of Western Australia should be alive to its responsibility in this matter and realise, as I said in my opening remarks, that our democratic institutions require a Government to govern and not to be led along the paths of those who probably have other axes to grind than the essential interests of the State. It should be quite clear to the Government, as I am making it quite clear, that I have not brought down this motion for the sake of having an argument across the Chamber or for any reason similar to that. I have brought it down because I believe it is one of the fundamental reforms required in this State, and if it is not brought about on some reasonable lines in the very near future, there will be a great deal more trouble on the Government's hands in regard to the agricultural and primary-producing industries generally than there has been for many years. I commend the motion to the House; I hope it will be carried, and that action will be taken upon it, because, if action is not taken, I fear substantially the consequences.

On motion by Mr. McDonald, debate adjourned.

House adjourned at 9.22 p.m.

Legislative Assembly.

Thursday, 28th August, 1941.

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

QUESTION—PUBLIC BUILDINGS.

Mr. NORTH asked the Minister for Works:—1, What is the present position regarding the proposed new Government offices—is the expenditure subject to Federal approval? 2, Are there sufficient funds in hand? 3, Would labour and material present difficulties at the present time? 4, Have any plans been considered whereby Parliament House could be completed as an integral part of the reconstruction scheme?

The MINISTER FOR WORKS replied: 1 to 4, Tentative plans have been prepared and the whole matter is now under consideration.

QUESTION—TROLLEY BUSES.

Mr. CROSS asked the Minister for Railways:—1, Referring to his answer to my question on Tuesday last, relative to the supply of trolley buses for the Perth and South Perth passenger transport services, has he yet received from America a reply to the cabled inquiries? 2, If so, what is the nature of the reply?

The MINISTER FOR RAILWAYS replied: 1, Yes. 2, Report has been received from the Commissioner of Railways in regard to this matter, and is under consideration at the moment.

BILL—STATE TRANSPORT CO-ORDINATION ACT AMENDMENT.

Second Reading.

THE MINISTER FOR WORKS (Hon. H. Millington—Mt. Hawthorn) [4.34] in moving the second reading said: This short Bill is introduced for the purpose of bringing the omnibuses operated by the Commissioner of Railways into line with all other vehicles under his control. As the Act now stands, all vehicles used by the Government or by a privately-owned railway or tramway, or a trolley bus operated by or on behalf of the Crown, are excluded from the provisions of the Act. The Commissioner of Railways now has omnibuses in use on the Perth-Swanbourne via Stirling-highway and East Perth-Floreat Park routes. Additional buses are on order, or in prospect. Members are aware that the provisions of the State Transport Co-ordination Act were enacted primarily to safeguard State-owned transport facilities from unfair competition by privately-owned vehicles, and that the provisions of the Act could not appropriately be applied to State-owned vehicles such as the new omnibuses.

Part I of the Act contains preliminary matter consisting of definitions, and it refers to a description of vehicles which reads:—

"Vehicle" means a vehicle propelled by means other than animal or human power, and the term includes aircraft, but does not include a vehicle on a railway whether used on a Government or privately-owned railway or tramway, or trolley bus operating on behalf of the Crown.

After the words "trolley bus" the words "or omnibus" are to be inserted. It was never intended that omnibuses operated by the Crown should be subject to the State Transport Co-ordination Act. The Bill exempts such omnibuses from the operation of the Act. I move—

That the Bill be now read a second time.

On motion by Mr. Doney, debate adjourned.

BILL—BAPTIST UNION OF WESTERN AUSTRALIA LANDS.

Second Reading.

Debate resumed from the 26th August.

Mr. THORN (Toodyay) [4.37]: I have had the opportunity to peruse information regarding the past history of legislation of this nature. The present small Bill has been introduced by the Minister for Lands in order to give the Baptist Union the same privileges as have been extended in the past to other denominations, including the Anglican, Roman Catholic and Presbyterian Churches, as well as the Perth Hebrew Congregation. The immediate object of the Bill is to allow the Baptist Union to sell, lease or mortgage a block in South Perth which was granted to it in 1901 for the erection of a church, but which has since been found to be unsuitably situated. A church has been erected elsewhere. The Bill empowers the Baptist Union to sell, lease or mortgage that block, or other blocks, subject to the understanding that the proceeds of such transactions will be devoted to the purpose for which the land was originally granted. I see no harm in assenting to the measure, which provides safeguards, including one to the effect that any transaction relating to the blocks must be approved by the Government.

HON. C. G. LATHAM (York) [4.39]: I have one remark to make concerning Bills of this class. Usually they refer to grants of land made by the Crown to denominational organisations—churches in particular, though the churches are not the only organisations obtaining lands from this source. Such an organisation holds the land for some time, and then finds it profitable to sell the land. I have no objection to such sales, upon condition that the proceeds be applied to the purpose for which the land was originally granted; that is to say, that the proceeds be used either to purchase other lands for church purposes or to erect buildings on similar blocks. I do not consider it would be fair to make grants of land to churches, or any other organisations for that matter, allow them to hold the land for some time and then sell it and apply the proceeds to some object quite foreign to the original intention. I have in mind the enormous areas of endowment land held by the University. It is on that account I ask the House to instruct all Governments—not merely the present Government—to be careful in introducing measures of this kind. The Government should satisfy itself that the money to be received from the sale of the land will be applied to the purpose for which the land was granted.

The Premier: There is a safeguarding proviso in the Bill. No transfer, mortgage or lease shall be valid unless countersigned as approved by the Governor.

Hon. C. G. LATHAM: I am aware of that, but I emphasise that we ought to have a clear understanding from the churches as to what they propose to do with the proceeds of the sale of these lands. The Congregational Church owns a piece of land at the East Perth Cemetery site. At one time an endeavour was made to exchange it for a piece of land elsewhere in the metropolitan area.

The Premier: That land is in Wellington-street.

Hon. C. G. LATHAM: Yes. That matter may have been arranged. There was justification in that instance, as the land, because of its isolation, was much more valuable to the Crown than to the church. Bills similar to this have been introduced for years and years.

Mr. Marshall: The fact that such Bills have been introduced for years and years does not make the practice regular.

Hon. C. G. LATHAM: That is what I said. The House should be given an opportunity to check these matters; we should not

become lax with respect to them. There is no objection in this instance. As a matter of fact, the State very often gives land away for purposes not so high as church purposes.

The Premier: That is excused by the State saying the land is not particularly valuable; but it grows in value.

Hon. C. G. LATHAM: It is held for years and years. As a matter of fact, the piece of land affected by the Bill was granted to the church when Mr. Richardson was Commissioner of Lands. Its area is half an acre, and perhaps it is of great value today. The late Lord Forrest signed the Cabinet minute.

Mr. Withers: I suppose the local authorities received rates on the land.

Hon. C. G. LATHAM: No. The land lies idle and increases in value because of the settlement that takes place around it. It makes no contribution to the welfare of the community. We ought to be careful about allowing churches to hold land indefinitely in this way.

MR. McDONALD (West Perth) [4.44]: I support the second reading. I understand the object of the measure is to give to the Baptist Union in respect of this land powers which are enjoyed by a number of other religious organisations. It is reasonable that we should do this, and I think the Bill should be passed.

THE PREMIER (Hon. J. C. Willcock—Geraldton) [4.45]: I point out that the Bill contains a safeguarding proviso at the end of Clause 2. I have noticed that when these land transactions come before the Executive Council, great care—I am not claiming any particular virtue for this Government; it has been exercised by other Governments—has been taken to make full inquiry before consent has been given by the Governor to any proposed action. It is for that reason the proviso to which I have referred was inserted in the Bill. I do not think succeeding Governments will be less anxious than is this Government to preserve the public estate. This safeguarding proviso will prevent the dissipation of any money which may be derived from the sale of the land in question. The House can rest assured that Government administration of public lands has been on an extremely high plane. Many things, about which we have had no cause for complaint in this State, have occurred in the other States in land administration. That absence of complaint arises from the fact that the Government takes the responsibility. Someone might say that what occurs in the Executive Council is not made public, but generally it does become known. I agree to some extent with what the Leader of the Opposition has said, but the position is safeguarded by the proviso to Clause 2.

Question put and passed.

Bill read a second time.

BILL—METROPOLITAN WATER SUPPLY, SEWERAGE, AND DRAINAGE ACT AMENDMENT.

Second Reading.

Debate resumed from the 26th August.

MR. SHEARN (Maylands) [4.47]: This Bill concerns the activities of a public department rendering important service to the metropolitan area. When introducing the measure, the Minister pointed out a number of difficulties that might arise; vacant land might be improved after the striking of the rate on the 1st July in any year, but as the law now stands the department would be unable to re-assess that land until perhaps the beginning of the following year. The Minister rightly pointed out that the department should be able to re-assess land in the same way as is provided in the Municipal Corporations Act. It may fairly be said that the Minister has ample justification for the introduction of this measure. I personally am concerned with one aspect to which the Minister made passing reference, and that is that hitherto guarantees have been demanded by the department respecting extensions of water supplies.

From my experience as a member of a civic authority, I know that on several occasions we have had to go to the extent of giving the department an interim guarantee in order that we might obtain an extension of a main. The attitude taken up by the department was that, if it did extend a main, it required a reasonable guarantee that the land—or the intervening land—would quickly be occupied. If the Bill is passed I understand that difficulty will be overcome. The measure should prove of great advantage to many metropolitan areas which are fast developing, as the extension of water mains to them will be an important

feature of their development. I consider the Bill fair both to an important public utility and to the people. I am sure no person will lose anything by the passing of the measure. During the course of the Minister's speech, a member interjected that there was a probability, or possibility, of the department's making intermediate valuations as the result of a certain set of circumstances. Whilst I readily admit such action is possible, I suggest to the hon. member that such a course would be improbable and perhaps impracticable. On general principles, and for the particular reason I have mentioned, and because of the fairness of the measure both to the department and to people seeking extensions of mains, I support the second reading.

MR. McDONALD (West Perth) [4.50]: I support the Bill with a certain amount of reluctance. At present if a man erects a property—whether it be a dwelling or a building of any other type—he necessarily does so between the two annual valuation periods, and he cannot be charged metropolitan water rates on the added value following the improvement of the land until the end of the year during which the improvement was made. In a young country like this it is highly desirable to encourage people to build; to encourage capital to be invested here; and encourage use to be made of vacant land. Consequently it seems just a little hasty to provide that before a building has been up for a year and before the annual valuation period has arrived, the tax-gatherer should be on the doorstep ready to walk in with the first tenant. I appreciate what has been said about the measure bringing in additional revenue, but when the need for encouraging people to build is taken into consideration, it seems to me that we are acting a little sharply in coming in so rapidly to secure additional revenue by way of rates on improvements which a man makes to what has hitherto been vacant land.

Mr. Marshall: Do you not think that a reduction of rates would be as readily granted if circumstances warranted it?

Mr. McDONALD: I am coming to that. The Minister pointed out that the Bill cuts both ways; that if a house were burnt down it would be within the power of the tenant to secure a reduction of his rating between the annual valuation dates commensurate with the destruction or depreciation of the improvements on the land. Members know, however, that the destruction of a building, the rapid or drastic deterioration of an improvement between two annual valuation dates, is much less likely to occur than is the erection of a new building or the making of additional improvements. The situation is rather like that described in the old verse about the owl and the panther who shared the pie. The owl had the pie crust, the gravy and the meat, and the panther had the dish for its share of the treat. In this instance I think the Water Supply Department will have the pie crust, the gravy and the meat, and the owner will have the dish. At the same time, I do not want to oppose the Bill because it brings the law regarding the levying of water rates into line with what the Minister says is the law regarding municipal rating. I have always been in favour of uniformity in the incidence of taxation and for that reason I offer no opposition to the measure though, for the reason mentioned, I do feel that under the Municipal Corporations Act and through the amendment we are now discussing, we come in rather rapidly for extra rates from a man who is doing something for the benefit of the community by spending money and effecting improvements to what was previously vacant land.

MR. DONEY (Williams - Narrogin) [4.55]: Despite the small objection raised by the member for West Perth (Mr. McDonald) I give my willing support to the Bill, which seems to me to be in the interests of fair play and uniformity. I have previously heard the objection raised by the hon. member but, as he knows, the Road Districts Act and the Municipal Corporations Act already make provision for variations in valuations at any time between the beginning of the financial year and its end, provided there has been any reduction in value by demolition, fire or other cause, or on the other hand an increase in value on account of new buildings or other improvements. I do not think any real trouble has ever arisen in respect to the matter referred to by the hon. member. About four or five years ago some very big premises were burnt down and the Water Supply Department had the right, which it exercised, to call upon the owners of the premises to pay something like £1,000 in water rates. The Bill will at least have the effect of wip-

ing out anomalies of that kind, because it certainly was an anomaly.

Mr. Marshall: It may not have been. These rates are payable in advance.

Mr. DONEY: It may not be an anomaly in the hon. member's mind but it is in mine.

HON. W. D. JOHNSON (Guildford-Midland) [4.57]: I admit I do not quite see the need for this legislation beyond the fact that it is a means by which additional revenue may be secured. I cannot imagine that there will be any writing-down. It will always be a question of writing-up! Perhaps I am wrong in this regard, but I am going to be honest enough to say that when I find the Opposition and the Government in agreement on a matter of this kind, I always fancy there is a repercussion coming from somewhere. I confess I cannot see it this time, but nevertheless I always have a feeling that when there is agreement of this kind it is a case of just a little bit too much unanimity.

Mr. Doney. You need to get rid of that suspicious nature of yours!

Hon. W. D. JOHNSON: Matters of this kind are technical. One needs to have some little knowledge of municipal administration, and to have had dealings in land. Members on this side of the House have not had much experience in that regard. We are not dealers in land and a few of us have the municipal experience to help us in properly analysing measures of this kind. What I do when such measures are introduced is to send copies of them to all local governing bodies in my electorate asking for an expression of their point of view, if they feel that their point of view needs ventilation. I did not follow the Minister's remarks, and for that I suppose I am due for discipline. I believe I was out of the Chamber while he was speaking. On such occasions I immediately look through "Hansard" to see what has been said by a Minister. In this instance, however, the Minister's utterances are not in "Hansard" because the publication is not yet available. Consequently I do not know the Minister's justification for introducing the Bill.

There is another phase of the matter. I do not want to be offensive, but I imagine that the Opposition always leaves the destiny of measures of this kind in the hands of members of another place. They know very well that matters dealing with property, rent, rating and revenue, are always very closely scrutinised by those who are so directly concerned. This side of the House is not concerned to any great extent. Another place is elected for that special purpose. They scrutinise these measures very closely in order to protect the interests they represent, namely, property. It is quite possible that this measure will be supported by both sides of the House, and then it will reach another place. When that House has finished with it—if it gets back here at all—we will then have to analyse it and inquire into it as we should do before we pass it.

I candidly admit I am suspicious. I do not like this unanimity. I do not like a Bill going through so quickly when we have not an opportunity, for the reasons I have outlined, of reading the Minister's introduction to explain exactly what is behind it. If it is purely a question of increasing revenue, then I cannot understand the Opposition being so generous as to support the taxing of land and rateable property for the purpose of increasing the revenue of a Labour Government.

Mr. Doney: You want to oppose the Bill when it does no harm.

HON. N. KEENAN (Nedlands) [5.2]: I may possibly allay the undue suspicions of the member for Guildford-Midland (Hon. W. D. Johnson). This is simply a measure to increase the revenue of the Water Supply Department. No one imagines for a moment that the power given here to the Minister to reduce rates, because of property having diminished in value, is going to be exercised. This department is the greatest revenue-producing department of the Government.

Mr. Marshall: No, the Taxation Department is.

Hon. N. KEENAN: No, this will beat the Taxation Department.

Mr. Marshall: They can get blood out of a stone.

Hon. N. KEENAN: At Nedlands, although the rental value for land was fixed at the 31st July, 1939, this department has put up all the rental values, even though it is absolutely against the law, in order to get an increased revenue. This Bill is simply designed for that purpose. I admit, if the Minister will allow me to tell him, that

logically it can be argued, as he has done, that during the course of the term for which rates are fixed, which is a term of 12 months, very considerable variations in values may take place. It may be that buildings of greater values have been put up, or, on the other hand, that a building of considerable value is destroyed.

But this particular measure goes further than the mere total destruction of a building or the erection of new buildings. It gives power to the Minister to re-assess under any circumstances where the value is greater than the amount previously assessed; or, of course, to reduce if a reduction was resorted to beyond the amount previously assessed. Take the case of Kalgoorlie. During the course of one single year, in the days when mining unfortunately was under a cloud, values tumbled down. The member for Brownhill-Ivanhoe (Mr. F. C. L. Smith) well knows that. There was no reduction made then by the municipal council. They did not do so because rates are made, it seems to me, on the basis of continuing for a year, at any rate, when they may be reviewed and reassessed, and not be subject, as was suggested by interjection, to review and reassessment every week. The term of one year was, no doubt, fixed upon as being a reasonable term in which to allow things to remain static. A review could be made at the end of that period. Here the Minister wants to take power to review as often as he likes—52 times in the year if he so desires. I admit, of course, that is fantastic, but actually the measure gives that power.

The Minister for Works: If you had a good case, you are spoiling it. It is ridiculous.

Hon. N. KEENAN: It is not ridiculous. This department is a greater collector of moneys from the people of this State than is any other department. The Minister should tell us, perhaps, what justification it had for raising rental values in my particular electorate when, in fact, it was against the law to raise them. The road board there rates on the unimproved value so there is no comparison. Otherwise, no doubt, a comparison could be made. Here we have the proposal simply to give more revenue to this department. I see no reason for more revenue being wanted. Is the department today in a position involving the necessity for collecting more revenue? If that is the case one could find some justification, but we do not know that that is the case. We know of no reason at all to give this department more revenue. I find myself not disposed to offer individual opposition because I do not think I would have even the support of the member for Guildford-Midland, if it came to an actual vote.

Hon. C. G. Latham: He only talks; he never supports.

Hon. W. D. Johnson: I think. I wish you would sometimes.

Hon. N. KEENAN: That does not matter. I am not enthusiastic at all about this Bill. It is simply a measure for collecting further revenue without that being necessary.

HON. C. G. LATHAM (York) [5.9]: This is a very simple Bill. It is not necessary to read the speech made by the Minister. It sets out very clearly what is intended. I wish all legislation was as clear as this. We would then have no headaches from trying to understand what is really meant. I resent the member for Guildford-Midland (Hon. W. D. Johnson) coming along and telling us that he does not like an unholy alliance between the Opposition and the Government on any kind of legislation. When the Government is right, we will support it irrespective of whether it pleases the member for Guildford-Midland or not. We are not worried about his views or ideas.

Hon. W. D. Johnson: You are making a lot of fuss.

Hon. C. G. LATHAM: And more particularly when he said we send it along quietly to the House of review.

Hon. W. D. Johnson: You have done it over and over again.

Hon. C. G. LATHAM: We have not. If we have opposition to a Bill we do not hesitate to voice it. If the hon. member attended the House more frequently, he would hear that; and that is not casting any reflection on him. I have no objection to this type of legislation. A speck builder may erect a house in July. Assessments are made in the first week of that month. He later leases the building for a year. He pays nothing for water supply or sewerage until the following year, with the result that he has that benefit himself and certainly does not pass

it on to his tenant. As a service has been rendered, why should not the department receive payment?

Mr. Marshall: In the instance you quote the man would pay a charge for excess water consumed.

Hon. C. G. LATHAM: I agree that he would have to do that because he would be entitled only to such quantity of water as he used day by day during the operations.

Mr. Marshall: The charge for excess water is much higher than are the ordinary water rates.

Hon. C. G. LATHAM: No, the charge is the same. It is about 1s. a thousand gallons.

Hon. W. D. Johnson: The man would pay sewerage rates.

Hon. C. G. LATHAM: No, he would not. I pointed out that no rates would be struck until the end of the year; therefore services rendered should be paid for.

Hon. W. D. Johnson: The man would pay a sewerage rate based on the unimproved land value.

Mr. J. Hegney: Of course he would.

Hon. C. G. LATHAM: The department takes the valuation fixed by the local authority and a rate is struck on that basis. It may be 1s. or 1s. 3d.; I can look that matter up later.

Hon. W. D. Johnson: If the land is within a given distance of a sewer, it is rated.

Mr. SPEAKER: Order! Will the Leader of the Opposition address the Chair?

Hon. C. G. LATHAM: I have always found that in the event of a local authority ordering the pulling down of a property, no rebate is received by the owner from the local authority or from the Government. Now, under the Bill before us, the individual will have the right to go up to the department——

Hon. N. Keenan: There is no right. Read the clause! You will see that it says "the Minister may."

Hon. C. G. LATHAM: Nevertheless the individual is to have the right to go to the department. I admit there is nothing to compel the Minister to comply with any request that may be made to him. If the individual could make out a good case, with the amended law it might be possible for him to secure a rebate of a charge levied during the year. For that reason I cannot see any objection to the Bill. I agree with the member for Nedlands (Hon. N. Keenan) that if a small addition to a building, involving the expenditure of £10 or £20, were to be put in hand, a re-valuation should not be made; but that is not likely.

Mr. F. C. L. Smith: The valuation could be arrived at on the land without looking at the building at all.

Hon. C. G. LATHAM: I know that has been done, and I propose to have something to say about it at a later stage. That represents one method by which the present Government has increased its revenue without the public being aware of what was going on. To my mind that is improper. Under the Metropolitan Water Supply, Sewerage and Drainage Act the Government is empowered to increase rates all the time. There is no necessity for the House to be approached on such a matter, and so the rates are increased by 1d. now and again, with the result that the water and sewerage charges in the metropolitan area have become very high.

Mr. Withers: That is to keep pace with the price of tea!

Hon. C. G. LATHAM: I have always argued that State utilities should not be used as taxation media. The revenue should balance the cost of the service rendered in each instance. Those utilities are now making fairly substantial profits and the people should not be taxed in such a manner. I have even voiced my opposition to the action of the City Council in levying fairly high charges for gas and electricity and making big profits as a result. Those profits have to be paid by the householder and not by the owner. The principle is wrong. However, that does not affect the Bill, the effect of which will be to place the man who has improved his property on the same basis as others similarly situated.

THE MINISTER FOR WORKS (Hon. H. Millington—Mt. Hawthorn—in reply) [5.15]: The Bill is self-explanatory. Even the Title is most illuminating for a measure of such limited length. There is a precedent for the Government taking the power that is sought inasmuch as local authorities already have a similar right—and exercise it. The member for West Perth (Mr. McDonald), who almost invariably uses the right word and the appropriate phrase, referred to the Water Supply Department as "a tax gatherer." In this instance I do not think he used the correct word. Whatever may be said of a department that the

Premier controls, the department under discussion is merely a servicing branch of Government activities. All the Bill seeks to achieve is that people shall pay the proper amount for water supply, sewerage and drainage services. If they do not pay the right amount, someone else has to do so. The objective is to see that the financial load is fairly apportioned. I see nothing inequitable in asking a person, who builds on what was previously a vacant block past which the water main may run, to pay a charge of 10s. Why should he not pay for water when he starts to use it?

Hon. N. Keenan: He will; he does so today.

The MINISTER FOR WORKS: No.

Hon. N. Keenan: Yes; once the charge for the water exceeds the rate of 10s., he pays.

The MINISTER FOR WORKS: But he cannot exceed the amount of the rates until a meter is installed on the property. Until then, there can be no excess water charge.

Hon. C. G. Latham: Nearly all the properties have meters, even in Nedlands.

The MINISTER FOR WORKS: The department gives these people a fair deal.

Hon. C. G. Latham: I am not complaining on that score.

The MINISTER FOR WORKS: And the people make use of the water supply. The idea seems to be prevalent that the department uses this service as a medium for taxation. The member for Nedlands (Hon. N. Keenan) always scrutinises the finances closely. He may be interested to know that in the operations controlled by the Metropolitan Water Supply Sewerage and Drainage Department there is vested not less than £9,000,000. On that investment the department collects £500,000 a year. Members will agree that that represents a fair sized business undertaking. As for making profits, members will have to search for them. Very little profit is made; we just get round the financial corner.

Hon. C. G. Latham: I will give you your profits later on.

The MINISTER FOR WORKS: That is what the department should do, and therefore water supply, sewerage and drainage services are rendered at cost price. That is what is actually done. Now some members suggest that the people should not be asked to pay even the cost price of the services rendered to them. A house having been built and the tenant having taken up residence in it a month after the rate is fixed, and the landlord—the landlord has been mentioned and he is a good stalking horse—having had the benefit of the rent for 11 months, I fail to see why the latter should not pay water rates. We cannot reassess that property. Section 81 of the Metropolitan Water Supply Sewerage and Drainage Act reads—

> The net annual value or capital unimproved value set against all rateable land in the rate books kept by the Minister as aforesaid shall, subject to appeal as hereinafter provided, be the rateable value thereof for the current year.

We have no right to vary that rate at all. Once it is struck, the rate applies throughout the year. The rate struck for water in my time was 1s. 7d. in the pound and it was later reduced to 1s. 6d. We are not profiteering now. True, the sewerage rate has been raised, and members can readily understand why that was necessary. The sewerage system has been extended to the houses throughout the metropolitan area, and it is certainly one of the finest of schemes. The mains have been carried even to Guildford, but in the scattered parts some of the houses will not be connected. However, it was necessary to increase the sewerage rate. The drainage rate has a limit of 5d., and we have reached the limit. That just about pays interest and sinking fund on the amount invested. I do not think the department can be called a tax-gatherer any more than the term can be applied to a man who delivers bread. Water is just as essential to us as is bread. No sound argument can be advanced in favour of letting a man off the payment of rates for nine months.

Take the other side of the picture. Would the member for Nedlands suggest that, if a building was demolished during the year, the owner would not have a claim at law for a rebate? To suggest that, when legislation has been passed to give relief to ratepayers, a claim would not be honoured by the Minister is not right. Steps will be taken to ensure that the correct rate is collected, and in the event of a place being demolished, I am confident that any Minister would be advised of the fact by his officers and that a refund would be recommended.

There is a misapprehension regarding unimproved land values. Broadly speaking, all that we can charge on land past which the mains run is 10s. a year. We could rate on the unimproved value of the land, but we do not do so. Although road boards rate on the unimproved value, we rate on the fair rental value.

Hon. N. Keenan: Why do you rate on the rental value?

The MINISTER FOR WORKS: Very seldom are those valuations challenged.

Mr. Raphael: What would be the use of challenging them? The ratepayers would get nowhere.

The MINISTER FOR WORKS: As I said, many local authorities rate on the unimproved value, but we rate on the rental value. With the department there is no variation. The custom is to take the actual rental value and allow a deduction of 40 per cent. If the rental value of certain premises was £100, those premises would be rated by the department on a value of £60. I could mention a dwelling-house to which those figures actually apply. The rental values of several properties at Nedlands were increased by the department.

Hon. C. G. Latham: I think all of them were.

The MINISTER FOR WORKS: Not all.

Hon. C. G. Latham: I do not know of any that were not, but I know of a lot that were.

Hon. N. Keenan: No, but a great number were increased.

The MINISTER FOR WORKS: Many of the owners notified their intention of appealing.

Hon. N. Keenan: Have not they the right to appeal?

The MINISTER FOR WORKS: Yes, but they found they had no ground for appeal, and all, with the exception of one or two, withdrew.

Mr. F. C. L. Smith: They had to pay their rates first of all.

The MINISTER FOR WORKS: Not one of those ratepayers thought he had a case. Do members suggest that some people should be excused the payment of rates? I have heard of hotels being assessed at a rental value of £200, whereas the actual value was about £1,000 a year. I doubt whether any of those Nedlands residents could sustain an appeal in any court. If the member for Nedlands took the formula I have mentioned and inquired into the facts, he would find that the rental value in each instance was over and above the actual rental value after allowing the reduction. I discussed the matter with the Under Secretary.

Hon. N. Keenan: The rate was changed from July, 1939.

The MINISTER FOR WORKS: I am suggesting that those people were previously rated at too low a value.

Hon. C. G. Latham: Rents could not have been increased on account of the fair rents Act.

The MINISTER FOR WORKS: There were various houses and business premises which were rated too low.

Hon. C. G. Latham: I am afraid you made an increase on account of the war. You forgot the legislation introduced by your Government.

The MINISTER FOR WORKS: In times like the present, members would expect our officials to be alert.

Mr. F. C. L. Smith: They are undoubtedly alert.

The MINISTER FOR WORKS: I would have reason to complain if the officials did not exert every effort to collect the rates. I admit that they do adopt all possible means to collect them; that is their job. Furthermore, I emphasise that the department gives value for the rates collected.

Mr. Raphael: It even cut off the supply and left kiddies without water merely to get a few lousy bob.

The MINISTER FOR WORKS: I do not know of that case.

Mr. Raphael: Not one, but dozens of cases.

The MINISTER FOR WORKS: They could be given attention. This is an attempt to hold the scales evenly. Those who should pay will pay, and those who are entitled to a rebate will get it under this proposal.

Question put and passed.

Bill read a second time.

In Committee.

Mr. Marshall in the Chair; the Minister for Works in charge of the Bill.

Clauses 1 to 3—agreed to.

Clause 4—New Section, power to amend valuation and adjust rates in certain cases.

Hon. N. KEENAN: I cannot accept the statement of the Minister that the rental value on which are based the rates in the

metropolitan area has not been changed, although the law, especially emphasised by the Minister for Industrial Development, has fixed that rental value until the conditions of the war have come to an end. The Department of the Minister for Works has, however, altered the value, probably for the purpose of getting more revenue in. Whether the alteration is designed to get in more revenue or merely as an experiment, I cannot say, but I can see nothing to justify the department in doing something which the Minister for Industrial Development is so desirous of preventing individuals from doing. I enter my protest against that sort of thing.

The MINISTER FOR WORKS: Does the hon. member suggest that all assessments are uniformly right, and that nothing should be reviewed? As a result of the appeals to the Perth City Council we have received nearly £4,000 more in revenue, and yet they are the same properties that are rated although they are rated under different assessment authorities. Every opportunity has been given to people to state their cases. The annual value has been raised, not only in Nedlands, but in many other places where such properties were under-rated. The grievance that any ratepayer would have would be on the score that he was not being uniformly rated. People who can show that they are over-rated have a grievance. In Nedlands the properties are more equitably rated. I do not know whether it can be said that some are over-rated and others under-rated, but I do know that until recently certain buildings were under-rated. The action of the department is an attempt to place the burden fairly on all properties. If it can be shown that that is not so, I am prepared to look into such instances. I agree that the rates should be fairly carried by all ratepayers. If the hon. member will give me a list of the cases in Nedlands that he has in mind, I am prepared to look into them.

Hon. N. Keenan: You will be lucky if you are not prosecuted by the Minister for Industrial Development.

Mr. RAPHAEL: The Minister has touched upon assessments by the Perth City Council, and referred to the increased revenue obtained by the Government, as a result of the re-assessment of the value of city properties. On every occasion when an appeal has been made for a reduction in rates, I have voted for it.

The CHAIRMAN: This clause does not in any way enter upon matters appertaining to the Perth City Council.

Mr. RAPHAEL: The Minister has referred to the amount collected by the Government in rates and to the alterations which it is proposed to effect by an amendment to the Act.

The CHAIRMAN: The hon. member is dealing with the wrong Bill.

Mr. RAPHAEL: I regret that is so. The changes made in the rating of properties in the City Council has led to an increase in revenue for the Government. Every appeal against city rating also constitutes an appeal against the water rates. Actually the Government has lost revenue through the failure to secure an increase in the rates imposed upon the grounds owned by the Western Australian Trotting Association. The Water Supply Department already possesses too much power. I know of instances in which women and children have had their water supply cut off. Those people would be prosecuted if they took water from an adjoining property. I would certainly not give more power to the department, and hope the clause will be defeated. I would not be in favour of doing anything that would enable the department to treat people more harshly in the future than it has done in the past.

Clause put and passed.

Clause 5, Title—agreed to.

Bill reported without amendment, and the report adopted.

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

Second Reading.

Debate resumed from the 26th August.

MR. WATTS (Katanning) [5.43]: I do not intend to oppose the second reading of the Bill, although at first sight there seems to be strong objection to the Minister's proposals. In the course of his second-reading speech the hon. gentleman said that when the Act was first passed it was assumed that tenants would look after their legal rights and assure themselves that they did not pay more than the standard rent as at the 31st August, 1939, or the fair rent in all cases where the matter had been the subject of an application to the Fair Rents Court; but

he had found in the course of the months during which the Act had been in operation that tenants had failed to look after themselves—that they had mainly preferred, under pressure of shortage of premises in which to live, to pay rents above the standard rentals or fair rents as the case might be.

The Minister now wants to put such tenants in a position where they can recover the excess rent, and also to make provision whereby the landlord in question can be prosecuted for an offence against the Act, in consequence of overcharging, not only by the tenant affected or by the Minister or by some officer of his department but by any person who chooses to lodge a complaint. I propose in Committee to move that that provision be amended, because I do not think any person not within the specific provisions of the measure should be allowed to institute proceedings for an offence against the Act. We do not want to open the door for the laying of complaints any wider than it normally is open. Under the provisions of the Bill tenants will have the right to go to the court—that is quite specifically provided by the Bill—to recover any rent they may have paid in excess of the fair rent or standard rent as the case may be. There are grounds for saying that it should only be in cases where there has been a scandalous disregard of the law by the landlord that proceedings ought to be taken.

Mr. Raphael: What about hotels?

Mr. WATTS: They are all in the same category, whether they be hotels or butcher shops. I am not concerned whether anybody gets an increase or does not get an increase if the matter has been fairly decided by the judiciary. I can only assume that the member of the judiciary or magistracy who is responsible for the decision has arrived at the decision on the evidence presented before him with a full knowledge of the intention of the Act and all that it provides for, and that he has made a decision for an increase in rent prescribing it as the fair rent of the premises. The tenant has to pay it; if he pays it he cannot ask for it back, because under this law it becomes the fair rent of the premises in question.

I admit that the Act provides that if there is any increase in rates the rent may be increased by the landlord in order to recoup himself for that increase in rates. When one hears that since the passing of the Act Government departments have increased rates, one knows of course that that fact increases the rent; and I take it that this would also give opportunities for a further increase in the annual value for rating purposes, which in turn would give rise to an increase in the rates, and so on ad infinitum. For that reason I am a little surprised to hear, bearing in mind the provisions of the Act, that there have been during the period of war any substantial amendments in the assessments for rating purposes by way of increase.

But to return to the point of prosecutions. I trust the Minister will agree that it should only be in cases where there has been some scandalous disregard of the law that in addition to the right of recovery of excess rent there should also be a prosecution, and that in such cases the power to prosecute or lodge a complaint should not be extended beyond the usual conditions existing at the present time in regard to all complaints. I also think that any complaints under this Bill, if it becomes an Act, should be heard and determined by a resident or stipendiary magistrate. There will be questions, I am sure, where the points involved will be somewhat difficult; and such cases should not be left to honorary justices who, while they may do their duty to the best of their ability and in all honesty, are not equipped with the necessary knowledge for dealing with complaints under legislation such as this, which is not of an ordinary nature. Moreover, if one reads the Act one will find that it involves a number of points which might prove knotty from a legal aspect. I hope the Minister will agree to an amendment of that nature.

Lastly, I regret that the hon. gentleman has not seen fit to clarify Section 12 of the Act. When the Act was passed, it was suggested that Section 12 would result in leases being extended for the full term of the period during which the Act was in operation, because the section provides—

> No order for the recovery of possession of land to which this Act applies, or for the ejectment of a tenant therefrom, shall be made so long as the tenant continues to pay the standard rent, or the fair rent as determined under this Act, and performs the other conditions of the tenancy. . .

There are some exceptions to that, I admit. The net result would be that in certain townships which have increased in size and population and where business has expanded, leases have come to an end; the landlord in

normal times would have been entitled to call for tenders for a new lease of his premises, which must have increased in value, and an increased rental would fairly be payable for them. But the landlord finds the tenant says to him, "I am going to keep the premises at the same rent; you cannot put me out." Such action has resulted in a permanency of the lease which I am sure was never intended.

It is, of course, possible to go before a Fair Rents Court and argue the matter out; but the restrictions on the powers of that court, as set out in the Act, seem to me to prevent to some extent its giving proper consideration to the points I have just raised. I was hopeful the Minister might have brought down some amendment of this section to clarify the powers of the court in such circumstances. He has not done so, however, and it is of course impossible for me to do anything about the matter at this stage. As I said, I have some misgivings as to supporting the measure, because one would have expected, as the Minister said, that the tenants would sit tight on their legal rights and that it would not have been necessary to give them extra powers for the recovery of the rent that they paid in excess, for they certainly should not have paid any rent in excess. However, this is an emergency matter; the measure is limited to the duration of the war period and a short time thereafter. We are in a period of emergency and I do not want legislation which has been passed by both Houses of Parliament to safeguard the situation mentioned in it to lack implementation because there is not power to enable it to be properly carried into effect. So, with the amendments I have suggested, I support the second reading.

MR. McDONALD (West Perth) [5.53]: Subject to some reconsideration of the Bill in Committee, I propose to support the second reading. I agree with the remarks of the member for Katanning (Mr. Watts) that it might be equitable to landlords and tenants to review this legislation in the light of experience. It was passed quickly in the early stages of the war to meet an emergency, and very properly so passed; but experience has shown that some variations might be advantageously made. Possibly the Minister might be prepared to associate himself with a small committee to make some further inquiries with a view to considering other amendments which might be brought down.

I desire to say a word or two about the operation of the Act, because the Minister has been good enough to make some general references to it when moving the second reading. In these matters the balance must be held fairly between the landlord and the tenant. There are undeserving landlords and undeserving tenants. The Minister said in the course of his speech that the tenant is in an inferior position. I hope that is not so. Neither landlord nor tenant should be in an inferior position; but today the tenant is certainly not.

The Minister for Labour: He is, when he gets a week's notice.

Mr. McDONALD: He cannot be given the notice now.

The Minister for Labour: But he does get it.

Mr. McDONALD: I do not think so. In my constituency, which is a residential one, I have had brought under my notice only two or three cases of overcharge of rent. In one case I issued a summons on behalf of the tenant for the purpose of obtaining recovery of the amount overcharged. In another case I spoke to the agent and pointed out the overcharge, whereupon he readily, and in good faith, acknowledged that he had made an error in the computation of the value of certain improvements in respect of which he had charged extra rent.

The Minister for Labour: The case I quoted in my second reading speech was in your electorate.

Mr. McDONALD: The agent immediately reduced the rent accordingly. I am convinced that he made a mistake and was quite genuine in what he said.

The Minister for Labour: That was not so in the case I mentioned.

Mr. McDONALD: Cases may occur where a landlord is intentionally and flagrantly disobeying the terms of this Act. If so, I have no pity at all for him. I am prepared to say that the interests of the tenant should be protected; but in my opinion the tenant today is not in an inferior position. I am glad to think he is not. As far as we can, we should make it possible for the landlord and the tenant to be able to bargain on equal terms. I had occasion—and I make no excuse for referring to this, because the matter of housing is of extreme import-

ance to the people—to listen to a wireless session recently. I think the title is "Perth Speaks" or something similar. The subject placed before the people gathered there was whether it was better to own one's house or to rent a house. I was surprised to find that the opinion—and so far as I could learn it was unanimous—of those present or of those who expressed opinions, and there was quite a number, was that they preferred to rent rather than to own a house

The Minister for Labour: They must previously have been landlords.

Mr. McDONALD: Some might have been; in fact, I think one was. We all know the old saw: Fools build houses and wise men live in them. While our present economic system continues, under which houses are built by private investors, we do not want to pass legislation discouraging or penalising the building of houses for dwellings. Rather should we encourage that. It is particularly necessary in the case of smaller houses, in order to ensure an ample supply and also to ensure equality between landlord and tenant in bargaining for houses, so that neither shall be in an inferior position. Today I think the landlord might be said to be in the inferior position. That may be one reason for the growing reluctance to build dwellings for renting. I should prefer to see a large number of houses built as dwellings for renting, so that the tenant may have the landlords competing for tenants rather than tenants competing with themselves for houses to occupy. While the Act met with my strong approval in that it prohibited an increase of rents, we must remember that it has been well accepted by the landlords as a class. The great majority—the overwhelming majority—of landlords have earnestly desired to keep within the provisions of the Act. We have also to remember that, as the Minister for Works said just now, there may be some cases, or there have been some cases, where properties in the past have been undervalued for rates.

The Act we are now considering, which was passed in 1939, had a somewhat similar effect because, while it may have clamped down at a set figure some rents which on the 31st August, 1939, were too high, it also to my mind clamped down at a set figure a number of rents which on that date were too low; because some landlords are old-fashioned or are not very active as is the Water Supply Department, and do not get or insist upon the full rental value of their premises, especially from tenants who may have occupied such premises for some years. In spite of those what might be called injustices, which organisations like the Perth City Council and the Water Supply Department consider they are entitled to rectify in their favour; in spite of the prejudices suffered by some landlords, I think that, on the whole, the Act has been loyally observed. Some amendments could perhaps be made, but otherwise the Act has worked fairly well. One or two anomalies ought to be rectified. One was mentioned to me today by the member for Victoria Park (Mr. Raphael). I will not give details because the privilege is his to bring forward what I regard as a matter of considerable importance. The hon. member will be able to mention it to the Minister for his consideration if further amendments are proposed. The suggestion of the member for Victoria Park would have my approval.

The Bill is in two parts. The first enables a tenant to recover from a landlord any rent paid in excess of the standard or fair rent. It has been doubted whether such a right exists under the Act. Personally, I think it does. However, the matter is open to doubt, and consequently this clause of the Bill is desirable as it makes quite clear to tenants that they have the right to recover overpayment of rent if they go to law. The second provision in the Bill provides a penalty for an individual receiving rent in excess of the standard or fair rent, or receiving any bonuses or premiums beyond what is allowed by the existing legislation. Like the member for Katanning (Mr. Watts) I have no objection to the imposition of a penalty in any case where there has been a culpable violation of the Act in respect of an overcharge of rent. Nevertheless, the provision dealing with this penalty requires reconstruction, because it is proposed to impose a penalty up to £50 upon any person receiving rent in excess of the standard or fair rent. A person receiving rent in many instances is an agent or collector. He may not know whether or not the rent he is receiving is too much. The collector may be some agent or company operating on behalf of a widow or a deceased person's estate, and the principal —the widow—who ultimately receives the rent also may not know that what is being

received is in excess of the fair or standard rent. I would like to see a provision included protecting a person who is reasonably innocent of any intention to evade the Act.

I notice that in the Commonwealth National Security Act protection is afforded to corporations in regard to offences, and that might be considered in connection with this legislation. I am not suggesting that the exact words would be suitable, but they should be a guide to what would be reasonable in this instance. Under the Commonwealth Act, if an offence is committed by a corporation, every person who is a director or officer of that corporation is deemed guilty of the offence unless he proves it was committed without his knowledge, or that he used all due diligence to prevent its commission. I am prepared to support the provision in the Minister's Bill to impose a penalty upon anybody who commits an offence against the Act; but I would like protection given to people who may innocently, and without blame, receive a sum which might be in excess of the exact figure prescribed for the standard or fair rent. With these qualifications, which are matters for the Committee stage, I support the Bill.

HON. C. G. LATHAM (York) [6.8]: I am sorry this Bill is before the House again so soon. It was introduced in 1939. I complain at the lack of consideration given to legislation. Amendments of this kind should not be necessary in this class of legislation which has only a short life, and deals with very simple matters. If the law becomes affected by decisions of the courts and some alterations or amendments are necessary to make it more workable, or to give effect to the desire of Parliament, they should be made. These alterations become necessary at times due to the interpretation put on the law itself by judges.

Looking at the Bill before the House at the moment, and considering the short time this law has been in operation, I find it an extraordinary thing that it should have to be submitted at all. It is proposed to correct anomalies that exist. It seems the Minister suffers a great deal from imagination and does not deal with actual facts. I do not think he could supply to the House any justification for some of these amendments. If he can he certainly did not do it when introducing the Bill. I complained of the Minister's action, whether it was intentional or otherwise, in the House in 1939 when the parent Act was before the House. I pointed out then that I was very fearful about one of the sections—I think it was Clause 10 of the Bill when introduced—which extended the leases, although the contract period may have expired. I pointed out to the Minister the danger of that sort of thing because leases may be sold, or agreements may be made that at the expiration of leases they would be transferred to other people. The Minister assured me that the Crown Law authorities had told him at that time there was no danger of that. Evidently there has been a great deal of danger because I understand there is a likelihood of some applications being made to the court for decision on that point. There are premises in the city where the leases have expired for some considerable period, and the tenants refuse to hand over to the owner. I do not think that was ever the intention of the Minister, and I am sure it was not the intention of this side of the House.

I want to read what I said to the Minister at that time, and his reply. I do not propose to take up a great deal of the time of the House. I object on the ground that I do not think we should by law put people to a great deal of expense to get what might be termed, public rights. On page 797 of "Hansard" of the 26th September, 1939, I said—

> I believe that one provision of the Act will extend the period of a lease. I do not think that is the Minister's intention. It would prevent a landlord from evicting a tenant or removing him from possession while he is paying what is called the standard rate. In this measure we should not interfere with the duration of a lease. When a lease expires, the owner should be entitled to obtain possession of the property.

I raised the question again when the Bill was in Committee, and at page 812 of the same volume said—

> Though I cannot get the Minister to agree with me, I consider that the clause extends the period of the lease beyond that agreed to originally. The clause applies to all land, including weekly tenancies. My contention is that upon a lease terminating, this measure will continue the lease until the expiry of the measure. The matter might be looked into by the Crown Law Department. This measure should not apply to weekly tenancies, for that would undo all the good it proposes to effect.

The Minister for Labour: I have discussed with the Crown Solicitor the point raised by the Leader of the Oppo-

sition, and have his assurance that the possibility mentioned by the hon. member will not arise. If the Leader of the Opposition succeeded in amending the clause in the manner he has in mind, all premises let or leased would come under it. The definition of "lease" in the Bill is highly comprehensive, covering a house let verbally on a weekly tenancy. I shall further discuss the matter with the Crown Law Department, and if the officers are not absolutely assured as they have informed me they are, some further safeguard can be provided.

By this legislation we put some people to a great deal of legal expense which I do not think we are justified in doing.

In going through some of the other statutes and looking at the regulations under the National Security Act, I find certain items are excluded which, to my mind, ought to be excluded. I refer particularly to hotels. As a matter of fact during the war period a hotel seems to be a type of business which increases far beyond ordinary businesses. While I have no objection to the rents being fixed, I do object strongly to extending the period of the lease beyond that for which it was entered into by the original agreement, as many businesses in the country areas have decreased owing to petrol rationing.

Mr. Sampson: The business of some hotels has decreased.

The Minister for Labour: Business has increased at Northam.

Hon. C. G. LATHAM: I will not look at the Minister who is in charge of this Bill, but there are some places where they have considerably increased. I am sorry the Minister did not go into this question for he must know the difficulty in respect of these leases. I am also sorry he did not bring forward an amendment prior to the cases being cited before the court, so that we could not be charged with interfering with the decisions of the court.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. C. G. LATHAM: I was dealing with extension of leases by means of a statute that was presumed not to affect contracts existing as at the 31st August, 1939. I do not think for one moment that the Minister when he introduced the parent Act had any idea it would have such an effect. I do not know if the Minister intends to reply to statements made from this side of the House. I must admit, unfortunately, that I am beginning to view the Government as disregardful of the utterances of Opposition members. Presumably Ministers accept our expressions of opinion merely as comments we desire to make, and hold that we make them merely for the sake of doing so. No Minister replied to anything that we said during the course of the Address-in-reply debate, or gave us any inkling as to the views of the Government on the points mentioned. However, I shall not labour that phase.

When we frame legislation we should be careful to avoid putting the public to undue expense through the necessity to secure interpretations of the laws we pass. I regard that as a very serious matter. We have a great responsibility to the public and should see to it that legislation dealt with has not the effect of setting one section of the public against another, with consequent necessity for approaches to the court. Our laws should be made as simple as possible. We may pride ourselves upon progress made in many directions, but if we compare many of the old statutes with those passed in later years, we will find that the former conveyed in much simpler language the intentions of Parliament. In that respect present-day Parliamentary Draftsmen do not help us appreciably. Members generally should endeavour to persuade the Government and its officials to frame our laws in simple language that anyone could understand.

Mr. Marshall: Some of your colleagues will not agree with you there.

Hon. C. G. LATHAM: I am not concerned about what my colleagues may think but rather about my own views. When an appeal is made to the courts and the Crown is an interested party, should the Crown lose the case the people pay. On the other hand, should the Crown be successful, some unfortunate individual has to foot the bill. That is one matter to which attention must be given if we are to evolve some new order for the future. I appeal to the Minister to make it clear that people will not be forced into the courts to secure an interpretation of the law now under review. I have already pointed out that when the parent Act was introduced there was no intention of interfering with contractual obligations entered into as at the 31st August, 1939.

I am led to believe that the trouble has largely arisen under the very section it is proposed to amend by means of the Bill now before the House. I ask the Minister to withdraw the measure and introduce another in which provision will be made to overcome

the difficulty to which I have referred. It is not for the Opposition to clear up the point that has been raised, and will probably be raised again in the future. Other members will tell the House of instances where men who have gone overseas are vitally interested. Their object will be to impress upon the Minister the necessity to clarify the position that arises because of Section 12 in the principal Act. I shall not support the second reading of the Bill unless I receive an assurance from the Minister that he will take into consideration the point I have raised, with a view to submitting an amendment to avoid the necessity for people approaching the Supreme Court to secure an interpretation of the law.

MR. THORN (Toodyay) [7.35]: When the Minister moved the second reading of the Bill I was disappointed to discover that he had not made provision to correct the anomaly to which the Leader of the Opposition has referred. In consequence of the Minister's earlier statement, as quoted by the Leader of the Opposition from "Hansard," I honestly believe he had no idea that the present situation would arise. The Minister's statement on that occasion supports my contention. Naturally, when the Opposition members heard that expression of opinion by the Minister, we were more or less satisfied to pass the legislation. Had we foreknowledge that its effect would be as circumstances subsequently indicated, we would certainly have had something more to say about it at the time. Those associated with hotel-keeping are well able to look after themselves. There is no need for us to protect them with regard to leases. A lease, when it expires, should be the subject of fresh tendering. I shall mention one instance, the circumstances of which are within the knowledge of the Minister. He may think that I have an axe to grind, but that is not so. All I say is that the existing position is not fair.

In the instance I have in mind the new lease was signed before the parent Act was introduced in this House, despite which the man in possession absolutely refuses to give effect to it. That is not fair. The member for Swan (Mr. Sampson), by interjection, asserted that the business of some hotels was decreasing. That is quite so, but on the other hand the business of many other hotels has improved. There is no need for us to afford those associated with hotels increased protection, because in such instances, the lease will be taken over and the rental fixed on the basis of the turnover. Members generally will agree with that statement. Should the business of a hotel decline, the lease of the property will not be as valuable as formerly, and the landlord will not be able to demand the same rent as was paid when business was brisk. In those circumstances the rental will be reduced. I feel confident that the Minister never intended the legislation to have the effect it has had. There was an oversight, and I am convinced that in view of what has occurred he will take the matter seriously into consideration. I certainly hope he will accept the advice of the Leader of the Opposition, and either frame an amendment to get over the difficulty or deal with it by some other means. The present anomaly should be corrected. The Minister will agree that those associated with the business of hotel-keeping have always been able to look after themselves. The law is at present operating most unfairly. I shall not support the Bill unless the Minister indicates that he is prepared to meet the position in one way or another.

MR. SAMPSON (Swan) [7.40]: The statement to the effect that hotelkeepers are able to look after themselves might apply in certain circumstances, but hotels should be treated as are other business propositions —each case should be considered on its merits. Many hotels outside the city proper are suffering severely because of petrol rationing, and it would ill-become this House if it failed to give consideration to such cases. The hotels that depend upon passing trade, week-end visitors and so forth have a difficult position to face.

Hon. C. G. Latham: This Bill will not reduce rents for them.

Mr. SAMPSON: I cannot see any strength in the argument put forward in favour of disregarding the claims of those people.

The Minister for Labour: What is your point?

Mr. SAMPSON: That there can be no fair and reasonable objection to a reduction where justified by the circumstances.

The Minister for Labour: There is nothing to prevent a reduction.

Mr. SAMPSON: Will the Government make a reduction?

Hon. C. G. Latham: No.

Mr. SAMPSON: Will the Government reduce the license fees?

Mr. SPEAKER: Order! There is nothing about license fees in the Bill. The hon. member is getting away from the subject matter of the measure.

Mr. SAMPSON: I am referring to the traditional disregard by the Government of what is right and the traditional anxiety of the Government to insist upon the public doing what is right.

Mr. Cross: Are you in favour of an increase in rents?

Mr. SAMPSON: I am in favour of giving consideration in those cases where, owing to the exigencies of the period, a reduction should be granted. Every fair-minded member will agree with that.

Hon. W. D. Johnson: Suppose it was a person instead of a party that needed relief, would you consider that?

Mr. SAMPSON: A person might be the owner.

Hon. W. D. Johnson: He is the rentpayer.

Mr. SAMPSON: Of course he should receive consideration. For once in a long time the member for Guildford-Midland sees the light and agrees with me. I shall stand solidly beside the hon. member so long as he takes what I regard as a fair and proper view. A person renting a hotel should be given consideration while circumstances such as those prevailing today continue to exist. Further, the Government should not be too grasping in the matter of fees when circumstances make it utterly impossible for some of the small outlying hotels to pay their way.

HON. N. KEENAN (Nedlands) [7.45]: I am prepared to support the Bill subject to the amendments suggested by the member for Katanning and the member for West Perth. I say with a deal of regret that all this legislation is founded on a radically wrong basis. It was a hurried measure which may be an excuse. It took the rents in existence on the 31st August, 1939, and stipulated that those should be the rents which should form the maximum demand by landlords of tenants, and was subject also to provisions for fixing fair rents.

Mr. Withers: Not fair rents at all.

Hon. N. KEENAN: Well, standard rents. A number of landlords had their premises let on the 31st August at rents far below the market value. I know of one landlord whose rents were always slightly below the market value; they were reduced by the financial emergency measure of 1931 and were never restored. A true and proper basis for establishing fair rents was to constitute a court which could have set to work whenever, on the application of any individual, it was required to pronounce a judgment or order for the fixing of a rent. Then we could readily have consented to penal provisions if any attempt had been made to depart from the rents so fixed. Here, as the member for West Perth has pointed out, owing to the accidental character of this legislation, it might well happen that many landlords will commit a breach of the Act in some small respect or other and leave themselves open, if this Bill becomes law in its present form, to prosecution by anyone.

I hope that in Committee the Minister will have no hesitation in accepting the amendment to add after the words "any person" the words "so authorised by the Minister." This will prevent one individual from harrassing another or taking the opportunity that the Bill in its present form would afford to carry out such a policy. The other amendment suggested by the member for West Perth is one which I think the Minister will accept, namely that there should be a saving clause to meet cases where the offence does not merit a heavy penalty—although a nominal breach of the Act has been committed—if the party charged can show that he had no guilty intent, as for instance in the event of an agent or an owner making a charge for some improvement allowed by the Act. Subject to these observations, I am prepared to support the second reading.

MR. SEWARD (Pingelly) [7.48]: This Bill does not arouse much enthusiasm in me; nor have I much opposition to it. As has been pointed out the measure deals with those tenants who find themselves subject to harsh conditions unjustly and wrongly imposed upon them by landlords. The Minister said that such cases exist; but the tenant is amply protected under the Act. The landlord has not the right to increase the rent, and if he does increase it, the tenant

is entitled to refuse to pay and cannot be compelled to pay. I think that fact is generally known among tenants. If it is absolutely necessary to pass further legislation to give tenants additional redress in cases where they have been innocent enough to be influenced by landlords, I do not think anyone will oppose it. I would not oppose it. But I do join with the Leader of the Opposition in pleading with the Minister to withdraw the Bill and bring in a measure dealing more comprehensively with the parent Act, with a view to rectifying any defects that may exist in it. As has been pointed out by previous speakers, Section 12 of the parent Act is one which at present inflicts great hardship on some people. I do know of a case where a man leased a farm at a very reasonable rental, and just before the termination of the lease he enlisted in the forces and is now oversea.

The lease of that property is held up until the end of the war. It cannot be terminated, although its term, two years, has expired long since—last February, I believe. It will extend to the end of the war subject to payment of the rental originally stipulated in the lease. That is a severe hardship on the owner. In that particular case the owners of the property could, I think, succeed if they were to take the matter to court; but who is going to take a man oversea to court in order to regain a property? At the same time these people are being subjected to harsh conditions by reason of the fact that the property is deteriorating owing to certain conditions of the lease not being fulfilled. There is a clear indication that Section 12 of the Act goes far beyond what we were led to believe when the measure was before the House.

I know of another case where a business property was leased for a term of five years, which expired just 12 months after the parent Act came into operation. The parties cannot agree on the matter of renewal, because the activities of the place have increased three or four hundredfold since he lease was signed, and the lease will go on until the end of the war. Surely there should be some authority whereby an appeal can be made to it! The landlord has not, nor have landlords in general, any desire to take advantage of a person in order to obtain an increase of rental; but surely where the business of a town has increased immeasurably since the lease was signed, the owner of the property should receive some portion of the benefit of that increase. For that reason I trust the Minister will see his way clear to withdraw and redraft the Bill. That course would afford the House an opportunity to review the whole Act and bring it more into line with what it should be in the light of the experiences gained since it was passed.

There is also that clause of the Bill which has been mentioned by one or two members, giving power to anyone, any busybody, to butt in and take action against a landlord. The matter is one solely between the landlord and the tenant. The tenant can always ascertain what is the correct rental, or the rental charged previously; and if he is charged more, he has the remedy. I do not think the Bill should contain a provision enabling any busybody running around to take people to court. For those reasons the Bill does not arouse either much enthusiasm or much opposition on my part. I hope that in view of the multiplicity of amending Bills the Minister will see his way clear to withdraw this measure and bring down another Bill.

THE MINISTER FOR LABOUR (Hon. A. R. G. Hawke—Northam—in reply) [7.55]: The Bill proposes to give tenants the right to recover, by legal action if necessary, any overcharges in rent paid by them, and to give the legal right to prosecute any landlord who charges above the fair or standard rent. Those are the only two proposals contained in the Bill. It was both a surprise and a disappointment to me to hear the remarks of the Leader of the Opposition. Those who oppose the measure are doing something that is entirely opposed to the spirit of the Act, and also entirely opposed to the best interests of tenants who for some reason or other are overcharged in the way of rent.

Mr. Withers: What would members opposite say if the tenants overcharged were farmers?

The MINISTER FOR LABOUR: In addition, members opposite take up an attitude of being entirely in favour of allowing to go completely free any landlord who overcharges.

Hon. C. G. Latham: That is all right for Southern Cross, but it does not affect us on this side!

The MINISTER FOR LABOUR: I am not expecting that it will affect or influence the Leader of the Opposition.

Hon. C. G. Latham: Any more than the people at Southern Cross!

The MINISTER FOR LABOUR: Nevertheless it is a clear and true statement of the position.

Opposition members: It is not!

The MINISTER FOR LABOUR: The Bill contains the proposals I have mentioned, and only those proposals; and hon. members will either have to support those proposals or oppose them.

Hon. C. G. Latham: If you had taken advice you would have had a decent Bill!

Mr. SPEAKER: Order! The Leader of the Opposition has spoken.

The MINISTER FOR LABOUR: I come now to consideration of the main point that has been raised in this debate. The point has to do with the position, mainly, of lessees who are in occupation of hotels. A good deal of sympathy has been expressed by some speakers this evening for certain landlords of hotels. Reference has been made to the Committee discussion which took place here on what was then Clause 10 of the Bill which finally became the Act. The Leader of the Opposition in the course of that Committee discussion asked whether Clause 10 of the Bill would extend leases. In reply I gave him the advice given to me by the Crown Law Department, to the effect that the Bill would not in fact extend leases.

Some speakers this evening would give the House to understand that the Act as it now is does in fact automatically extend every such lease. If hon. members will carefully read Section 12 of the Act, they will see that the Act does not automatically extend a lease. The member for Toodyay (Mr. Thorn) mentioned a specific case of a lessee who had a lease of a certain hotel in the metropolitan area for a period of five years. The lease expired a few weeks ago. Had the lessor so desired, he could have obtained possession of the premises the day after the lease legally expired, and he could be in occupation today carrying on the business. The lessor did not, however, desire to occupy the premises, nor did he desire to carry on the business conducted there. He desired to obtain occupation of the premises for the purpose of drawing up a new lease with a new tenant at a much higher rental.

Mr. Thorn: The lease had been drawn up over two years ago.

The MINISTER FOR LABOUR: The member for Toodyay tells the House that the suggested new lease was drawn up over two years ago, that is to say, two years before the expiration of the lease. It might have been. Even so, what difference does that make to the position? I have been surprised this evening to hear so much sympathy expressed for the lessor or the landlord.

Mr. Raphael: Especially Mrs. Thomas!

The MINISTER FOR LABOUR: No consideration at all was given to the lessee.

Mr. Raphael: You know the lady, do you not?

Mr. SPEAKER: Order!

The MINISTER FOR LABOUR: I could readily understand members putting forward a case for a lessee who had lost occupation of a hotel because the landlord had, on the expiration of the lease, taken over the business himself. Members have said this evening that in some districts hotel business had increased.

Mr. Thorn: In Northam, for instance.

The MINISTER FOR LABOUR: It is true that business in some hotels in some districts has increased, but what has the landlord had to do with that?

Mr. Watts: What has the tenant had to do with it?

Mr. Raphael: The Swan Brewery will get the benefit.

Mr. SPEAKER: Order!

The MINISTER FOR LABOUR: The lessee of a hotel has had much more to do with that increased business than has the landlord.

Mr. Seward: What nonsense!

The MINISTER FOR LABOUR: One can go into any town where there is a number of hotels and one will find always that one hotel does best of all and one hotel does worst of all. Therefore, the lessee has something to do with the increased business. In this argument my sympathy goes out more to the lessee than to the landlord.

Hon. C. G. Latham: You are stretching the case.

Mr. SPEAKER: Order!

The MINISTER FOR LABOUR: The argument put up by some members is that the owner of the hotel should have handed over to him the increment. I am surprised

to hear that argument put forward. The actual legal position is that the lessor or the landlord has the right to enter into possession of premises.

Mr. Seward: He has not.

The MINISTER FOR LABOUR: He has, immediately the current lease expires.

Mr. Seward: He has not.

The MINISTER FOR LABOUR: He has.

Hon. C. G. Latham: That is where the argument is.

Mr. SPEAKER: Order! There is not going to be any argument at present. I must ask the Leader of the Opposition to keep order.

The MINISTER FOR LABOUR: The law is clear upon that point. As a matter of fact, it was explained by the member for West Perth (Mr. McDonald) when the existing Act was in the Committee stage two years ago. He offered that explanation immediately after I had replied to a question asked by the Leader of the Opposition as to whether the Bill did not, in fact, automatically extend every lease. Section 12 of the Act reads—

> No order for the recovery of possession of land to which this Act applies, or for the ejectment of a tenant therefrom, shall be made so long as the tenant continues to pay the standard rent, or the fair rent as determined under this Act, and performs the other conditions of the tenancy, except on the ground that the tenant has committed waste, or has been guilty of conduct which is a nuisance or an annoyance to adjoining or neighbouring occupiers, or that the premises have been sold by a mortgagee under the power of sale contained in the mortgage, or that the premises are reasonably required by the landlord for the occupation of himself or some other person in his employ, or in the employ of some tenant from him, or on some other ground which may be deemed satisfactory by the court making such order. . .

This section makes it clear that upon the expiry of the term of lease a landlord, who wishes to take possession of the premises for the purpose of carrying on the business for which the premises are used, has the legal right to enter into possession. In the case mentioned by the member for Toodyay the landlord could have entered into possession of the premises and carried on the business there the day after the then current lease had expired. The landlord could enter into possession of those premises tomorrow and carry on the business conducted there.

Members who have spoken on this particular point have not, in my opinion, explained it as fully and as fairly as they should have done. If a tenant or a lessee is in occupation of premises and has been established for years and by his good management—by his good luck if members like—has built up a sound business with a regular patronage, then he is entitled to far greater consideration—particularly under a law of this description—than is the landlord, who has done nothing whatever to build up the business. It seems to me that the demand for a withdrawal of the Bill in order that it might be amended to make it far more favourable to landlords and far less favourable to tenants or lessees is one that can make but little, if any, appeal to members who are willing to take a reasonable view of the position.

Mr. Seward: Hear, hear!

The MINISTER FOR LABOUR: This Government is not likely to introduce any amendments along those lines and I very much doubt whether any Government that was in power, with full responsibility on its shoulders, would introduce such amendments. I therefore ask members to decide the Bill on its merits, to vote upon what it contains and not upon the basis of something which they think it should contain. That is a fair and reasonable request. No valid objection has been taken to the contents of the Bill by any member and no valid objection could be taken to its principles. Some amendments of a comparatively minor character have been suggested. The Government is prepared to give reasonable consideration to those amendments, and in order that they might be considered by all I am prepared to have the Committee stage of the Bill taken on Tuesday instead of tonight. In that way, the proposed amendments can be put on the Notice Paper and all members will have a reasonable opportunity of passing judgment on them. The Bill deserves the support of every member and, I trust, will receive it.

Question put and passed.

Bill read a second time.

BILL—NATIVE ADMINISTRATION ACT AMENDMENT.

Second Reading.

Debate resumed from the 26th August.

MR. SAMPSON (Swan) [8.12]: The subject matter of this Bill, namely the care

of natives and the scourge of leprosy, is one that has always occasioned great interest and has been widely studied. Leprosy has been described as the greatest disease of mediaeval Christendom. From time immemorial there are records regarding its incidence and Egypt has records of its treatment 4,600 years before Christ. It is common in Asia, Africa, South America, the West Indies, and also in isolated localities of Europe. It is stated—though I cannot vouch for this; it sounds almost like blasphemy to say it—that King Bruce of Scotland died from leprosy.

Mr. McDonald: I challenge that!

Mr. SAMPSON: It seems to me there is some doubt about it. I am not stating it is true but I had it on very good authority.

Mr. Wilson: You had it from me.

Mr. SAMPSON: Yes, I had it from the member for Collie (Mr. Wilson) and he is an authority on anything relating to Scotland. Leprosy is a parasitic disease and is thought to be due to infection by a specific microbe that was discovered in 1871. Tuberculosis is very common among lepers. The incubation period is unknown, but from cases on record it is believed to be many years. There are three types of leprosy: nodular, smooth or anaesthetic, and mixed. As the disease develops open sores appear and the condition of the patient becomes exceedingly wretched. Eventually he succumbs to exhaustion. Inflation of the kidney or development of tuberculosis frequently occurs. Cases may end fatally in two years or, if well cared for, a patient may live for 20 or 30 years.

Mr. Cross: Have you ever seen a case of leprosy?

Mr. SAMPSON: Yes, I have seen cases of leprosy and I have visited a leper and I am inclined to think there is less danger in visiting a leper than in visiting a patient with tuberculosis which has developed to any great extent. I noted the Minister remarked that recovery from leprosy occurs in many instances. In fact he said that 44 patients had been released from the Derby Leprosarium as cured. Leprosy may be mistaken for syphilis or tuberculosis. In the Middle Ages it became extensive in Europe, France, England, Germany and Spain. Any town of importance had its leper house and the number of such houses has been reckoned at 19,000.

The Minister for Labour: From what authority are you quoting?

Mr. SAMPSON: Any questions relating to this subject will be considered if they come from the Minister in charge of the Bill. The earliest leper house in England was established in Canterbury in 1096.

Mr. SPEAKER: Is the hon. member reading his speech or making a quotation?

Mr. SAMPSON: These, Mr. Speaker, are notes which I am using to recall dates. The last leper house was established at Highgate in 1472. At one time there were 95 hospitals for lepers in Great Britain and 14 in Ireland. The disease was cleaned up during the 15th century but continued in Scotland until the 19th century. In other parts of the world it has not died out.

The Minister referred to leprosy as a tropical disease. He did not say definitely that it was a tropical disease but stated that a medical officer, who was well versed in tropical diseases, had made some remark of that kind concerning leprosy. Generally, I may say that leprosy is a tropical disease, but it exists in Norway, Iceland, along the shores of the Baltic, South Russia, Greece, Africa, various Mediterranean islands, the Riviera, Spain and Portugal. So that it is by no means limited to tropical countries. Cases of leprosy are not numerous in any part of Europe, but the disease prevails extensively throughout Asia, from the Mediterranean to Japan, and from Arabia to Siberia. It is also found in nearly all parts of Africa—where it attacks the Dutch as well as the natives—in the West Indies, the United States of America and South and Central America.

Mr. Marshall: What about Malta?

Mr. SAMPSON: I dare say there have been cases at Malta, but I found no record of them during the research I undertook in connection with the Bill.

Mr. Cross: What about Alice Springs?

Mr. SAMPSON: There are cases of natives afflicted with leprosy travelling inland. It is certain there are many cases in the north of Australia that are not under treatment. However, there is no doubt that the Minister and his department are doing what they can in this respect and the establishment of a leprosarium at Derby has proved to be well justified. There is a general belief that leprosy affects those who live on the coastline and whose main diet is fish, but that is more or less a matter of

imagination. I do not know that it affects the position very much. We do know, however, that most cases in this State are found along the cost, but that provides no argument.

Heredity is not considered to have any influence on the spread of the disease. Most lepers, and this is a matter for congratulation, are remarkably sterile. The general belief is that poverty and insanitation go with the prevalence of leprosy. They go with every malady, and there is nothing to show that they have any special influence. It is the same as in the case of tuberculosis where the best medicine for those who are sick is good food, ventilation, and good conditions generally.

It appears clear that the disease may be communicated by close contact. This has been proved conclusively by actual cases. In one instance a man had never been outside Great Britain, but his brother had been in the West Indies, and on his return home they slept in the same bed. The brother who had never left the Old Country wore some clothes which had been worn by the brother from the West Indies. The result was that he contracted the disease.

Mr. SPEAKER: Order! It appears to me that the hon. member is reading his speech right through. He should know that is not permitted.

Mr. SAMPSON: In our own country this disease has been introduced by the Chinese.

The Bill brought down by the Minister deals with leprosy in a practical way, with certain limitations to which I will make reference. The chief object of the Bill before the House is to prevent natives from travelling south of the 20th parallel of south latitude. Some provisions, additional to the powers provided in the original Act, appear to be necessary. This is because certain natives are now free to travel wherever they desire. Section 9 of the principal Act gives some details of that. I will pass that over unless it is the wish of any member that it be read. The natives who are free to travel include many not in lawful employment; wives or husbands of those who are other than natives, and those who are referred to in the proviso to Section 9 of the Act. Section 9 of the parent Act says this—

> Any person who without the authority, in writing, of a protector, removes or causes any native to be removed from one district to another, or to any place beyond the State, shall be guilty of an offence against this Act.

The section continues with considerable additional matter, and then the proviso says—

> Provided that this section shall not apply to any male person over twenty-one years of age who is of half blood or less than half blood descent from the original full blood inhabitants of Australia or from their full blood descendants, where such person does not live after the manner of the original full blood inhabitants or their full blood descendants.

All parents are brought under the Act. "Native" has been defined fully in the Act in Section 9. I am of opinion that a much simpler and shorter amendment is desirable in this matter. Subclause (2) of Clause 2 of the Bill——

Mr. SPEAKER: Order! The hon. member is not allowed to quote clauses of the Bill.

Mr. SAMPSON: Quite so! The Bill provides definite rigidity in fixing a boundary line, and that rigidity appears to me to be unwise. It might, at a later stage, be desirable to bring the line farther south. Indeed, there are already residing in the North-West a number of Kimberley natives who have resided in centres where leprosy has always been present—what is known as an endemic condition. These would, under the present Bill, be free to travel as they wished. Others north of the boundary line who might never have been near an affected area would not be permitted so to travel. I propose to submit an amendment dealing with that, and will put it on the Notice Paper in due time.

Several lepers have been found in the North-West. By the "North-West" I mean the territory lying below the 20th parallel of south latitude, which is just north of Port Hedland and extends south to about Onslow. North of Port Hedland is the Kimberley area—north Australia. It is suggested that the boundary——

Mr. SPEAKER: Order! I must ask the hon. member to discontinue reading, or to resume his seat. So much reading is not permitted.

Mr. SAMPSON: Very well! The amendment I will submit to the House will provide that the boundary line shall be as agreed upon by the Governor-in-Council from time to time by proclamation. That is a reasonable thing for the House to approve. As the Minister in his Bill defines the exact location, or line, south of which no one affected with leprosy shall be permitted to travel or to journey, then it may be, as time goes on,

that that line would not suffice. It would not provide that area which is essential if the lepers are to receive the consideration required, and so that boundary line should be fixed by the Governor-in-Council from time to time and proclaimed. That would provide an elasticity to further legislation. It would give the Minister power to do things without bringing an amending Bill to the House.

I propose to insert in another clause the words "land, sea and air." It is quite possible, since natives do travel by plane on occasions—and they certainly travel by lugger and other boats on occasions—that their movements by land, sea or air cannot be watched unless that amendment be brought into the Bill. It would be quite easy for an aboriginal to get on a boat, say at Derby, and come down the coast and go ashore at a point south of the line beyond which the Bill states a native shall not travel. These matters relate to a subclause, to which I am not permitted to make further reference now. I shall place the amendments I have indicated on the notice paper so that they may be dealt with during the Committee stage. Certain clauses follow together with a long proviso which I will submit in due course are unessential, and the Bill would be improved were they deleted.

The Bill provides for a penalty of £50 for breaches of the Act by natives. I do not know whether to be struck with admiration at the optimism of the Minister or to be amazed at his view of the capacity of natives to pay such a penalty. I do not know whether the Minister expects a native to pay the penalty by cheque and whether he expects the native's bank account will stand up to it. I am unable to discuss that phase, but the Minister may be possessed of special knowledge on the subject. To suggest that a fine of £50 be imposed upon a native is most unreasonable. It would be far better if—

Mr. Raphael: They took his dogs from him.

Mr. SAMPSON: —provision were made for imprisonment up to three months as punishment for breaches of the law. I am convinced, Mr. Speaker, that if you were occupying your old seat on the floor of the House, you would agree with the view I am expressing. I hope the Minister will regard my suggestion as reasonable, and that the House will accept it. The Bill savours of the efforts of a fiction writer in the suggestion that an ordinary native would be able to pay a fine of £50. True, there are odd instances of half-castes being well-to-do. Some who have charge of droving plants and so on may be in a financial position to meet such an expense, but they would represent odd instances. To my mind, the Bill suggests the possibility of payment by natives of what would amount really to a ferocious fine. I certainly do not regard such a proposal as justifiable.

Provision is also made in the Bill whereby a native may be apprehended by a constable who has power to remove the man and take him further north at the expense of the aboriginal, and to do all that without the necessity for any trial whatever. That seems to be most inconsistent. On the one hand the Minister provides for a heavy fine for a breach of the Act, and then makes provision whereby a constable can do what I have indicated without the necessity for a trial—all at the expense of the native concerned. Here again the Minister displays an attitude that I do not think circumstances will justify.

The Premier: Under the Quarantine Act, the same thing can be done.

Mr. SAMPSON: That may be so, but I do not think the principle will be generally approved. I am doubtful whether, except in very odd instances, it will be possible to collect the expenses involved in the removal of natives. Then there is the question of the native knowing just where the boundary line exists. Aborigines are exceedingly able in many ways, but the line indicating the 20th parallel is an imaginary one, and a native might easily commit an offence—

Mr. Marshall: On the line.

Mr. SAMPSON: Yes, when on his walkabout. He might unknowingly travel south of the line and thereby commit an offence.

Mr. Raphael: We will put a rainbow across it!

Mr. SAMPSON: If the hon. member could provide the rainbow regularly, I would accept his suggestion. Mention must be made of natives who are employed in the pearling industry and go ashore at Port Hedland or even further south, which is associated with the amendment I propose to move dealing with those who travel by air, land or sea.

Mr. Raphael: You have not provided for submarine travelling.

Mr. SAMPSON: I realise that the difficulties associated with the administration of native affairs are great. Because of that, it occurs to me that to give consideration to the representation of natives in this Chamber might be worth while. The contention may be raised that the Minister for the North-West represents the natives, but he represents the administration of the departmental activities. I do not question the capacity the Minister brings to bear upon his work, but in New Zealand the Maoris, who are the natives of that country, are represented directly in the Dominion Parliament. Why then should we not have one or two representatives of the aborigines in this House? If it is not found possible to secure full-blooded aborigines qualified to undertake the work, others might be appointed to represent them.

I realise that successive Governments have failed efficiently to protect the natives of Western Australia from the standpoint of the control of leprosy. As I have already admitted, the Bill under discussion has some good qualities, but it contains a wealth of superfluities, the limitation of which would greatly improve the measure. With the object of removing some of the unnecessary provisions and particularly the proviso to which I have already made reference, I shall submit a series of amendments for consideration in Committee.

HON. C. G. LATHAM (York) [8.40]: We have heard two very interesting speeches on this Bill, one by the Minister for the North-West and one by the member for Swan (Mr. Sampson), but I ask, why has the Bill been introduced? All the powers that the Minister desires under this measure are given him in the Act. He can stop the natives from coming south. I do not think he is wise in introducing legislation of this kind, especially when we think calmly of what he told us and when we realise the scare created in the minds of people at the mention of this dreaded disease—dreaded more in imagination than it need be. The figures he has given the House convey the impression that the position in the Kimberleys is dreadful. By this measure we shall merely restrict people in the Kimberleys from moving south. I hope members did not gather the impression that the Kimberleys are the only parts of the North where leprosy occurs. Not long ago quite a number of lepers were taken to the lock hospital at Port Hedland. I hope the figures given by the Minister are authentic; they were certainly astounding. He told the House that 72 patients had died, 44 had been discharged, and 1,300 were still under treatment.

The Minister for the North-West: That figure should have been 200.

Hon. C. G. LATHAM: The Minister, in his speech, gave the number as 1,300. Such figures make one wonder. I want members to realise that leprosy is no new disease. Let me tell a story. Not long ago a man escaped from Queensland and came here. He lived in Perth for a considerable time and then went to the South-West and lived there for a considerable time. He engaged in business in the State. No attempt was made to find out whether there were any contacts.

Mr. J. Hegney: Did he have leprosy?

Hon. C. G. LATHAM: Yes. Leprosy is not a very infectious disease. This fact has long been known. The Biblical stories of leprosy frighten people. In Biblical times lepers were given a wide berth in the streets because they were covered with sores. In these days natives may be suffering from open sores, and not be lepers. We know of other diseases which natives suffer and which are accompanied by open sores but are not leprosy.

Mr. J. Hegney: Have you seen the picture "Molaki"?

Hon. C. G. LATHAM: No. Scientists know that there must be very close contact with a leper to cause infection. One can imagine the contacts there must have been when the Queensland leper lived in this State and even stayed at boarding houses. The risk is not so great as some people imagine.

The Minister for the North-West: Did that man have leprosy?

Hon. C. G. LATHAM: The Minister could easily ascertain. He escaped from a leprosarium in Queensland. The extraordinary fact was that he was seen in Hay-street and recognised by a man who had known him in Queensland. That man notified the police, who took the other in charge. There is already ample authority to permit of the apprehension of any person suffering from the disease.

I do not think there is any necessity to draw the line proposed by the Minister. As the member for Swan said, it is difficult to

determine where the line is. The line is simply an imaginary one.

The Minister for the North-West: It is easy to see on the map.

Hon. C. G. LATHAM: Yes, but if the Minister went to Sturt Creek Station, he would find it was not so easy to determine the position there. There is no white line. Natives will probably travel down the Canning stock route from time to time, but the prohibition against coming south of the line could only be given effect to in imagination. The Minister has not convinced me that it is necessary to draw a line to exclude only natives in the Kimberleys.

The Minister for the North-West: Then you did not listen closely to my remarks.

Hon. C. G. LATHAM: I did. The Minister did not say that there were no lepers in the area we generally describe as the North-West, as distinct from the Kimberleys. There are lepers in that part. Probably a larger number of lepers was apprehended in the Kimberleys as a result of Dr. Davis's investigation because there are so many more bush natives in that part. The natives further south are more or less associated with station life. Some are probably closely associated with native life, but this applies to a greater extent to natives in the Kimberleys. The Minister knows more about the native question than I do; I do not claim to be an authority on the matter, but he knows that what I am saying is correct. He will not deny that many lepers have been apprehended in the North-West.

The Minister for the North-West: Not many.

Hon. C. G. LATHAM: Dr. Davis showed me four or five cases. He also showed me what the disease was; I had not seen it before. One could talk to a leper and not have the faintest idea that the person was suffering from the disease. The afflicted natives I saw showed a pinkish circle on the flesh. There was no sign of open sores or of fingers or toes falling off as described in the Bible stories. Still, the disease amongst the natives here spreads gradually through the body until the whole system is affected.

The Premier: Does not it show in white spots?

Hon. C. G. LATHAM: A white man shows white spots, but the natives show pink against the black skin. I have no dread of leprosy, but I am afraid that legislation of this sort will have the effect of terrifying people, particularly when information is broadcast that 1,300 natives are still under treatment for the disease. Of course the Minister has now corrected that total. While the Minister was giving the figures, I was adding them up and could not make them agree.

The Minister for the North-West: My mental arithmetic was not too good.

Hon. C. G. LATHAM: The Minister was also a little excited. The Minister is less experienced than are some of his colleagues and I think this is something that has been put over by departmental officers.

The Minister for the North-West: They did not put this over.

Hon. C. G. LATHAM: I cannot imagine that the Minister thought this out; he would have discovered a more sensible way of dealing with the matter. It seems also, as the member for Swan stated, that the draftsman wanted a day out; he has repeated himself needlessly, whereas another draftsman would have provided in a few sentences all that the Minister desires. All this repetition, "the native shall return to a place north of the boundary line immediately," "if the native fails or refuses to submit himself to specialist medical attention," etc., is useless. We cannot impose conditions of that sort. If a native comes south of the line and is not a leper, all that can be done is to send him back to the Kimberleys. What is the use of providing penalties for a native found south of the boundary line?

The Minister for Works: The disease is extremely difficult to diagnose.

Hon. C. G. LATHAM: That is conveyed in this legislation.

Mr. Rodoreda: Are all the niggers to be supplied with copies of the Bill?

Hon. C. G. LATHAM: If they read it, they probably would not stay in the Kimberleys. The same phraseology is repeated throughout the measure. I shall not object to the Minister having this legislation, but still I can conceive of some better method of control than just drawing a line across the map and saying a native shall not come south of that. Natives will come south whether we like it or not. Experience shows that the native does not care to travel too far from his particular district. Possibly some natives might be brought

from the North to the Nullabor Plains, to improve the race there, which is deteriorating. Certainly the best-looking natives I have seen are the Kimberley natives, at all events in point of physique. Those I saw stood up well and looked clean and healthy, and undoubtedly were well nourished.

Mr. Sampson: It is good country.

Hon. C. G. LATHAM: Yes. On the edge of settlement that may not be so, but generally speaking it is. If nourishment has anything to do with the question, I should say the Kimberley bush natives are as well nourished as any that can be found. They would be well-fed, because there is not only plenty of cattle but plenty of native game there; much more probably than is to be found in the North-West once one gets away from the emus and kangaroos and a few turkeys. Certainly there are many more birds in the Kimberleys than elsewhere.

Mr. SPEAKER: The hon. member had better get back to the Bill.

Hon. C. G. LATHAM: I am sorry if I have got away from it, Sir. The draftsman seems to have said, "Let us make a Bill of it in one long clause repeating itself over and over again." The measure should be sent back with the request that the Parliamentary Draftsman convey the desired meaning in 30 or 40 words.

Though not objecting to the Bill, I do not think it will do any good. It will be a bad advertisement for the State, an advertisement to which we are not entitled. Probably Queensland, upon making investigations, will find that it has as many native lepers as we have. When I was Minister I got in touch with a doctor in Darwin. He was interested in natives, and he told me that throughout Australia generally where the natives are living under native conditions there is a fair sprinkling of lepers. Still, he had no great fear about the matter. My greatest fear has been the tremendous amount of money it costs to send natives to the North. On one occasion the cost of sending up a few was no less than £600. Not being allowed to travel on steamers, they were sent up by lugger. Think of the fear and dread the people were in, and yet lepers are found around the South without any of us becoming terrified over the matter! If we treated leprosy in the same way as we do other infectious diseases, we might find that it would be well if we gave more attention to some of those other diseases than we now give to leprosy.

THE MINISTER FOR THE NORTH-WEST (Hon. A. A. M. Coverley—Kimberley—in reply) [8.56]: A great deal has been said about the length of the Bill, and how much of it could have been omitted. If members cast their minds back they will find that I based the entire Bill on the fact that it was the desire of the medical advisers to keep the disease confined to one particular area in which it was most prevalent. I gave that as the essential reason for the introduction of the Bill.

Mr. Doney: Do you hold that there are no lepers south of the 20th parallel?

The MINISTER FOR THE NORTH-WEST: I hold nothing of the kind. I intended to come to that point in a moment, but while it is fresh in my memory let me remark that the Leader of the Opposition said there were lepers throughout the northern portion of the State and for all he and I knew there might be lepers in the southern portion. During the last 10 years 13 lepers have been discovered south of the 20th parallel. Ten of them originated from the Kimberleys; the three others are strays. There is no proof that leprosy is to any degree prevalent south of the 20th parallel. I did quote one case to show how the disease drifts, and how awkward it is for the medical authorities in those circumstances to trace contacts. The case I mentioned was that of a native lad of tender years who came down from the Kimberleys with a drover over 20 years ago. He was left behind at Meekatharra because he had fever. Eventually he drifted round the Murchison area for over 20 years before he was discovered to be a positive leper.

The member for Swan (Mr. Sampson) gave a deal of information about leprosy in other parts of the world. That no doubt is a fact, but it is an argument in favour of the Bill. The disease spread throughout the countries mentioned by the hon. member because the sufferers from it were not confined to any particular area. They drifted about their own country, and in time spread the disease; and that is the reason for this Bill. Another argument advanced by the member for Swan was that it would be difficult to say there were no natives in the Northern Territory free from leprosy. If

there is even a suspicion of the existence of lepers there, it is up to those responsible to take precautionary measures such as those proposed by this Bill. The hon. member also quoted the case of natives already south of the 20th parallel who had originated from the Kimberleys and probably were contacts, and he said that in the course of years they would be discovered to be lepers.

The department was well aware of those facts, and it has those natives tabulated. Those of them who are in employment south of the 20th parallel are tabulated by the department and are inspected every month or two by the medical officers. In those facts there is no argument that this measure will do no good. Native lepers here are under the observation of the department. The parent Act provides that no person shall take a native from his own district to another district without the permission of the Commissioner of Native Affairs. Thus all the natives who have been brought away are natives brought away as the result of legal proceedings, or else brought away by persons who have obtained the necessary permission from the department. Accordingly, such natives are now under the supervision of the medical profession.

Mr. Sampson: Do you not think that the boundary line should possibly be varied?

The MINISTER FOR THE NORTH-WEST: We have no particular reason for extending the boundary line. The department is merely asking that other districts should be protected by prohibiting Kimberley natives, who possibly might have contracted the disease, from going into what are now known as clean areas.

Mr. Doney: Are there any lepers south of that line?

The MINISTER FOR THE NORTH-WEST: No. The member for Swan (Mr. Sampson) said it was somewhat of a joke to impose a fine upon natives. I tell the hon. member it is no joke. Many natives have assets; but that is not the only reason why this particular clause is inserted in the Bill. The member for Swan said that to inflict imprisonment upon natives would be more in keeping with the Act than to fine them. If this Bill becomes law, and a native from Kimberley breaks bounds and consequently is sentenced to six months' imprisonment, he—if he were a contact—would probably spread the leprosy among the other prisoners. I, therefore, do not agree with the member for Swan.

Mr. Sampson: I said imprisonment up to three months.

The MINISTER FOR THE NORTH-WEST: If a leper were imprisoned for only a fortnight, he might leave leprosy germs behind him. We do not want that to happen. The member for Swan has overlooked the fact that a native brought before the court is the responsibility of the Native Affairs Department. The Commissioner of Native Affairs is the legal guardian of every native in the State. The expenses, therefore, become a debt of the Native Affairs Department; and, for audit and other reasons, the Commissioner has authority to pay either the police or some other person to return the native to his particular district. The clause is absolutely necessary for the protection of the department. The provision is not included in the parent Act and therefore is included in this Bill.

The statement has also been made that the Bill will impose hardship upon natives in the pearling industry who might desire to visit Port Hedland. I do not know whether any natives are in that industry, but some may be. If any are, it would be my desire, by this measure, to prevent them from going to Port Hedland, because so far not a case of leprosy has been found there. The district has been well combed by the medical profession and is looked upon by it and by the department as a clean area. We would desire to prohibit natives from going to Port Hedland, no matter for what reason, unless they went under close supervision. Any native employed in the pearling industry would obtain permission to go to Port Hedland, but he would be under strict supervision. He would be required to report to the medical officer immediately on his arrival and thereafter from time to time while he was in the town. That would not impose any hardship upon any native.

The Leader of the Opposition said that all the powers required were contained in the parent Act. I should be pleased if he would point them out to me, because neither the Commissioner for Native Affairs, the Crown Solicitor nor I can find them. The Leader of the Opposition also told the House that leprosy was nothing new and that it was not to be feared half as much as tuberculosis. I probably agree with that statement; there is nothing wrong in it. I would

be more afraid of contracting tuberculosis. The Leader of the Opposition went on to quote the instance of a white leper who is in business in this State. In reply to that statement, I shall quote a comment by Dr. Davis, when referring to the treatment of natives as compared with whites. He said—

> I cannot see how any of these alternatives, except perhaps the first, will go any distance towards limiting the spread of this disease. If one could appeal to the commonsense of these people, as one can do in the case of whites, then their co-operation could be obtained. Unfortunately, such is impossible and I hold out little hope of anything short of compulsion bringing about the desirable end.

The Leader of the Opposition will probably agree with that comment. If the natives were possessed of the same commonsense as whites possess this Bill would not be required.

There is one other remark to which I desire to reply. It was suggested that the Bill was lengthy, repeated itself, and could have been drawn up in a few words. Might I inform my friend, the Leader of the Opposition, that had that been done, it would have been necessary to include a clause providing for regulations. Then would we not have got something! There would have been a cry, "More regulations!" And when we introduced the regulations probably they would be disallowed. That is why the Bill was drawn in its present form.

Mr. Doney: Would you correct the figures you gave the House?

The MINISTER FOR THE NORTH-WEST: My mental arithmetic was incorrect. I should have said there were 321 natives in the Kemberley district who had definitely been diagnosed as leper patients.

Mr. Doney: Not 1300?

The MINISTER FOR THE NORTH-WEST: No.

Mr. Doney: You also gave a total of 10,000. Is that roughly correct?

The MINISTER FOR THE NORTH-WEST: I did not agree that 10,000 was correct. I said that figure was open to question. The Native Affairs Department's statistics are very old and have not been checked for many years.

Mr. Doney: You also said that 1200 patients were receiving treatment.

The MINISTER FOR THE NORTH-WEST: That figure should be 200.

Question put and passed.

Bill read a second time.

BILL—ROAD DISTRICTS ACT AMENDMENT (No. 2).

Second Reading.

THE MINISTER FOR WORKS (Hon. H. Millington—Mt. Hawthorn) [9.10] in moving the second reading, said: This short Bill contains nothing of a controversial character. It has been asked for by the local authorities concerned, that is to say by the individual boards and by the Road Boards Association.

A purely departmental proposal, which I think will be favourably received, concerns the number of members required to form a quorum. The Act defines a quorum as the major part of the members for the time being assigned to the board. Advice has been received by the department that many members in country districts are finding it difficult, on account of petrol rationing, to attend meetings. Consequently it is proposed to vary the provisions of the Act and give the Minister power to agree to a quorum less than the major part of the members for the time being assigned to the board. That will only be done in exceptional cases, but it will be necessary in certain instances, on account of petrol restrictions and through other causes due to the war.

Another matter to which attention has been directed by the local authorities relates to boundaries of districts. At present the Act entails adherence to a lengthy and expensive procedure in regard to minor amendments of such boundaries. Four notices of intention and the Order-in-Council must be advertised in the "Government Gazette" even when only one property is concerned. The Bill proposes that when a location lies partly in one and partly in another district, the local authorities concerned shall apply to the Minister who shall decide in which district such locations shall be deemed to be situated.

Difficulty has also arisen in respect to road boards that desire to have an electricity supply. There is some conflict of opinion between the Crown Law Department and the legal advisers of the local authorities as to whether local authorities

can enter into agreements embodying guarantees of certain specified revenues with electricity supply authorities. The Bill provides that a guarantee may be given. It may be legal now, but there is some doubt, and the Bill removes that doubt. This is the desire of certain local authorities.

Mr. Sampson: Would this include giving a guarantee to the Government? The Bill refers to a "person."

The MINISTER FOR WORKS: I am not permitted to discuss actual clauses of the Bill. I am referring to the general principles. Whatever is not provided in the Bill is a matter for the Committee stage.

One other amendment asked for, which I think is essential, concerns old-age pensioners. It is well known that people desiring to appeal against rate assessments must first of all pay a moiety of the rates. Old-age pensioners' rates are allowed to accumulate so they could not qualify, and if over-rated would not have the right to appeal. The Bill provides that they may appeal against an assessment, although the rates have not been paid.

Mr. Marshall: They are exempt under the 1923 Act.

The MINISTER FOR WORKS: A pensioner's rates accumulate, and on his decease they are piled up as a liability on the property. It is highly essential that pensioners should not be over-rated but they have not had an opportunity to appeal against assessments. The Bill places them on a footing with other ratepayers. The measure contains a few other provisions that can be considered in Committee. As I have said, there is nothing of a controversial character, and the provisions are very necessary in the interests of the road boards. They consider them important. The acceptance of the measure will make for the better conduct of road board affairs.

Mr. Doney: Has the association asked for these amendments?

The MINISTER FOR WORKS: Not all of them. I move—

That the Bill be now read a second time.

On motion by Mr. Doney, debate adjourned.

House adjourned at 9.15 p.m.

Legislative Council,

Tuesday, 2nd September, 1941.

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

ASSENT TO BILL.

Message from the Lieut.-Governor received and read notifying assent to the Supply Bill (No. 1), £2,500,000.

BILL—METROPOLITAN WATER SUPPLY, SEWERAGE AND DRAINAGE ACT AMENDMENT.

Received from the Assembly and read a first time.

ADJOURNMENT—SPECIAL.

THE CHIEF SECRETARY (Hon. W. H. Kitson—West) [4.40]: I move—

That the House at its rising adjourn till Tuesday, the 9th September.

HON. SIR HAL COLEBATCH (Metropolitan) [4.40]: Although it is unusual for a motion of this type to be discussed, I take it that it is not disorderly to rise merely for the purpose of making a suggestion to the Minister. Would it not be possible, in order to facilitate public business, for a percentage of the Government's legislative proposals for the session to be first introduced in this Chamber? Our first procedure after the Speech read by His Excellency the Lieut.-Governor is to introduce a Bill establishing the right of this Chamber to initiate legislation. That right, I take it, is a fact; we would not introduce that Bill merely as a pious expression of the existence of the right. I am aware that a great many Bills might be more properly introduced in another place; but I am sure those of us who have been members of this Chamber for a considerable period will recall that it has not been unusual for Bills to be introduced here that do, in their essence, mean the appropriation of money; but the