

of what we know concerning the erection of the power house.

The CHIEF SECRETARY: It must be borne in mind that the Collie Power Co. have been put to very heavy expense. I do not think the power sought here is contained in the other Act or that authority is given to enter into contracts for lines which cross through different municipalities. It is possible that a line may go through the territory of a local authority which has no current of its own.

Hon. G. FRASER: I, too, would oppose the granting of an extension to 50 years. It is quite long enough to legislate for 21 years. The Collie Power Co. knew when they spent their money that they had only that period to look forward to. If they have acted fairly at the end of that term, no doubt they will get a further extension.

Hon. J. CORNELL: The legislature ought to set a definite period to this extension, especially as it relates to electricity.

The Chief Secretary: We do not want another Perth City Council contract.

Hon. J. CORNELL: We should vote against the clause.

The CHIEF SECRETARY: I should prefer to have my amendment embodied in the clause, even if the clause is subsequently struck out. If on recommitment the inclusion of the clause can be justified, it can be reinstated as amended. I move an amendment—

That in line 2 the word "three" be struck out and "four" inserted in lieu.

Amendment put and passed.

Clause, as amended, put and negatived.

Title—agreed to.

Bill reported with amendments.

House adjourned at 11.32 p.m.

Legislative Assembly,

Wednesday, 2nd December, 1931.

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

QUESTION—DALKEITH BUS ROUTE.

Mr. THORN (for Mr. North) asked the Minister for Works: 1, Is legislation necessary before the offer of the Dalkeith Bus Company can be accepted by the Government? 2, Is he prepared to give the offer a three months' trial?

The MINISTER FOR WORKS replied: 1, Assuming that the offer refers to a proposal by the United Bus Company to institute a bus service instead of present tramway service, and pay a royalty for every passenger carried, legislation would first be necessary. 2, Answered by No. 1.

QUESTION—STATE TRADING CONCERNS.

Mr. PIESSE asked the Minister for Lands: 1, Will the balance sheets of the State trading concerns for the year ended 30th June, 1931, be laid upon the Table of the House before the close of the present session? 2, If not, what is the reason for the delay in their presentation?

The MINISTER FOR LANDS replied: 1, Yes. 2, Answered by No. 1.

LEAVE OF ABSENCE.

On motion by Mr. Doney, leave of absence for two weeks granted to the member for Roebourne (Mr. Teesdale) on the ground of ill-health.

MOTION—STANDING ORDERS SUSPENSION.

The ATTORNEY GENERAL: I move—

That so much of the Standing Orders be suspended as is necessary to enable the undermentioned Bills to be introduced and passed through their remaining stages at this sitting:—1, University Buildings Act Amendment; 2, Insurance Companies Act Amendment; 3, Bills of Sale Act Amendment.

Hon. A. McCALLUM: I understand that Nos. 1 and 2 of these Bills are not controversial, but I do not know about No. 3, which may require some examination. I believe the proposal is that we should get as far as the second reading now, after which an adjournment will be agreed to until a later stage of the sitting; then if we should want a further adjournment because of our inability to get a proper grip of the Bill, the Minister will agree to such further adjournment.

The Premier: Yes, that is right.

Hon. A. McCALLUM: On that understanding, I have no objection to the suspension of the Standing Orders.

Question put and passed.

BILL—UNIVERSITY BUILDINGS ACT AMENDMENT.

All Stages.

Introduced by the Attorney General, and read a first time.

Second Reading.

THE ATTORNEY GENERAL (Hon. T. A. L. Davy—West Perth) [4.42] in moving the second reading said: Only a very short explanation of the Bill is necessary. Under the University Buildings Act, 1930, we gave power to the Senate of the University to sell certain of the securities known as the Hackett bequest. The Chancellor now asks that we give him, in addition to the power to sell, the power to mortgage—there seems to be but little distinction in point of principle—for the very important reason that no attempt should be

made to sell the securities just now, the market being so depressed for investments of this type. The bank which keeps the University accounts is prepared to advance moneys on the security of the funds and investments now controlled by the University and known as the Hackett bequest. The Bill merely gives that power to the Senate and contains certain consequential amendments. I move—

That the Bill be now read a second time.

HON. A. McCALLUM (South Fremantle) [4.45]: We have supported the proposal to give the University power to sell their securities in order to finance their building programme. I agree it is not desirable, however, to force them to dispose of their securities at the present time. The securities would not realise anything like their face value, and it would mean a heavy financial loss to the University if they had to be disposed of. The authorities in control want the money to go on with the buildings, and for more than one reason we want them to be carried on. If the University can finance by means of a loan, instead of selling their property and someone else getting the advantage of a depressed market at the expense of the institution, it is reasonable that we should empower the University to carry on their work in the way proposed.

HON. W. D. JOHNSON (Guildford-Midland) [4.47]: I am becoming concerned about the administration of the University from the building point of view. I am inclined to think that if we are not very careful we shall have in a modified form the calamity that has occurred in the capital city of Australia, Canberra, where there are huge buildings which cannot be used, representing an extravagant conception of what a capital city requires without any regard for the question whether the population justifies such an enormous expenditure. The outlay at Canberra is very much akin to what is taking place at our university. The authorities here started off with a huge building policy, and now discover that the cost of construction is out of all proportion to the estimate. Instead of trying to curtail the buildings they are going on to raise money, either by sale or mortgage, in order to carry out that which they find difficulty in doing. I can see a danger in this for the children of the State. If Parliament

does not take a hand, we shall have forced upon us the necessity to increase the revenue of the University, either by a definite increased grant or by the imposition of fees upon the students. Our boast of having in Western Australia something unique in the form of free University education to those scholars who qualify for entrance to the institution, will no longer stand, and we shall have as students only those who can pay their way, in addition to qualifying for the entrance examination. We have read in the Press a good deal about the financial position of the University. We have had also the sad spectacle of the teaching staff having to be curtailed. I do not know that any professors have been retrenched but we do know that some of the most capable and enthusiastic educationists attached to the institution have had their services dispensed with and have had to find employment elsewhere. I know nothing about the University except that we pass a vote in Parliament for it. Parliament is supposed to be represented on the University management so that what we desire may have consideration at the hands of those charged with the responsibility of administering the affairs of the establishment. Unfortunately we get no reports. We do not know whether our representatives are faithfully carrying out the wishes of Parliament or otherwise. Parliament takes no action to advise those who are supposed to represent the interests of the State from the point of view of the Government. We get no definite information. All we can do is to read the reports that appear in the papers. These reports have caused me grave concern. I can see a great deal of trouble looming up and I can see that trouble being overcome by the children having to contribute by way of fees to make it possible to continue the building operations. By this means the poorer class of students, although perfectly capable in every other regard, will be denied the opportunity to follow their bent through the University. I do not welcome this Bill. It would be better if Parliament took a stand and said, "We will do no more in regard to this matter until we receive a complete and comprehensive report as to the future of the University, and the possibility of utilising the enormous and elaborate buildings that are being erected to-day." I have only seen the buildings from without, but I understand they are of an elaborate nature and that the furnishing is also upon an extensive scale. I doubt

whether we should encourage that sort of thing. We are encouraging it by passing Bills at the request of the University authorities before we know details of their commitments, their ambitions, and the possibility of their carrying on, without imposing upon the people of the State an extra burden by way of an increase in the Parliamentary grant, alternatively by means of fees charged to the students. I am very concerned about the whole situation. I believe these elaborate buildings will place us in much the same position as that in which Canberra has placed Australia to-day.

THE ATTORNEY GENERAL (Hon. T. A. L. Davy—West Perth—in reply) [4.52]: The elaborate buildings referred to by the member for Guildford-Midland have been put up entirely at the expense of the University. The great hall, which is nearing completion, is being built out of the Hackett bequest.

Hon. A. McCallum: It is not our money?

The ATTORNEY GENERAL: All the Bill asks is to give the University authorities power to raise money on mortgage instead of selling their securities and in that way enable them to carry on their programme. If we did not give this authority, I suppose the securities would have to be sold. It is much better that the University management should be enabled to go to their bank, and thus get temporary assistance.

Hon. W. D. Johnson: We are only encouraging them to go on.

The ATTORNEY GENERAL: No. We are saving them from the necessity for selling their securities. If we pass the Bill they can get temporary accommodation from the bank until such time as the market revives, and can then turn their investments into money with which to meet the situation.

Question put and passed.

Bill read a second time.

In Committee.

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

Third Reading.

Bill read a third time and transmitted to the Council.

BILLS (3)—RETURNED.

- 1, Debt Conversion Agreement (No. 2).
- 2, Industries Assistance Act Continuance (No. 2).
Without amendment.
- 3, Companies Act Amendment.
With an amendment.

BILL—INSURANCE COMPANIES ACT AMENDMENT.*All Stages.*

Introduced by the Attorney General and read a first time.

Second Reading.

THE ATTORNEY GENERAL (Hon. T. A. L. Davy—West Perth) [5.2] in moving the second reading said: As hon. members are aware, the law of Western Australia relating to insurance companies requires that any insurance company carrying on business here shall put up the sum of £5,000, which is supposed, I presume, to be a security that the company will not default, and that in the event of its defaulting there will be something for the victims. The sum of £5,000 is required to be deposited at the Treasury, and the Government are bound to pay interest on it at the rate of $4\frac{1}{2}$ per cent. per annum. Further, the money put up is directed to be invested in proper securities. It has always been invested in Government stock, which is now converted. Notwithstanding that the conversion measure reduces the rate of interest payable on the security, the obligation to pay $4\frac{1}{2}$ per cent. still stands under the principal Act. In order to meet that difficulty, this Bill has been introduced. The position is a peculiar one, and needs rectifying. I think I can describe this as a purely machinery Bill, and as really consequential on the conversion measure. I move—

That the Bill be now read a second time.

HON. A. McCALLUM (South Fremantle) [5.4]: I do not think there can be any objection to the Bill. It is not to be expected that the Government should continue paying to insurance companies the old rate of interest which applied in years gone by. The interest rate on Government stock has been reduced, and everybody else has had to accept a lower rate. It would be most unfair for the Government to continue

to pay these companies the old rate of interest.

The Attorney General: They have not asked for it, and the old rate has not been paid.

Hon. A. McCALLUM: It is just as well to know that.

HON. J. C. WILLCOCK (Geraldton) [5.5]: I have no objection to the Bill, but in these times of financial stress we scarcely know exactly where we are in regard to interest payments. If by statute we prescribe some definite rate, possibly in a comparatively short time we shall have to reconsider the matter. I do not know whether the insurance companies would object to an alteration of the provisions of the Bill to the extent that the Governor-in-Council may from time to time determine the rate of interest which shall be paid. The companies would have to trust to the Government dealing fairly with them, as undoubtedly the Government would. The interest proposed to be paid is about $\frac{1}{2}$ per cent. above the rate paid by the savings bank to depositors on current account.

The Attorney General: The rate is $4\frac{1}{2}$ per cent. less $22\frac{1}{2}$ per cent.

Hon. J. C. WILLCOCK: Some proportion of the money deposited would, I presume, be in savings bank funds. It is necessary to have some part of this comparatively large amount in fairly liquid form.

The Attorney General: No.

Hon. J. C. WILLCOCK: If a company went out of existence and required the deposit almost immediately—

The Attorney General: The companies have to accept the securities in which we have invested the deposits. The companies cannot ask for cash.

Hon. J. C. WILLCOCK: Much skill was used in the drafting of the original Act.

The Attorney General: There were shrewd heads in 1918.

Hon. J. C. WILLCOCK: I thought the principle of the Bill was that the rate of interest should be $\frac{1}{2}$ per cent. above the savings bank rate for deposits on current account. In the circumstances I offer no objection to the Bill.

Question put and passed.

Bill read a second time.

In Committee.

Mr. Richardson in the Chair; the Attorney General in charge of the Bill.

Clause 1—agreed to.

Clause 2—Operation:

Mr. MARSHALL: Only a week or two ago the Minister for Lands expressed himself as opposed to retrospective legislation. While he sits silent, it is well to remind him that this clause is retrospective.

The Minister for Lands: All right.

Clause put and passed.

Clause 3, 4, Title—agreed to.

Bill reported without amendment, and the report adopted.

Third Reading.

Bill read a third time, and transmitted to the Council.

BILL—BILLS OF SALE ACT AMENDMENT.

First Reading.

Introduced by the Attorney General, and read a first time.

Second Reading.

THE ATTORNEY GENERAL (Hon. T. A. L. Davy—West Perth) [5.11] in moving the second reading said: This is a much more important Bill than the last two, and I certainly desire the assistance of hon. members in its consideration. It needs close scrutiny. Quite apart from the principle of the Bill, there may be errors in drafting, which require careful reading to detect. The object of the Bill is to facilitate the advance of moneys on security to farmers for the purpose of putting in and taking off crops. At the present time every bill of sale granted over a crop requires registration, and requires notice of intention to register to be given before that registration takes place. Where a farmer is already in difficulties and the proposed lender seeks to register, it is almost certain that a caveat will be lodged. This prevents the registration of the bill of sale, and therefore prevents it becoming effective as a security. The Bill proposes that where money is advanced to a farmer for the purpose of putting in or taking off

his crop, the person advancing the money may register the bill of sale securing the repayment of that money, without giving notice of intention to do so. This means that there will be no opportunity to hang up the registration by putting in a caveat.

Hon. W. D. Johnson: Does the lender in that case take the full responsibility of all liabilities connected with the crop? He advances a certain amount of money to do certain portions of the work.

The ATTORNEY GENERAL: Other bills of sale may be registered in respect of the same crop for other advances in respect thereof, and where that takes place the various holders share equally. When the crop is taken off, there is provision for the appointment of a receiver on behalf of all persons who have advanced for the purpose of putting in or taking off the crop.

Hon. W. D. Johnson: Is the Bill to be made retrospective for this year?

The ATTORNEY GENERAL: This legislation cannot very well be made retrospective. Before the bill of sale can be registered, the consent of the mortgagee is required. Moreover, there is protection given that any creditor of the farmer considering himself to be prejudiced by the registration of such a bill of sale may apply to a judge of the Supreme Court for the cancellation of such registration. Then the judge, if he is satisfied of certain grounds for the application—for instance, that the assistance was not genuinely given for the purpose of putting in or taking off the crop—may order the cancellation of the registration. It is obvious, I regret to say, that some people will try to take advantage of this measure. They will seek to protect a past debt under the guise of its being a contemporaneous advance for the purpose of putting in a crop. Thus they will try to obtain an advantage over other people. If that can be shown by a creditor to a judge, the bill of sale can be avoided. Really, there is no more in the Bill than that. I desire that hon. members will read the measure carefully. As the Premier has said, if it is felt that justice cannot be done to the Bill by taking the debate later this evening, further time will be granted. Naturally we are all anxious to get the business of the session completed, and if hon. members feel that they can debate this Bill further to-day, I hope they will do so. I move—

That the Bill be now read a second time.

On motion by Hon. M. F. Troy, debate adjourned till a later stage of the sitting.

BILL—INDUSTRIAL ARBITRATION ACT AMENDMENT (No. 2).

Second Reading.

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

Question put and passed.

Bill read a second time.

In Committee.

Mr. Richardson in the Chair; Hon. A. McCallum in charge of the Bill.

Clause 1—agreed to.

Clause 2—Amendment of Section 3.

The MINISTER FOR WORKS: I move an amendment—

That all the words after "statistician" in paragraph (a) of the proposed new Subsection (4) and also paragraphs (b), (c), (d), and (e) of the proposed new subsection be struck out and the following words and paragraphs inserted in lieu:—

"shall before compiling each statement to be supplied under this section file in the court a schedule setting forth details of the average prices of commodities on which he proposes to base the statement, and shall supply a copy of such schedule to the Western Australian Employers' Federation, Incorporated, and the State Executive of the Australian Labour Party; but no such schedule shall contain any mention of the name of any person who has furnished the Statistician with any details of such prices or from whose business transactions any such details are derived.

(b) The Statistician shall not supply the statement to the court until after the expiry of at least fourteen days from the date on which the copies of the schedule have been supplied to the bodies aforesaid.

(c) Each of the bodies shall be at liberty, during such period of fourteen days, to make such representations as it deems desirable touching any details set forth in such schedule, and the Statistician shall take such representations into his consideration before compiling the statement."

Hon. A. McCALLUM: I have no objection to the amendment conditionally upon the insertion of a few words to which the Minister has agreed. I desire to make it quite clear that the list to be supplied shall be the figures collected from each centre. The Minister assures me that that was really the intention, but I think it should be made quite clear.

The MINISTER FOR WORKS: The member for South Fremantle mentioned

that he desired to move an amendment to secure the result he has indicated. My amendment is clear enough without the additional words he desires to insert, but I do not think the addition he has in mind will do any harm. The intention is that from each town where the information is collected a list of the average prices shall be supplied to the two bodies mentioned. The figures are not intended to represent the average throughout the State, but merely the average of the prices charged in the town in which the information was secured.

Hon. A. McCALLUM: The Minister has assured me that the intention is that the schedule shall cover different items from the several centres.

The Minister for Works: Yes, showing the average prices.

Hon. A. McCALLUM: On each item?

The Minister for Works: Yes.

Hon. A. McCALLUM: As the Minister's amendment is framed, it may be argued in the future that the intention was to show the average prices for an industrial district, which would be of no use at all.

The Minister for Works: Not a bit of use.

Hon. A. McCALLUM: I understand that the Government Statistician receives returns from 15 or 20 towns and that the list of prices cover some 24 different commodities. The statistician secures the prices from the different traders, and strikes an average.

The Minister for Works: And that is the list that will be supplied.

Hon. A. McCALLUM: So we shall have a list showing the average price charged for each commodity in each town. That was all we desired. So as to avoid any dispute in the future, I move an amendment on the amendment—

That after "commodities," in line 4 of the amendment, the words "in each centre from which the return is received" be inserted.

The Premier: That would be necessary for the purposes of a check.

Hon. A. McCALLUM: Yes, and without that information we could hardly check them.

The MINISTER FOR WORKS: I have no objection to the amendment. It merely gives effect to what was intended and may make the position clearer.

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

Clause, as amended, put and passed.

Title—agreed to.

Bill reported with amendments.

Standing Orders Suspension.

On motion by Hon. A. McCallum, Standing Orders suspended to permit the Bill passing its remaining stages at this sitting.

Remaining Stages.

Report of Committee adopted.

Bill read a third time and transmitted to the Council.

BILL—TENANTS, PURCHASERS AND MORTGAGORS' RELIEF ACT AMENDMENT (No. 2).

Second Reading.

Debate resumed from the previous day.

THE ATTORNEY GENERAL (Hon. T. A. L. Davy—West Perth) [5.30]: I would not like to recommend the House to vote for this Bill. The member for Fremantle (Mr. Sleeman) who introduced it has confined his proposals to two, and both are quite short. One of them will prevent any owner from becoming possessed of a house unless he first obtains the leave of the Commissioner. On what terms that leave will be granted is left entirely to the imagination of the Commissioner. As a matter of practical law, no one at present can be evicted from a house without an order of the court. Theoretically, if a person is in possession of a house and has no right to retain possession, the owner may gently lay his hands on the tenant, gently lift him up, and gently take him out. Of course those gentle liftings are inclined to cause a little reaction, and what starts off as a gentle process ends up with a row and a breach of the peace.

Mr. Raphael: There was one such case in Fremantle the other day.

THE ATTORNEY GENERAL: As a result no sensible man ever dreams of trying to take the law into his own hands. The invariable practice is to take out a summons in the local court, and the court makes an order for the tenant to give up possession within a certain specified time. The hon. member's proposal is that, in addition to the ordinary court order, the owner must also obtain an order from the Commissioner. It seems to me that that is not right. We have given the Commissioner power to grant

a protection order. The only cases in which the Commissioner would refuse an order under this new proposal would be those cases in which he would grant protection. Therefore I cannot see any reason why the present arrangement should not continue. I do not think this proposal will improve the position. If a man desires to stay in another man's house without paying rent, the tenant should be the one to move the process of the law and get permission to stay. The second proposal in the Bill is one that has been discussed to some extent in this House. It is the question whether a man should be allowed to contract out of the Act. I feel that the proposal is a double-edged sword. It is intended to be for the benefit of the tenant, but I am afraid it will not benefit the tenant, but rather will react on the tenant. If a man seeks to become someone else's tenant, and has already obtained the protection of the court in respect of other premises, it seems to me that the landlord will scrutinise him very carefully, and will want to know what chance there is of getting his rent from the proposed new tenant. Under the hon. member's proposal the tenant could go into the house and, no matter what he undertook to do, could immediately approach the court for protection. If the landlord knows the position, as he must do under the hon. member's proposal, he will refuse to allow the tenant to enter the house. That appears to me to be more or less human nature. A man does not own houses and let them for the good of his health. He does so as an investment and with a desire to get an income. It is asking a great deal of human nature to propose that a landlord should allow a tenant to take his house and, regardless of what the tenant has undertaken to do, approach the court and, if he can induce the Commissioner to grant protection, secure protection from the payment of rent for a specified time. The whole of such legislation always operates in the reverse way from what is expected. My own view, rightly or wrongly, is that the principal Act has probably been a material factor in keeping up rents against the tenant. I do not believe that the measure has cost landlords in the mass anything. I believe it has not inflicted a hardship on landlords in the mass. There was a limited amount of money in possession of the general public to expend on rent, and no more than that limited amount could be found. All that this legis-

lation has done is to stop, to a certain extent, the shifting of people from one house to another. It has, perhaps, inflicted a greater burden on individual landlords than would have been inflicted had the measure not been passed, but in the aggregate I do not think it has done so. I do believe it has materially helped to prevent rents from coming down to the extent they would have fallen if we had not enacted such legislation. It is always the same. Fair rents measures are ostensibly supposed to bring rents down, but when one studies figures and facts one finds that, if anything, they have the reverse effect. The two proposals by the member for Fremantle, though strictly well-intentioned, would be a little disappointing to him if he was able to get them on the statute-book. He may not realise that they would have the ill effect that I suggest they would have, but I am convinced that, so far from helping tenants in the mass, they would have the opposite effect. They may afford relief to individuals, but we must not legislate to help individuals. We must legislate on broad principles with a view to treating the whole of the cases, rather than the odd cases. Accordingly I shall vote against the second reading of the Bill.

MR. MARSHALL (Murchison) [5.39] : I support the Bill. I believed that the Attorney General would also have found it easy to support it. The Bill contains only two small clauses, and one of them, the Attorney General led me to believe, would be acceptable to him.

The Attorney General: I did no such thing.

Mr. MARSHALL: Well, we live and learn.

The Attorney General: I said I would give the member for Fremantle an ample opportunity to introduce it.

Mr. MARSHALL: All that the Bill provides is that the Commissioner appointed under the parent Act shall have power to determine whether the tenant shall be evicted or not. Does the Attorney General object to that? Does he distrust the Commissioner? Surely our magistrates are honest and intelligent enough to decide such a question. The Commissioner has made statements from the bench inferring that it is a conundrum to him what happens to those people to whom he has refused further protection. He also stated he had no further power under the Act to protect them. Surely the Attorney General has not lost his

confidence in the magistrates! He should not object to allowing the magistrate to decide whether a tenant is honourably entitled to remain in a house. It appears to me there are members devoid of all human instincts—members both hard and callous. They will sit idly and permit tenants to be evicted regardless of whether eviction is absolutely necessary or not. Tenants are in no way protected by the law, the Commissioner having stated that he could protect them no longer. The Bill merely seeks to give the Commissioner authority to determine whether tenants shall be evicted. I suggest that to oppose the Bill is to indicate a loss of faith in the magistrate whose duty it is to handle such cases. I have not yet reached the stage of having lost confidence in our magistrates; I am prepared to trust them still. They handle more vital cases than those involving the eviction of a tenant. We have no compunction in empowering them to deal with cases affecting the liberty of individuals. Now we are asked to say that we shall not let them decide whether a tenant should be evicted. I hope members on the Government side will be sufficiently humane to view the Bill with favour. Surely to goodness it is not too much to ask that the Commissioner, a magistrate, should have the power to decide whether women and children should be thrown into the streets. All that is asked is that the magistrate should have power to consider the pros and cons of the case, the responsibilities of the tenant, the financial position of the landlord, and whether he would be inconvenienced by the tenant remaining in the house.

The Premier: Do you think tenants would get into a house if you passed this Bill?

Mr. MARSHALL: The practice of charging for the key has prevailed for donkey's years. I could quote an instance, the landlords being a religious organisation, in which so much was charged for the key of a house. When anyone applied for the tenancy, I believe the reverend gentleman in charge of the fraternity used to say, "Yes, but you must pay £2 for the key, and so much a week rent."

Mr. Panton: Mostly £5 now.

Mr. MARSHALL: I do not doubt it.

The Premier: What happened when the tenant gave up the key. Did he get a refund of the £2?

Mr. MARSHALL: No. This has been a profitable business for landlords for many years. I maintain that landlords are no

more particular to-day than they have been in years past about getting credentials from prospective tenants. I remember arguments being advanced here years ago where landlords refused to permit anyone to take possession of houses if the prospective tenants had one or two children. It seems as if it is a crime to have a family. I am beginning to believe in that theory myself. The second point in the hon. member's Bill is that it prevents tenants and agents from contracting outside the Bill. The parent Act has been evaded by prospective tenants. I appeal for the support of members opposite if only from the humane point of view. The Bill will not delegate any atrocious powers to any particular individual.

Mr. Piesse: How many families to your knowledge have been thrown out into the street?

Mr. MARSHALL: Only three that I know of. But incidentally I remind the hon. member that there are 80 members of Parliament and each should know of three cases and multiplying the 80 by three there will be 240 cases that we know of.

Mr. Hegney: And that will be a conservative estimate.

Mr. MARSHALL: All that the Bill asks is that we shall give power to the Commissioner to say after he has made complete investigation whether a person shall be evicted or not.

The Premier: What you want is more houses.

Mr. MARSHALL: I would have no objection to more houses being built, but the hon. gentleman being Treasurer of the State is the only one able to provide the money with which to build them. The Premier must be aware that there are homeless people in the State and fortunately the modern idea is not tending towards matrimony. I more or less agree with those who view such a responsibility with concern. I consider that young people would be wise to give serious consideration to the matter of entering into double harness and more particularly if the Bill such as the one we are discussing fails to find favour with the House.

MR. RAPHAEL (Victoria Park) [5.50]: I was under the impression that the Attorney General was going to agree to the small amendments contained in the Bill. He told the member for Fremantle (Mr. Sleeman) that he was a glutton and wanted too much,

but that if he became moderate in his demands he might get something. The member for Fremantle has become very moderate. His Bill shows that, but it seems to me that it is difficult to put something forward to which the Attorney General will agree. The member for Katanning asked whether people had been thrown out of their homes. There are numerous instances in Victoria Park, where people have been thrown out week and crop. I consider that any man in possession of a house is entitled to take whatever action he desires, whether it is in accordance with the law or not, for the protection of his family. The member for Katanning asked for specific instances of people having been evicted from their homes. I am sure the member for Canning (Mr. Wells) would be only too glad to escort the hon. member to the Canning camp. He could see many families living there.

Mr. Wells: There are not many left now; I think there are only seven in the camp. They will never go.

Mr. RAPHAEL: If the hon. gentleman still wants evidence I can supply it to show the filthy conditions under which some people are compelled to live. I am glad to know that the conditions at the Canning camp were so rotten that the people living there were forced to migrate to other districts. Many have gone to Maylands where I hope they will receive better treatment than they got at Canning. We realise more than the Government do the position in which the unemployed find themselves. Day in and day out, week in and week out, month in and month out the unemployed appeal to Labour members to secure protection for them. They look to us for assistance because the Government will not do anything for them. We have practically the whole job of trying to cater for these unfortunate people. That being the case, it is up to the House to agree to the Bill we are discussing. In Victoria Park there is a certain landlord who controls 200 houses, and he is one of the toughest individuals it is possible to strike. There is an instance of a family living in such disgraceful surroundings that the landlord is aware that if the people are turned out the house will be condemned. Consequently he permits them to remain. The Bill will empower the Commissioner to make a proper investigation before he will order people to be turned out of a house. I know of cases where men have gone out

in lorries to cut some firewood and on their return have found their goods and chattels in the street. It looks as if the man who is prepared to loiter about his premises all day is the person who is allowed to retain possession of a home, but the man who goes out to seek employment runs the risk on his return of finding his furniture in the street. To give power to the Commissioner to decide whether a landlord has given a fair deal to an unemployed tenant, is all that the Bill asks. To-day landlords are conspiring against tenants who, on making inquiries about a house, must produce their bank book, certificates of birth, their marriage lines, and any other paper they can lay their hands on before they will be accepted. A person also has to show that he has paid rent in the house in which he has lived before his application will be entertained. I hope the Government will agree to the small amendment in the Bill. The member for Fremantle (Mr. Sleeman) has been very moderate in his request, and I think that attitude should be encouraged. I congratulate him on his moderation and I hope the Government will agree with his amendment.

MR. KENNEALLY (East Perth) [6.1]: The Bill proposes to remove an anomaly in the parent Act. When there was placed in that Act power for a person to contract himself out of the provisions of the Act, it was pointed out that it would prove a difficulty in the way of granting relief. That contention has been vindicated. Under the Act it is possible for the Commissioner to grant a protection order for a period not exceeding three months, and to renew the order from time to time. As one who has been connected with a number of cases in which it was proposed to eject people from houses—those people having made application to the court for protection under the Act—I have on various occasions had to withdraw the application because the landlord had taken the precaution, before the tenant was permitted to enter the house, to get him to sign a printed form by which he contracted himself outside the Act. Whenever that form, signed, is presented to the court, that is an end of the case, for the magistrate is not then in a position to deal with it. It may be asked, why does the tenant contract himself outside the Act? The answer is obvious. If he did not do so he could not get into any house. If a man is walking the street looking for shelter for his wife

and family and if the only way he can get that shelter is by signing a document and thus contracting himself outside the Act, it is only natural that he will sign that document. So even the magistrate, contrary to the expressed intention of the Legislature, is not permitted to give him the essential relief. In consequence of this contracting-out, a serious position has been created in the metropolitan area. Most of the landlords have agreed that before they will permit a tenant to go into a house they will first of all get him to sign a document stating that he will not take advantage of the provisions of the Act, and, secondly, insist upon his producing a receipt from his previous landlord to show that he has paid his rent. Incidentally, that has created some underhand dealing, for in a number of instances the landlord, even though he did not want to prosecute the tenant for belated rent, but wanted merely possession of the house, has on occasion forced himself to say that he has received the rent up to date. That, of course, is done with the purpose of getting the tenant foisted on to somebody else. It may be thought it is to the advantage of the outgoing tenant. Possibly it would be were it not that before he can get into another house he has to sign the document contracting him outside the provisions of the Act. The Bill proposes that the Commissioner shall have authority to say whether the tenant is or is not to be turned out of the house. I have yet to learn that the Government have lost faith in the Commissioner. If, after hearing evidence, the Commissioner is of opinion that the tenant should not be turned out, we ought to give him the power asked for, because he is not likely to abuse it. I hope the Government will accept the Bill. It would be an agreeable gesture, especially at Christmas time, for the Government to say to deserving tenants, "We are going to make provision that you shall not be turned out into the streets." I hope the Bill will be agreed to.

HON. W. D. JOHNSON (Guildford-Midland) [6.6]: I hope the second reading will pass, so as to enable us to deal with the clause by which tenants can contract themselves out of the law. It is very undesirable that in any legislation an invitation should be given to a landlord or anybody else to contract himself out of it. If a law is worth passing, it should apply in all cases. As was anticipated when the Act

was passed, landlords are now seeing to it that the contract form is signed, by which the tenant, before he can get possession of a house, is forced to say he will not take advantage of the Act.

The Premier: Would not this do a hundred times more harm ?

Hon. W. D. JOHNSON: That is debatable. We might go into that phase in Committee. I am not prepared to say it will do all the harm the Attorney General fears. Of course every law creates some hardship. This might harden the hearts of the landlords, and they might say that because of such legislation the conditions of entry shall be made more difficult than ever for the tenant.

The Premier: Were not the conditions harder before the Act was passed ?

Hon. W. D. JOHNSON: That may be, but the fact remains that the landlords are just as rigorous to-day as they could possibly be. I do not think the terms and conditions could be made much more exacting than those of to-day.

The Premier: You want to encourage building, surely.

Hon. W. D. JOHNSON: Building will not be encouraged while the existing financial circumstances remain. The Bill will not either encourage or discourage building, for building is a question of finance. The Bill is not asking Parliament to affirm any new principle, for the principle of protecting tenants is admitted, and already in active operation. Unfortunately, we made in the law a provision for contracting out of the law; but in spite of the contracting out, there is still a great number of people taking advantage of the law we passed, which calls upon landlords to go to the Commissioner before doing certain things towards their tenants. All we want is to extend that principle a little further. All that the Bill asks is that there shall be no eviction without proper authority.

The Premier: Do not you think it might do more harm than good.

Hon. W. D. JOHNSON: I would leave that to the Commissioner. It is not declared that evictions shall cease and that landlords shall not take possession of their houses, but the Bill does say the landlord shall have the circumstances inquired into by a competent authority. Fortunately we have in Mr. Moseley a particularly capable

magistrate, who is now well educated in this subject, and has done a power of good in granting relief and arranging understandings between landlords and tenants. All that the Bill asks is that the magistrate's knowledge shall be utilised a little farther, and that his power of investigation shall be extended beyond the limits imposed in the parent Act. Surely Parliament is prepared to say that, the principle of protecting tenants against landlords having been tried and found to be workable, it shall be extended. Parliament has laid down the principle that a landlord shall consult another authority before he breaks a contract between himself and his tenant. Under the Bill the magistrate or the Commissioner will have power to go a little farther. It does not say the Commissioner shall not permit eviction, but it does say that the landlord, before he evicts a tenant, must get the permission of the Commissioner. That puts on the landlord the onus of making a case, and puts on the tenant the responsibility of defending the matter. So it brings peace and understanding between two factions that to-day are at variance. Just now we have in practically all centres a great deal of irritation, and in some cases actual violence has taken place when landlords have tried to evict tenants.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. W. D. JOHNSON: Before tea I was pointing out that already in various parts of the metropolitan area revolts against the aggressiveness of landlords, who try to evict tenants without any investigation of their circumstances, had occurred. By the Bill we should get a more peaceful understanding between the parties. We would get away from these exhibitions of violence. We want to be a peaceful community, but we shall never get peace while one person has authority to evict another without having the case inquired into. To-day the relationship between landlord and tenant is governed. The power of the landlord is restricted, and the rights of the tenants are interfered with. The Commissioner has power to decide differences between persons, and business arrangements between the landlord and tenant. The existence of the principle of differences being

adjusted by the Commissioner, encourages the tenant to feel that, although he may have got a stay order from the Commissioner, it is wrong that the landlord should have power to put him out without further investigation. That causes irritation. The limitations imposed by the Act have brought about so much dissatisfaction on the part of the tenants that the member for Fremantle has endeavoured to devise a method by which a peaceful understanding can be arrived at, a means by which some impartial person may investigate the circumstances of the landlord and tenant, and direct what is best to be done. He may direct the tenant to leave the house. If the Commissioner, after investigation, does direct in this manner, no one will take exception to it. To-day the landlord has power to do this. It would be better in the interests of good feeling, law and order, and a more peaceful attitude on the part of the community in general, if we had some means whereby these questions might be investigated and a decision arrived at by someone experienced in such matters. If the second reading of the Bill is carried, we can go into the question raised by the Premier that it would do more harm than good. With that view I do not concur. Above everything else, we must do something with respect to the section enabling persons to contract out of the Act, and this Bill provides means whereby we can do it. I support the second reading and trust it will be carried.

THE PREMIER (Hon. Sir James Mitchell—Northam) [7.34]: With legislation of this kind it is possible to do more harm than good. What we almost always want is more houses and not fewer houses. People should be encouraged to build dwellings. Anything that will deter them from doing this will place the building trade in a serious position. Even in a small place like Perth a number of houses are wanted all the time through people getting married and settling down, or leaving their homes in the country. For years there has been a shortage of houses, notwithstanding that building was very active. The building trade is one of those which should be encouraged, because it gives employment to all classes of men. Practically every section of the community must contribute something in

the way of work when it comes to the erection of houses. Under this Bill it would be very difficult for people, who were not well known, to become occupants of houses. I am sure the member for Fremantle (Mr. Sleeman) believes he is doing good by this proposal, but he ought to realise it is possible he may do more harm than good.

Mr. Sleeman: Why?

The PREMIER: Because his Bill will make it difficult for people to get into houses. It will have a detrimental effect upon the investment of money in the construction of dwellings. I suppose it is a fact that the great majority of houses are owned by comparatively poor people, many of whom live on the rentals they get from their cottages. I warn the House that this legislation will actually do harm and cannot do any good. There may be cases of people who would be protected by the Bill, but there would be hundreds of others who would be harmed as a result of it, because of the difficulty that would be created for them when they wished to become tenants. If a person owns a property he naturally desires a tenant with whom he is acquainted, or who is recommended to him. We are told that difficulty has been created under the law as it stands, that people wanting houses have not been able to get them. If this Bill be added to the existing legislation, we shall go too far altogether. The Commissioner has done his duty satisfactorily both to the owners and the occupiers. If we attempt to go further than the present Act provides, we shall be doing harm in many directions. The Bill may protect a few people who are being evicted, but it will possibly do a great deal of harm to many others. It is certain that if this Bill is passed houses will not be built at the same rate as they have been erected in the past. People with money will not want to invest it in that direction. Apart from what we are able to do through the Workers' Homes Board, thousands of houses have been built on borrowed money. It is necessary that that sort of thing should go on. If a man has £100 or so, and has received a fair price for the building of a house, he can generally borrow sufficient to enable him to construct his own home. This has been done in thousands of instances. It is desirable that that system should continue, but it would all be stopped if such legislation as this were placed on the statute-book.

Hon. A. McCallum: Not many buildings are going up now.

The PREMIER: A few are being constructed. When the price of wheat went up, scores of motor cars suddenly appeared in the streets of Perth, because the people generally had become more cheerful. The building trade itself has brightened up a good deal. Some of the architects' offices are at work again. In my opinion people will always seek such securities as are found in house properties. In the interests of the people the hon. member desires to help we should reject this measure. It is clear that it will do more harm than good.

MR. HEGNEY (Middle Swan) [7.43]: I could understand the Premier arguing in the way he has done if times had been normal; but we are living in abnormal times when a large percentage of our people are unemployed and, through being unable to pay rent, are forced into difficult circumstances. The housing problem is a very serious one. Seeing that times are abnormal, and that many injustices are being perpetrated, I hope the Bill, which is designed to alleviate injustices, will meet with the approval of the House. The Act which gives relief to tenants has been in operation for some time, but no activity has been shown in respect to the building of new houses. The argument of the Premier that the Bill will militate against the investment of money in house property falls to the ground. There are many empty houses in the metropolitan area, in fact all over the Commonwealth. People have been forced to live under congested conditions, to huddle together two or three families at a time in the one house, and in many instances numbers of people have been obliged to live in one room. Their means are such that they are unable to pay more than their share of a rent that is distributed over a considerable number. The object of the Bill is to prevent injustice by persons being peremptorily ejected from their homes. The measure provides that before an eviction takes place, the matter shall go before a magistrate for his consideration. Surely nothing could be more reasonable than that. Another object of the Bill is to prevent contracting-out. The original Act was passed to deal with this position; yet we find people evading the Act. If the statute was intended to protect tenants, we should, in consistency, see that this is carried out. The Bill is perfectly fair. No

matter what party members belong to, they represent workers of various kinds, and therefore should give the Bill serious consideration. If they do that, they must support the measure.

MR. SLEEMAN (Fremantle—in reply) [7.46]: The Attorney General is about the hardest man to please that I ever knew. My previous Bill, he said, was of an extreme nature, and therefore had no chance of passing. He added that if I would bring forward a Bill that had a chance of passing, I might get somewhere. He further stated that the electors of Fremantle should blame me for bringing down an extreme measure which was bound to be defeated. After watering down the previous Bill about 95 per cent., and dropping a provision which I thought fair and reasonable in view of the troublous times, I am apparently no further forward with the Attorney General. True, this Bill is exceptional; but the times also are exceptional. Every day of the week we pass extreme legislation, breaking agreements, repudiating this, that and the other. The Chamber passes such measures in view of the present condition of affairs. I claim that I am now merely asking for a few of the crumbs that fall from the rich man's table. No one can reasonably take exception to this short Bill. It simply informs the Commissioner, in whom I think all of us have the utmost confidence, that while he already has power to say whether a tenant shall have a further extension of time, he shall also be appealed to by the landlord before an eviction takes place. There have been interjections to the effect that cases where this would be necessary are extremely rare. Then there can be no harm in passing the Bill. Cannot Mr. Moseley adjudicate on a few extreme cases? Recently there was a clash between tenant and landlord. The tenant repossessed the house, and now finds himself committed for trial in the Criminal Court. That is the kind of thing I wish to obviate by allowing the tenant and the landlord, in effect, to go to arbitration before the Commissioner. The Commissioner will hear both sides of the case, and will decide according to the respective degrees of hardship involved.

The Premier: The Bill will do a lot of harm.

MR. SLEEMAN: I fail to see it. The Premier has not shown where it will do any harm. Can it do harm to vest in a

magistrate like Mr. Moseley the power to decide whether a tenant is to be turned out bag and baggage with his family? We all have the greatest respect for Mr. Moseley, and are confident that he will not look on only one side of the picture, either that of the landlord or that of the tenant.

The Premier: The Bill will have an effect on hundreds of people.

Mr. SLEEMAN: The effect of the Bill will be to create confidence, because people will know that the Commissioner is to be the deciding factor. Mr. Moseley is an eminently fair and just man, and in every case will give what he considers a just and reasonable decision.

The Premier: Yes, so far as the case is concerned; but there is the effect of the Bill.

Mr. SLEEMAN: It is not unfair to say that the magistrate shall have this power. He can already give a tenant several weeks' exemption from payment of rent. The Bill says that in addition, the magistrate shall have power to decide whether the landlord is to be stayed from proceeding to evict for the time being. The Attorney General said this Bill simply gave the Commissioner powers. If I had inserted conditions, the Attorney General would have tried to pull them to pieces, and would have declared them to be unworkable. The second part of the Bill is long overdue. I was surprised when the Attorney General re-enacted the principal statute without including in it a provision to prevent contracting-out. I know and the Attorney General knows, that in many cases the principal Act has been nullified owing to tenants having signed certain documents which prevented them from approaching the court. Some signed in innocence, some in ignorance, and some deliberately because they were in such a fix that they would sign anything in order to get a roof over the heads of their wives and children. In times like these the Government should see that no man is simply thrown into the street. If they will not take that responsibility, they should support this Bill. I commend the measure to the House, and believe that it will be passed in spite of what the Premier has said.

Mr. Marshall: It will be a crying shame if the Bill does not pass.

Question put and passed.

Bill read a second time.

In Committee—Bill defeated.

Mr. Angelo in the Chair; Mr. Sleeman in charge of the Bill.

Clause 1—agreed to.

Clause 2—Insertion of new section after Section 5; No eviction without leave:

The PREMIER: Why does this clause provide that no sheriff, no bailiff, or other person acting in the execution of the process of any court shall, without the leave of a Commissioner, evict any tenant from any dwelling?

Mr. SLEEMAN: It is claimed that that wording is necessary to make the measure workable.

The Premier: But the clause speaks of "process of court."

Mr. SLEEMAN: The clause provides that the bailiff shall not take possession without an order from the Commissioner.

Mr. PARKER: What is going to prompt the Commissioner to give his decision one way or the other? What is the nature of the evidence to be given? Is the Commissioner to decide on the ground that he does not like the landlord, or does not like the tenant?

Hon. W. D. Johnson: The evidence will be in accordance with the principal Act. In that Act it is not laid down what kind of evidence is required.

Mr. PARKER: The sole effect of this clause will be to create further costs or expenses or delay. It can have no other effect. If the Commissioner will give relief, surely there is no occasion for this clause.

Hon. W. D. Johnson: But the Commissioner must have authority to give relief.

Mr. PARKER: He has authority to give relief under Section 5. If he will not give it under that section, why should he give it under Section 5a? I am opposed to the clause.

Mr. SLEEMAN: I understand the hon. member to complain that there is not sufficient guidance to the Commissioner as to what he shall admit as evidence.

Mr. Parker: No; as to the procedure he shall adopt.

Mr. SLEEMAN: I shall be quite prepared to insert conditions.

Mr. Parker: Well, do so.

Mr. SLEEMAN: I am prepared to say that the Commissioner shall take the evidence of the landlord and the evidence of the tenant, and that if in his opinion undue

hardship will be caused to the landlord if an order is not granted, he shall give his decision in that way, but that if in his opinion undue hardship will be caused to the tenant if an order is granted, he shall give his decision in favour of the tenant. I was trying to please the Attorney General by watering down this provision.

The Minister for Lands: It is mostly water.

Mr. SLEEMAN: It is 95 per cent. water.

The Minister for Lands: Then it is a boil-over.

Mr. SLEEMAN: No, the boil-over will be apparent if the Bill be defeated, and people are thrown out of their homes. The Attorney General suggested that the Bill would benefit a few individuals, but I claim it will benefit thousands who may desire to take advantage of it. Will the Premier say that the man who is working out his sustenance can afford to pay rent? If such men are evicted, will the Premier stand idly by?

Mr. Parker: The unfortunate landlords will be put into the Old Men's Home.

Mr. SLEEMAN: If the member for North-East Fremantle can suggest what should be inserted in the clause to afford the protection he desires, I shall be pleased to meet him.

The MINISTER FOR LANDS: I cannot understand what the hon. member desires.

Mr. Marshall: Can you understand anything?

The MINISTER FOR LANDS: Shut up! For God's sake, shut up sometimes.

Mr. Marshall: I will give you some shut up.

The MINISTER FOR LANDS: Speak when you are spoken to! You are a damned nuisance!

Mr. Kenneally: This is how arguments start.

The MINISTER FOR LANDS: And he should shut up.

Mr. Marshall: I will show you if I get any more of this.

The CHAIRMAN: Order! Hon. members must keep order.

The MINISTER FOR LANDS: The clause represents an appeal from the Commissioner to the Commissioner. He has a right to say whether a person may live in a house, without paying rent. Now the

member for Fremantle wants the Commissioner to have power to say whether or not the sheriff or bailiff shall be allowed to do what the law permits. How can it be expected that the Commissioner, who has all the power he requires now, shall exercise a right he would not exercise under the parent Act. Does the hon. member expect the Commissioner to turn a somersault? The whole thing is wrong in principle. Surely this is not the method by which the objective of the hon. member may be attained.

Mr. PARKER: Under the clause it does not matter two straws whether a person can or cannot pay his rent. It simply means that a landlord will not be permitted to put the bailiff in, without the consent of the Commissioner.

Hon. S. W. Munsie: That is what the Bill provides.

Mr. PARKER: Not during the duration of the protection order. The Bill has nothing whatever to do with the protection order; it is apart from that altogether. The clause will over-ride the decisions of the law courts.

Hon. W. D. Johnson: When did it become chronic for people to refuse to pay their rents?

Mr. PARKER. As soon as the Tenants, Purchasers and Mortgageors Act came into force. The trouble is it was never intended that 90 per cent. of the people who have endeavoured to obtain assistance under it, should be affected by it. Yet those people have endeavoured to take advantage of the Act. Before the Act was enforceable, the tenants received a fair deal from the great majority of the landlords. I realise that there have been good and bad landlords, just as there have been good and bad tenants. The clause will frighten landlords who will prefer to keep their houses empty. I would not dream of letting a house I owned, unless the prospective tenant produced extraordinarily favourable credentials. For political or religious reasons, a man might rent a house from me, and I might be hard hit.

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

Ayes	..	..	..	..	16
Noes	..	..	..	..	17
					--
Majority against	..	..	..	..	1

AYES.	
Mr. Coverley	Mr. Pantou
Mr. Hegney	Mr. Raphael
Mr. Johnson	Mr. Sleeman
Mr. Kenneally	Mr. Troy
Mr. Lamond	Mr. Wansbrough
Mr. Marshall	Mr. Willcock
Mr. McCallum	Mr. Withers
Mr. Munsie	Mr. Wilson
(Teller.)	

NOES.	
Mr. Angelo	Sir James Mitchell
Mr. Brown	Mr. Parker
Mr. Davy	Mr. Piesse
Mr. Ferguson	Mr. J. H. Smith
Mr. Griffiths	Mr. J. M. Smith
Mr. Keenan	Mr. Thorn
Mr. Latham	Mr. Wells
Mr. Lindsay	Mr. Doney
Mr. McLarty	
(Teller.)	

Clause thus negatived.

Clause 3—Substitution of new section for Section 24 of principal Act:

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

Ayes	..	..	..	..	16
Noes	..	..	..	..	17
—					
Majority against	..	..	..	..	1
—					

AYES.	
Mr. Coverley	Mr. Pantou
Mr. Hegney	Mr. Raphael
Mr. Johnson	Mr. Sleeman
Mr. Kenneally	Mr. Troy
Mr. Lamond	Mr. Wansbrough
Mr. Marshall	Mr. Willcock
Mr. McCallum	Mr. Withers
Mr. Munsie	Mr. Wilson
(Teller.)	

NOES.	
Mr. Angelo	Sir James Mitchell
Mr. Brown	Mr. Parker
Mr. Davy	Mr. Piesse
Mr. Ferguson	Mr. J. H. Smith
Mr. Griffiths	Mr. J. M. Smith
Mr. Keenan	Mr. Thorn
Mr. Latham	Mr. Wells
Mr. Lindsay	Mr. Doney
Mr. McLarty	
(Teller.)	

Clause thus negatived.

Title—agreed to.

Bill reported with amendments.

Mr. SLEEMAN: I move—

That the report be adopted.

Mr. Marshall: Only the Title has been left.

Mr. SPEAKER: As the tail has gone, the Bill must go.

Question put and negatived; Bill defeated.

BILL—COMPANIES ACT AMENDMENT.

Council's Amendment—Standing Orders Suspension.

On motion by the Premier, Standing Orders suspended to enable the Council's

amendment to be taken into consideration forthwith.

In Committee.

Mr. Richardson in the Chair; the Attorney General in charge of the Bill.

Clause 2, Subclause 2. Delete "seven" in line 19 and insert in lieu thereof "twenty-one."

The ATTORNEY GENERAL: The subclause defines "special resolution." Another place, ever cautious, desires that 21 days instead of seven days' notice be given of a special meeting to consider such resolution. The powers proposed to be given should be exercised with the greatest possible caution, and I shall not quarrel with the proposal to extend the period. I move—

That the amendment be agreed to.

Question put and passed.

Council's amendment agreed to.

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

BILL—HOSPITAL FUND ACT AMENDMENT.

In Committee.

Resumed from the previous day. Mr. Pantou in the Chair; the Minister for Health in charge of the Bill.

Clause 2—Amendment of Section 11 (partly considered).

Clause put and passed.

Clause 3—Persons to give hospital notice of intention to claim exemption:

Hon. S. W. MUNSIE: The Minister maintained that the clause would simplify procedure for patients. Will he explain how that will be brought about? If he repealed certain provisions in the Act and inserted the proposed new section in lieu, the procedure would be simplified. Under the amendment every patient who enters any hospital must give notice in writing within reasonable time that he intends to claim exemption. Thousands of people will leave hospital without knowing that they have to give notice in writing. Further, although a patient might prove that he had earned only 30s. a week, costs could not

be awarded him by the court. The benefit does not exist as far as the Bill is concerned. A person is not entitled to any free treatment although he pays the tax of 1½d. in the pound, and on top of that the clause says that, no matter how much he earns, the court can give a decision against him. If the Minister can explain that that is in the interests of the patient, I shall be very pleased to hear the explanation.

THE MINISTER FOR HEALTH: There is a time limit in which a patient may make an application for free treatment. I am not concerned about the treatment of patients by hospital boards or committees, although up to date there is no reason to doubt their sincerity in trying to assist those who have to use the hospitals. All the clause provides is that if a person is going to apply for free treatment, then he must as soon as reasonable put in his application. The member for Hannans has given too hasty consideration to the clause. The individual does not have to run round to get a certificate.

Hon. S. W. Munsie: Yes, he must.

THE MINISTER FOR HEALTH: This is an alternative method. Surely the hon. member can see that, and that the person can be exempt in whole or in part. It does not say that the person shall not get free treatment, but that if a man is sued there shall be no claim made against the hospital authorities for expenses. All the hospitals of the State are under a board of management or the control of locally appointed committees, and there is little interference with them.

Mr. SLEEMAN: I hope the Committee will not agree to pass the clause. The previous clause went through too quickly. To get some justice for patients, we should delete the clause and the subsequent clauses. There is no justification for them. The Minister will not surely tell us that this clause is necessary so that we may find the mystery man with £2,000 in search of hospital treatment.

The Minister for Health: This clause has nothing to do with that.

Mr. SLEEMAN: The man had an equity in a property worth £2,000 and not a bob in his pocket.

The Minister for Health: You did not make any inquiries.

Mr. SLEEMAN: The Minister would tell him to sell his property, notwithstanding the depression, and that values have gone down, the sole object being to pay the hospital.

The Minister for Health: The man had money and was waiting to invest it.

Mr. SLEEMAN: The man had not a bob in his pocket.

The Minister for Health: Your information is wrong.

Mr. SLEEMAN: The Minister declares that there have been no hardships with regard to hospital treatment. I have known people to be chased with dummy summonses from the department and harassed by the department. I know of people who have gone to hospitals to secure belongings of their relatives who have passed away and before leaving with those belongings they have been rushed with bills. If the clause goes through, the life of a patient will not be very happy. There will be a sort of secret service to find out whether a man has a few shillings' worth of property so that he may be compelled to pay for hospital treatment.

Mr. BROWN: Surely those who receive medical attention should make some effort to pay the authorities. Many committee hospitals are in financial difficulties and we must have safeguards.

Hon. S. W. Munsie: They will be in greater difficulty if you support this.

Mr. BROWN: If a person has £2,000 worth of property and no cash, he can realise on the property. It is impossible to keep committee hospitals going if patients do not pay. The object of the Bill is to wipe out anomalies and many committee hospitals will welcome it.

Hon. S. W. MUNSIE: The Minister has not replied to one statement I made.

The Minister for Health: I told you what the clause meant.

Hon. S. W. MUNSIE: The Minister did not even do that. The member who has just resumed his seat said we must have safeguards. The only safeguard in the clause is that after the hospital committee have received notice from the patient, the committee make inquiries as to whether the patient has any money. They find he has none, perhaps only a fiver in the bank, and has not earned £10 during the past year. Yet under the clause they could still say that the hospital bill is £4, and since the

patient has £5 he must pay. That is what the clause says.

The Minister for Health: No, it does not.

Hon. S. W. MUNSIE: A person intending to claim exemption must give notice in writing, and the hospital authority then inquires into his means. And although it may be found that the applicant is entitled to exemption, the clause gives the hospital committee the right to prosecute him and make him pay. The Minister has put up several mythical cases, as for instance that of the man with £2,000. The complaint that a man who could afford to pay was admitted to the Perth Hospital first came from the honorary medical staff of that institution. When the board made inquiries they found that the honorary medical staff had themselves recommended the admission of the man.

The Minister for Health: I think you will find it was a woman, not a man.

Hon. S. W. MUNSIE: The same thing has occurred in respect of men, for I had experience of it when I was Minister. It is of no use the Minister telling us of the man with £2,000. Actually the man had merely an equity in property worth £2,000. And even if he had £2,000 in cash, that would not be justification for taking away from the bona fide worker the only little benefit he has under the Act. That is what the Minister is doing with the Bill, and his servile following are sitting tight behind him. No person with a spark of humane feeling would ask a man to pay for hospital accommodation when he is earning less than the basic wage and has a wife and family to maintain.

The Minister for Health: The Bill does not ask that.

Hon. S. W. MUNSIE: It does, and you are compelling them to pay. You get on my nerves.

The Minister for Health: And you get on mine.

Hon. S. W. MUNSIE: The Minister has not given a single reason in justification of any clause in the Bill. All the reasons he has given have been fictitious, with something behind them. If the Minister were to bring down a Bill to amend the Land and Income Tax Act in order that the Commissioner should have power to tax a man who had satisfactorily proved to the Commissioner that he was not entitled to be taxed, it would be an exact parallel with this Bill.

Yet the Minister keeps on saying the Bill is taking away nothing. The Bill is taking away the only benefit the man earning less than the basic wage gets under the Act. If the words in the Act were "earning less than the basic wage" instead of "less than £230"—which was the basic wage at the time the Act was passed—we should not have had the Bill at all. But the basic wage has since been reduced, and so a large proportion of the workers to-day are earning less than £230, and consequently can claim free hospital treatment. It is the only benefit they have under the Act, and the Minister is taking it away. I will oppose the clause.

The MINISTER FOR HEALTH: The Bill does not do anything the hon. member says it does. The owner of a station in the North-West who may be living in his own house in West Perth can go in to the York hospital, and then get exemption from payment under the existing Act because his income last year was only £200. The Bill is intended to preclude that sort of thing.

Hon. S. W. Munsie: Such a man could not get into the Perth Hospital.

The MINISTER FOR HEALTH: No, but he could get into a country hospital. The £230 limit is not the only limit, for the hospital authorities take into consideration the question whether the patient is in a position to pay for his treatment. We are not taking that away. These hospitals are not under my management, but are under the management of duly appointed competent bodies.

Hon. S. W. Munsie: Will you say that a married man who has earned less than £230 has any right to claim exemption under the Bill?

The MINISTER FOR HEALTH: Yes, of course, he has that under the Act.

Hon. S. W. Munsie: But the Bill cancels that.

The MINISTER FOR HEALTH: No it does not. There are people to-day paying for hospital treatment who could get it for nothing if they desired. We want to make it easier for them to get it. The responsibility is cast upon the hospital committees to see that the fund is not exploited. A man may have earned less than £230 and be well off and yet may be exempted from payment for hospital treatment. The Act was not intended to apply to people of that sort.

Hon. S. W. Munsie: You are taking away the power that is given in the Act.

The MINISTER FOR HEALTH: There is no other way to arrive at a solution of the difficulty. We were told the Act gave no benefit to the workers.

Hon. S. W. Munsie: But the basic wage has dropped since and they are getting some benefit.

The MINISTER FOR HEALTH: Can the hon. member say that any hospital board or committee has imposed hardships upon patients? I do not interfere with them in any way.

Hon. S. W. Munsie: Do not suggest that I am finding fault with the hospital boards.

The MINISTER FOR HEALTH: The Bill refers to hospital authorities, not to the Minister. I assure the Committee it is not intended to interfere with them.

Hon. S. W. Munsie: There are 23 hospitals in the State, and in each the Minister himself is the board. You are the man who wants to cut out these privileges.

The MINISTER FOR HEALTH: Those hospitals are controlled by the department. No hardship has ever been inflicted upon people by the officers. It is only intended to rectify the abuses that have occurred under the Act.

Hon. S. W. Munsie: I will draft a clause to prevent abuses, without depriving people of the benefits of the Act.

The MINISTER FOR HEALTH: I am sure members do not desire that the hospital fund should be exploited. Every farmer in the State could claim exemption under Clause 11.

Mr. Sleeman: Should he pay if he is not getting the income?

The MINISTER FOR HEALTH: We are only taking the benefits away from those who can afford to pay. A North-West pastoralist who lives in a mansion in West Perth could last year have claimed exemption because his income was less than £230.

Hon. S. W. Munsie: But he would not claim it.

The MINISTER FOR HEALTH: We want to rectify such a position as this.

Mr. SLEEMAN: The Minister is shifting his ground. If that is a way of getting over the difficulty we do not mind providing for the man with a big family. The Minister is now dealing with wealthy squatters and farmers. Because a man has a home will that be taken into consideration in assessing his income? Is it the intention of the department to inquire into the banking accounts of the children? There are de-

partments which examine the bank books of school children and before any relief is given insist upon that money being drawn out. If I can help it this clause will never be passed.

The MINISTER FOR HEALTH: I move—

That progress be reported and leave given to sit again.

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

Ayes	..	..	..	18
Noes	..	..	..	17

Majority for 1

AYES.

Mr. Angelo	Sir James Mitchell
Mr. Brown	Mr. Parker
Mr. Davy	Mr. Piesse
Mr. Ferguson	Mr. Richardson
Mr. Griffiths	Mr. J. H. Smith
Mr. Keenan	Mr. J. M. Smith
Mr. Latham	Mr. Thorn
Mr. Lindsay	Mr. Weiss
Mr. McLarty	Mr. Doney

(Teller.)

NOES.

Mr. Coverley	Mr. Panton
Mr. Hegney	Mr. Raphael
Mr. Johnson	Mr. Sleeman
Mr. Kenneally	Mr. Troy
Mr. Lamond	Mr. Wan-brough
Mr. Marshall	Mr. Wilcock
Mr. McCallum	Mr. Withers
Mr. Millington	Mr. Wilson
Mr. Munsie	

(Teller.)

Motion (progress) thus passed.

BILL—BILLS OF SALE ACT AMENDMENT.

As to Second Reading.

Order read for the resumption from an earlier stage of the sitting of the debate on the second reading.

Hon. W. D. Johnson: When the Standing Orders were suspended the Government stated they would be content with the moving of the second reading in the case of this Bill. I object to the measure being further proceeded with now, as it is a measure upon which technical advice is needed. I voted for the suspension of the Standing Orders on the distinct understanding that this Bill would not be proceeded with if there was any objection. I now lodge my objection. I claim that we were misled in regard to the suspension of the Standing Orders.

Mr. SPEAKER: The question put by the Chair was that the second reading of this Bill be postponed to a later stage of the sit-

ting. The House, I believe, agreed to that. Is that so?

The Attorney General: That is correct. The motion carried was that the debate be adjourned to a later stage of the sitting. The understanding was that if those in charge of the Opposition desired a further adjournment of the debate on this particular Bill, the Government would grant the adjournment.

Hon. W. D. Johnson: I request that, then.

The Attorney General: The undertaking was not that we would adjourn the debate still further if any member of the Opposition desired it.

Hon. W. D. Johnson: Of course it was.

The Attorney General: It was not. The Government do not deal with individual members of the Opposition, but with those who are officially in charge. If the hon. member who secured the adjournment of the debate is prepared to proceed now and make a speech on the measure, the House should, I think, be prepared to hear him. If he desires a further adjournment, the Government will offer no objection.

Hon. A. McCallum: The arrangement to which the Premier and I agreed was that the Minister should introduce the Bill, and that then the debate should be adjourned until a later stage of the sitting, when the debate could again proceed. Further, it was agreed that if we then requested an adjournment to permit of further examination of the Bill, the Premier would agree to that further adjournment.

The Premier: That is so.

Hon. A. McCallum: I take it now that in accordance with the agreement made by the Premier with me, the member for Mount Magnet (Hon. M. F. Troy), who took charge of the Bill for the Opposition, may proceed. If after he has delivered his speech, a further adjournment is wanted for the purpose of investigation, the Premier will, I understand, agree to such further adjournment.

The Premier: Of course.

Hon. W. D. Johnson: As long as the Bill does not go through to-night—

Hon. A. McCallum: I think that is the understanding.

Mr. Speaker: Is the member for Guildford-Midland satisfied with the explanation?

Hon. W. D. Johnson: Yes, Sir.

Debate Resumed.

HON. M. F. TROY (Mount Magnet) [9.23]: This Bill proposes to arrange for cropping loans. On examining the measure I find it difficult to discover to whom it will apply. I should be interested to learn from the Attorney General, when replying, who is responsible for the inspiration. The original Bills of Sale Act, which I have looked up, was introduced into this House some twenty years ago, soon after I became a member of the Chamber. As a result of requests that our bills of sale legislation should be brought into conformity with the Bills of Sale Acts of the Eastern States, the parent Act was introduced. The Eastern States legislation provided that before a bill of sale could be registered, the grantor must give notice of his intention to grant the bill of sale, thus enabling his creditors to caveat it; and that is the law here today. It will be admitted that the principle has worked satisfactorily. It seems only reasonable that if a person is granting a bill of sale to another person, he shall give notice so that his creditors will know what is happening and will have an opportunity to protect their interests. I do not think this Parliament would be justified in departing from a principle which is so fair. We insist both as regards our legislation and our regulations that there shall be due and sufficient notice. We do not pass regulations without giving notice by laying them on the Table. We provide the fullest opportunity for people to investigate. In a business relationship it is highly necessary that all interested should have an opportunity of knowing what the grantor is doing. Therefore I consider the Attorney General unwise in proceeding with legislation which departs from a sound principle that has never been questioned either in this or any other State.

The Attorney General: It has been departed from quite a lot.

Hon. M. F. TROY: Not in this State so far.

The Attorney General: Yes.

Hon. M. F. TROY: There has been no demand for any departure. It is quite right and proper that the grantor of a bill of sale should give notice, because it would

be unfair to other creditors if he granted a bill of sale to one creditor without allowing the others to know the position. The Bill proposes to depart from that principle entirely, and this is not even an emergency measure. We have latterly passed legislation which on substantial grounds it would be difficult to justify. During the present Parliament we have done many things which we would not do ordinarily, which in our hearts we know are not good standards to set up. If legislation such as this Bill is necessary, it should be emergency legislation, and there should be a time limit to it. But this Bill is to operate for all time, or until again amended. It will disturb the present satisfactory arrangement. I have difficulty in gathering whom the measure is intended to serve. Certainly not clients of the Agricultural Bank, the Industries Assistance Board or the Soldier Settlement Scheme. The clients of those three institutions are not entitled to such benefits as this Bill intends. They are shut out entirely, because the statutory rights of the three institutions I have named are not to be disturbed. Thus there only remain farmers who are clients of private banks or private mortgagees, or tenants of landlords. Even the private banks, mortgagees and landlords have the right under the Bill to refuse their consent to the registration of a bill of sale. Their consent must be secured first. I would like to know what private bank, what landlord, or what mortgagee in the present circumstances is going to allow the granting of a bill of sale to other people and thus have their or his prior rights set aside. To judge by the experience of the last twelve months, not too many, because all these people are looking for something from the harvest. They want something; if not all, or if not half, yet a portion.

The Attorney General: But this Bill merely provides for the case of a man who proposes to lend money in order to enable a farmer to put his crop in.

Hon. M. F. TROY: Before the farmer can agree to protect the other man by a bill of sale, the landlord's consent must be secured.

The Attorney General: Why would the landlord object?

The Minister for Agriculture: If he does not give that consent, there will be no crop.

Hon. M. F. TROY: If he does not give his consent and there is no crop, he is no worse off than at present.

The Minister for Agriculture: Yes, worse off.

Hon. M. F. TROY: It is not reasonable to suggest that these creditors of settlers are going to stand aside indefinitely. They will not do it. They will not give their consent under this measure. They say quite reasonably, "We must stand in for something. All these years we have stood to the settler, and we are entitled to something out of his crop. We are not going to stand aside while another secured person steps in by lending a few pounds temporarily to enable the settler to grow a crop and takes all the proceeds." Meantime interest due to creditors accumulates and their security may deteriorate. In most cases they will not give their consent. I should like to learn from the Minister for Agriculture the people he has in mind who are likely to operate under a measure of this nature. I cannot conceive of too many. In fact, I do not know of any who would operate under the Bill. I regard this measure as merely political eyewash. I do not want to hurt the Minister's feelings but probably this legislation has been suggested to him as a means by which the farmers can be helped. I do not think it will help them at all. I may be wrong and I shall be glad to have information on that point. Under this legislation a bill of sale will not be valid unless it is assented to by the landlord or mortgagee. So far as the Agricultural Bank, the Industries Assistance Board and the Soldier Settlement Board are concerned, bills of sale cannot be registered, so the settlers controlled by those institutions will have no opportunity to secure the alleged benefits of the Bill. In my opinion the Bill will do more harm than good. It will destroy the business relationship between the farmer and his creditors. Business men, storekeepers and general suppliers will be afraid to grant credit even where they consider the security is good. They will be without knowledge as to whether others have bills of sale registered against the proceeds of the crop. No storekeeper who is carrying a farmer will grant credit if he is suspicious that the farmer has a bill of sale or a dozen bills of sale over his crop. Always the storekeeper will have in mind this class of legislation and so the

farmers' supplies will be cut off. I would like to be convinced to the contrary but I am certain the Bill will do more harm than good. The country storekeepers are given security based on the land or the crop. That security is mostly on the crops because the land is secured to the Agricultural Bank or to the private banks. The storekeeper therefore provides the annual supplies on the security of a farmer's crops. If the Bill be agreed to, and the owner of the crop is entitled to give bills of sale to all and sundry without notice, his credit will be seriously affected. Another principle embodied in the Bill is that bills of sale will be held concurrently. At present bills of sale rank in priority in accordance with the date upon which each was given. The first bill of sale registered has priority of claim, which is quite right. The Bill provides that all bills of sale shall rank as concurrent. I do not think that is calculated to improve matters for the farmer. No business man will accept the risk of lending money on the security of a crop on which the farmer may have bills of sale of which the business man has no knowledge. It will destroy confidence utterly, particularly with regard to the business relationship between the farmers and those upon whom he is dependent for supplies. How many people will be prepared to lend money if he knows that other persons have bills of sale and that their claims are to be regarded as concurrent? If the man who was asked to lend the money was to have a prior claim, I could understand him advancing a loan to the farmer. On the other hand, if he knows he is to rank merely as concurrent with others, he will not advance the money. I would not take the risk myself. Then, again, prior to the harvest, the man whose bill of sale ranks first in point of registration is to call a meeting of the grantees of bills of sale for the purpose of electing a person who shall act as receiver and if necessary garner the crop, sell or dispose of it, and distribute the proceeds. If the returns are insufficient then the return from the sale of the crop is to be distributed on a pro rata basis. If the return is more than sufficient, the balance is to be paid by the receiver to the person or persons who appear legally entitled to it. Where does the farmer come in? The whole business is taken out of his hands entirely. All that the farmer will be entitled to do is to give a bill of sale without notice

to the person who lends him money to put the crop in; he will also be allowed to do the work entailed and to call upon the storekeeper for supplies—if he can secure that consideration. When the crop is ready for harvesting all the persons holding bills of sale are to hold a meeting and they take charge of the rest.

The Attorney General: Is not that quite a normal procedure?

Hon. M. F. TROY: If it is normal where are the privileges to be enjoyed by the farmers under this legislation? The receiver can incur whatever expense he desires. He must be paid; he will not do the business for nothing. That means more expense to the farmer. If any balance is left over after the holders of the bills of sale are satisfied, the Bill does not say that the farmer shall not receive the money. It merely sets out that the person or persons who appear to be legally entitled to it shall receive the surplus. Who will that be? Obviously the original mortgagee.

The Attorney General: No.

Hon. M. F. TROY: Who will be legally entitled to it?

The Attorney General: Obviously, the farmer is legally entitled to it after the holders of bills of sale are satisfied.

Hon. M. F. TROY: If the bank has a mortgage registered against the property has not the bank any rights?

The Attorney General: I should say not under this legislation.

Hon. M. F. TROY: I do not see anything embodied in the Bill that will help the farmers. It will not be of the slightest use to them and I do not know of anyone who will be served by it. I am open to conviction but I believe the Bill will undermine a sound business methods. It will destroy security and confidence without which the farmer cannot carry on. I can see no corresponding benefit accruing to the farmer. The Bill will damage confidence and upset principles that have operated satisfactorily in the past. I hope the Bill will not be agreed to, but if it is passed that it will be operative for one year only. It is a mere expedient, and a doubtful one also.

MR. GRIFFITHS (Avon) [9.40]: Since I have been a member of this House I have been fairly insistent upon effective steps being taken to enable farmers to carry on their operations successfully. I gave notice

to-day of questions that I desire to ask the Premier and I shall await his reply as an indication of what the Government intend to do to help the farmers. I have endeavoured to understand the provisions of the Bill and I suppose it will assist operations to some extent. I do not see how it will materially overcome the present parlous conditions of the farming industry. We should not prorogue until something definite is indicated by the Premier regarding the action to be taken in the interests of the agricultural industry. To-day I had to approach the Agricultural Bank and the Premier regarding the position of one farmer. Owing to the insistence of the Agricultural Bank upon the payment of interest due, a man who was in the middle of harvesting operations and has some 4,000 bags of wheat to take off, has been completely held up. I had to make a special plea to the Agricultural Bank on his behalf and they are attending to the matter. Then, again, I had to approach the Premier regarding the position of another farmer whose machinery—

Mr. SPEAKER: Order! I think the hon. member is going outside the scope of the Bill, which has nothing whatever to do with machinery.

Mr. GRIFFITHS: It deals with bills of sale and represents an attempt to tide the farmers over their period of difficulty. I have not had time to study the Bill properly; I have just received a copy of it.

Mr. SPEAKER: I do not desire to burke discussion, but the hon. member must keep within the four corners of the Bill.

Mr. GRIFFITHS: If this is an attempt to assist the farmers, I shall welcome it. The condition of the industry is serious and those who hold bills of sale over the property of farmers can make things awkward for them. I want something done to improve their position.

Mr. PIESSE (Katanning) [9.45]: I am sorry that more time has not been given members to study the measure so that they might better understand its effect. It is quite true, as the member for Avon stated, that there is a good deal of uncertainty in the minds of farmers regarding the liens given over growing crops. There is also a good deal of misunderstanding and discontent amongst the farmers who have given the Agricultural Bank statutory liens over their crops. This measure appears to be a

worthy attempt to make provision to finance the farmers for putting-in and taking-off the crops. The first part of the Bill rather commends itself to me, but I should like the Minister to explain paragraph (e). It seems rather to defeat the object of the Minister. It states—

Prior to harvesting the crops, the grantee whose bill of sale has in order of date been first registered shall convene a meeting of all the grantees named in such bills of sale, at which meeting all such grantees shall by a majority in value elect a person, who may or may not be a grantee, to receive and if necessary garner and harvest the crops and dispose of the same in accordance with the resolution.

Mr. SPEAKER: On the second reading members must confine themselves to the general principles of the Bill. In Committee the clauses may be quoted.

Mr. PIESSE: That seems to be the crux of the Bill and there is apparently a conflict. The purpose of the Bill is to finance the putting-in of the crop, and people who finance the farmers will be given a lien over the crop. However, there is nothing to prevent a farmer going to another business house and getting further credit against the wishes of the person who first granted him credit, and after liability to the second creditor has been incurred, apparently both creditors are to rank equally. I hope the Minister will explain that point. The first part of the Bill shows a genuine attempt to help the farmer to get in his crop, whereas otherwise he would have difficulty to finance his operations.

On motion by Mr. Angelo, debate adjourned.

BILLS (2)—RETURNED.

- 1, University Buildings Act Amendment.
- 2, Licensing Act Amendment (No. 6).
Without amendment.

MOTION—FEDERAL TARIFF.

MR. DONEY (Williams-Narrogin) [9.50]: I move—

That in the opinion of this House, the present protective tariff, by its harsh effect upon the primary industries, has a highly injurious bearing on progress in this State, and consequently stands in need of an early and drastic downward revision; and that this resolution be forwarded by the Government to the Federal Government.

I have no doubt that I quote the viewpoint of nearly every person in this State, and I hope of every member in this House, when I say that this session should not be closed without our having an opportunity to protest against the tariff which, more than any other factor I can think of, is responsible for the present very stressful condition of affairs. I realise that this House has no immediate control over tariff matters, but because the tariff has such a vital and detrimental effect upon affairs in this State, it is our duty to endeavour to create what may be termed a tariff sense in Western Australia in the hope of its having an ultimate Federal effect. In the interests of this State, there should be an Australia-wide campaign against the tariff. To side-track this great question with the plea that it is a Federal matter is to play the fool. It has become more or less a truism that during the last couple of years, the greater the extent to which any Australian State is forced to rely upon its primary industries, the less is it likely to benefit by a tariff such as we in Australia labour under to-day. I understand that our tariff is about the highest in the whole world. But to what end? To the end that the people who in normal times can spend only from the profits of their primary industries and who at the moment are stricken in poverty, should have to waste what little substance they have in paying £2 for what might be secured from a reciprocal trading nation for £1, and this to keep alive the instrument that undoubtedly is killing them. In effect we say we have something to sell, but we decline to buy. We say we do not trade; we merely insist on passing on our surpluses. If we had products in this State that other nations had not, but that other nations desired, there would certainly be some justification for this take-it-or-leave-it tariff attitude we adopt. But in no one thing I know of have we a monopoly of production. About the only product I can think of at the moment that other nations need is our wool. Despite our extremely independent tariff attitude, actually our scope of fiscal license in Australia is limited indeed. As world traders, what is the principal responsibility devolving upon us? It is to pay off our overseas loan indebtedness. Upon which industries does that responsibility fall? It falls almost entirely upon the primary industries. Certain it is anyhow that we cannot pay our overseas in-

debtedness with what we consume inside our own boundaries. As security for our overseas loans we have nothing but our capacity to produce. We have nothing else at all. The question whether our factories are worth something as security needs to be answered with a definite negative. I say that, for no national good purpose, our secondary industries annually absorb millions of pounds that should go overseas to pay our debts, or otherwise should go back into the land to maintain the only two industries upon which we really can rely. For too long our profits have gone to pay our secondary debts, but I am of opinion that this state of affairs will very soon be altered. The big task set us in Western Australia is the production of wheat and wool, and fortunately for Australia's standing in the commercial world, we are equipped by Nature for the easy and comparatively profitable production of those two highly useful commodities. Nothing I know of could take their place, other than goldmining. Those are about our only two worth-while occupations—the only two that bring in substantial wealth to our country.

The Minister for Agriculture: What about timber and dairying?

Mr. DONEY: Timber and dairying and other items have their part in the plan, but not to any great extent. I was naming only the two principal items.

The Minister for Agriculture: We must develop the others.

Mr. DONEY: Yes, I cordially agree that that is so. To put those two major industries I mentioned upon a permanently solid basis, they must be made profitable. To do that is the principal task of government in these days. All the activities of Government, State and Federal, should have that object in view. That is the basic need of our economic life to-day. All other public services, public institutions, our tariffs, railways, taxation, etc., should be built upon or into that foundation. There is nothing sectional about my motion. I hope, Mr. Speaker, you will not think I am putting in this plea for a helpful attitude towards wheat and wool merely with an idea of improving the farmers' position in life. Far from it. I do it rather that every man and woman, and every child for that matter, may find his or her shilling buying in future double as much as it is buying to-day, and so that those in employment may feel

that their jobs are more secure. In these days we should think agriculturally, legislate and educate agriculturally; we need to think more in terms of bags, bushels, bales and so forth. I heard it expressed in this House the other day that our primary products are our blood stream, and I say that the principal task of government these days is to see that that stream runs no risk of drying up. Wheat and wool pay the people's wages, they pay the nation's debts, and not even the tariff should be permitted to interfere with that good work. I ask members opposite to reflect that he who works for the rehabilitation of primary industries is the *finest friend* the worker has in Australia to-day. Every public institution and service, every organised body of workers, every trade union should work for the maintenance of their sources of supply. I may ask what high protection has done to help the man engaged in the art of growing things. The tariff has done absolutely nothing in that direction. That may be rather far to go. Perhaps I should say what little good it has done to individuals has been outweighed by the general harm it has done to the State. The tariff all along has fooled us. It has certainly raised prices, I grant that, but here is the rub; it has raised prices on all those things that we buy without having any effect whatever on the goods we sell. It is a very mischievous thing this tariff. Not content with its attempt to kill us in Australia, it has made for us enemies abroad, and very substantial harm has been done to our wheat export trade. The high protection against countries such as France, Germany and Italy has resulted in those countries adopting retaliatory measures, and, of course, considerable damage has been done to our wheat export trade. There are many things the farmer must possess if he is to continue to produce. On an average 1,000 acre farm he needs to have miles of fencing wire, barbed wire and plain wire. He requires machinery, vehicles, windmills, buildings, galvanised iron, tools and so forth. He needs to have all those things and a great many more. I agree that the farmer should, like all other sections, be taxed, but in the national interest, and in the farmers' interest, as well as in the name of commonsense, surely it would be proper to allow him first of all to produce something before starting to tax him. You should know his taxable capacity before you begin to assess the tax

It seems a stupid thing to hamstring farmers at the start of the race, as it were. Instead of giving him assistance in these matters, it happens that all the essential items I have enumerated are tariff-taxed right up to the hilt. By making a comparison with the year 1913 I will endeavour to show just how the farmer has been hit to leg by the tariff. The year 1913 is a fair year with which to make a comparison because the prices obtaining then for wheat and wool were somewhat similar to those of to-day. I will quote a few figures:—

	1913.			1930.		
Fencing Materials.	£	s.	d.	£	s.	d.
12½ galv. wire, per ton	15	10	0	25	0	0
Barbed wire, per ton	16	10	0	26	10	0
Sheep-proof wire netting, per mile	10	10	0	19	15	0
Rabbit-proof wire netting, per mile	22	0	0	38	13	0
Water Conservation.						
Windmills, 8ft. wheel and 30ft. stand	19	0	0	48	0	0
Building Materials.						
Galvanised iron, 26G., per ton	18	10	0	29	0	0
Timber, 3 x 2 and 4 x 2	0	13	6	1	8	6
Doors	1	6	0	3	13	0
Cement, per cask	0	14	9	1	3	6
Machinery.						
Plough, 4-furrow	36	15	0	54	10	0
Cultivator, 25 tyres	26	13	0	36	0	0
Drill disc, 16 x 7	52	13	0	87	10	0
Harvester, 6ft.	104	0	0	140	0	0
Reaper and binder, 6ft.	49	4	0	84	10	0

From the comparative figures I have been quoting it is ascertained that to equip a thousand-acre farm—assuming, of course, it is an ordinary farm, and in the hands of an ordinary person—this year it will cost him £1,300 more than it would have cost in 1913. That figure at 7½ per cent. equals an interest charge of about £100 annually. I admit that not all of that can be charged against the tariff. Hon. members know very well exactly what profit there is attached to wheat growing these days; they know whether £100 is easily found, and I will leave members to reflect whether the tariff, on the figures I have been quoting, has not got the farmer down, whether it does not bid fair to keep him down, and ultimately put him out of existence altogether. The man on the 1,000-acre farm generally has not more than 2,400 bushels to dispose of. If you divide that tariff tax of £100 by 2,400 bushels you will find that that additional tariff tax on

the farm now amounts to something like 10d. a bushel. Perhaps not the whole of that 10d. should be debited to the tariff; personally, I think the figures should be somewhere about 7d. or 8d. a bushel.

Mr. Griffiths: Seven pence a bushel.

Mr. DONEY: Well, that is a great deal more than the farmers can stand. The Western Australian farmer competes in regard to wheat on the world's markets with places like the United States and Canada. It will be interesting to see whether he is on a fair competitive basis with those countries in regard to the purchase of machinery. I have made comparisons and I find that whereas in the United States farmers there buy a 6-foot binder for £44, in Western Australia the same machine costs £75.

The Minister for Lands: What is the duty on a binder?

Mr. DONEY: At the moment I am not prepared to say; I do not assert that the difference between those two sums is wholly resultant from the tariff, but the greater portion is. A 9-foot spring-tooth cultivator sold for £23 to the American farmer, costs £36 to the Western Australian farmer. A three horse-power oil engine costs £25 in America, and £63 in this State. In this last case there is a difference of about 250 per cent.

Mr. Kenneally: Yet the United States is a highly protected country.

Mr. DONEY: That, because of their lower production costs, apparently has not affected the comparative prices I have quoted. We in Australia cannot control wheat and wool prices; obviously that is a matter of international arrangement as between ourselves and the nations that buy from us, and as between ourselves and those nations that grow for export the same commodities that we do. But while we cannot control that, we can control the cost of production. We have to remember that it is not only the tariff that is particularly heavy on the farmer. There are other inescapable commitments that recur annually. That being so, it can be seen that the 7d. a bushel to which I have already referred makes all the difference between profit and loss to the farmer. To make for ourselves everything that we need is, I readily admit, a quite worth-while ideal, but the unfortunate part is that we

do not realise too many of our ideals for the reason, I suppose, that most of them are merely idealistic, whereas the world we live in happens to be, commercially speaking, very practical indeed. No one here would raise any objection to a temporary measure of protection in respect of any necessary article, the constituents of which are procured locally or could be procured from some handy source, provided always there was a reasonable hope of that article being able successfully to compete with a similar article from outside upon the removal of the protection, but to take labour and talent from a profitable source and attach it to a machine, the operation of which yields nothing but a heavy burden on the people, would be to show our commercial judgment up in a very poor light indeed. I do not think this can very well change. The high cost of our secondary products quite prohibits export, while to manufacture just our own small needs precludes that cheapness which comes from the mass production practised by nations with lower costs than ours. If the tariff on the farmers' tools of trade were substantially reduced, the primary products would very much more than correspondingly increase and would yield more and more widely distributed wealth wherefrom to buy such manufactured products as we have in this State. As I say, our Australian manufacturers' dislike of competition is a cowardly sort of principle and quite un-Australian, and I ask what is there to be feared in good healthy competition. There is nothing I know of more likely to bring down prices or more likely to improve the quality or diversity or usefulness of the goods that we manufacture. It seems to me an economic stupidity to repress competition in the way we do. Nowadays when competitive trouble threatens the manufacturer, instead of enterprise wherewith to meet that trouble, he takes the lazy man's way out by making an application to the Tariff Board for a greater measure of protection against his rival; and my reading of the Tariff Board's reports is that he generally gets what he is seeking. That kind of thing absolutely kills that straining after efficiency which is so marked a feature of competitive trading, and certainly has a stagnating effect upon human effort. It is claimed by those responsible for the tariff increases that those tariff increases have been necessary in order

to stay the inward flow of imports. I do not see things that way at all. I think the cessation of loan money—which usually comes to us in the form of manufactured goods—and the practical extinction of our credit overseas would have achieved that effect without any assistance whatever from a protective tariff. The recently submitted report of the Royal Commission on farmers' disabilities contained a stinging indictment of high protection. The commissioners characterised the tariff as the greatest hurt primary industries in this State are suffering from, and they consider that ultimately the tariff will certainly crush right out of existence not only the primary industries, but the State itself. We have to pay some attention to what the commissioners said. I do not recall, when this matter was being discussed in the House, anyone grumbling at the personnel of the Commission. It was generally conceded that they were a well balanced and well-informed body of men. Therefore, we need to treat that opinion of theirs with every respect. Then we have Professors Brigden, Giblin and Copland, and Messrs. Dyason and Wickens, who, in a recently published treatise on the Australian tariff, summed up their opinion of the tariff in very succinct fashion. They say—

The tariff falls with the greatest weight on the export industries. The value of their (the farmers') land and fixed capital is reduced, and the expansion of their production is retarded. They are limited to the use of land which can carry the costs imposed.

They go on to say—

The States which naturally depend more than others upon the export industries feel the burden, not only upon their individuals and industries, but upon the State finances. Taxable capacity in the export industry has been decreased and production has been retarded without equivalent benefit (in those States) from the incomes protected by the tariff. The tariff has therefore borne unequally on the different States.

That was not written by a Western Australian, though it exactly hits off the Western Australian point of view. I said before that I believe there is in the whole of Australia no more than half a dozen men qualified by experience, by training and by natural aptitude, to speak with authority on international money questions or upon so intricate a thing as the Australian tariff. I reckon that in those responsible for the opinions I have just quoted we have at least three of those very wise men. Anyhow, the

opinions I have read, since they are the result of long deliberations of those gentlemen whose names I have quoted, should be treated with deep respect. When I said the tariff was the biggest contributory factor to present-day distress, it might have been thought I was actually making the tariff usurp an odium that rightly belongs to low prices. I was not. I say the cumulative harm done by high protection to the primary industries during the past twenty-five years very easily outweighs the ill-effects of just one year's low prices. It will be conceded that very much more grain would have been grown in this State, very much more land cleared, more farms established and more sheep running on them, had the 7-l. or 8d. per bushel I have referred to been profit, instead of a debit, to meet the tariff charges. Recently I read an article written, I think, by a merchant, wherein the writer set out to show that the one man in this State most likely to benefit by high protection was the farmer. The writer said the secondary industries of this State were a magnet calculated to draw a huge urban population to Western Australia and build up an immense city population in the process. This, he said, would in due course form an ideal local market to absorb practically the whole of our primary products in this State. He said that none would need to be exported, and he indicated that the clear-headed farmers of Western Australia would view the matter in the same light. There is no catch in this. It does not seem clever enough to be a catch. The assumption is that the peoples of the cities will be able to pay bigger prices for the farmers' products than could be secured overseas. Naturally, one would ask whence will come the money for this generous gesture of goodwill by the city people towards the farmers. It certainly cannot come from their making goods to sell to themselves. If they sold their goods abroad at a profit and utilised the profit to buy the primary products of this State, it would be a different thing. But that, of course, cannot be done since the high cost resulting from high protection prevents it. Until we can produce and export our manufactured goods at a national profit, our secondary industries must remain what they are, a palpable drain on those industries that do pay. We might also ask from what source are we

to get money to pay our overseas indebtedness if our primary products which now pay those debts are retained in our own State. I might close by asserting that there must necessarily be a drastic downward revision of the tariff in order that the cost of living may be made commensurate with the reduced purchasing power of the people, and so also that in the national interests the primary industries might be placed on a permanent and sound basis, that is as far as it is possible to put any industry on a sound basis. There should be a scientific review of the whole schedule, and industries unsuited to the conditions of Australia should be de-tariffed entirely. The fact is when prices of wheat and wool were high, when loan moneys were plentiful and when our wealth was more evenly distributed, any old scheme, even high protection, could succeed. When we are spending other people's money, it does not worry us very much whether or not we get value for that money. Those all too-good conditions obtained from 1919 to 1929, but in these days of adversity, in 1931, it takes a very sound and unsectional scheme soundly and non-politically administered, to do us any good at all. In respect of the bonus given us recently, I say it did not for a moment cancel the need for a review of the tariff, did not ever mitigate its urgency. Neither a bonus, nor any other action on the part of the Federal Government, no matter how seemingly generous, should be permitted to affect the tariff question. We should keep that question isolated so that we can see it clearly and understand its relationship and effect.

Mr. Kenneally: As they have had to do in England in the long run.

Mr. DONEY: There they are not going to anything like the extent we have gone in the direction of protection.

Hon. A. McCallum: What country in the world wants free trade?

Mr. DONEY: I am not looking for free trade.

Hon. A. McCallum: Yes, you are.

Mr. DONEY: I have indicated the need of a measure of protection in certain directions. It is useless, so far as the farmer is concerned, to harp on the fatal effect the tariff has had upon him, or to waste time trying to convince him upon points about which he has for a long time been

assured. He cannot be told much that is new in the way of tariff effects. He already knows. The man who has felt the lash does not need to be told how it stings.

Hon. M. F. Troy: Are you supposed to be advocating a sound policy of protection?

Mr. DONEY: I should be inclined to advocate such a policy, but I have no doubt that the hon. member's view and mine of what constitutes a sound policy are somewhat different. I submit the motion.

On motion by Mr. Kenneally, debate adjourned.

BILL—DEEDS OF SEPARATION ALLOWANCES REDUCTION.

First Reading.

Received from the Council, and, on motion by Mr. Parker, read a first time.

As to Second Reading—Bill Defeated.

MR. PARKER (North-East Fremantle) [10.35]: I move—

That the second reading be made an Order of the Day for the next sitting of the House.

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

Ayes	..	..	..	..	14
Noes	..	..	..	..	19

Majority against 5

AYES.	
Mr. Angelo	Mr. Parker
Mr. Brown	Mr. Piesse
Mr. Doney	Mr. J. H. Smith
Mr. Griffiths	Mr. J. M. Smith
Mr. Lindsay	Mr. Thorn
Mr. McLarty	Mr. Wells
Sir James Mitchell	Mr. Richardson
	(Teller.)

NOES.	
Mr. Corboy	Mr. Munsie
Mr. Coverley	Mr. Panton
Mr. Davy	Mr. Raphael
Mr. Hegney	Mr. Steeman
Mr. Kenneally	Mr. Troy
Mr. Lamond	Mr. Wansbrough
Mr. Latham	Mr. Willcock
Mr. Marshall	Mr. Withers
Mr. McCallum	Mr. Wilson
Mr. Millington	(Teller.)

Question thus negatived: Bill defeated.

DISCHARGE OF ORDERS.

On motion by the Premier, the following Orders of the Day were discharged from the Notice Paper:—

Transfer of Land Bill.

Criminal Code Amendment Bill.
 Premium Bonds Bill.
 Ministerial Statement (Premiers' Conference and Plan).
 Winning Bets Tax Bill.
 City of Perth Endowment Lands Act Amendment Bill.

House adjourned at 10.40 p.m.

Legislative Council,

Thursday, 3rd December, 1931.

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

ASSENT TO BILLS.

Message from the Administrator received and read, notifying assent to the under-mentioned Bills:—

- 1, Swanbourne Reserve.
- 2, Licensing Act Amendment (No. 3).
- 3, Electoral Act Amendment.
- 4, Land and Income Tax Assessment Act Amendment (No. 3).
- 5, Land Agents Act Amendment.
- 6, Forests Act Amendment.

QUESTION—FEDERAL AID ROADS AGREEMENT.

Hon. A. THOMSON asked the Chief Secretary: Since the Federal Aid Roads Agree-

ment was entered into, what has been (a) the total amount of money provided by the Federal Government under the agreement; (b) the total amount of money provided by the State Government; (c) the cost of main roads constructed, and the mileage; (d) the cost of the Perth-Fremantle-road, and the mileage; (e) the cost of the Canning-road, and the mileage; (f) the total amount collected in the country areas from motor truck licenses; and (g) the total amount collected in the metropolitan area from motor truck licenses?

The CHIEF SECRETARY replied: (a) £1,018,515 to the 30th June, 1931; (b) £386,915; (c) £1,405,430; (d) £5,713 (one-third of a mile); (e) £129,376 (eight miles); (f) £49,932 to the 30th June, 1931; (g) £28,707 to the 30th June, 1931.

QUESTION—WORKERS' HOMES.

Reduction of Interest Rates.

Hon. W. H. KITSON asked the Chief Secretary: Will the Government make a full statement of the position of Workers' Homes Board clients as affected by interest reductions under the Financial Emergency Act?

The CHIEF SECRETARY replied: The Financial Emergency Act does not apply to any mortgage given to or by the Crown. The Workers' Homes Board capital is provided from loan funds raised in London and Australia. The reduction of interest on Australian loan money has enabled the board to reduce interest payable by clients from 7 per cent. to 6½ per cent. less another half per cent. for prompt payment, making the net interest 6 per cent.

PERSONAL EXPLANATION.

Coal Industry, Collie.

The CHIEF SECRETARY: It has been pointed out to me that part of my answer to a question asked yesterday by Mr. Cornell regarding the sidings of the Coal mines at Collie is liable to convey a wrong impression. That portion of my answer relates to sidings only, and not to main lines such as Collie-Cardiff. Sidings from the main line to the mines are put in at the expense of the companies.