nans. If it was not equivalent to the £250 contained in this item, will the Premier see that it is brought up to that sum?

The PREMIER: The amount in the item was a compassionate grant. For many years the deceased had received a very moderate salary, something like £350 a year, though just before his death it was raised to £500. He died in tragic circumstances, and his widow was left with a small child. Compassionate grants have invariably been made at the discretion of the Government. I had investigations made as to the position of Mrs. Williams and the Government decided to make this amount available to her. I had no idea that she intended to marry again. There is no intention of asking her to refund the money. I do not know what provision was made for the widow of the employee mentioned by the member for South Fremantle, and, not knowing the circumstances, cannot give any undertaking.

Vote put and passed.

Vote—North-West Generally — £200—agreed to.

Progress reported.

ADJOURNMENT—SPECIAL.

The PREMIER (Hon. D. R. McLarty): I move—

That the House at its rising adjourn until 3 p.m. on Tuesday next.

Question put and passed.

House adjourned at 10.27 p.m.

Legislative Council.

Tuesday, 28th November, 1950.

CONTENTS.

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

QUESTIONS.

HEALTH.

As to Conveyance of Patient to Wooroloo Sanatorium.

Hon. G. BENNETTS asked the Minister for Transport:

(1) In reference to the serious female stretcher case of T.B. which was conveyed from Kalgoorlie to Wooroloo on Monday last, will the Minister see that, in future, proper ambulance conveyance is supplied for this purpose?

(2) Will the Minister also have inquiries made to ascertain who was at fault for the serious mistake in not having proper arrangements made to avoid train delay and inconvenience to the patient?

The MINISTER replied:

(1) The vast majority of patients to Wooroloo are admitted via Perth, and proper ambulance conveyance is supplied for this purpose.

Only very few cases are admitted direct to Wooroloo from country centres. No ambulance is stationed at Wooroloo, but proper ambulance conveyance for cases can be supplied, whenever necessary.

It would not appear justified to provide an ambulance permanently at Wooroloo to be used perhaps once or twice per year.

(2) Inquiries have been made. Arrangements were made by correspondence with a local medical practitioner and by telegram from the Kalgoorlie Hospital.

None of these indicated the serious condition of the patient nor the fact that a nurse was accompanying her. Such cases are very rare and a similar occurrence is most unlikely in the future.

LIGHT LAND SETTLEMENT.

As to Conditions and Superphosphate Supplies.

Hon. N. E. BAXTER asked the Minister for Agriculture:

Is he aware—(1) That during a broadcast from the A.B.C. between 6.45 and 7 a.m. on Monday, the 20th instant, reference was made to special conditions attached to selection of light land, east of the railway reserve between Mt. Barker and Albany, which would be available after the 29th instant, and

(2) that part of the conditions were that one-fifth must be cleared within three years and two-fifths within five years of the granting of the lease, and nine-tenths of the cleared areas must be sown to pasture with super. within 15 months of clearing?

(3) In view of the present super. shortage, and not very promising prospects of a great increase during the next three years, would the Minister advise where it is proposed that the additional super. which will be needed, is to be obtained?

The MINISTER replied:

(1) Yes.

(2) Special conditions were advertised in the "Government Gazette" dated the 17th November, 1950, attached to the selection of light land east of the railway between Mt. Barker and Albany. These conditions require that a minimum of 100 acres per farm shall be cleared within three years and sown for pasture with superphosphate within 15 months of clearing.

(3) It is considered that these conditions will not cause a greater demand for superphosphate during the next three years than normal applications for Crown land in this area.

ROADS.

As to Southern Cross-Coolgardie Section.

Hon. G. BENNETTS asked the Minister for Transport:

(1) Is he aware that grave concern is being expressed by the Goldfields people in regard to the long and costly delay being experienced in the completion of the balance of the main road between Southern Cross and Coolgardie?

(2) Can he give the residents of the Goldfields an approximate date as to when the bituminising of this road is likely to commence?

The MINISTER replied:

(1) Some delay has occurred in the operations of the Main Roads Department due to the necessity to impose water restrictions in order to ensure vital supplies for agricultural, mining and domestic uses. This has prevented the commencement of waterbinding and priming works. Also, portion of the Main Roads Department organisation has been used on the construction of the bituminous lined reservoir at No. 8 pump and is now working on a new reservoir at Kalgoorlie. This gang will return to the road on completion of the reservoir work early in the new year.

(2) Further priming work cannot be put in hand until the water restrictions are lifted.

LEAVE OF ABSENCE.

On motion by Hon. E. H. Gray, leave of absence for 12 consecutive sittings granted to Hon. G. Fraser on the ground of public business.

THE KAURI TIMBER COMPANY LIMITED AGREEMENT BILL JOINT SELECT COMMITTEE.

Report Presented.

Hon. W. J. Mann brought up the report of the Joint Select Committee.

On motion by Hon. W. J. Mann, resolved: That the report be received.

BILLS (3)—FIRST READING.

1, Lotteries (Control) Act Continuance.

2, Land Act Amendment.

3, Administration Act Amendment. (Hon. E. M. Davies in charge).

Received from the Assembly.

BILLS (4)—THIRD READING.

1, Noxious Weeds.

2, Natives (Citizenship Rights) Act Amendment.

Returned to the Assembly with amendments.

3, Judges' Salaries and Pensions.

4, Legal Practitioners Act Amendment.

Passed.

BILL—BUSH FIRES ACT AMENDMENT.

Assembly's Message.

Message from the Assembly notifying that it had agreed to amendments Nos. 1, 2, 3 and 7 made by the Council, had disagreed to Nos. 5 and 6, and had agreed to No. 4 subject to a further amendment now considered.

In Committee.

Hon. J. A. Dimmitt in the Chair; the Minister for Agriculture in charge of the Bill.

No. 5: Clause 13, proposed new Section 22A, paragraph (a)—Delete the words "and other persons voluntarily assisting any of them," in lines 17, 18 and 19.

The CHAIRMAN: The Assembly's reason for disagreeing is—

> It is surely desirable that volunteers assisting in putting out a fire and in good faith running the risk of injury should be permitted to have insurance cover especially when they are to work under the direction of a bushfire control officer.

The MINISTER FOR AGRICULTURE: I agree with the reason given that a person who is voluntarily assisting at a fire should be covered by insurance, but I think the reason the Committee gave—that no underwriter would take such a risk on a person who may or may not be at a bushfire—is sound. I have not yet had information that any insurance company would take on such a vague risk respecting such persons. If I had that information, I would ask the Committee not to insist on the amendment but, in the absence of that information, I move—

That the amendment be insisted on.

Hon. A. R. JONES: I feel I must defend what I said when this clause was under discussion in Committee. I said it was possible to insure all persons engaged in fighting a fire as well as all vehicles so utilised. I was certain that the board, of which I am a member, had an insurance cover for some years but, as I never anticipated any opposition to this provision, I did not obtain conclusive evidence. Since then I have had a letter from the Director of Harvey Trinder (Australia) Pty. Limited and he assures me that his company will insure all persons fighting a fire and also vehicles so engaged to the extent of £250. For the benefit of members, I would like to read the letter submitted to me. It is as follows:—

> Re Local Authorities: In answer to your inquiry, we would advise that in connection with workers' compensation policies an extension is available to include any person engaged in bushfire fighting under the control of the authority and the following endorsement is used for this extension:—
>
> > It is hereby declared and agreed subject otherwise to the terms and conditions of this policy, that if any person engaged in bushfire fighting under the control of the road board not coming within the scope of the Workers' Compensation Act, 1912-1949, shall sustain any personal injury for which, had he been within the scope of such Act, the road board would have been liable to pay compensation in accordance with such Act, then the underwriters will pay compensation such as would have been payable had the injured person come under the provisions of the said Act.

They further explain that where a "person" is mentioned the term covers all those voluntarily fighting a fire, even boys. The letter continues—

> In connection with vehicles used for bushfire fighting, policies can be arranged and the following wording is used:—
>
> > This insurance covers loss of or damage to any motor vehicle whilst proceeding to or at the scene of any bushfire or returning therefrom on the direct route to the usual housing place. Provided that—
> >
> > (a) This insurance extends to cover only those vehicles which at the time of loss or damage are being utilised in bushfire extinguishment controlled by a local authority and which are not otherwise insured.

The Minister for Agriculture: Do they say how they assess the premiums?

Hon. A. R. JONES: No, but he did tell me what the premium was. The letter continues as follows:—

> > (b) The limit of liability in respect to any one vehicle shall not exceed £250.
>
> Note.—The term "motor vehicle" shall include the lamps, tyres, accessories and spare parts whilst on the vehicle.
>
> Warranties.—It is hereby warranted and agreed that—
>
> > (a) This insurance does not cover any loss or damage to any vehicle which at the time or happening of such loss or

damage is insured for any amount by another insurance against such loss or damage.

(b) No claim for any loss or damage to any vehicle shall be payable under this insurance without written certifications by the town clerk or secretary of the local authority and by the fire control officer in charge that the alleged loss or damage resulted from the use of the motor vehicle whilst proceeding to or at the scene of a bushfire or returning therefrom on the direct route to the usual housing place—the extinguishment of such bushfires being under the control of the local authority on whose behalf such signatures are appended.

We trust this information will be of use to you.

The premium for the covering of personnel is £4 a year and that for plant and accessories £3. It was explained to me that there were policies in operation and that claims have not been very severe. The insurance company would be prepared to accept any amount and be very happy to do it. Though the premium might have to be increased with some risks, I am told that on an average it would probably not exceed £7. I hope, therefore, members will give this matter the further consideration it deserves because I think we should cover any person who helps in fighting a fire and who may sustain loss in doing so.

Hon. E. H. GRAY: Mr. Jones deserves the thanks of the Committee for his work in connection with this matter. I maintained this could be done, and in the face of this convincing evidence I think the Minister should withdraw the amendment and not insist on it. This is a reputable insurance company and if people know that they can be covered by insurance when fighting bushfires, it would be an encouragement to them to help keep such fires down. I can understand the Minister's previous attitude because at the time he had no evidence. But here is a statement from a company which is prepared to insure people who may be engaged in fighting bushfires.

The MINISTER FOR AGRICULTURE: I agree with a good deal of what Mr. Gray says but I am afraid I still cannot see how it can be done in spite of the letter received by Mr. Jones.

Hon. E. H. Gray: It is being done.

The MINISTER FOR AGRICULTURE: I would leave it to the hon. member to take the responsibility. I am not prepared to take the responsibility as I still cannot see how it can be done. We have not come to the question of a vehicle but I understand there is going to be a maximum insurance on a vehicle.

The CHAIRMAN: I think we had better deal with No. 5 first.

The MINISTER FOR AGRICULTURE: Very well.

Hon. G. BENNETTS: I would like to ask the Minister whether he made any inquiries at the time as to whether insurance companies would cover these persons. From the letter received by Mr. Jones it would seem they are prepared to do so, and from the letter I have from the Yilgarn Road Board it appears they must have known something at the time. If we do not do something to cover these people, it may be against the interests of the farmer because if a person is of the opinion that he is not going to be covered by insurance he may not be quite so keen to render the assistance in putting down a bushfire he might otherwise give. If these people are liable to be injured, I think they should be covered and I hope the Minister will agree to the suggestion.

The MINISTER FOR AGRICULTURE: In replying to the second reading debate, I said that the manager of the State Government Insurance Office had promised to take up this matter at a conference with members of the Underwriters' Association and see whether some scheme could be formulated. In the past, such helpers have not been covered; nor did they ever think of such a thing.

Hon. E. H. Gray: According to the letter, some have been covered.

The MINISTER FOR AGRICULTURE: I believe it would be a good thing if they could be covered, but I cannot believe that any company would give blanket cover to voluntary helpers at a bushfire. How could the premiums be assessed?

Hon. E. H. Gray: The same as for insurance against rain at a cricket or football match.

The MINISTER FOR AGRICULTURE: That would amount to a bet, and I do not think any company would bet on workers' compensation to that extent.

Hon. L. A. LOGAN: As the letter indicates, insurance has already been effected and claims have been paid under that cover. There would be a record of the number of persons injured and of the damage done to vehicles.

The Minister for Agriculture: But on nothing like the number of vehicles that will be burnt.

Hon. L. A. LOGAN: Nobody would ask a company to pay a claim in respect of a man who had not suffered injury or damage.

The Minister for Agriculture: The premiums are not stated in that letter.

Hon. L. A. LOGAN: We have a company that has already transacted this class of insurance and that should be sufficient.

Hon. H. S. W. PARKER: The suggestion is not to insure any volunteer assisting at a bushfire. The Bill proposes cover for persons acting under the direction of a control officer of a bushfire brigade, and the brigade would be under the control of the road board. The effect of the letter is that any person engaged in bushfire fighting under control of the road board would be insured, which would mean those called upon by the road board to assist.

The Minister for Agriculture: I do not think so.

Hon. H. S. W. PARKER: That is what the letter says.

Hon. A. R. JONES: I spoke with the manager of the company and he said he was quite satisfied that no local authority or brigade captain would try to put anything over a company with regard to damage to a vehicle. He stated that the companies were well skilled in assessing damage and could tell within a small margin the value of the vehicle. When helpers attend a bushfire, there is always someone in control, and he would know what had happened if a person were injured. The manager of the company had no fear at all about the business. We may well leave it to the companies to find any loopholes. All we ask is that any person who attends a fire and acts under direction shall be covered.

Hon. N. E. BAXTER: The letter refers to control by a local authority and my interpretation is that a bushfire brigade would be under the control of the local authority, but not so the voluntary workers.

The Minister for Agriculture: That is the point.

Hon. N. E. BAXTER: The letter does not state that all voluntary helpers will be covered.

The MINISTER FOR AGRICULTURE: I cannot believe that the company understands the position. There might not be a control officer anywhere near the voluntary workers.

Hon. H. K. WATSON: I share the views of the Minister, but we should not dismiss Mr. Jones's representations without serious consideration. I suggest that progress be reported to permit of further inquiries being made.

The CHAIRMAN: Progress cannot be reported on a message from another place.

Hon. H. S. W. PARKER: If somebody came along and voluntarily assisted at a bushfire, I do not think that, under the terms of the letter, he would be covered. If he were under the control of an officer, it would be a different matter.

The Minister for Agriculture: I agree with you.

Hon. H. S. W. PARKER: If the words are reinserted, local authorities may not be able to effect insurance. However, it would be open to them to do so if that were possible.

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

Ayes	13
Noes	9
Majority for	4

Ayes.

Hon. N. E. Baxter	Hon. H. L. Roche
Hon. Sir Frank Gibson	Hon. C. H. Simpson
Hon. J. G. Hislop	Hon. H. K. Watson
Hon. Sir Chas. Latham	Hon. F. R. Welsh
Hon. A. L. Loton	Hon. G. B. Wood
Hon. W. J. Mann	Hon. J. M. Thomson
Hon. H. S. W. Parker	*(Teller.)*

Noes.

Hon. G. Bennetts	Hon. A. R. Jones
Hon. E. M. Davies	Hon. L. A. Logan
Hon. E. H. Gray	Hon. H. C. Strickland
Hon. W. R. Hall	Hon. R. J. Boylen
Hon. E. M. Heenan	*(Teller.)*

Question thus passed; the Council's amendment insisted on.

No. 6: Clause 13, proposed new Section 22A, paragraph (b)—Delete all words after the word "brigade" in line 26, down to and including the word "captain" in line 29.

The CHAIRMAN: The Assembly's reason for disagreeing is—

Privately-owned equipment is only to be covered when under direction of a bushfire control officer and should be insured—otherwise few people would offer this assistance as it would result in their own policy of insurance being nullified and their having no cover at all.

The MINISTER FOR AGRICULTURE: I move—

> That the amendment be not insisted on.

The position is a bit different here. Privately owned equipment is to be insured when it is under the direction of a bushfire control officer.

Hon. L. A. Logan: They have more regard for a vehicle than for an individual.

The MINISTER FOR AGRICULTURE: When I previously spoke on this matter, I thought the provision applied to any truck that might be taken to a fire, whether or not it was under the direction of the control officer.

Hon. L. A. LOGAN: The conditions applying to a vehicle are the same as apply to an individual, are they not?

The Minister for Agriculture: I have given my reasons.

Hon. L. A. LOGAN: I cannot understand the attitude that is being adopted.

Hon. Sir Charles Latham: A member must not reflect on decisions of the Committee.

Hon. L. A. LOGAN: An insurance company has said it would give the necessary cover.

The Minister for Agriculture: We cannot go back.

Hon. L. A. LOGAN: The principle is the same, as both are under the direction of the bushfire control officer.

The MINISTER FOR AGRICULTURE: I pointed out that it was not possible to insure every individual who was present but not under the direction of the bushfire control officer and no company would give a blanket cover for any old truck that might be brought along to a fire and damaged.

Hon. H. L. ROCHE: This amendment is on a par with that which the Committee decided to insist on. The control officer could not stand alongside each person present all the time and so not everyone could be sure to be considered as being under his control. I think we should have a better definition of the phrase "under the control of a bushfire control officer" and I believe we should insist on the amendment.

Hon. L. CRAIG: I hope the Committee will insist on the amendment.

The Minister for Agriculture: Mr. Jones read out a letter from Harvey Trinder Ltd.

Hon. L. CRAIG: That does not alter the position. It is extraordinary if we have to guarantee that equipment must be insured before the owner can offer assistance. A person might have an old car that he would like to see burned. No road board would accept the burden of the huge premium that would be required. I am certain my road board would fight against such a provision, as it is ridiculous.

Hon. N. E. BAXTER: I think the reasons given by another place why we should not insist on this amendment are wide of the mark. The bushfire control officer could not keep his eye on all the persons and vehicles present at a fire.

The Minister for Agriculture: All the vehicles present might not be under his direction.

Hon. N. E. BAXTER: I think Harvey Trinder Ltd.—wittingly or unwittingly—has led Mr. Jones up the garden path. The Underwriters' Association, of which I think Harvey Trinder Ltd. is a member—

Hon. L. A. Logan: No, it is not.

Hon. N. E. BAXTER: —says it has no provision for this type of insurance, and that an ordinary comprehensive policy would cover a vehicle present at a bushfire. A vehicle, the owner of which did not think it worth insuring, should not be insured just because it was present at a fire.

Hon. H. S. W. PARKER: Harvey Trinder Ltd. says it will insure all privately owned vehicles under the control of a bushfire control officer for a premium of £3. The insurance covers only vehicles which at the time of loss or damage are being utilised to extinguish a fire. I do not think more than one vehicle in a hundred present at a bushfire would not be insured. If a vehicle was damaged on the way to a fire, who could prove that it was on its way to the fire?

Hon. L. Craig: It has to come under the control of the officer.

Hon. H. S. W. PARKER: And who is to say whether it is under the control of the officer when it starts off to go to a fire?

Hon. H. L. Roche: Where does the control start and where does it finish?

Hon. H. S. W. PARKER: That is the question. Harvey Trinder Ltd. says, "going to and from" and the vehicle must still be under the control of the bushfire brigade officer.

Hon. E. H. Gray: The company says it is practicable.

Hon. H. S. W. PARKER: No, it does not, but that it is practicable for it to take a premium; but it is not practicable to force local governing bodies to insure. What have local governing bodies to insure? They may insure if they wish; by all means let them if they can arrange for an insurance company to take the insurance, but why force them? I do not agree that we should force them to insure.

Hon. A. R. JONES: We should support the amendment for several reasons. Mr. Parker has said it would be impossible for an insurance company to assess for insurance all vehicles worked by a local authority. However, the insurance company is not asked to do that; the amendment only seeks to protect those people who, by a misfortune in the first place, may not have their vehicles covered at the time. That could easily happen with a vehicle under the control of a bushfire brigade officer. In such an instance, the vehicle would be covered under this amendment. It would not be asking too much of a local authority to take out a cover for such vehicles. The Committee could very well support the amendment. Another point is that when a local authority decides it is going to form a bushfire brigade the whole district might be divided into 10 centres with 10 captains and then each subsidiary centre will also set up its own little brigade under a lieutenant, who is under the command of the bushfire brigade captain. So it would be possible to have the members of six or seven local authorities, the captain for each centre and then the lieutenant for each subsidiary centre, who would

comprise quite a number of responsible people within the road board area, and each one of those would carry full authority as a member of the bushfire brigade. Therefore, it would be exceedingly difficult for anyone to do the wrong thing by any insurance company as mentioned by Mr. Parker and Mr. Craig. I have never known a person committing such a wilful act as bringing along a vehicle to capitalise upon its destruction at a fire. Those people are imbued with the spirit to fight a fire voluntarily, and our duty is to ensure that the vehicles which they have at a fire are covered by insurance.

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

Ayes	12
Noes	11
Majority for	1

Ayes.

Hon. G. Bennetts	Hon. A. R. Jones
Hon. R. J. Boylen	Hon. L. A. Logan
Hon. E. M. Davies	Hon. C. H. Simpson
Hon. E. H. Gray	Hon. H. C. Strickland
Hon. W. R. Hall	Hon. G. B. Wood
Hon. E. M. Heenan	Hon. Sir Chas. Latham
	(Teller.)

Noes.

Hon. N. E. Baxter	Hon. H. L. Roche
Hon. Sir Frank Gibson	Hon. J. M. Thomson
Hon. J. G. Hislop	Hon. H. K. Watson
Hon. A. L. Loton	Hon. F. R. Welsh
Hon. W. J. Mann	Hon. L. Craig
Hon. H. S. W. Parker	*(Teller.)*

Question thus passed; the Council's amendment not insisted on.

Council's amendment No. 4.

> Clause 13, proposed new section 22A, paragraph (a)—Insert after the word "officers" in line 16 the word "and."

Assembly's amendment to Council's amendment No. 4.

> Line 2—Delete the words "Insert after the word 'officers' in line 16 the word 'and' and insert in lieu thereof the following:—"Delete letter 'a' in brackets thus '(a)' in line 16."

The CHAIRMAN: It will be better to deal with the Assembly's amendment in two parts. The first is to delete the words in line 2 of the Council's amendment: "Insert after the word 'officers' in line 16 the word 'and'."

The MINISTER FOR AGRICULTURE: I think the object of the amendment is that the members of another place thought, by inserting the word "and," they would be ensuring that members of the bushfire brigade would be insured. I move—

> That the amendment be not insisted on.

Hon. H. S. W. PARKER: I think we struck out the words "and other persons voluntarily assisting." If those words were reinserted, the word "and" must come out, but as we insisted on the striking out of the other words, the word "and" must be left in. The word "and" is a consequential amendment to the striking out of the other words.

The Minister for Agriculture: The hon. member agrees that it should go in. I think he is right; we all agree on that.

Hon. H. S. W. PARKER: If we agree to the amendment from another place we leave the word "and" out. That word should go in, so we must insist on our amendment.

The MINISTER FOR AGRICULTURE: We deleted the words "and other persons voluntarily assisting any of them," and put in the word "and" to connect the sentences up.

Hon. H. S. W. Parker: And the Assembly wants to take the word "and" out.

The MINISTER FOR AGRICULTURE: I think I had better ask leave to withdraw my previous motion.

The CHAIRMAN: There being no dissentient voice, leave is given.

Question, by leave, withdrawn.

The MINISTER FOR AGRICULTURE: I move—

> That the amendment, as amended, be not agreed to.

Hon. N. E. BAXTER: There seems to be some diversity of opinion regarding the position of the word "and" in the clause. I thought we amended the clause by deleting the reference to other persons voluntarily assisting at the fire and inserting the word "and."

The CHAIRMAN: Yes, and the Assembly has struck out the word "and." The effect of the Minister's motion is to insist on the Council's amendment.

Question put and passed; the Assembly's amendment to the Council's amendment not agreed to.

The CHAIRMAN: The second part of the Assembly's amendment is as follows:—

> and insert in lieu thereof the following:—
>
> "Delete letter 'a' in brackets, thus '(a)' in line 16."

The MINISTER FOR AGRICULTURE: I am afraid I do not understand. Why is this being suggested?

Hon. Sir Charles Latham: Perhaps the reference is unnecessary now.

Hon. H. C. STRICKLAND: It looks to me as though, to complete the Assembly's amendment, we have to follow on with this portion. The only difference it makes is to insert the word "and" and it will make two paragraphs. That is the reasonable explanation of the Assembly's amendment.

The MINISTER FOR AGRICULTURE: Anyhow, I move—

That the amendment be not agreed to.

I am still very hazy about this matter, so I think we had better disagree to the Assembly's amendment.

Question put and passed; the Assembly's amendment to the Council's amendment not agreed to.

Resolutions reported and the report adopted.

A committee consisting of the Minister for Agriculture, Hon. A. R. Jones and Hon. H. S. W. Parker drew up reasons for not agreeing to certain of the Assembly's amendments.

Reasons adopted and a message accordingly returned to the Assembly.

Sitting suspended from 6.15 to 7.30 p.m.

BILLS (2)—FIRST READING.

1, State Transport Co-ordination Act Amendment (Hon. H. C. Strickland in charge).

2, Constitution Acts Amendment (No. 2). Received from the Assembly.

BILL—FAUNA PROTECTION.

Assembly's Message.

Message from the Assembly notifying that it had agreed to amendments Nos. 1 to 4 made by the Council and had disagreed to No. 5 now considered.

In Committee.

Hon. J. A. Dimmitt in the Chair; the Minister for Agriculture in charge of the Bill.

No. 5. Clause 11, page 7—Add after Subclause (2) a Subclause (3) as follows:—

(3) In making any inquiry in respect to game reserves and sanctuaries as required by the provisions of this section, the committee shall refer the subject matter of the inquiry to the road board in the district of which the matter under inquiry may have effect, and shall obtain such information and advice as the road board can give relative to such matter, and the committee shall not advise or make any recommendations to the Minister unless and until a report on such matter has been received by it from such road board unless such road board neglects to furnish such advice immediately after its first meeting.

The CHAIRMAN: The Assembly's reason for disagreeing is—

The function of the committee as proposed by the Bill is only in an advisory capacity to the Minister. Should the Minister desire the advice of the local authorities in connection with any matter relating to fauna he is in a position to obtain same direct from the local authorities without the intervention of the fauna committee.

The fauna committee should tender its own advice in connection with such matters and should not be asked to submit advice from road boards.

In addition, the Minister may require urgent advice, and the proposed amendment would delay such advice being given.

The MINISTER FOR AGRICULTURE: I am going to ask members not to insist on the amendment, principally for the reason stated by the Assembly. Apparently the power of creating a reserve rests entirely with the Minister. The committee is only an advisory one. If I were the Minister administering the Act, I would seek the advice of the local road board concerned. In fact, I would go further than what is provided here; I would not allow a Minister to reserve an area without the consent of the local authority in whose district it was. In Western Australia today we have many reserves which are only harbours for rabbits and other vermin. Some people want to reserve areas for game, but they will only be useful for shooting and such like. I am greatly taken with the reasons given by another place in asking us not to insist on the amendment. I move—

That the amendment be not insisted on.

Hon. H. TUCKEY: The Minister has given good reasons why we should insist on the amendment. The committee is to advise the Minister on any proposal to reserve certain areas. No-one knows the circumstances better than the representatives of the district concerned. Already one considerable area has been reserved. The department has taken unto itself the right to refuse applications to purchase some land which is no good at all for game, except for an odd kangaroo. The area I have in mind extends for many miles south of Mandurah. There is no water there, and the land is bounded by the ocean on one side and Peel Inlet on the other. It is entirely unsuitable as a reserve for game. I was amazed to learn that the Fisheries Department had rejected a couple of applications for land there. That kind of thing should not occur.

The Minister for Agriculture: I agree, but this will not prevent it.

Hon. H. TUCKEY: It is wrong for a civil servant to dictate the policy of the State. Although the members of the advisory committee hold high positions, their practical knowledge of the bush might not be very great. Under the amendment, a road board would not have the right to say what shall, or shall not, be done, but only to express an opinion. We discussed this point for quite a while previously, and considered the amendment would be beneficial, so we adopted it.

It is not easy to decide whether Peel Inlet should be a game reserve, because the fishing industry there has to be considered. If we close the water for game purposes, we encourage tens of thousands of cormorants to come there, and at one time we paid a bonus for them in order to prevent their destroying the fish. The black cormorants are most destructive. It would be nothing for a couple of hundred of these birds to strip the nets of a hundred dozen or so of fish before daylight. The fishermen do a big business there with set nets at certain times, and they usually go out just prior to daylight, before the shags are about. If a fisherman overslept for half an hour, he would get no fish. These birds can consume hundreds of dozens of fish in one morning. Fishermen have to carry guns and if they do not use them it is useless setting the nets, unless they go out before daylight to pick them up. On several occasions fishermen have been out before daylight, on bright moonlight nights, to clear their nets to prevent these birds from taking the fish.

I would like to see that sheet of water protected because it has already become a great resort for tourists. Last summer we had a launch which took people from Perth to the inlet and provided them with a meal on the water and brought them back to Perth at night. It was a popular trip and the company could not cope with all the business offering. It would be very nice to protect the bird-life, but if we are going to consider the fishing industry we have to change our ideas because we cannot have it both ways. If it is locked up as a game reserve all we will get from it are these destructive shags and very little else.

What harm would there be in asking for the opinion of road boards? Their advice is quite useful and an ounce of practice is worth a ton of theory. The Minister knows that locking up some of this land is not doing the State any good. Unless advice is accepted from local authorities, or people in the district, costly mistakes can be made. The Government is spending £1,500 on building a deep-sea boat slip in Mandurah, and when it is finished the boats will not be able to use it because the water will not be deep enough over the bar.

The CHAIRMAN: I hope the hon. member will be able to link up these remarks with the protection of fauna.

Hon. H. TUCKEY: I am trying to illustrate that people advising the Government do not know as much as the local people. If this particular matter had been referred to people in the district, the £1,500 would not have been wasted. We should seek all the practical knowledge we can on these matters. We have lost considerable sums of money in this State on wild cat schemes which could have been avoided if local knowledge had been availed of. I think we should insist on our amendment.

Hon. L. CRAIG: The object of consulting local authorities is worthy but our amendment merely states that the fauna advisory committee shall consult local authorities. It does not say that the committee shall take their advice. To my mind it is better for the local authority to have power to advise the Minister direct rather than be able only to advise the fauna protection committee, because if that advice is not taken, then the powers of local authorities are gone. This committee is set up only to advise the Minister, and if the amendment is not insisted on it will leave the way open for the local authorities to also advise the Minister.

Hon. H. L. Roche: This amendment does not take that power away.

Hon. L. CRAIG: If our amendment is agreed to, the fauna protection committee can advise the Minister not to take any notice of advice tendered to the committee by a local authority. If we leave the Bill as it is, the fauna protection committee can advise the Minister and the local authority can also advise the Minister against the advice of the committee. That is tremendous power for the local authority to have. I agree with Mr. Tuckey that road board people do know local conditions and advice should be taken from them. My point is that it is much better for the local authority to be able to advise the Minister than to advise the fauna protection committee. I think we would be well advised not to insist on the amendment.

Hon. L. A. LOGAN: The reason for our amendment being included in the first place was to have some safeguard ensuring that sanctuaries would not be created, and so protect certain fauna, while outside those sanctuaries the same fauna would be classed as vermin. Just whether our amendment can do that is debatable, but we cannot afford to take away the authority of local authorities in this regard. It appears that the Minister for Lands has the right to declare a sanctuary.

The Minister for Agriculture: The Minister for Fisheries.

Hon. L. A. LOGAN: I understand the Minister for Lands creates the sanctuary and declares what fauna is to be protected. Then the Minister for Fisheries comes into the picture. As this comes under the control of the Minister for Lands I think we could agree that our amendment be not insisted on. The Minister for Lands will know the subject of fauna and what are the best areas to be created as sanctuaries. We also know that he will seek the advice of local authorities and therefore I think we would be well advised not to insist on our amendment.

Hon. Sir CHARLES LATHAM: The Attorney General is the Minister for Fisheries and so it is not the Minister for

Lands who will be in control of this legislation. I am most anxious that local authorities should have some knowledge of what is going on in their districts. We are continually throwing responsibility on local authorities and they should know exactly what is happening in their own particular districts. It is no good giving somebody in the metropolitan area the authority to declare certain areas as fauna reserves.

Hon. L. Craig: They are only to advise the Minister; that is a different thing.

Hon. Sir CHARLES LATHAM: Is the Minister going to bother to find out these things? He is very busy and he depends on the advice he receives from these committees. Local authorities should be permitted to express their opinions. The Minister is not bound to take their advice but at least he will have the benefit of local knowledge. Local authorities are competent and we should not take away from them this power.

The Minister for Agriculture: What power?

Hon. Sir CHARLES LATHAM: The right of being able to express themselves. I know of no better advocate for people in the country than the Minister for Agriculture, but he is a Minister administering a department and is a mouthpiece of another place in this Chamber. If he were not a Minister, I am sure he would agree with what I have said. I want local authorities to have a thorough knowledge of what is going on in their districts.

The MINISTER FOR AGRICULTURE: The only reason that I do not agree with the amendment is that it does not go far enough. If power were given to local authorities to agree as to whether a reserve should be declared or not, I would be all in favour of it. The advisory committee, if our amendment is insisted on, need not take the advice of the local authority or even advise the Minister in that direction.

Hon. H. TUCKEY: Why is there all this fuss if our amendment cannot do any harm? I agree that the local authorities will not have power to do anything, but they can advise and bring information to light that would not otherwise be known. Things are often done and the local authorities do not know what is happening. I have had 34 years' experience with local authorities and I feel strongly on this point because I know the benefit of seeking their advice on all matters affecting their districts. If our amendment is insisted on it cannot do any harm.

Hon. H. W. S. PARKER: As far as I can understand the position, those who want the Committee's amendment retained do so because they want local authorities to be able to approach the Minister and have a say in the matter. I think I am correct in that. If we look at the clause we will find that "the committee shall inquire into" any matter that the Minister may refer to it. It goes on to say that the committee may, if it so desires, ask the local authorities for their views. The amendment proposed is that before it advises the Minister, the committee shall consult the local authority, which would prevent the Minister from consulting the local authorities or the local authorities consulting the Minister. This has to be done through the committee.

Hon. Sir Charles Latham: Not necessarily.

Hon. H. S. W. PARKER: It says so. It says they may do it through the committee.

Hon. Sir Charles Latham: No, it does not.

Hon. H. S. W. PARKER: Read it! If the Minister wants to do anything quickly, he is forced, if this amendment goes through, to do it without consulting the committee. He is not allowed to seek the advice of the experts as he is not permitted to consult the local authority. The committee cannot advise the Minister until it has consulted the road board. If that is read in the ordinary way, it means that if the Minister wants to confer with the local road board, he has to proceed through the advisory committee, the members of which know more about game generally in the country than does the local road board. The advisory committee is to help the Minister; that is all. If the Minister wants any other help, why should he not get it.

Hon. Sir Charles Latham: He can get it.

Hon. H. S. W. PARKER: He cannot. The direction Parliament is giving is that he has got to go through the committee before he can get to the local road board. The Minister for Lands is mentioned. It is not the Minister in charge of this Act who settles reserves but the Minister for Lands. The amendment means that the Minister will be hobbled. He may want to do something quickly, such as the creation of a reserve.

Hon. Sir Charles Latham: What for?

Hon. H. S. W. PARKER: What is a reserve usually for?

Hon. Sir Charles Latham: You do not create that quickly. There is no need for it.

Hon. H. S. W. PARKER: Obviously when it is found what depredations are going on, the Minister may wish to create a reserve to protect some of our rarer birds such as wild duck. I do not think we should insist on this amendment.

Hon. H. TUCKEY: I think Mr. Parker has been getting into deep water—

Hon. E. M. Davies: There is good fishing there.

Hon. H. TUCKEY: —by talking about something with which he is not altogether conversant. He would rather take the advice of experts. We do not want to say

too much about that. We give experts every credit for what they do, but surely they do not know everything. In reply to Mr. Craig, I would say that very often these decisions are arrived at long before a local authority knows anything about them. I referred to one instance a few minutes ago—that of a reserve on the other side of Mandurah.

Hon. H. S. W. Parker: What is the reserve for?

Hon. Sir Charles Latham: Fauna.

Hon. H. TUCKEY: I suppose it is for protecting game. I am pretty conversant with this matter. It was a long time before I knew anything about the area being set aside and about applications for the purchase of any part of it not being considered. I know the Minister for Agriculture is very keen on throwing open as much of that land for settlement as possible. That course has been recommended as a means of overcoming the milk shortage in the metropolitan area. If the land between Perth and Bunbury were developed fully it could produce all the milk required for Western Australia. That area is not known too well because it is isolated and I think the Minister got a shock when he saw the possibilities that existed in the district. We should acquaint the local authorities of what is going on. I think they have a right to know.

Hon. H. L. ROCHE: The Committee should insist on this amendment because unless it is included in the Bill as passed by the Council originally, there does not seem to be any other obligation on the Minister or board to consult the local authority on such matters. Whilst we all subscribe to the belief that local authorities should receive encouragement and be consulted, it is a pity that that was not provided for in the Bill when it was originally drafted. The local authorities will not be given much power under this proposal, but they certainly will be in the position of having to be consulted before the committee makes a recommendation to the Minister.

If the Minister is likely to bring down an amendment to provide local authorities with more power, I think he will get the support of members. I cannot grasp the reasoning of Mr. Parker in this matter. It seems to me while we are making it mandatory for the committee to consult local authorities, there is nothing to prevent the latter, despite that, going to the Minister. I think we should insist on the amendment.

Hon. N. E. BAXTER: I cannot understand the objection to this amendment. From my experience of Government departments and their working, I do not think the time limit comes into it at all. I have known departments to take 12 months before reaching decisions, which would give ample time for the advisory committee to do what is necessary.

Hon. H. Tuckey: But a reply has to be received within four months.

Hon. N. E. BAXTER: It might take 12 months, and there will be plenty of time. Road boards generally are very interested in the protection of fauna, and they should have the right to say what fauna should be protected. The advisory committee is not on the spot to know the depredations by particular types of fauna, whereas the road board is. I think we should insist on this amendment.

Question put and negatived; the Council's amendment insisted on.

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

BILL—MILK ACT AMENDMENT.

Second Reading—Defeated.

Debate resumed from the 23rd November.

HON. E. M. DAVIES (West) [8.16]: I support the second reading. I have examined the various provisions of the measure, and I think the House would be well advised to pass it. One of the main features deals with the representation of milk producers and the election of their representative. The people in the industry are entitled to say who their representative shall be, and I think it is only a democratic provision that has been incorporated in the Bill.

The portion of chief interest to me is the compensation clause which provides for an increase from £20 to £25 for cattle destroyed as reactors to the T.B. test. The cost of cattle has increased so greatly that an advance of £5 on the amount previously provided is not nearly sufficient. I have in mind that, at the time when T.B. in cattle was most pronounced and the American tuberculin test was applied, some producers of wholemilk had a large number of their cattle condemned, and it was impossible for them to replace that stock at a maximum cost of £20 per head. I mention maximum cost because, in many instances, the compensation paid was less than £20.

As a rule, a dairyman arranges his production over the whole of the year and, in some instances where cattle were condemned, the reactors were those expected to come into production in the near future. This meant that the dairyman not only had the difficulty of trying to augment his herd from some other source, which was most costly to him, as the amount of £20 was quite insufficient, but his business suffered considerably. Some producers went out of business through inability to secure cows that would be in production immediately.

The proposed increase is rather niggardly, and I am wondering whether the Minister will be prepared to increase it. I am well aware that it is not within our

province to move for an increase, because that would impose a charge on the Crown. The Minister is the only one who can do it, and I think it only right that he should consider ways and means whereby an advance may be made on the £25. If my memory serves me correctly, when the present Premier sat in Opposition in another place, he stated that the compensation payable should be in the vicinity of £40. If £40 was a reasonable figure at that time, the amount should be at least £40 now. I emphasise that the maximum of £25 is niggardly and that the Minister should endeavour to arrange for it to be increased.

HON. H. L. ROCHE (South) [8.22]: I support the second reading. It seems to me that the principle involved is subscribed to by the organisation representing the primary producers. I well remember the circumstances that led the Government to amend the Act a couple of sessions ago when we deprived the producers of that right of representation. I belong to an organisation which, for 20 years, has held the view that the producers have a fundamental right to elect their representatives on boards appointed to deal with the disposal of their products. Consequently, I welcome this action by the Government which seeks to reintroduce that principle into the Milk Act. So far as I am aware, the Farmers' Union still subscribes to that principle, as it has always done. Certainly I have not heard officially that it has departed from that principle, though two years ago, admittedly, it weakened on the principle.

Hon. L. Craig: For very good reasons.

Hon. H. L. ROCHE: There were reasons, but whether reasons or expediency can ever justify the subordination of a principle, I very much doubt. It cannot be justified in this case. Because unfortunate circumstances may arise, it does not justify a producers' organisation or the Government in departing from a principle fundamental to its existence. Certain other matters are contained in the Bill that may be of more interest to other members. I, not being directly interested in the wholemilk industry, do not desire to discuss them, but I wish to make it clear that I support the Bill entirely on that one principle, namely, that it is the right of the producers to say who shall represent them on boards appointed to handle and dispose of their products.

HON. N. E. BAXTER (Central) [8.24]: It is rather unfortunate that one portion of the Bill should, as it were, take advantage of the producers. I refer to the portion dealing with the provision of compensation up to £25. Another clause seeks to destroy the existing board which, over the past years, has proved to be a good one. I certainly support the principle of producer-representation, but when we have a good board of management—it may well be termed a board of management—I think it would be particularly foolish to break it down at this stage just for the sake of adhering to a principle. That might sound rather severe, but in a business having a good board of management, nobody would think of throwing the board out because of a principle. I much regret that for this reason, I cannot support the Bill.

THE MINISTER FOR AGRICULTURE (Hon. G. B. Wood—Central—in reply) [8.26]: There is only one point to which I wish to reply, and that was contained in the remarks of Mr. Davies. Much consideration was given to the question of the amount of compensation to be paid. I assure the House that nothing can be done to increase the amount at this stage, but something could be done next session, particularly in view of the higher cost of cattle. Let me point out that some people have the idea that a diseased cow is not worth anything. I do not subscribe to that view, though it would certainly not be worth the full price. In New South Wales, nothing is paid to the owner of a reactor.

Hon. E. M. Davies: The community bears the cost.

The MINISTER FOR AGRICULTURE: If a man has a diseased sheep, he kills it and does not receive any compensation for it. I believe that £25 is quite a fair thing. Consideration is always given to the amount of compensation as costs rise. Representations were made that an amount of £30 should be provided, but I considered that £25 would be a fair thing, and I cannot promise that any increase beyond that will be made on this occasion.

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

Ayes	11
Noes	15
Majority against	4

Ayes.

Hon. G. Bennetts	Hon. H. L. Roche
Hon. R. J. Boylen	Hon. C. H. Simpson
Hon. E. M. Davies	Hon. J. M. Thomson
Hon. E. H. Gray	Hon. G. B. Wood
Hon. E. M. Heenan	Hon. W. R. Hall
Hon. Sir Chas. Latham	*(Teller.)*

Noes.

Hon. N. E. Baxter	Hon. A. L. Loton
Hon. L. Craig	Hon. W. J. Mann
Hon. J. Cunningham	Hon. H. C. Strickland
Hon. J. A. Dimmitt	Hon. H. Tuckey
Hon. Sir Frank Gibson	Hon. H. K. Watson
Hon. J. G. Hislop	Hon. F. R. Welsh
Hon. A. R. Jones	Hon. H. S. W. Parker
Hon. L. A. Logan	*(Teller.)*

Question thus negatived; Bill defeated.

BILL — INCREASE OF RENT (WAR RESTRICTIONS) ACT AMENDMENT (No. 2).

Second Reading.

Debate resumed from the 23rd November.

HON. H. K. WATSON (Metropolitan) [8.32]: In 1939 an Act was passed, as a wartime emergency measure, putting property owners into a legislative straitjacket. That measure has been extended from year to year so that now, in 1950, eleven years after the commencement of the Act and five years after the cessation of hostilities, it is our melancholy duty to consider the Bill before the House, with a view to extending the legislation for a further twelve months.

I submit that no two Acts have defeated their own purposes more than have the building materials control legislation and, in particular, this rent restriction legislation with respect to landlord and tenant. If a decision on the Bill now before us rested with me, I would say we should give the people of Western Australia four months' notice that the statute would expire and go out of existence on the 31st of March next. At the same time I realise that the views I have just expressed may not appeal to a majority of members of this Chamber and I therefore suggest that, if the Bill is to be agreed to and the legislation renewed for a further twelve months, it requires a number of amendments.

In moving the second reading of the Bill, the Minister informed the House that the measure was designed to ease some of the restrictions contained in the Act and yet, in the next breath, he informed members that—as will be found in Clause 4—the Bill is calculated not to ease but still further to tighten some of the provisions of the Act. The measure proposes —after a lapse of eleven years—to bring in licenses for the first time. As members will realise, the difference between a lease or tenancy and a license is that with a lease or tenancy one has exclusive possession of any property or premises, whereas with a license one has the right of entry to the property or premises but not exclusive possession.

To illustrate the position to members I will refer to a chemist's shop that I once saw—not in this State. In the shop were an ordinary chemist's counter, a counter at which could be purchased photographic supplies and one at which could be purchased jewellery. In addition, there was a chiropodist's cubicle and a beauty parlour cubicle. Each one of the distinct sections that I have mentioned was operated by its own proprietor, who sat behind his or her counter and attended to his or her own business. Each of them had the right to walk round the whole of the shop but each confined himself or herself to his or her own counter, paying a fee to the owner of the chemist's shop. That is the distinction between a license and a lease or tenancy.

One may see a mechanic who pays a garage proprietor a certain sum per week to occupy portion of the garage and perhaps use the proprietor's lathe, or other equipment, with the right to roam over the whole of the garage. In the country licenses are granted by private owners of land for the right to cut timber or to remove clay or soil from the property. For eleven years all those classes of agreements have been—I think rightly—excluded from the Act and yet now, in 1950, we are asked to bring them within the Act for the first time.

In Clause 9 provision is made for the first time to bring lodgers under the Act. In Clause 10 there is provision to ratify certain activities of the rent inspector, who has apparently exceeded his lawful duties. It seems to me that the least this Bill should do would be to unwind the Act and not tighten it up still further. Clause 4 provides for an amendment to the definition of "flats". The position that exists, and has existed for eleven years, is that rents in respect of flats have been determined by a magistrate and not by a rent inspector. If this clause is agreed to, decision on the question of rents for flats will be determined not by a magistrate but by a rent inspector, and in my opinion that would be a retrograde step.

Hon. Sir Charles Latham: Has not the rent inspector done it in the past?

Hon. H. K. WATSON: He has tried to do it, and the court has told him he was exceeding his lawful duty.

Hon. Sir Charles Latham: I know of some instances in which it was done.

Hon. H. K. WATSON: We find that the Bill seeks to exempt from the Act hotels and wine shops. I would pose a question. I do not object to hotels and wine shops being excluded from the Act, but why should not church property and every other class of property in between wine shops and church property be excluded? I feel that after a lapse of 11 years it would be a fair and reasonable proposition if all classes of property were exempted, no less than hotels and wine shops. In any event, the time is long overdue for taking a couple of classes of property right out of the Act.

In this regard I would refer first to premises which have been leased by a tenant from a landlord and which have then been sublet ad lib; where a tenant has obtained fairly large premises from a landlord for perhaps £3 a week and has sublet each room for perhaps £3 per week and, in addition to making quite a handsome profit for himself, such as he was never intended to make, has caused no end of damage and disrepair to the property. It seems to me that as between the principal tenant and his landlord, the provisions of this Act should not apply. That is not to say that the subtenants would be prejudiced by the Bill. They would carry on with the same protection as they have today, but the principal tenant and his landlord would be outside the Act. The principal tenant would have to make his arrangements direct with the landlord.

I suggest, also, that any property of which the Crown is the lessee could well be excluded from the legislation. At present the Act provides that the Crown shall not be bound, but I suggest that the Crown should not have it both ways. If the Crown is not bound by the Act the owner of a property, who happens to have the Crown for a tenant, should at least have some freedom of action, and I think his premises should be excluded from the Act. There is in Clause 11 one good point that was not contained in the Bill when it was introduced. As a matter of fact, it made its appearance in the Bill from a rather unexpected quarter, but it is none the less welcome and loses none of its merit on that account.

The clause I refer to is that which states that the provision prohibiting eviction shall not apply to any tenancy granted after the 31st December, 1950. Good and all as that provision is, I feel that its intent and extent should be carried a little further and that any tenancies or leases entered into or granted after the 31st of December, 1950, should be exempted from all the provisions of the Act; in other words, they should be taken right outside the Act. If that were done, I feel that within a short time, in the case of city properties, we would find landlords and tenants availing themselves of the opportunity afforded to reach mutual agreements and satisfy their own desires—the landlord on his part for a reasonable rent and the tenant, on his, for adequate security of tenure. If this provision were agreed to, it would be possible for a landlord and tenant who were so minded to enter into a new lease for such a term and at such a rent as they could agree upon, thereby taking themselves outside the Act. If they did not avail themselves of that provision, the normal protection from increased rent on the one hand and from eviction on the other would apply.

Turning to the provisions of the Act which relate to rent adjustment, I feel that the Bill as it stands at the moment leaves much to be desired. In the remarks I am about to make I would emphasise the difference between what the Act calls the "standard rent" and "fair rent." "Standard rent" is defined by the Act as the rent which was received in respect of the property on the 31st August, 1939, and the "fair rent" is that which has been fixed by the Fair Rents Court in pursuance of a fair rents determination.

I deal firstly with the question of the rent adjustment of business premises. I think it is reasonable to say that no two cases are alike with respect to tenancy conditions or rents of business premises. Such premises run from a shop in Hay-street to a shop on one of the main streets in the suburbs. There is a wide and varied gap between the rent payable for one and the rent payable for another. I do not think one could produce a satisfactory rule of thumb which would give a measure of justice for business premises. I feel therefore, that the adjustment of rent for business premises is essentially a matter of negotiation between the landlord and the tenant.

The Bill provides that the landlord and the tenant can agree to increase the rent up to 25 per cent. I submit that that percentage should be altered to 35 per cent. and that the landlord and the tenant of business premises should be permitted by mutual agreement to increase the rent by 35 per cent. over their standard rent or, failing agreement, either of them to have the right to go to the Fair Rents Court for the fixing of a fair rent. Another reason why I suggest the 35 per cent. increase is that according to the formula which the magistrate, who ordinarily occupies the position of presiding officer in the fair rents court—and he has developed the formula with some skill over the period—is that the fair rent which he has granted from time to time has been in almost every case more than 25 per cent. of the standard rent and not infrequently has been up to 50 per cent. over the standard rent.

I have heard today—I have not been able to confirm the fact and therefore speak subject to correction—that the rent of the premises occupied by the Lotteries Commission, by agreement and approval of the court, had been raised from £5 per week to £8 per week. That is an illustration of a percentage increase that is made by agreement. As to land tax, I would draw the attention of the Minister to the provision which states that the standard rent may be increased by any increase in land tax. It seems to me that if those clauses are to be carried, they should be clarified because, at the moment, they do not indicate what is to be the critical point from which, and at which, the increase should take place. Neither does it expressly state that the land tax is to be confined to State land tax.

If it is implied that it should also apply to Commonwealth land tax, I would suggest that such proposal would be ultra vires as infringing the provisions of the Commonwealth Land Tax Act which provides that such tax cannot be passed on. I turn now to the rent of residences. The 1947 census revealed that there were some 15,000 houses let to tenants and that the average rent of those houses was 17s. 6d. a week for a wooden structure and £1 3s. 10d. a week for a brick house. In my opinion, the Bill should provide for an automatic increase by 35 per cent. on the 1939 statutory rent. At the moment it simply provides that the landlord and the tenant may agree to fix a rent up to a limit of an increase of 25 per cent.

Hon. E. M. Heenan: Then there is the right of appeal.

Hon. H. K. WATSON: Yes, they have the right to agree to an increase up to 25 per cent. with a further right, on either side, to appeal.

Hon. E. M. Heenan: But does it not mention that the magistrate can fix the increase?

Hon. H. K. WATSON: No, the Act is silent on that point. I have drafted an amendment which I propose to move in Committee by which I think the position can be made a little clearer. My proposition is that the Bill should provide for an automatic increase of 25 per cent. and then the landlord or the tenant will have the right to appeal to the court from that increase and the magistrate shall have discretion to grant an increase of from not less than 10 per cent. to not more than 50 per cent.

Hon. W. J. Mann: Fifty per cent.?

Hon. H. K. WATSON: Yes, 50 per cent. As I mentioned only a moment ago, a 50 per cent. increase on standard rent is not an uncommon thing for a magistrate to grant today on an application for a fair rent.

Hon. E. M. Heenan: Rents on the Goldfields in 1939 were higher than they are today.

Hon. H. K. WATSON: At the moment, I am speaking of the metropolitan area. I want to make that clear. Mr. Heenan can, no doubt, enlighten us as to the position on the Goldfields. My suggestion is that there should be a 25 per cent. automatic increase on the residential rent of 1939 and if either party is dissatisfied, he can go to the magistrate who, at his discretion, can give a percentage increase of not less than 10 per cent. and not more than 50 per cent. on the 1939 standard rent.

In specifying those percentages and in indicating to the magistrate his minimum and maximum increases, it would, I think, save the landlord the cost of having a valuation made which, in many cases, he is almost invariably subjected to. At the moment, under an application for a fair rent, the formula is based on the fact that the magistrate takes the 1942 valuation of the property, plus 33 1/3 per cent., and then arrives at the fair rent, which is calculated to make a net return of 6 per cent. on that valuation. That involves the making of a valuation of the property before the application goes to court and such valuation may cost anything from £5 to £10, which is a pretty expensive item.

Hon. E. M. Heenan: Are they not fixed?

Hon. H. K. WATSON: No, they vary according to the value of the property.

Hon. G. Bennetts: I know that on the Goldfield some have been as low as £3.

Hon. H. K. WATSON: Therefore, whilst not removing from the magistrate the right to fix the fair rent in accordance with his existing formula, we still give him a more or less rough and ready discretion to make a quick decision to increase the rent by not less than 10 per cent. and not more than 50 per cent. In discussing the question of rents of residential properties generally, I think we have to recognise that what one calls the landlord class can be numbered on the fingers of one hand.

Hon. H. Hearn: They have gone.

Hon. H. K. WATSON: Yes, they are non-existent. The average landlord today is nothing more than a thrifty person who has provided a pension for himself instead of being a pensioner on the State. That is a typical definition of a landlord today. I will give an illustration or two. A friend of mine, a disabled soldier from the first World War, is a lift operator in one of the city buildings. To provide for his old age, he saved, when he could, to purchase two properties to provide himself with a small income in his advanced years.

Take the case of a man who has purchased a few houses to provide an income for his widow when he has passed on, and many of the landlords of today are widows whose return from such properties constitute their sole source of income. Yet we know that the cost of painting and repairs has sky-rocketed and the persons whose houses have been let since 1939 have their rents, in many cases, still pegged at the 1939 level. Many of them are in dire distress. It is not an over-statement to say that quite a number of them today are the under-privileged class. The basic wage on the 1st July, 1939, was £4 2s. 2d. and shortly it will be £8.

Hon. L. Craig: And yet you suggest an increase of only 25 per cent!

Hon. H. K. WATSON: I suggest a fixed automatic increase which, in the majority of cases, would represent an increase of 5s. or 6s. a week. Personally, I feel it should be higher but there is something automatic fixed and I know, if I were a landlord, which I am not, I would certainly be inclined to go to the magistrate and ask for something more than a 25 per cent. increase with a reasonable chance of having that application granted. The tragedy of it all is that the biggest landlord in the State is not bound by the Act at all. The State Housing Commission, which lets Houses up to £2 5s. a week is not bound by the Act in any way. Therefore, I say: "Who is going to deny these home-owners, who constitute the thrifty section of the community, who have invested their savings in homes, a reasonable income from their properties which they have been receiving in past years?"

Another point in the Bill is that at long last it will remove one of the greatest denials of justice and fundamental rights which has ever been perpetrated on a long-suffering community, and that is the right of a person to go into his own home; a right which has been denied to home-owners since 1939. I should say that these

particular provisions in the rent restriction Act constitute one of the greatest delayed action devices ever conceived by man. Nevertheless, I feel that the procedure prescribed by the Bill is much too lengthy, cumbersome and complicated. As it stands at the moment, the measure provides that the owner who desires to go into premises for his own purposes shall give three months' notice and the tenant at any period during that time may apply to the court for six months' exemption.

Hon. A. L. Loton: And may apply on the last day of the month.

Hon. H. K. WATSON: It could be nine months from the date of application before the person could get possession of his own home. I make the suggestion that whenever an owner desires to obtain the occupancy of premises for his own purposes —I refer to either business premises or residences—he should be entitled to absolute possession in three or four months on the expiration of the notice to the court, and no exemption should be made for special circumstances.

No discretion should be given to the magistrate to lengthen or shorten the time. In this way the position will be made clear and the parties will know where they stand. They will know how much time they will have to make other arrangements. They will be saved the procedure and expense involved, because if they know they cannot get more time, the owner will be able to get possession after the period lapses.

Hon. H. Hearn: When would that be?

Hon. H. K. WATSON: I am suggesting a fixed period of three or four months, without right of appeal to the court, because that will remove from both parties the unsettling and demoralising state of suspense that obtains now. Bobbie Burns said that suspense was worse than disappointment. It is certainly worse the way things are at present. We know what the suspense is when we are waiting for the result of a cricket match, a horse race or even an election. In a case such as that under discussion, I would say that the suspense is like rust upon the blade.

I had a case presented to me today that will illustrate my point regarding the matter of suspense which the tenant no less than the landlord is put to in the endless journeyings to the court. The owner of the house I have in mind is in the metropolitan area. The premises are occupied by an elderly man and his wife. It is a large house and it is owned by a man with a family of five. He expects that family to be increased to six in about six weeks' time. Five weeks ago he went to the court for an eviction order, following on the refusal of this House to pass an associated Bill in September last.

When he went to the court the magistrate heard the case and informed the parties that they should go back and share the house, returning to him in a month's time. The magistrate did not make any order. He said, "A case has been made out. You must share the house. Go away and talk it over amongst yourselves and see me in a month's time." They returned to the magistrate at the end of the month and the tenant advised him that he was too ill to share the house with the owner and his family. The family, by the way, was scattered all round the metropolitan area.

The magistrate then said, "Can you prove, by means of a doctor's certificate, that you are too ill to share the house?" The tenant replied that he could. The magistrate said, "Very well. We will adjourn the case for another week and you can bring your doctor along." I am informed by Mr. Albury that the parties again went before the magistrate and the tenant took with him his doctor to give evidence. Mr. Albury put the wife in the box to give evidence. This, members will remember, is within six weeks of her expected confinement.

Today the magistrate told the parties that he thought the tenant should share the house with the owner and his wife but not with their children. He told them to go away and come back and see him in a week or a fortnight's time. Let members imagine the suspense while all these things are going on. Not only is there suspense but there is expense as well. Both parties presumably are represented by their solicitors.

Hon. H. Hearn: Had he been to the court before these occasions?

Hon. H. K. WATSON: Yes. I think he approached the court first about two years ago. He tells me that on that occasion when he made the application to the court his expenses totalled £10. If it costs him £10 each time he goes to court and he has made four trips in about five weeks, members will see that a rather extraordinary state of affairs exists. I feel that we should relieve all this uncertainty and make it clear in the Act that there is to be a fixed period. That would mean that both sides would know what was expected of them. It is safe to say that the present situation is making nervous wrecks of a large section of the community. During the last week or two they have nearly made a nervous wreck of me.

Hon. H. Hearn: Not you!

Hon. H. K. WATSON: It is a fair statement to make that the greatest catastrophe is not so much in the realisation as in the suspense. If we could provide in the Act that a period of four months should be final and conclusive, it would be best for everyone concerned. I have arrived at that recommendation by no means hastily; I have given the matter careful and anxious consideration. I feel sure it would be the best for everyone. It should

apply equally to business premises where the owner requires them for his own purposes.

I notice that "The West Australian" in an editorial commenting on the amendments I propose to move to the Bill raises some doubt as to whether the four months notice to quit should be applied to business premises where they were required by a person for his own purposes. That particular point reminds me of remarks made by Sir Charles Latham the other night when he drew attention to certain statements made in "The West Australian." I do not in any way resent criticism by a newspaper. I feel that the day the Press ceases to express its opinions and to give us the benefit of them, will be a sorry day for Western Australia.

Hon. Sir Charles Latham: Do not forget that it is the opinion of one man!

Hon. H. K. WATSON: Although it may be the opinion of one man—

Hon. L. A. Logan: One need not agree with him.

Hon. H. K. WATSON: That is so.

Hon. Sir Charles Latham: He does not even have to be elected to Parliament.

Hon. H. K. WATSON: That is quite so, but at the same time the opinion expressed in the editorial is that of one man or a group of men after having given serious thought to the problems of today.

Hon. R. J. Boylen: Sometimes good advice is given.

Hon. H. K. WATSON: I am not talking about Mary Ferber.

Hon. L. Craig: Or Dorothy Dix.

Hon. H. K. WATSON: When I read Mary Ferber—

Hon. L. Craig: Do you really read her stuff?

Hon. H. K. WATSON: I did have occasion to read it when she was dealing in lies, half truths and misrepresentations. But I turned to Kipling's "If," for I was reminded of the lines—

> If you can bear to hear the truth you've spoken,
>
> Twisted by knaves to make a trap for fools.

Members: Hear, hear!

The PRESIDENT: May I draw the hon. member's attention to the fact that we are discussing the increase of rent Bill.

Hon. H. K. WATSON: I feel that the inclusion of the provisions of the four months sudden death notice and its application to business premises is desirable no less than it is with respect to residential premises. If it were included in the measure, I am satisfied that the evictions that would take place would be negligible compared with the exodus that is taking place from Airways House and Furnival Chambers in consequence of those properties having been taken over by the Commonwealth Government and the tenants being evicted.

We should bear in mind that those persons are being evicted without the right of appeal to any court and without four months notice. It so happens in this case that the Commonwealth Government has given a period of notice to the tenants, but there is no right of appeal. The amendment that I propose to move is designed principally to deal with owners of premises who have carried on business in those premises; the premises are sold but the tenants refuse to give up possession. There is no reason why a person having sold his premises with the promise of giving the purchaser possession in six or 12 months time should not hand over possession in accordance with that arrangement.

When we deal with that particular clause in Committee, I shall offer a number of actual illustrations of cases, to deal with which the amendment is designed. If it is carried I feel that the decent tenant and decent landlord will be so circumstanced that what I propose will merely conform to the actual position that exists today. In recent years as betwen the decent tenant and the decent landlord, when circumstances have arisen necessitating some different arrangement, they have mutually agreed upon something satisfactory and in due course the tenant has surrendered the premises to the landlord. While this has been so, there will still be a hard core of tenants that have not played the game by landlords.

No great injustice will be done if we apply this automatic exemption with respect to business premises no less than to residences. We have to make a start somewhere. If we wait until it is convenient, it will never be convenient; and I feel that now is the time to make a start. I would also remind members that, for many years past, when Bills dealing with rents have come up for consideration they have been continuance measures. One date, such as 1949, has been deleted and another inserted in its place, such as 1950. In accordance with Standing Orders, we have not been able to make any other amendments to the Act. This, however, is a Bill to amend and continue the Act, and it may be years before we have another such Bill. Therefore I urge members to bear that in mind when discussing it.

The Minister for Transport: I think the Bill goes to the 31st December, 1951, and no longer.

Hon. H. K. WATSON: Yes, but my point is that when a Bill is brought down this time 12 months hence, it will be simply one to continue the operation of the Act.

The Minister for Transport: That is anticipating.

Hon. H. K. WATSON: And it would not be within our province to amend that Bill. The Minister interjected that I am anticipating; but I have vivid recollections of, 12 months ago, trying to have inserted in the measure then before the House the right of owners to retrieve their properties. That proposal was ruled out of order on a technical ground. So though I am anticipating, I am doing so in the light of actual experience; and to me experience is a much better guide than the promises or anticipations of anybody.

I turn now to the provisions regarding protected persons. Most members when discussing this question have made very clear that there is nobody here who does not subscribe to the view that disabled servicemen and war widows and all other such deserving cases should be protected; that they should have adequate pensions and adequate shelter and accommodation. But the point we have made, and which I make tonight, is that neither their pension nor their shelter should be provided at the expense of any individual citizen. Their shelter, no less than their pension, should be provided by the State. I therefore propose to move an amendment to the existing provisions of the Bill to stipulate that if the protection provisions are to remain, it should be the responsibility of the State Housing Commission and not of any individual owner of premises to provide any protected person with accommodation.

In order that there can be no dispute about the matter, I propose to submit to members the suggestion that the rent which shall be payable to the State Housing Commission shall be that of the premises in which the person concerned happens to be living at present. That will not put him to any further expense. However, we have to avoid cases in which a life pensioner from World War I. and his wife are unable to get into their house because it happens to be occupied by a wholly incapacitated soldier from World War II who is physically unable to look after the house and keep it in order. I submit that the Chamber must not allow an injustice like that to continue.

Hon. H. C. Strickland: Are there many cases like that?

Hon. H. K. WATSON: I do not know; but one was brought under my notice today and it is typical of cases which could exist. Even if there were only one case, it should not be left for any one individual to shoulder a burden which it is essentially the duty of the State to shoulder. I have made a critical investigation and careful examination of this question. I recognise and regret that even the suggestions I have made will leave out isolated cases of hardship. But regrettable as that is, I think such things are unavoidable unless we are going to vote against the whole Bill.

It has been said, and it is quite true—and I think it is demonstrated all the more by this Bill—that hard cases make bad law. But I trust that members, in considering this Bill and the proposals I have submitted, will do so above the din and dust of party politics. This is a House of review and I suggest that a Bill of this nature is the particular class of legislation in connection with which we can demonstrate to the State that we deal with Bills as a House of review and regardless of party politics.

I assure the Minister that the proposals I have submitted for consideration of the House are submitted very sincerely and I would earnestly ask him to consider them with a view to his accepting the amendments I shall move in Committee. In the business sphere I happen to be a tenant. In the household sphere I am neither a tenant nor a landlord. The only property I have is my own house and I think that is the only property I will ever expect to own. All I desire to do is to ensure that justice will be done to everybody, having regard to the difficulties which have been created by the heavy migration to the State and by these wretched controls over building and buildings which, the longer they continue, the more they will provide fresh problems and injustices. I will support the second reading, but when the Bill is in Committee I intend to move a number of amendments.

HON. E. H. GRAY (West) [9.25]: This is a very difficult Bill; and no matter to what party we may belong, we are up against problems. I shall confine my remarks to residential property and say nothing about the business part as mentioned by Mr. Watson. I think it would be a very grave mistake for any amendments to be passed affecting business people. Mr. Watson mentioned a case where a businessman sold his property and then took advantage of the Act and would not get out. A businessman who sells his property and is not prepared to get out should be in the Claremont Asylum.

However, there are numbers of other people, particularly in the metropolitan block, who have built up businesses and, if Mr. Watson's amendment is carried in Committee, they will be ruined because they will not be able to find other accommodation. Little businesses should be protected against big business, and bigger business should be asked to confine its activities to the accommodation available. I hope the House will waste no time on Mr. Watson's amendment, because it will do a terrible injustice to people building up little businesses.

Property owners have undertaken a propaganda campaign and have made grave mistakes. Both in the "Sunday Times" and in the "Daily News," statistics have been published to indicate that in 1947, there were 127,660 homes available to 502,480

people, an average of four people to a house. I do not intend to question those figures but I would point out to the people at work on that propaganda that they are making a grave mistake, and if they want to get to the bottom of things and realise what is taking place, they must go into those dwellings in the metropolitan area, on the Goldfields and in small towns where workers and their families are living. They should not go to Mt. Lawley or the aristocratic portion of Mosman Park.

Hon. H. Hearn: What about Victoria Park?

Hon. E. H. GRAY: They must go to places like that, and instead of finding an average of four people in a house they would discover up to 15 and 16. Therefore the economy of the State and the workers of the State are suffering very severe hardships. I recognise the difficulties facing members and I want to do everything possible to have legislation passed that will effectively prevent the all too common practice of tenants subletting accommodation at rentals out of all proportion to those paid by the tenants to the landlords. In many instances tenants are charging high rents that would make the average burglar blush.

Hon. H. Hearn: That is the new control you want.

Hon. E. H. GRAY: It is a very grave evil in Western Australia and I want to put a stop to it. I agree with Mr. Watson that we should do everything possible to relieve pensioners and retired persons on superannuation whose pensions, in too many instances, are affected by the fact that they cannot live in their own homes but have to rent houses. I am keen on doing everything possible to rescue these deserving people from their predicament and give them easy access to their own places.

Hon. H. Hearn: What do you suggest as an amendment?

Hon. E. H. GRAY: This is a difficult Bill and we should take our time studying it in Committee where members can freely express themselves. I will support anything that will effectively rescue these people—

Hon. H. Hearn: You have no amendment?

Hon. E. H. GRAY: I disagree with Mr. Watson's comments with regard to the protective clauses of the Bill. I admit that both the Commonwealth and the State Governments should do everything possible to house protected persons, but I would not vote for any amendment that would mean that people who have served in either war, or servicemen at present away from the State, should be evicted from their homes. That is a job for the Government. When I saw the protests, I could not understand why some of our woolgrowers had not made a handsome contribution to the McNess Housing Trust.

Hon. L. Craig: Would that build another house?

Hon. E. H. GRAY: If our wool millionaires would do that, we could rectify the position in less than six months, and rescue the protected service people by giving them McNess homes.

Hon. W. J. Mann: Have you heard of the manpower shortage?

Hon. H. S. W. Parker: Your party objects to money from woolgrowers.

Hon. E. H. GRAY: My party would applaud any woolgrower who made a handsome contribution to the McNess Housing Trust. I shall stick to the amendments in the Bill that give protection. With regard to assessing rents, I think it is a pity that the Government did not consider introducing an amendment to establish a fair rents court.

Hon. L. Craig: That is what we want.

Hon. E. H. GRAY: The rent control officer has done a good job, and the Government could have given him a magistrate's status enabling him to preside over a fair rents court. It would be cheaper to do that than to have a magistrate. The Government could surely find another officer—perhaps one who has been working in the rents inspection department—to take his place. How is it possible for the average retired person to raise the necessary money so that he can appeal to a court for an adjustment of rent? I have been informed that such cases sometimes cost as much as £10 and £15. A fair rents court would avoid much of the legal expense now incurred, and it would be more accessible to people, and quicker than is the present procedure. The omission of provision for such a court is a grave mistake. There are thousands of people, both landlords and tenants, who cannot afford to go to an ordinary court. The Minister might, perhaps, put an amendment on the notice paper to provide for a fair rents court. If that were done, it would be one of our biggest steps forward in the legislation.

Hon. L. Craig: Do not you think there ought to be a blanket increase in rents?

Hon. E. H. GRAY: The trouble about rents is that—

Hon. L. Craig: On the standard rent.

Hon. E. H. GRAY: —the people who have suffered most under the rent restriction legislation are the good landlords.

Hon. H. Hearn: Are there any good landlords? I did not think you admitted there were.

Hon. E. H. GRAY: During the depression, I knew several small landlords who were anxious to do everything possible to assist the workers and, in 1932, they put the rent down to bedrock. When the

depression ended, they did not bother to raise the rent, so that the 25 per cent. provided here is ridiculous for them.

Hon. L. Craig: It is not nearly enough.

Hon. E. H. GRAY: That is so. On the other hand, 25 per cent. is far too much for the hard landlord. That is a weakness in the measure. We may do more harm by increasing the amount beyond 25 per cent. than by reducing it. Section 15 provides for a standard rent and a fair rent, and it is to be amended by Clause 11.

Although I have been informed by the mover in another place that my interpretation of it is wrong, I think this particular amendment is dangerous. I ask the Minister to make some inquiries about it. If we pass the amendment, which provides that tenancies after the 31st December, 1950, shall not be subject to Section 15, we will do one good thing in that we will give the right to landlords to come under the ordinary law and get away from the statute altogether, but, according to my reading of the clause, we will be allowing a landlord to charge whatever rent he wishes, whereas Section 15 provides for a fair rent and a standard rent.

I hope I am wrong in my interpretation, but I think the clause means that not only will the landlord be able, if he has an unsatisfactory tenant, to give him notice and get rid of him, but it will also absolve a landlord from the application of the Act altogether, so that he could charge what he liked, which would be a tragedy for many people. The passing of one amendment would mean that a lot more accommodation would be made available. If we give a landlord the right to get rid of a tenant who is unsatisfactory, I think more accommodation would become available because there are numbers of big houses, both in the metropolitan district and outside, which people would rent in those circumstances. But, by giving the other power, with the thousands of people coming into the State, rents would sky-rocket, which would be disastrous.

Hon. J. M. A. Cunningham: The protection has to end some time.

Hon. E. H. GRAY: My interpretation of the amendment is that a new tenant would have no protection at all.

Hon. H. K. Watson: Do you maintain that the legislation ought to continue for another 20 years?

Hon. H. Hearn: That is obvious.

Hon. E. H. GRAY: I would like to see it finished with, but we cannot afford to end it now. The position would adjust itself if we were not receiving great numbers of people from oversea. While thousands of people are coming into the country, we must provide some protection.

Hon. H. Hearn: That will go on for another 20 years.

Hon. E. H. GRAY: No, it will right itself. I shall support the second reading of the Bill, although I intend to oppose most of Mr. Watson's amendments. I think this is the first time that the Leader of the House has had so many amendments on the notice paper. I have been through them all, and I shall support them because I feel they will improve the Bill. But the fact of those amendments being on the notice paper is proof that the legislation has been passed very hastily. Many technical errors were made in another place and the Minister in charge of the Bill is relying on this Chamber to rectify them.

The Minister for Transport: Were you referring to Clause 15 of the Bill or Section 15 of the Act?

Hon. E. H. GRAY: To Clause 11 of the Bill and Section 15 of the Act. I support the second reading.

HON. L. A. LOGAN (Midland) [9.43]: No member, I am sure, will disagree with the statement that the amendments in the Bill are long overdue. Unfortunately, an amending measure was not brought down during the last two or three years, because had we in that period been able gradually to ease some of these controls, we might have arrived at the stage today when we could have let control go altogether.

Hon. H. K. Watson: I do not think there is any doubt of that.

Hon. L. A. LOGAN: Unfortunately, we have not been able to do that. It is unfortunate that we cannot agree with Mr. Watson's suggestion that in four months' time the whole of the legislation should go overboard. Had we been able to tackle the subject in its right perspective in the last few years, I think his suggestion could have applied. At this stage, however, we cannot thrust on the public of this State the responsibility of looking after itself within four months. This House has, under the Bill, to face a responsibility that it has not had to deal with for a long while. I am afraid that, whatever we do, we will not satisfy all sections of the community.

Most members of this Chamber, and probably those of another place, have been subjected to the representations of pressure groups since the Bill was introduced. Were we to agree to altering the Bill to suit those groups, it would not be worth reading. I am afraid that the amendments made to the Bill in another place since its introduction have altered it a great deal from its original form. If we play around with it much more, and back up the pressure groups, we might as well ditch it altogether. I for one am not taking much notice of the pressure that has been applied by these groups. I have studied the Bill and I know the conditions relating to my

area. Therefore I will apply my knowledge when discussing the Bill at the Committee stage.

There is one aspect that has not been mentioned which has an important bearing on what may take place in the future. To discuss this aspect we must go back to the early years of the war when many men and women of this State, in consideration for the state of the Commonwealth at that time, put their surplus cash into war loans while at the same time many men and women put their money into property. We may have a case today where some of the people who put money into property have as tenants people who put money into war loans. That could apply in a number of cases and, in my opinion, it would be wrong to penalise individuals who put their money into war loans. These people could have purchased property during those years, but because they were actuated by a desire to help the Commonwealth they will be penalised if they can be evicted by persons who purchased property during the same period. We should be careful not to do these people an injustice. It is possible that had that money not become available for war loans to safeguard this property, the property might not have been available today.

There is one feature of the Bill to which we must all agree and that has regard to subletting, especially of dwellinghouses. I do not know of any greater crime than that of a man who has gone into a house as a tenant at the miserable 1939 rent and made almost a fortune at the expense of the landlord. That is something we have to stop under the provisions of this Bill. I agree with Mr. Gray that we must have some easy approach to the court without its being expensive. Much has been said about the good landlord and about the bad one, too. The same applies to tenants. There are good and bad tenants but both of them will have to go to the court unless we can make some easy approach available to them. Whether the setting up of a fair rents court will ease that burden or not, I do not know—probably it will. We must have some court, or some such authority where we can obtain uniformity. If all these cases are to be tried by different magistrates, I am afraid that uniformity will certainly not be achieved.

I think we all agree that a person who has owned his home for some considerable time is justly entitled to that house in the shortest possible time so that he may live in comfort for the rest of his life. Of course, we must take into account the aspect I mentioned about the person who put his money into war loans and the other person who put his money into property. However, in general, for too long have people had to stand by and pay enormous rents for rooms while they receive probably 17s. 6d. to 30s. a week for their own homes. Whether Mr. Watson's suggestion of the period of three months or four months, and no longer, is justifiable at this stage, I am not prepared to say. Irrespective of the conditions, his suggestion would have to apply to everyone and in some cases there would be extenuating circumstances. We cannot afford to throw every right overboard at one hit. With regard to business premises, if the businessman, over the last few years, has had sufficient acumen to purchase premises over the head of the tenant, then the tenant deserves to go out. That is private enterprise—one man's business ability against that of the other.

Hon. J. A. Dimmitt: He may not have had the opportunity.

Hon. L. A. LOGAN: In most cases he has had the opportunity. Usually, the premises are put up for auction.

Hon. J. A. Dimmitt: Not always.

Hon. L. A. LOGAN: They are put up either for auction or tender. Also whispers get about, but I will admit there have been one or two cases where the tenant may not have been advised. In most instances business people have had a much better opportunity to secure the premises they occupy than have others wanting to buy homes. The business people have much better opportunities to make financial arrangements than have men on the basic wage.

Hon. N. E. Baxter: That is the big businessmen.

Hon. L. A. LOGAN: And the small businessmen, too. We must give a reasonable opportunity, although not a very long period, to enable these business people to get out and find something suitable for themselves.

Hon. H. C. Strickland: Would you grant them goodwill?

Hon. L. A. LOGAN: No.

Hon. H. C. Strickland: Or would you pay them any money?

Hon. L. A. LOGAN: No, it is business ability against business ability. If we believe what Mr. Gray says and we have to keep the Bill in force until such time as immigration is finished, then we will be old and doddery.

Hon. H. Hearn: That will be when the Russians are settling here!

Hon. L. A. LOGAN: Unfortunately, on present indications, this problem will never be satisfied unless we stop immigration, and we cannot afford to do that. We must get down to a satisfactory basis sometime and revert to conditions as they existed in 1938.

Hon. E. M. Heenan: We cannot do that.

Hon. L. A. LOGAN: I think we can.

Hon. H. Hearn: Hear, hear!

Hon. L. A. LOGAN: There was no Act under which these people could shelter in 1938, and they got on all right then.

Hon. E. H. Gray: There were plenty of houses for them to live in in those days.

Hon. L. A. LOGAN: Statistics prove, on the number of people in the State and the number of houses available in those days, and the number of houses and the number of people in the State now, that the housing position is no worse today than it was then.

Hon. E. M. Davies: There are hundreds of people in Fremantle living in huts.

Hon. L. A. LOGAN: The question of the number of people who occupy houses today, and the number of houses available, is no worse than it was in 1938. It is all a matter of distribution. There are residences now with one or two people living in them while others are occupied by 14 or 15. That is simply because this Act is in force. If the Act did not apply, and the owner of a home realised that if he took in a tenant he could eject him tomorrow if he so desired, he would be prepared to make accommodation available. While this Act is in force such people will not let rooms or accommodation. We must realise that shortly we will have to get down to the idea of everybody fighting for himself rather than receiving protection under an Act such as this. Prior to 1938 this Act was not in force and I do not see why in 1952 it should be in force either. As this is mainly a Committee Bill, we can deal with the amendments on the notice paper when we reach that stage. In the meantime, I support the second reading.

On motion by Hon. H. Hearn, debate adjourned.

BILL—RAILWAY (PORT HEDLAND-MARBLE BAR) DISCONTINUANCE.

Returned from the Assembly without amendment.

BILL—VERMIN ACT AMENDMENT.

Assembly's Message.

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

BILL—RURAL AND INDUSTRIES BANK ACT AMENDMENT.

In Committee.

Resumed from the 23rd November. Hon. J. A. Dimmitt in the Chair; the Minister for Agriculture in charge of the Bill.

The CHAIRMAN: Progress was reported after Clause 1 had been agreed to.

Clauses 2 and 3, Title—agreed to.

Bill reported without amendment and the report adopted.

BILL—AGRICULTURE PROTECTION BOARD.

Assembly's Message.

Message from the Assembly notifying that it agreed to amendments Nos. 3, 4 and 5 made by the Council and had disagreed to Nos. 1, 2 and now considered.

In Committee.

Hon. J. A. Dimmitt in the Chair; the Minister for Agriculture in charge of the Bill.

No. 1: Clause 5, Subclause (2) page 3—Delete the word "nine" in line 13 and substitute the word "eight."

The CHAIRMAN: The Assembly's reason for disagreeing is—

The Legislative Assembly cannot accept this amendment to reduce the membership of the agriculture protection board from nine to eight. If the board were constituted with eight members, the Government would have no control over expenditure. Since the minimum amount from revenue as provided for in the Bill could be £105,000, it is most important that the Government members have control over expenditure. It is more important still, when this amount may be increased by the Treasurer. Each member of the board has a vote and when voting is equal, the question is resolved in the negative. It is therefore necessary that the board consist of nine members, five representing the Government, and four representing other interests.

I move—

That the amendment be not insisted on.

The MINISTER FOR AGRICULTURE: I hope the Committee will not insist on this amendment. I cannot give any better reasons than those advanced by the Assembly because those were the reasons I gave to this House. It is true that there is expenditure provided for in this Bill to the tune of £105,000. That is only the minimum, and we may want a lot more. If there is a majority of Government members on the board, there is a better chance of getting that money than by having members who are not so concerned and perhaps so responsible as regards the expenditure of public money. I know the Assembly is very adamant on this amendment.

Hon. A. L. Loton: Do not threaten us.

The MINISTER FOR AGRICULTURE: I am only making a statement that the Assembly is adamant, and I am in full agreement. It is in the interests of everybody concerned, particularly the country people, that there should be a board of nine members, as it will help us to get any extra money we may require.

Hon. A. L. LOTON: I hope members will insist on the amendment. Since the Bill was passed, this House has dealt with two other important measures—the

Noxious Weeds and the Vermin Act Amendment Bills—which will enable the local governing bodies to assess a maximum rate of 2d. in the £. I do not know what that amount will bring in by way of revenue to the boards concerned, but I would say it would be very large. All the money that is required will not be obtained under the Bill, and I maintain that officers other than public servants know how to get the best value out of money. The fact that another place insists most strongly does not carry much weight with me.

The Minister for Agriculture: I did not expect it to.

Hon. A. L. LOTON: In the original Bill introduced by the Government, provision was made for only eight members on the board. If it is so essential that we should have nine, why did not the Government provide for nine in the first place?

Hon. L. A. Logan: The Government did not want it.

Hon. A. L. LOTON: That is quite correct, but because somebody in another place moved to increase the number, the Government suddenly said it must have nine. The public and not the Government is finding the money.

The Minister for Agriculture: The Government has the handling of it.

Hon. A. L. LOTON: That is a totally different matter.

The CHAIRMAN: Order! I suggest the hon. member address the Chair.

Hon. A. L. LOTON: The four public servants would not know local conditions as well as the four representatives that I hope can be selected by the Minister. I trust the Committee will insist on the amendment.

The MINISTER FOR AGRICULTURE: I claim that heads of the departments should know the best way to spend money.

Hon. A. L. Loton: They can spend it all right.

The MINISTER FOR AGRICULTURE: Surely the chief vermin officer, to take one example, would be more au fait with the position and know better than anybody else how the money should be spent. The same would apply to the chief weeds officer and the chief fauna officer.

Hon. H. L. Roche: Who put the chief fauna officer in the Bill?

The MINISTER FOR AGRICULTURE: That was done by another place. I said I did not think the Bill was perfect and that I was prepared to accept amendments. The protection board will probably find anomalies in these Bills and further amendments will probably be submitted next year. The provision for the five Government officers made by another place will, I think, improve the Bill.

Hon. Sir CHARLES LATHAM: Might I ask the Minister a question through you, Mr. Chairman? Was this Bill first introduced in this House or was it first introduced in another place?

The MINISTER FOR AGRICULTURE: In another place.

Hon. Sir CHARLES LATHAM: I cannot follow the alterations. We did not put in nine members.

The Minister for Agriculture: They were put in by another place. We took one out.

Hon. Sir CHARLES LATHAM: I see.

Hon. H. TUCKEY: I am not sure whether we are not doing the wrong thing in insisting on this amendment because there is no doubt the expenditure provided for in the Bill will not go very far. We will want a great deal more. The Government has to find the major part of the money, and I am wondering whether it would be as generous minded if it were in the minority on this board. As long as we get appropriate representation, would it not be running a risk to take away from the Government some measure of control if it is required to make available large sums of money?

Hon. H. L. ROCHE: This is in keeping with the phobia which, to my mind, seems to have possessed the Government, namely that they can run nothing without the dominance of the Public Service. Estimable as public officials are in this State, I do not think they possess the experience and practical knowledge necessary of application in respect of bodies such as the agriculture protection board, which would be better constituted as we proposed. Apparently only minor amendments are acceptable to another place. Any serious amendments we make are not acceptable and will not receive the support of the Government. If the Minister does not like eight members on the board possibly he will agree to an amendment providing for 10 members. I think that a board of eight should function quite satisfactorily, and I do not think it would be in the best interests of the State to have it as constituted by the Bill when it reached this House.

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

Ayes	12
Noes	12
A tie	0

Ayes.

Hon. J. Cunningham	Hon. H. S. W. Parker
Hon. E. M. Davies	Hon. C. H. Simpson
Hon. Sir Frank Gibson	Hon. H. C. Strickland
Hon. E. H. Gray	Hon. F. R. Welsh
Hon. W. R. Hall	Hon. G. B. Wood
Hon. E. M. Heenan	Hon. R. J. Boylen

(Teller.)

Noes.

Hon. N. E. Baxter	Hon. A. L. Loton
Hon. L. Craig	Hon. H. L. Roche
Hon. H. Hearn	Hon. J. M. Thomson
Hon. J. G. Hialop	Hon. H. Tuckey
Hon. Sir Chas. Latham	Hon. H. K. Watson
Hon. L. A. Logan	Hon. A. R. Jones
	(Teller.)

The CHAIRMAN: The voting being equal, the question is resolved in the negative.

Question thus negatived; the Council's amendment insisted on.

No. 2. Clause 5, Subclause (3), page 3—Delete the words "the Chief Warden of Fauna" in lines 26 and 27.

The CHAIRMAN: The Assembly's reason for disagreeing is—

> The Legislative Assembly desires to retain the chief warden of fauna as a member of the protection board as an additional Government representative, in order to have a board constituted with nine members.

The MINISTER FOR AGRICULTURE: In view of the vote on the previous amendment, I hardly know what to do on this amendment. However, I move—

> That the amendment be not insisted on.

Question put and negatived; the Council's amendment insisted on.

No. 6. Clause 8, paragraph (d), page 5—Add after the word "holding" in line 37 the words "except where such person has the consent of the owner or occupier so to do."

The CHAIRMAN: The Assembly's reason for disagreeing is—

> The Legislative Assembly cannot accept this amendment as it destroys the intention of the paragraph, which is to prevent indiscriminate trapping of rabbits by trappers. If the paragraph were so amended, there would be no control, as an owner or occupier could give his consent to anyone he so desired.

The MINISTER FOR AGRICULTURE: I take it members would agree to the paragraph if we provided for the owner or occupier "or his employee." That might be acceptable to another place. Otherwise the paragraph might as well have been voted out. If we are to have indiscriminate trapping—

Hon. H. L. Roche: The owner's approval would have to be obtained.

Hon. A. L. Loton: How would the trapper gain a livelihood? And there is a shortage of meat.

The MINISTER FOR AGRICULTURE: This power would be exercised only in extreme cases.

Hon. H. L. Roche: You want to override the owner.

The MINISTER FOR AGRICULTURE: No, I want the owner to be permitted to give approval to his employee. I move—

> That the Council's amendment be amended by striking out the words "except where such person has the consent of the owner or occupier so to do," and inserting in lieu the words, "or his employee."

The Royal Commission on vermin was emphatic that there should be control over trapping of rabbits on certain occasions. Everyone knows it is not in the best interests to have trappers frightening the rabbits away when one is commencing a campaign to get rid of them. That was the idea in order to have some control over rabbits—

Hon. H. L. Roche: That will be when we reach the millenium.

The MINISTER FOR AGRICULTURE: That was a strong recommendation of the Royal Commission, and the power would not be required on many occasions. The owner has been exempted and I think the employee should be exempted also.

Hon. A. L. LOTON: When the Committee previously dealt with the Bill the Minister accepted the amendment, and I see no reason why he should change his opinion. Rabbit is looked upon as a luxury now by many people in the metropolitan area, and why the professional trapper should not operate I fail to understand. The amendment would prevent even natives from trapping on railway or other reserves. Casual labour is sometimes available and I do not see why it should not be availed of to trap rabbits professionally. I hope the Committee will not agree to the amendment.

The MINISTER FOR AGRICULTURE: That the amendment would prevent natives or anyone else trapping rabbits is the most extraordinary statement I have ever heard in this Chamber. The amendment gives the board power only under certain circumstances. I strongly uphold trapping when labour and machinery are not available for other means of eradication.

Hon. Sir CHARLES LATHAM: What would prevent the owner or occupier inviting half a dozen men to trap rabbits on his holding and then saying they were employees? He could pay them a small sum per week.

Hon. L. Craig: He could pay them by means of the rabbits.

Hon. Sir CHARLES LATHAM: I see some good in trapping but the view of the department is that the trapper always catches the bucks.

The Minister for Agriculture: That is not its view now.

Hon. Sir CHARLES LATHAM: That was its theory until recently. It was thought that the bucks came out of the burrows

first and were consequently trapped first. We do not know who will be on the board. Rabbits have been a source of supply of a good deal of food for export and the shipping of their skins to America has earned a considerable sum in dollars. I hate to think we depend on vermin for revenue as in the long run the destruction they cause will reach a greater figure than any revenue obtained from them. We have never had a real plague of rabbits in this State such as is experienced in New South Wales or Victoria. I hope that, whatever is the decision of the Committee, it will be exercised with commonsense, but I do not know that the effect of the amendment, if agreed to, would be what the Minister desires. I am not sure that I want to see trapping controlled.

Hon. H. S. W. PARKER: I understand the amendment of the Minister is really this: "but not by any person other than the owner or occupier or his employee."

The CHAIRMAN: That will be the final effect.

Hon. H. S. W. PARKER: I do not know whether the Minister appreciates what that means, because at present it reads "other than the owner or occupier." Quite obviously that includes his employee. Surely the owner can have his employee to help him trap. If, however, the words "or his employee" are added, will they not have the effect that the employee, without any instruction or authority from the employer or owner, will have the right to trap, whereas if the clause is left as it is, the employee can only do that by virtue of authority from the employer or occupier.

Hon. Sir Charles Latham: But it will not take the authority away from the employer or occupier.

Hon. H. S. W. PARKER: Yes it will. If we leave the words in the amendment as they are, it will leave the authority to the owner as of his own right, and it need not necessarily be an employee on that particular property.

Hon. H. L. ROCHE: I hope the Committee will insist on its amendment and vote against the Minister's further amendment. I find difficulty in understanding how some Government members, who have some knowledge of what takes place in the country, can introduce a Bill with this provision in it. While the Minister says it will apply only in certain circumstances, I would like him to define those circumstances more clearly than he has. There should be some provision in the Bill whereby the owner of the land would have the right to get rid of vermin by any means available. Employees are just about as scarce as feathers on a frog, and they are too busy to go out trapping.

Hon. Sir Charles Latham: Could a farmer's son be classed as an employee?

Hon. H. L. ROCHE: Sir Charles should ask Mr. Parker that question; I would not know. It does seem that the amendment is dangerous. I know that there is a mania in the Eastern States against trapping rabbits and it is starting to spread here, but in some circumstances the only way to eliminate rabbits is to trap them. The Minister wants to restrict trapping to the employer or occupier or an employee, but there are no employees available.

The MINISTER FOR AGRICULTURE: This amendment is not a blanket provision to prevent trapping. The decision is left entirely to the good sense of the agriculture protection board. Members have not much faith in the board if they think it will stop natives from trapping. I do not care for this amendment, but I moved it when I found that another place did not agree to the amendment moved by this Committee. If members are going to leave the clause as it is now, they might just as well have deleted paragraph (d) because it would have the same effect. The recommendation by the Royal Commission on vermin was based on evidence from persons in the country and from members of local authorities. It stated quite definitely that the protection board should have some power over the trapping of rabbits, but there is nothing in the Bill that prevents rabbit trapping; the matter is left entirely to the discretion of the protection board, which surely has the right to exercise its power discriminately.

Hon. J. M. A. CUNNINGHAM: I would like to ask the Minister what effect his amendment would have on a particular case which came to my notice recently. A man has a property at Mundaring, and the rear boundary of his property is actually in the catchment area of the Mundaring Weir. Up till now the Government has refused to erect a rabbit-proof fence on that boundary, and the catchment area is, of course, a perfect nursery for hordes of rabbits. As a result this man is almost desperate. From time to time he has had professional trappers engaged on his area, but unfortunately several of them took a greater liking to his lambs and sheep and he could not do much about it because his property is rather long and sprawling. Recently suggestions were made that miners, who like to get into the bush for a holiday, would jump at the opportunity to go rabbit trapping and by their activities they would do both the farmer and themselves some good. The Minister said that the Bill would not prevent natives from trapping, but it does prevent that man from employing miners to trap on his property.

The MINISTER FOR AGRICULTURE: The protection board would not prevent anybody from trapping on that area. I do not agree that it is a happy hunting ground for rabbits to breed.

Hon. A. R. JONES: I wish to ask a question so that I may be clear on some points. It seems to me that the Minister has one opinion, but whether he has expressed himself clearly I do not know. I take it that the idea is to destroy rabbits as vermin by whatever means we can, and we are entitled to use such means. If an owner goes ahead and destroys the rabbits he can employ trappers and do what he likes; but in the event of his not doing that, I think the Bill indicates that the protection board shall have the right to direct that he shall not trap because it seeks to do some other work such as fumigating or ploughing in. Is that the intention?

The MINISTER FOR AGRICULTURE: I have already said that the Royal Commission on vermin said that the protection board should have power to control rabbits. That was based on evidence principally obtained from the Mingenew district. The road board in that area was particularly keen on the use of mobile units for trapping. There is nothing in the Bill to prevent trapping.

Hon. H. C. STRICKLAND: As I see it, I do not think any power is taken away from the owner or occupier. Does it not mean that only the owner or occupier can trap?

The Minister for Agriculture: The protection board cannot stop the owner or his employees from trapping, according to my amendment.

Hon. H. C. STRICKLAND: It can stop him from employing outside trappers.

The Minister for Agriculture: Yes.

Amendment on the Council's amendment put and negatived.

The MINISTER FOR AGRICULTURE: I now move—

> That the amendment be not insisted on.

Hon. A. L. LOTON: I hope the Committee does insist on its amendment.

The Minister for Agriculture: Give it a go!

Question put and negatived; the Council's amendment insisted on.

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

BILL—INDUSTRIAL ARBITRATION ACT AMENDMENT.

Second Reading.

Order of the Day read for the resumption from the 22nd November of the debate on the second reading.

Question put and passed.

Bill read a second time.

In Committee.

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

BILL — STATE (WESTERN AUSTRALIAN) ALUNITE INDUSTRY ACT AMENDMENT.

Second Reading.

THE MINISTER FOR AGRICULTURE (Hon. G. B. Wood—Central) [11.01] in moving the second reading said: This is a very small but important Bill. In view of the great publicity given to these matters in another place I do not propose to go into detail, as members must be well aware of the ramifications of the whole of the alunite business and the criticism leading up to the introduction of this Bill.

The principal Act which was passed in 1946 contemplates, under Section 9, that the authority of the Minister to establish, maintain and carry on works under the Act shall be "upon land dedicated to the purposes of this Act." That word "dedicated" is very important, as I shall explain later on. Section 10 lays down the procedure by which lands may be dedicated to the purposes of the Act. The Act itself was assented to in January, 1947, and proclaimed very shortly afterwards. The works having been in existence before that time and in operation, it was naturally assumed that the lands had been dedicated to the purposes of the Act and no information to the contrary was received from the board of management.

It was not until the question of leasing the premises came up earlier this year that the Crown Law Department reported that no land had, in fact, been dedicated for the purposes of the Act but, instead, a special reserve had been made of certain lands at Chandler vested in the names of the individual members of the board of management. The legal opinion is that the lands should have been dedicated to the purposes of the Act under Section 10 before the alunite works were established. Furthermore, part of the works at Chandler are not on the reserve which was vested in the names of the members of the board but on adjoining Crown land, and upon these adjoining Crown lands experiments and research into the production of potash had been carried out and will, during the course of the investigation to which the Commonwealth has agreed, continue to be carried out.

It is thought expedient to remove any doubts as to the legality of the works established on the land and carried on at Chandler and the past and future experiments and researches, by amending the Act. The amendment necessary for this purpose is to be found in lines 6 to 10 of subparagraph (ba) of Clause 3. This amendment provides that the experiments and research may be carried out upon any lands whether or not dedicated to the pur-

poses of the Act. By far the most important amendment, however, is that which is contained in the remainder of Subclause (1) of Clause 3, commencing at line 14, which relates to the power to sell, lease, let on hire or otherwise dispose of any property vested in or required by the Minister or the board. Regulations gazetted on the advice of the Crown Law Department on the 5th May, 1950, purported to confer this power, but some doubts have been raised as to the validity of that regulation in the course of the negotiations between Australian Plaster Industries, who are now in possession of the works for the production of plaster, and the Government.

The Crown Law officers are of the opinion that the power of lease thus conferred is sound, and at least one of the solicitors acting for the company has expressed the same opinion, but the company's other adviser holds a contrary view, and it is deemed advisable to remove any doubts on this matter, the proviso to this clause stating in effect that a sale as a going concern, as distinct from a lease or hiring of land or plant, is made subject to the approval of Parliament. This is in accordance with the Government's wishes as it is prepared to submit the position to Parliament in the event of the Commonwealth, at the close of the investigation, proving unwilling in the national interests financially to assist in the production of potash for agricultural purposes.

Subclause (2) of Clause 3 is embodied in the Bill to remove any doubts as to the validity of past experiments and researches and past disposal of property such as the sale of unwanted items of plant, although here again the Crown Law officers and other legal authorities are of the opinion that the power to acquire plant and to carry on business must presume the power to dispose of it when no longer required, but in view of the controversy it is desired to place the matter beyond doubt. Clause 4 expressly validates past transactions as if the amendment now proposed had been in operation since the commencement of the principal Act. I move—

That the Bill be now read a second time.

On motion by Hon. E. H. Gray, debate adjourned.

BILL—WAR SERVICE LAND SETTLEMENT AGREEMENT (LAND ACT APPLICATION) ACT AMENDMENT.

Second Reading.

Order of the Day read for the resumption from the 23rd November of the debate on the second reading.

Question put and passed.

Bill read a second time.

In Committee.

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

BILL—INSPECTION OF MACHINERY ACT AMENDMENT.

Second Reading.

THE MINISTER FOR TRANSPORT (Hon. C. H. Simpson—Midland) [11.12] in moving the second reading said: There are four amendments in this Bill, none of which is of an involved or of a major nature. The first proposes to delete the outmoded interpretation in the parent Act of "motor," and to replace it with a modern definition of the term "prime mover," which is interpreted to mean "an engine driven by steam, compressed air, gas, oil or hydraulic."

The second amendment seeks to rectify a situation caused inadvertently by an amendment in 1946 to the Timber Industry Regulation Act. This amendment enlarged the definition of "timber holding" to include any place at which timber was stacked, sawn, split, hewn, used in joinery construction or otherwise fashioned." It is important to note the words "used in in joinery construction or otherwise fashioned" as this brought joinery construction factories into the definition of "timber holding."

This amendment was made for the purpose of permitting inspectors appointed under the Timber Industry Regulation Act to enter and inspect metropolitan timber yards and places, such as joinery works, where timber is stacked, sawn, hewn, and split—an authority which they did not possess previously. This amendment, by bringing joinery works within the scope of the Timber Industry Regulation Act, took these works away to a great degree from the jurisdiction of the Inspection of Machinery Act, as Section 29 of the Timber Industry Regulation Act specifically excludes the timber industry from the operations of the Inspection of Machinery Act, apart from the provisions relating to the inspection of boilers, and the issue of certificates to engine, hoist and crane drivers, boiler attendants, etc.

As I have explained, it was not intended, when framing this amendment, that inspectors of machinery should be excluded from inspecting joinery work. For this reason, with the concurrence of the Forests Department, these inspections have continued, notwithstanding the amendment to the Timber Industry Regulation Act, and this Bill will provide the statutory authority for the inspections.

A great deal of the work in joinery shops is carried out by machinery, and the interests of proprietors and workmen should be safeguarded by regular and capable inspection of the machinery. The Inspection of Machinery Branch of the Mines Department is the only fully-developed organisation to deal with these onerous duties, and it is the only organisation with sufficient qualified officers capable of handling these responsibilities.

The penultimate amendment seeks authority to delegate the powers of the Chief Inspector of Machinery to the Deputy Chief Inspector. The duties of Chief Inspector of Machinery are one of the responsibilities of a very busy officer—the State Mining Engineer—who is absent on official business on many occasions from head office. It is most necessary, in the interests of efficient administration, that his authority be delegated to the Deputy Chief Inspector, who is a fully qualified officer and who is, in fact, actually responsible for the administration of the branch.

The last amendment seeks to alter the basis on which inspection fees are charged by the Inspection of Machinery Branch. This amendment follows a request from the Metropolitan Ironmasters' Association, who have been concerned at the high rate of inspection fees. As members are undoubtedly aware, boilers and machinery of a nature specified in the Act are subject to inspection by qualified officers who are attached to the Department of Mines, and who, as I mentioned previously, are under the control of the State Mining Engineer, who is also Chief Inspector of Machinery.

Under the Act "machinery" is defined to mean "every steam engine, motor, or other source of motive power, and every machine, shaft, belt, gearing, pulley, flywheel, lift, crane, contrivance or appliance driven by the same for any purpose, but does not include hand, treadle, wind or animal power, or the machines and appliances driven by such sources of power." Certain classes of machinery are exempted from inspection, these including railway, tramway, ship, launch, car and motor lorry engines; also traction engines other than those driven by steam, machinery driven by motors of less than one horse-power, and internal combustion and electrical engines used exclusively by agriculturists, pastoralists, dairy farmers, market gardeners, orchardists and pearlers, in their callings, and on which no labour other than that of the owner is employed.

In accordance with the present phraseology of the Act, inspection fees are assessed on old factory methods in which a number of machines were driven from a common line shaft with one engine or motor. Under these systems, in which there was a great deal of belt and gear guarding, inspection fees were charged on the motor or engine only, notwithstanding the fact that a number of machines might be driven by this motor or engine. The modern factory tendency is to dispense with line shafts and to divide machinery into individually driven units. This improvement, together with the advancement in machine design, has dispensed with a great deal of guarding.

As according to the Act, each individually driven unit has to be charged an inspection fee computed according to the housepower of the driving unit, extra charges now have to be met by owners of modern machinery. In effect, this constitutes a penalty on improvement. In the past, under outmoded methods, an owner would pay one inspection fee for a number of machines driven by a single power unit. Nowadays, with the modern equipment of a group of machinery split up into individually driven units, he has to pay a fee for each unit. This is felt to be unreasonable, and the Bill seeks to permit fees to be charged on the aggregate horsepower in the establishment, instead of on individually-driven groups. This will result in lower inspection charges and may assist in encouraging owners to invest in more modern equipment.

Finally, I may mention that, as is being done in as many Acts as possible, the provisions relating to the gazettal and tabling of regulations have been deleted from the Act by the Bill. These provisions are redundant, as they are contained in the Interpretation Act, and they are also out of date, as those in the Interpretation Act have been amended. I move—

That the Bill be now read a second time.

On motion by Hon. E. M. Davies, debate adjourned.

House adjourned at 11.21 p.m.

Legislative Assembly.

Tuesday, 28th November, 1950.

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