after action has been taken. The Legislative Council is inconsistent, as it is prepared to make a complete prohibition in cases where action has been taken and some penalty has been imposed, but it is not prepared to make a complete prohibition where some person is endeavouring to prevent or to dissuade someone from taking action. Subsection (4) provides that a person shall not do or procure to be done any act or thing for the purpose of imposing any detriment or disadvantage upon a lessor or lessee because the lessor or lessee has made an application. With regard to cases where an application has been made, the Council is prepared to go the full distance and make a complete prohibition. The provision is all-embracing and is meant to be so. In cases where an application has been made, the intention of the Bill is to prevent any person from doing anything whatever to impose a penalty on the lessor or lessee for having made the application. If it is desirable to do that in the case of a

person who has made an application, I submit it is more desirable to do it in the case of a person who wants to prevent an application from being made, because if the application has been made and the position rectified, then the law has had an opportunity to deal with the situation.

But a person who wants to prevent the law from being enforced is, in my opinion, more worthy of punishment for taking such action than a person who wants to take some action subsequently. When this Bill was introduced originally, it was intended by the Minister that there should be a complete prohibition with regard to action being taken to prevent applications in exactly the same way as it was intended that no action should be taken if an application was made, and I submit there is no justification whatever for making a difference with regard to those two provisions. The first is just as desirable to prevent as the second—certainly not less, possibly more; and if it is essential to make this all-embracing provision with regard to cases where applications have been made, it is just as essential to make an all-embracing provision to prevent action being taken which might stop a person from making the necessary application, either a lessor or a lessee. I am not prepared to agree to the amendment which the Council wishes to insert.

Mr. NEEDHAM: I thought the member for Victoria Park would adduce some good reasons for agreeing to the deletion of these words. He said that a woman might find it necessary to go to the King Edward Hospital or some other hospital. That would not be a reason for preventing or withdrawing proceedings or instituting them. That would be a reason for postponing action. That is where the hon. member is wrong. A person could be sick, and if the application was before the court, an adjournment would be readily granted. The instances brought forward by the member for Victoria Park are not reasons for the elimination of these words. The member for Mt. Marshall insisted that we should be specific and not generalise in the making of our legislation. He knows perfectly well that the more we define the more we limit and I do not want to see any limit to the effective administration of this measure. It cannot be too comprehensive or general. That is the reason I supported the second reading with these words "or in any other manner" included in this provision. If they are removed, the Act cannot be effectively administered. There would be room for collusion and justice would be hampered and eventually legal proceedings withdrawn.

The MINISTER FOR HOUSING: I would remind the member for Perth that when Parliament passed the Increase of Rent Act in 1939 and provided for ejectments and repossession we never had this clause. We never had any clause at all about threats.

Mr. Smith: We have had eight years' experience since then.

The MINISTER FOR HOUSING: I agree; but we have never amended that part of the Act. It did not apply, certainly, but it never occurred to us that the Act would cease to be effective because we did not have this provision. The Legislative Council has taken 998 out of the 1,000 provisions in this legislation. They have done so very speedily and with a complete understanding, I suggest, of the importance of this legislation and the protection we desire to extend and which should be extended to people who may be the tenants of premises.

Hon. A. H. Panton: They have probably taken the ham out of the sandwich.

The MINISTER FOR HOUSING: No. When I heard about these amendments, I thought there could not possibly be any argument about them because they are too inconsiderable to have any real effect on the legislation.

Hon. F. J. S. Wise: You really wondered why you had the provisions in the Bill at all!

The MINISTER FOR HOUSING: No. The Bill was taken verbatim from the regulations. One reads a Bill through and if it is all right—

Hon. F. J. S. Wise: This clause is really Regulation 80.

The MINISTER FOR HOUSING: Yes. When my attention was drawn to this amendment that the Council had passed, I felt that its attitude was not unreasonable, because I considered that any member of Parliament who deals with housing, as we all do, might inadvertently find himself in the position of committing an offence against

this measure as now drawn, although acting for the most praiseworthy reasons, because he had endeavoured to persuade an individual against taking legal action when he thought that action should not be reasonably taken.

Hon. E. Nulsen: This has been in operation for six or seven years.

The MINISTER FOR HOUSING: It has been in operation, but I think the occasion to use it has been very slight. I should hesitate as a lawyer, with these words in the provision, to bring a prosecution, because I think the court might possibly say that no man could be convicted on such broad, hazy, indeterminate language. The member for East Perth suggested to me that for the words "or in any other manner" the words "or for any monetary consideration" might be inserted. I would hesitate to take the responsibility of that. It seems to me that in connection with the occupation of premises there might be a number of occasions when a tenant might say, "Well, I will pay you £50 in order to remain in the house," or the owner might say, "You have to shift to a new house. That is going to cost you £25 or £50 to pay to the carrier. I will make it easy for you and pay you the price of the carrier's shifting you." Under this provision he might be liable to prosecution. It is far too dangerous. If I thought that this amendment had any material bearing I would not accept it but I do think the provision is very vague, and that it is couched in words that ought not to be found in a penal section in any Act of Parliament.

Mr. Graham: Can you tell us what harm it has done in the years during which it has been in operation?

The MINISTER FOR HOUSING: I could not say because I believe that any prosecutor would hesitate to found a prosecution on such comprehensive and ambiguous words.

Mr. Graham: Therefore it does not matter much whether the words remain from your point of view.

The MINISTER FOR HOUSING: It is much better to have them out. I do not subscribe to the idea that it does not matter very much what sort of law there is because not many will be caught by it. It is our duty to see that the laws are clear and explicit when they impose an offence or punishment on the subject. This is a measure as much for the protection of the landlord as for the tenant.

Mr. Leslie: It is more for his protection.

The MINISTER FOR HOUSING: It is designed to deal with the owner who seeks to get back his house and the tenant threatening to knock his head off if he takes proceedings. Far from being a landlord's amendment, I would say it is just the opposite. I would not argue about this if I did not think there was something in what the Legislative Council suggests. For that reason I am prepared to accept the amendment.

Hon. F. J. S. WISE: That was an interesting legal dissertation. The Minister for Housing sponsored this Bill and was responsible for its drafting. If, before it had left this Chamber there had been from this side a suggestion to delete these words, he would have resisted it.

The Minister for Housing: I do not think so.

Hon. F. J. S. WISE: If the Minister is satisfied with the Bill as originally drawn it is his duty to defend it.

The Minister for Housing: No, not if it is pointed out that something is not correct. His duty then is to accede to the suggestion.

The Minister for Education: I have seen the Leader of the Opposition do all these things dozens of times.

Hon. F. J. S. WISE: Many hours ago I anticipated that what has happened would occur, and because I was anxious to assist the Premier in the passage of the Bill I advised him accordingly. I am certain that a few hours back the Minister was very concerned in case such a happening as this would arise. Although the Minister could see no vice in the proposed amendment he could see no virtue in it at that stage, because it did not occur to him that these might be the words selected by members of the Legislative Council to amend.

The Minister for Education: It is a wonder the next words were not selected by the member for Murchison.

Hon. F. J. S. WISE: I take it they will remain—

THE CHAIRMAN: Order! The Leader of the Opposition is not entitled to discuss the next amendment.

Hon. F. J. S. WISE: That is so. The hon. gentlemen opposite have indicated what it is to be. The measure will be left much broader if these words are cut out.

The Minister for Housing: You and I might meet in the police court.

Hon. F. J. S. WISE: I will never threaten the Minister.

The Minister for Housing: I mean as co-defendants.

Hon. F. J. S. WISE: I am surprised at his attitude in giving way to the Upper House in order to allow the Bill a speedy passage. In effect, what he says is, "We will accept the amendment." It suits the vanity of the hon. gentlemen at the other end of the building to know that they can take out any word they like.

The Minister for Housing: Look how much they have taken.

Hon. F. J. S. WISE: It is an easy matter to alter the whole substance of a clause by inserting the simple word "not."

The Minister for Housing: Yes, or by altering "pounds" into "shillings."

Hon. F. J. S. WISE: I hope the Minister will stick to his guns and insist on the Bill as introduced.

Hon. J. T. TONKIN: The Minister for Housing might not have thought much of the arguments I advanced, but I think he at least has an obligation to deal with them.

The MINISTER FOR HOUSING: I regret that I did not refer to the hon. member's remarks. The two clauses are vitally different. The first one says that a person shall not in any manner endeavour to dissuade any person from making an application under the Act. He cannot say, "Do not take these proceedings; you will only make bad blood." He cannot do anything. As to the other clause to which the hon. member referred, he put forward an ingenious argument and I think would make an excellent member of the Bar, if I may say so.

Hon. A. H. Panton: Which bar?

The MINISTER FOR HOUSING: All bars. Let me refer to the material parts of the two clauses which he contrasted. The first one provides that a person shall not in any manner endeavour to dissuade a lessor or lessee from making any application under the Act. That is mere dissuasion or advice. The other one he referred to provides that a person shall not do or procure to be done any Act or thing for the purpose of imposing any detriment or disadvantage upon a lessor or lessee because the lessor or lessee has made an application under the Act. By the first part, a person to my mind would be guilty of an offence if he endeavoured to dissuade in any way a lessor or lessee from making an application —even from the most praiseworthy motives. In the second case he must intentionally endeavour to inflict a disadvantage upon some other person. It is completely different. I would stick to the Bill, lock, stock and barrel, if I thought it necessary, but I think it is silly for a Minister to say that he will do nothing if something which should be dealt with is pointed out to him. I am not going to adopt that attitude. We have the whole of the Bill and the regulations, with the exception of two matters which I think can be quite reasonably conceded.

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

Ayes	20
Noes	16
Majority for	4

AYES.

Mr. Abbott	Mr. Murray
Mr. Ackland	Mr. Nalder
Mr. Bovell	Mr. Nimmo
Mrs. Cardell-Oliver	Mr. Read
Mr. Doney	Mr. Seward
Mr. Grayden	Mr. Thorn
Mr. Hall	Mr. Watts
Mr. Leslie	Mr. Wild
Mr. McDonald	Mr. Yates
Mr. McLarty	Mr. Brand
	(Teller.)

NOES.

Mr. Brady	Mr. Panton
Mr. Fox	Mr. Reynolds
Mr. Graham	Mr. Smith
Mr. Kelly	Mr. Styants
Mr. Marshall	Mr. Tonkin
Mr. May	Mr. Triat
Mr. Needham	Mr. Wise
Mr. Nulsen	Mr. Coverley
	(Teller.)

PAIRS.

AYES.	NOES.
Mr. Keenan	Mr. Collier
Mr. Cornell	Mr. Rodoreda
Mr. Mann	Mr. Leahy
Mr. Hill	Mr. Hoar

Question thus passed; the Council's amendment agreed to.

No. 2. Clause 8, proposed new Section 18B—Delete Subsection (3) on page 5.

The MINISTER FOR HOUSING: At the foot of page 4, Subsection (2) reads—

> The owner of any premises; and the agent of any such owner, shall not refuse, or procure any person to refuse, to lease the premises to any other person who desires to lease the same if the reason for that refusal is that that other person had made an application under the provisions of this Act or the regulations in operation pursuant to the provisions of this Act.

In other words, a person cannot refuse to let his house if the prospective tenant has made an application under the Act as he is legally entitled to do. Subsection (3) means that the onus of proof of innocence is transferred from the prosecution to the accused or defendant. However, the Legislative Council objects to a clause under which the defendant is called upon to prove his own innocence, and desires that it should be deleted.

Mr. Fox: I hope you will be consistent in other legislation.

The MINISTER FOR HOUSING: I am generally not in agreement that it is desirable for a person to prove his innocence and, since another place has drawn my attention to this fact, I propose to agree to the amendment. It will not weaken the sections of the Act and I consider there will still be reasonable protection.

Hon. J. T. Tonkin: Do you really think that?

The MINISTER FOR HOUSING: I think there should be grounds to succeed in a prosecution without calling on the defendant to prove his own innocence.

Hon. E. Nulsen: You are throwing the onus on the prosecution.

The MINISTER FOR HOUSING: Yes, as is the usual thing with prosecutions under the Criminal Code.

Hon. A. H. Panton: Not always. It is not under the Gold Stealing Act.

The MINISTER FOR HOUSING: No, but it is the usual thing where prosecutions are made under the Criminal Code, and I do not think we need depart from the usual in regard to the onus of proof. I think we can reasonably agree to the amendment. I move—

> That the amendment be agreed to.

Hon. J. T. TONKIN: We have listened to a most plausible excuse for this amendment. Generally speaking I am in complete agreement that we should not place the onus of proof upon the defendant, but to take this subclause out of the Act renders Subclause (2) completely ineffective. The reason why the clause was included in the first place is obvious. The landlord knows very well that a prospective tenant has made an application to the court and says I am not going to take this tenant and he refuses to let. The tenant has to prove that the reason why he could not get the premises was because he had previously made an application under this Act. The landlord could say—"I will not let this tenant have the house because she has red hair", or "because she is tall and I do not like tall women".

The defendant has to prove that the reason why he or she did not get the premises was because an application had previously been made to the court. How on earth could a man prove that? Will the Minister give me one single example how any person could prove that the reason why he was not permitted to rent was because he had previously made an application to the court? It would be common knowledge that he had made the application if he had done so, but how could he prove that that was the reason? One could advance many reasons. To take this provision out would render Subsection (2) a complete farce and therefore the whole section might as well go out. There are a number of lawyers on the other side, and it is their job to advance proof in many cases, and I ask one of them to cite an example of what might be sufficient proof of the reason why a landlord would not let his premises.

The MINISTER FOR HOUSING: With the greatest pleasure in the world. Thousands of cases go through the criminal court where there is dependence on the state of mind. One cannot see into a man's mind and read his ideas, and therefore it is purely a matter of inference. On his state of mind rests the decision of whether he is guilty or not guilty. Take this case: A man has a house to let and he is looking for a tenant. Any man with a house to let is likely to be wanting a tenant. A person comes along who is otherwise unexceptionable. He is of good character, vouched for by witnesses, the right type, to whom no exception could be taken, and apparently there is no reason at all why that person should not be perfectly eligible as a tenant,

and the person refused tenancy took proceedings under the landlord and tenant regulations.

If the landlord, the defendant, went into the box, he would be cross-examined on behalf of the would-be tenant and by the judge, and an opinion would very soon be formed as to whether he was telling lies or not by his putting up some fictitious reason why he did not want to accept this tenant. If he did not go into the box, I do not think any jury would take long to discover the real reason for the refusal of occupation of the premises. I will concede this: That it is infinitely easier to prove an eviction if the onus of proof is on the accused, but it is very far from the case that, with the exclusion of this provision proposed to be deleted, the clause would be rendered of no value. I consider it would still be of value.

Mr. GRAHAM: No matter how necessary this Bill is, it only requires another place to apply the blue pencil, and immediately the Minister condemns his own Bill by pointing out and proving to his own satisfaction, at any rate, that there is no necessity for this provision.

Hon. F. J. S. Wise: That is the whole trouble.

Mr. GRAHAM: I think it is mere eyewash to make some pretence that we are following the principle of the onus being on the defendant to prove his case, and not on the prosecution. We discussed the Child Welfare Bill last session, and I am certain the Minister will agree that in that instance the responsible Minister—the Minister for Education—made out a strong case which convinced me, and I said so at the time. The point was that where there was an illegitimate child and parentage had been proved, it rested with the father to prove that he could not maintain that child, and it was not the responsibility of the department to prove that he was in that position. The question we are dealing with now is completely parallel. If premises are refused, nobody knows what the reason is, and surely it is logical to expect that the person concerned will indicate to the court what his reasons are, and then the court will determine whether or not those reasons are valid. That is the important part. The Minister said something about peering into a person's mind, but if the alleged offender is not required to be placed in the position of indicating the reason why he will not accept the tenant, then the whole proceedings would be farcical.

Question put and passed; the Council's amendment agreed to.

Resolutions reported, the report adopted and a message accordingly returned to the Council.

House adjourned at 10.30 p.m.

Legislative Council.

Tuesday, 17th August, 1948.

CONTENTS.

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

ASSENT TO BILLS.

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

1. Supply (No. 1), £3,800,000.

2. Increase of Rent (War Restrictions) Act Amendment.

CHAIRMEN (TEMPORARY) OF COMMITTEES.

The PRESIDENT: I desire to announce that, in accordance with Standing Order No. 31a, I have appointed Hon. G. Fraser and Hon. W. J. Mann to be temporary Chairmen of Committees for the session.

ADDRESS-IN-REPLY.

Ninth Day.

Debate resumed from the 12th August.