

Council's Amendment—No. 1. Clause 4.
—Delete this clause and insert the following:—

4. This Act shall have the following application:—

To pistols and air guns generally.

(1.) It shall apply throughout the State to pistols and air guns.

To Asiatic and African aliens generally.

(2.) It shall apply throughout the State to any person who is an Asiatic or African alien, or who is an Asiatic or African alien claiming or deemed to be a British subject.

To municipalities and towns.

(3.) Subject to the provisions of paragraphs (1) and (2), it shall apply to all municipalities and towns and within one mile of the boundaries of any municipality or town.

License for a firearm other than pistol or air gun not necessary in other portions of State, unless the Governor declares by Proclamation.

(4.) Subject to the provisions of paragraph (2) Section 5 of this Act, relating to licenses, shall not apply, so far as regards firearms other than pistols and air guns, in any portion of the State not particularly specified in paragraph (3) of this section, unless the Governor by proclamation from time to time declares it to apply to any portion or portions not so specified.

Assembly's amendments—Strike out the words "and towns" and "or town," in paragraph (3) of the proposed new clause, and add to the paragraph the words "in all other respects it shall apply generally throughout the State."

The MINISTER FOR COUNTRY WATER SUPPLIES: I move—

That the Assembly's amendments on the Council's amendment be agreed to.

Under the Council's amendment a large number of small townsites would have to be brought within the scope of the measure, which was never intended.

Hon. H. Seddon: What would be the effect with regard to towns like Fremantle, Perth, Subiaco and Midland Junction?

The MINISTER FOR COUNTRY WATER SUPPLIES: The measure would apply to such towns.

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

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

House adjourned at 9.10 p.m.

Legislative Assembly,

Tuesday, 4th August, 1931.

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

QUESTION—RENTS AND COMMODITY PRICES.

Mr. MARSHALL (without notice) asked the Attorney General: Can he inform the House when the Bill to control rents and the Bill to deal with prices of commodities will be introduced?

The ATTORNEY GENERAL replied: Probably the Bill to deal with rents will be mentioned to-morrow evening. As to the other Bill, I am not in a position to give an answer.

QUESTION—WHEAT, BULK HANDLING.

Hon. A. McCALLUM (without notice) asked the Minister for Lands: In view of the statement by the Minister for Works published this morning to the effect that if money is available the bulk handling scheme will be started without waiting for Parliamentary sanction, and in view of the widespread unemployment that bulk handling will create on the waterfront and in country districts, and the serious dislocation of business it will mean for the trading community at the port, will Parliament be afforded an opportunity to fully discuss the project before it is adopted?

The MINISTER FOR LANDS replied: If the Government do proceed with the bulk handling scheme it will be necessary to have legislative authority. The Premier is now inquiring into finance in the Eastern States, and if the money is available there is no reason why the hon. member should not have

the question discussed in the House by way of a motion, if he so desires. If it be found advisable to proceed with this work, it will be necessary to get on with it very quickly in order that we may have the benefit of it this season.

BILLS (3)—THIRD READING.

1. Finance and Development Board Act Amendment.
 2. Trustees' Protection.
 3. Federal Aid Roads Agreement.
- Transmitted to the Council.

BILL—TRUSTEES' POWERS.

Report of Committee adopted.

BILL—MORTGAGEES' RIGHTS RESTRICTION.

Second Reading.

THE MINISTER FOR LANDS (Hon. C. G. Latham—York) [4.40] in moving the second reading said: This Bill is supplementary to the legislation that has been introduced as the result of the Premiers' Conference. It is necessary to have some policing measure so as more effectively to carry out the programme. There will be, of course, some objection to this class of legislation, and we may be charged with doing things that ordinarily we would not do. But today we are living under conditions so totally different from what we have known in the past that it is necessary to have this legislation. Already we have certain similar statutes, for instance, the Criminal Code. But the person who obeys the laws has nothing to fear from the Criminal Code. It is only there to prevent those who violate the laws from getting away without a penalty being imposed upon them. This Bill is drafted for the same reason. Those who carry out the provisions of the Bills that have been passed recently will not need to fear any action that may be taken under this measure. It is not likely to be used without necessity. It will go on the statute-book as a deterrent to those who may intend to impose hardship on a section of the community. It is a very simple Bill, and there will be no difficulty in understanding it.

Mr. Marshall: I do not see in it anything that will make it operative against the Associated Banks.

THE MINISTER FOR LANDS: The hon. member has not yet given much time to the reading of it. In this Bill the term "mortgage" has a very wide interpretation. It means any deed including mortgage, etc., whereby security for payment is granted over any land. It also includes an agreement for the sale of land under which the purchase money is paid by instalments. So it covers not only a mortgage, but any sale of land by agreement. Thus it will prevent not only foreclosure, but repossession of land sold under those conditions. The interpretation of the word "foreclosure" provides that it shall include the cancellation or rescission by the vendor of any such agreement as aforesaid by reason of the purchaser's default, and the determination or forfeiture for such reason, of the purchaser's right to or in any land comprised therein. It includes a lease containing purchasing clauses. The calling-up of mortgages is prohibited except by an order of the court. So any person who desires to call-up a mortgage or foreclosure on a property or dispossesses a man of his property must have an order of the court before he can do it. The Bill will apply to all mortgages and leases current at the commencement of the Act. It is thought that perhaps there may be some persons who would feel inclined to make a small advance for the purpose of lifting a mortgage, and having a further mortgage executed on the following day. Provision is made to prevent that sort of thing from taking place. It will readily be understood that a man may be tempted for £1,000 to lift a mortgage and give a fresh one on the following day. He would, however, be free to exercise such rights as he possessed as mortgagee, subject to the determination of the court. A mortgagee cannot call up any mortgage or, without an order of the Supreme Court, deal with any land over which he has any claim. He cannot call up any payment from the mortgagor, commence or continue any action for the recovery of any principal money due under mortgage, or exercise any power to sell, commerce or continue any action for foreclosure. The mortgagee may enter into possession of any property which has been abandoned by the mortgagor, and once any mortgagee has entered into possession he may continue in possession unless the Supreme Court, on the

application of the mortgagor, otherwise orders. Clause 8 sets out what the functions of the court shall be, and how that tribunal shall determine a case when it has been heard. It is provided that protection shall be afforded both to the mortgagee and the mortgagor under circumstances arising in respect to each. With regard to the powers of the court, Clause 9 empowers it to deal with demands made by the mortgagee for interest under terms of the mortgage, and may allow extended time for payment either at the fixed rate or by instalments. The next clause provides that if the purchaser is in arrears for a period of 12 months in respect of the principal and interest payments, the vendor may exercise his rights under the agreement after giving the purchaser one month's notice of his intention to do so. There is a stipulation that this shall be done unless the purchaser applies to the court for protection. The court will then determine whether or not the vendor may proceed to exercise his rights under the agreement. No judgment creditor shall be entitled, except by leave of the Supreme Court, to commence proceedings for the recovery of a sum exceeding £50 against the lands of the judgment debtor. That covers a wide scope. Any sum involving £50 or over will come under the scope of the Act, and this deals with almost all lands which may be subject to mortgage or conditions of sale. Apart from giving relief to mortgagors, it is necessary also to make provision for relief to mortgagees. It is not intended by this legislation to lift from one person a hardship and impose it upon another. Provision is therefore made that the mortgagee may obtain relief in certain cases when such relief is given to a mortgagor, when without such relief the mortgagee will be financially embarrassed. It is also provided that no period of time during which the enforcement of any right or claim is prevented by the Act shall be taken into account in computing the period limited, by any statute of limitations. In other words the statute of limitations will be extended for the period during which this particular legislation protects the mortgagor. No costs will be allowed. This will mean that the cheapest method will be afforded to a person to get to such court as is available. The exception will be in the case of unreasonable applications. That is where a person makes

several applications to the court when the court has already decided the case.

Hon. J. C. Willcock: Will there be no court fees?

The MINISTER FOR LANDS: There will be the ordinary court fees. Provision is made that no costs shall be charged against the mortgagor for making application. It must be borne in mind that this kind of legislation would not ordinarily be introduced. It is now brought down to afford relief, and it would be no use doing so if high costs were allowed to mount up against the applicant. There is a penalty clause which provides that any person contravening the provisions of the Act shall be liable on conviction to pay the sum of £20. The court will be able to set aside any arrangement which may be entered into between the mortgagee and the mortgagor, if it thinks such an arrangement is not reasonable. The Act will endure, in conformity with the Plan legislation, until the 31st December, 1932. If it is necessary to extend the Plan legislation after that date the period covered by this measure will also be extended. The Bill is drafted in plain language and should not be difficult to understand. I want members to realise the necessity for the Bill. We all know there has been a complete collapse of the markets for those who are engaged in primary production, and especially wheat production. That is no fault of those concerned. Last year there was a record yield per acre with one exception, namely, a case in which only a small area was under cultivation. The farmers have done their work well, and nature has been extremely kind to them. After labouring for a whole year, however, they have found themselves at the end of the period with a 50 per cent. loss. It is hopeless to expect a man to continue taking any interest in the land unless we give him a chance to recover. One of the methods by which we hope to protect him as well as his assets and his heritage, which he is holding for himself, his wife and his children, is this Bill. I appeal to the House to look at the matter from the point of view of the farmers. We are giving them very little by this legislation, but we are doing something to protect their life savings. This is something the House should do. I do not think this legislation will be brought into operation for many persons, for I believe that mortgagees to-day are willing to extend that consideration which the industry so badly needs. In the interests of the men

and women who are engaged in primary production, particularly in wheat-growing, I appeal to the House to pass this legislation as quickly as possible. When the other Plan legislation is passed into law, and this Bill also goes through, if there is a mortgagee, who is perhaps of a selfish nature, he will be unable to dispossess these unfortunate people of their properties.

Mr Marshall: What about the Associated Banks?

The MINISTER FOR LANDS: They are mortgagees, the same as other people. I move—

That the Bill be now read a second time.

HON. J. C. WILLCOCK (Geraldton) [4.55]: This Bill, as with others which have been introduced during the session, is a sign of the times. It is a serious step for Parliament to take.

The Minister for Lands: Yes.

Hon. J. C. WILLCOCK: It is a serious matter to break into contracts which have been made between people in regard to the repayment of money, that has been lent on certain conditions. What it is desired to do by this legislation is to see that people in times of stress do not take advantage of the position to force the hands of others, and compel them to adhere to contracts which may lead to their losing their life savings and the benefit of their life's work. The position is such that if ordinary contracts of this nature were carried out it would probably inflict tremendous hardship upon the people concerned. Those who are in distress may be ruined as the result of mortgagees forcing the sale of properties which are held under mortgage, and which represent years and years of hard work and saving on the part of the present occupants. We all hope that the necessity for this kind of legislation will not long endure. I do not think Parliament would be justified in passing such measures to last for a long period. I notice that the date of termination for this Bill is the end of December of next year. I take it that means it will terminate any time before then, if circumstances warrant. Parliament will be meeting next year, and if legislation of this kind can be rescinded then, so much the better. The Minister dealt with the Bill more from the aspect of farmers and other people engaged in agricultural pursuits. The scope of the

Bill, however, includes people who are buying houses. That is where the principal hardships exist to-day, notwithstanding the Mortgagors and Tenants' Relief Act which deals more especially with those who are out of employment. There are cases where the wife is the owner of the land. Very often she is unable to get relief under existing legislation, and hardship is inflicted upon her. To-day I heard of the case of a woman who is the owner of a house. She has paid off £500 or £600, and the house was worth about £1,300, but is now worth probably £1,000. She is unable to get any relief, or to renew the mortgage in any way. She is threatened with a total loss of all the money she has paid. If a house is placed on the market to-day at auction prices and there is no reserve upon it, it is liable to be knocked down to some buyer at 30 or 40 per cent. below its real value. If there is a mortgage upon it the probabilities are that on its sale the mortgagee would realise just about the amount of money owing to him, and there would be nothing left for the mortgagor. In such cases as these, it is quite right that relief should be given. During these times there is very little ready money about. The result is that property owners cannot get a fair price either for a farm or a house. Consequently when a property is forced upon the market its value is greatly depreciated by the times through which we are passing, and the assets of many deserving and worthy people are sold for a song. If some grasping mortgagee foreclosed and put a house upon the market, it is a certainty that the dwelling, which two years ago might have been worth £1,400, would not to-day fetch more than £700 or £800. It may be, too, that all but £50 or £100 has been paid off the mortgage, notwithstanding which the owner may lose everything. We do not desire that that sort of thing should be the general rule. The Minister says that many mortgagees have made arrangements with mortgagors to carry them on. This legislation is not for those people. It is brought down in the interests of those who are about to suffer severely from force of circumstances. In ordinary times mortgagees could not readily dispossess people of their homes, because there would be sufficient money about to enable the mortgagors to place the business in the hands of

others. I do not know anyone in this State who wants to buy a farm. Some three years ago a farm was easily worth £5,000, but I doubt whether anyone could be found to pay £1,000 cash for it to-day. In such a case as that the mortgagee who foreclosed would be able to obtain possession of the property at far less than half its real value in ordinary circumstances, or dispose of it to someone else on the same conditions. By reason of this Bill grasping mortgagees who desire to take advantage of the position of a distressed client would first have to satisfy the court, which would deal with the case with equity and justice, and see that all the circumstances were fair and reasonable. The measure contains many safeguards for the guidance of the court, which will have omnipotent powers to cancel any agreement or sale that has been effected. The courts can be trusted to do the fair thing by everybody. The administration of justice, particularly through the Supreme Court, where this legislation will be dealt with—it will not come before magistrates—is such that any decision given would not be subject to much cavil by either party to the contract. I observe that the Bill does not bind the Crown. We all know that in ordinary cases the Crown can be trusted to do no injustice by any client; but, as has been mentioned repeatedly by the member for Mt. Magnet (Hon. M. F. Troy), there have been instances in which it has been alleged that the trustees of the Agricultural Bank had been subjected to political influence to keep on the land people who had no earthly chance of succeeding, and in fact did not deserve the consideration extended to them. If the Bill did bind the Crown, cases in which the debtor had no hope of succeeding could be brought before the court, and the trustees of the Agricultural Bank would not be subject to pressure as regards foreclosure. It is time we had a stocktaking in regard to such people. Those who have not done their best in the circumstances, and have no prospect of success, should be got rid of, and the sooner the better.

The Minister for Lands: Would it be advisable to take that course at present?

Hon. J. C. WILLCOCK: No; but it would be advisable in the interests of the taxpayer for the trustees of the Agricultural Bank or the Crown to allow courts of justice to decide in such cases, instead of being over-

generous with the money of the taxpayer. The latter policy has sometimes been adopted at the expense of the citizens. While public servants are anxious to do their best, and in most instances do it, it is generally recognised that the Government ought to be a little more generous than ordinary people; and sometimes that generosity has gone to the uttermost degree, consideration being granted to people undeserving of it. This is not a time to use extravagant language, but criticism has been directed to what has been done in the case of some clients of the Agricultural Bank and the Industries Assistance Board. There are cases which, instead of being decided by the trustees, should be referred to the court. The trustees would not be subject to the criticism of having acted harshly in the discharge of their duty if the case were heard in public and decided after all the evidence had been taken. It would be better for the court to deal with the cases to which I allude, so that the money of the people of the State might not be squandered for the benefit of undeserving clients.

The Chief Secretary: The trustees are mortgagees.

Hon. J. C. WILLCOCK: Yes.

The Chief Secretary: This is not a Bill to protect mortgagees.

Hon. J. C. WILLCOCK: Under this Bill a mortgagor can apply to the court.

The Chief Secretary: Yes, but not a mortgagee.

Hon. J. C. WILLCOCK: But under the Bill the mortgagee has the right to put up to the court a case as regards his difficulties, too.

The Chief Secretary: I do not follow you.

Hon. J. C. WILLCOCK: The Bill refers to cases where refusal of consideration would inflict hardship on the mortgagee.

The Chief Secretary: Yes, on the application of a mortgagor.

Hon. J. C. WILLCOCK: Yes.

The Chief Secretary: But the mortgagor who is getting terms that are too good will not apply.

Hon. J. C. WILLCOCK: I want him to be made to apply. In doubtful cases which are now being treated over-generously, the mortgagee, that is to say the Agricultural Bank, should have a free hand, which the institution has not had in the past owing to Government policy. Government policy, with which we all largely agree, has been that the Crown shall show itself at least gen-

erous in the treatment of people who owe it money. It has been asserted, however, that the Crown has been not merely generous but over-generous in extending consideration to clients who did not deserve it. There has also been some criticism to the effect that consideration has been due to political influence. The Bill provides that after the expiry of one month, action can be taken. I do not know that a Supreme Court case can always be decided within one month. One of the most valuable provisions of the Farmers' Debts Adjustment Act is that which allows proceedings to be postponed from time to time. Such a provision is not contained in this Bill. The Supreme Court has other work to do, and we are one judge short at present; and it is not reasonable to think that everything should go by the board for the sake of this measure.

The Minister for Lands: You are referring to Clause 10?

Hon. J. C. WILLCOCK: Yes.

The Minister for Lands: That clause merely says that a month's notice must be given, and the court may function a fortnight or so afterwards.

Hon. J. C. WILLCOCK: That is not very clear.

The Minister for Lands: I think it is plain.

Hon. J. C. WILLCOCK: It is a matter that can be discussed in Committee. Another aspect of the Bill which one would like to discuss, though perhaps it is not quite within the scope of the measure, is that the Bill gives to the farmer the protection of his home and shelter in this time of stress.

The Minister for Lands: Also to landowners.

Hon. J. C. WILLCOCK: Yes. There are, however, worthy people, tenants of houses, who are not assured of shelter. In the recent discussion on unemployment I mentioned that many tenants had been given a protection order for three months, afterwards extended to six months, but that after the expiry of that term the position of such tenants was as bad as that of the farmer. The farmer cannot get a price for his commodity, and the tenant is in exactly the same position if he cannot find any outlet for his labour. The Bill protects the farmer for a couple of years as regards his home and his means of livelihood. People who are out of work are not assured of that protection, even as regards shelter during

this time of stress. Concurrently with this legislation there ought to be a declaration of policy on the part of the Government to the effect that whatever is good for the farmer as regards keeping his home together is also good for the worker. Not because a man is a land owner should he be assured of protection. It should be the policy of the State in these times to ensure that people who are honourable, who have been good citizens, who have sweated and toiled for this country, should not be denied the use of a home and put out into the street. That has occurred half a dozen times during the past week. Concurrent legislation should be passed to ensure that such people, if they are in distress, may have a guarantee of shelter. This Bill is purely legislation for the benefit of farmers and land owners. Similar protection should be extended to deserving cases of the nature I have indicated. I agree with the Minister for Lands that this Bill is one which no Government can have any pleasure in introducing. It is a Bill which no Parliament would think of passing in ordinary circumstances; but the times are such that extreme hardship would be suffered by many persons without such legislation. Only because of the present distressful time will I agree to the second reading. Protection should be granted to the people concerned until the depression lifts.

MR. SAMPSON (Swan) [5.29]: I regret what appears to be the haste in completing the second reading of the Bill on the day it is introduced.

Mr. Marshall: You did not object to haste in connection with the Financial Emergency Bill.

Mr. SAMPSON: I find a difficulty in appreciating the details of the Bill when, as is the case here, it is proposed to go into Committee immediately. On the other hand, I quite appreciate the Minister's desire to make available the consideration which the Bill proposes for those in whose interests it is brought forward. I should say that in 99 per cent. of cases of mortgagors in distress there would be no need for the powers contained in the measure. I do not believe that more than an almost negligible percentage of mortgagees would foreclose in the difficult times through which we are passing. However, as indicated by the Minister, there is need for the Bill, because even if the cases where its use would be essential are extremely

rare, protection should be given. In connection with mortgages, one phase has not been referred to so far. It relates to charges made by certain solicitors. Recently the fact was brought to my notice that an individual had raised a loan of £300 on a property that consisted of a brick house. There was ample security for the money. The mortgage covered a period of three years, and when that time had nearly elapsed, the solicitor wrote to the mortgagor saying that he was prepared, subject to a further inspection, the usual other fees, which, I understand, included a charge for procuration, a further agreement, and an additional half per cent. in interest, to allow the loan to operate for a further three years.

Hon. J. C. Willcock: Interest has been raised by 2 per cent. in some instances.

Mr. SAMPSON: I mentioned half per cent. interest, but I am not too sure that it was not 1 per cent. in the instance I refer to.

Hon. J. C. Willcock: One per cent. has been rather the general rule.

Mr. SAMPSON: At any rate, I did not want to over-state the case. To increase interest charges at all at present is wrong, and to impose additional charges on the same security, those charges including what were loosely referred to as "other fees," was entirely wrong. In this instance, the fees amounted to something like £5 15s.

Hon. J. C. Willcock: Principal has been reduced and interest increased at the same time?

Mr. SAMPSON: Of course it is quite wrong. It is a pity, in the circumstances, that protection cannot be granted mortgagors.

Hon. J. C. Willcock: The court will be asked to give a decision in one case.

Mr. SAMPSON: In another instance, a solicitor notified a person that the individual for whom he was acting was prepared to agree to a renewal of the mortgage subject to the payment of an additional 1 per cent. in interest. The person to whom he wrote, chanced to know the individual who was providing the money through the solicitor in question. Fortunately, he was able to discuss the matter with that person, and to his amazement he found that the individual who actually found the money did not know that his solicitor was putting up any such proposition. It is quite clear that efforts are being made by some unscrupulous members of the legal fraternity to enforce con-

ditions that are most unfair and cannot be borne by people who, in these times, cannot help themselves. To-day people are hard put to it to find money for the necessities of life, quite apart from providing additional money as indicated. Another phase that is omitted from the Bill is that relating to rates.

Mr. SPEAKER: I am afraid you are going outside the scope of the Bill.

Mr. SAMPSON: I want to draw attention to that question.

Mr. SPEAKER: There is nothing about rates in the Bill, and you cannot discuss that phase.

Mr. SAMPSON: May I respectfully draw your attention, Mr. Speaker, to the Bill which does extend to purposes for which money is loaned.

Mr. SPEAKER: Rates have nothing to do with the Bill. I cannot allow you to discuss that phase. Will you show me any clause in the Bill that deals with rates?

Mr. SAMPSON: Unfortunately, there is no clause.

Mr. Raphael: We can deal with that in Committee.

Mr. SAMPSON: The Bill imposes a burden on a section, but it should be a community burden and the local authorities should bear their share. The Bill should be so worded as to make it possible to have that effect. I regret that you, Mr. Speaker, will not allow me to speak at greater length on that aspect. It was my main reason for rising to speak. I agree with the member for Geraldton (Hon. J. C. Willcock) that only the severe conditions through which we are passing to-day justify such a measure. At the same time, the need for it is practically negligible because, in the majority of instances, no mortgagee would force the issue, seeing the need of the individual is so great in these days.

Members: Some have already done so.

Mr. SAMPSON: I say that, despite the harsh treatment meted out by the solicitor to whom I have referred.

THE MINISTER FOR LANDS (Hon. C. G. Latham—York—in reply) [5.20]: I thank hon. members for the manner in which they have received the Bill. Replying to the comments of the member for Geraldton (Hon. J. C. Willcock) with reference to the exclusion of the Crown from the operations of the Bill, I would point out that his argument really assists the position of the farmer than otherwise. Not only would the

Agricultural Bank have such matters as those he referred to brought before the trustees, but they would have to go to court and justify any foreclosure they had carried out. The hon. member will agree with me that the present is a most inopportune time for the Crown to take harsh steps in dispossessing men of their property. It is the duty of the Crown, if it is that of anyone at all, to retain men on the land to-day.

Hon. J. C. Willecock: Some of them.

The MINISTER FOR LANDS: If we take them off the land, what are they to do? They have to come to town and join the band of men who have no home, and thus aggravate their own positions. It is not as though the Crown would dispossess men of their property repeatedly. If that were done, it would depreciate the value of the security the Crown held. I do not think there is any likelihood of the Crown doing anything that would give cause for complaint on the part of people who own land.

Mr. Raphael: You do not believe in deflation.

The MINISTER FOR LANDS: That does not enter into this matter at all.

Mr. Raphael: It does. You said that if men were dispossessed, the land would depreciate in value, and that would affect your security.

The MINISTER FOR LANDS: I do not propose to answer the hon. member's interjection; it has no bearing on the question at all.

Mr. Kenneally: Will the Minister give us an explanation of the exclusion of applications that come under the purview of the courts under the provisions of the Tenants, Purchasers and Mortgagors' Relief Act?

The MINISTER FOR LANDS: The hon. member would probably agree with me that where there are two Bills operating with the one objective, it would be necessary to safeguard the position. The Bill before us will deal with land of a value greater than £50, and the possibility is that the people concerned will be excluded from the operations of the Tenants, Purchasers and Mortgagors' Relief Act, which deals principally with people who cannot pay their rent. In nearly every instance in which action has been taken under that Act, it has been on behalf of a tenant.

Mr. Kenneally: But the Bill also deals with interest due on mortgages and prevents foreclosure. The point on which I desire information is that money contracted for

prior to the 1st October will not be subject to the legislation.

The MINISTER FOR LANDS: Under the provisions of the Bill, any mortgage current at the time of the passing of the measure will come under its provisions.

Mr. Kenneally: By excluding others subject to the provisions of the Tenants, Purchasers and Mortgagors' Relief Act, you exclude all money contracted for prior to the 1st October.

The MINISTER FOR LANDS: What would be the result were it otherwise? I am afraid the result would be that the provisions of the Bill now before us would be made use of as a court of appeal by those who did not get all they desired under the Tenants, Purchasers and Mortgagors' Relief Act. It is not intended that the Bill will have the effect of setting up a court of appeal from decisions under that Act.

Mr. Kenneally: Perhaps we can go into the matter at greater length in Committee.

The MINISTER FOR LANDS: Yes, and I will look into it in the meantime. The Chief Secretary will be able to deal with that phase much better than I. The Bill will operate for 18 months only, and I shall be only too pleased if we find ourselves in a position to repeal the measure next June. With respect to the question of rents, I want to make it clear that the Government are doing all they possibly can at the moment. If we were to include in the Bill provisions relating to rent, we might make it harder for the people concerned. I do not wish to anticipate any legislation of which the Attorney General may give notice to-morrow, but in that respect something may be done that will relieve people in the position referred to by the member for Swan (Mr. Sampson). I may inform that hon. member that it is not proposed to take the Bill through the Committee stage to-day, but I hope members will be prepared to deal with the measure finally to-morrow. It is more a Bill to be dealt with in Committee than at the present stage. There is really one principle only embodied in the Bill and it relates to the protection of mortgagors or the purchasers of land.

Hon. J. C. Willecock: The only thing we can really discuss at the second reading stage is whether the necessity exists for such a Bill.

The MINISTER FOR LANDS: Yes, and other questions like those referred to by the member for Swan should be dealt with at

the Committee stage. I may add that it is not proposed to deal with lawyers' fees in the Bill, so I shall not reply to the hon. member who referred to that matter.

Question put and passed.

Bill read a second time.

BILL—ABATTOIRS ACT AMENDMENT.

Second Reading.

THE MINISTER FOR AGRICULTURE

(Hon. P. D. Ferguson—Irwin-Moore) [5.28] in moving the second reading said: The measure is a short one-clause Bill to amend the Abattoirs Act of 1909 and is designed to give power to the Minister to license persons before they are allowed to knock down any animal in a public abattoir.

Mr. Sampson: Such legislation is greatly needed.

The MINISTER FOR AGRICULTURE: The object is to abolish any unavoidable cruelty that may be apparent in the abattoirs throughout the State at the present time. The Act does not give the Minister power to prevent any person from doing that class of work, and it is desirable that such power should vest in the Minister. There are something like 30 butchers operating at our public abattoirs, and each has his own man for knocking down animals prior to slaughtering. The result is that in some instances, particularly in connection with the smaller butchers, the practice that the knocker-down gets is not sufficient to enable him to become expert at the job, and there is likely to be a little unnecessary cruelty. It is intended to continue the existing practice, but to allow only men licensed by the Minister to operate. Those men will have to satisfy the Controller of Abattoirs that they are capable.

Mr. J. H. Smith: What about country abattoirs?

The MINISTER FOR AGRICULTURE: This measure applies only to public abattoirs—the metropolitan area and Kalgoorlie.

Mr. Withers: Did the R.S.P.C.A. bring this matter under your notice?

The MINISTER FOR AGRICULTURE: Yes, and also under the notice of my predecessor. They do not altogether approve of the proposal in the Bill; they wish to go considerably further. They ask that only

humane killers be used, such as are used in England, Scotland, and some European countries. Men engaged on knocking-down are slaughtermen's labourers. Some butchers operate on only a small scale and have occasion to kill only a few beasts. Consequently the slaughterman's labourer does not get sufficient practice to enable him to become expert.

Mr. Sleeman: Is not that man paid only labourer's wages for doing it?

The MINISTER FOR AGRICULTURE: No, slaughterman's labourer's wages. With reasonable practice, almost any man can become expert at the work, and it would not be difficult for quite a number of men to secure the approval of the Controller of Abattoirs and obtain the necessary license. Only in isolated instances has there been unnecessary cruelty. Periodically it has been claimed that a lot of cruelty is practised at the abattoirs, but I am quite satisfied such statements are exaggerated. There are two public abattoirs districts, Kalgoorlie and the metropolitan area. In the metropolitan area there are two abattoirs, one at Fremantle and one at Midland Junction. At Kalgoorlie and Fremantle, the whole of the knocking down is done by an official of the Department of Agriculture, who has become so expert that he rarely misses his shot. Consequently there is no cruelty whatever. I have had an opportunity to watch the Fremantle man at work and I venture to say that 99.5 per cent. of the animals are knocked down with one blow. The same applies at Kalgoorlie. At Midland Junction there has been objection to the Department of Agriculture doing the work, and it has been done by the employees of the individual butchers, with the result I have mentioned.

Mr. J. H. Smith: You want to get more staff for Mr. Sutton.

The MINISTER FOR AGRICULTURE: Mr. Sutton would have nothing to do with it.

Mr. J. H. Smith: It would come under his department.

The MINISTER FOR AGRICULTURE: But would be controlled by the Controller of Abattoirs.

Mr. J. H. Smith: Who is controlled by Mr. Sutton.

Hon. W. D. Johnson: Who is controlled by the Minister, who is controlled by Parliament.

Mr. Marshall: And Parliament has no control at all.

THE MINISTER FOR AGRICULTURE: The hammer is used for knocking down in all the abattoirs of Australia, and, I think, of America. In the Old Country, where the beasts are hand-fed and consequently very quiet, a humane killer is used, but it is doubtful whether it would be effective here, because most of our cattle coming from the stations in the North are very wild. They would object to a human being approaching them so closely as to make the humane killer effective. Nevertheless, the R.S.P.C.A. are desirous that that method should be adopted, and have undertaken to secure a humane killer from the Old Country. I have agreed to allow them to try it at Midland Junction when it arrives. It would be wrong to perpetuate a system that permitted any unnecessary or avoidable cruelty, and I would not be a party to it. I am quite satisfied that the hammer, in the hands of an expert, is effective and is unaccompanied by unnecessary cruelty. I am sure the Bill will appeal to members as a genuine attempt to prevent unnecessary cruelty to animals slaughtered in the public abattoirs. I move:

That the Bill be now read a second time.

On motion by Mr. Millington, debate adjourned.

House adjourned at 5.38 p.m.

Legislative Council,

Wednesday, 5th August, 1931.

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

QUESTION—WHEAT, BULK HANDLING.

Hon. G. W. MILES asked the Minister for Country Water Supplies: 1, Has his attention been drawn to a statement by the Minister for Works, appearing in the "West Australian" of 4th inst., in reference to the bulk handling of wheat, wherein it is stated "the necessary legislation was now in course of preparation, but if the advance were received, operations would go right ahead without waiting for its passage through Parliament"? 2, Have the Government read Mr. J. J. Poynton's view on the above question? 3, If so, will the Government give Parliament an opportunity to discuss the question before committing the country to this expenditure?

The MINISTER FOR COUNTRY WATER SUPPLIES replied: 1, My attention has been drawn to the statement referred to. 2, I cannot answer for all members of the Government, but I have personally perused Mr. Poynton's remarks. 3, Yes.

LEAVE OF ABSENCE.

On motion by Hon. Sir William Lathlain (for Hon. J. Nicholson), leave of absence for six consecutive sittings granted to Hon. A. Lovekin (Metropolitan) on the ground of ill-health.

CONDOLENCE—RICHARD GEORGE ARDAGH.

THE MINISTER FOR COUNTRY WATER SUPPLIES (Hon. C. F. Baxter—East) [4.33]: I move—

That this House desires to place on record its appreciation of the public services rendered to the State by the late Richard George Ardagh, a late member for the North-East Province, and to express its deep sympathy with the widow and family in the irreparable loss they have sustained by his death; and that the President be requested to forward the foregoing resolution to his widow.

I am sorry to say that in the last few days death has claimed a gentleman—and a true one—who for many years occupied a seat in this Chamber. I refer to the late Richard George Ardagh, who was elected as a representative for the North-East Province in May, 1912, and continued as a member until 1924. The late gentleman was an old miner, and that occupation particularly fitted him