Legislative Assembly.

Wednesday, 9th December, 1936.

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

QUESTION—PENSIONS AND SUPERANNUATION.

Mr. NEEDHAM asked the Premier: 1, How many (a) males, (b) females, are receiving pensions under the Superannuation Act, 1871? 2, How many (a) males, (b) females, at present employed are considered eligible to receive pensions under the Act? 3, How many (a) male, (b) female officers employed by the (i) Railway Department, (ii) Education Department, and (iii) under the Public Service Act, 1904, have no pension rights whatever? 4, Is he aware of the condition that exists whereby officers receive the same salary rates, although some have rights under the Superannuation Act, while others are denied such rights under the Act? 5, Would the Government's present liability under the Superannuation Act be sufficient to cover the Government's contribution under an all-embracing contributory scheme of superannuation?

The PREMIER replied: 1, Males, 451; females, 59. 2, Males, 428; females, 33. 3, Public Service—males, 1,064; females, 260. Railways and Tramways—males, 1,137; females, 47. Education—males, 858; females, 1,472. Total—males, 3,059; females, 1,779. 4, Yes. 5, This depends upon the details of the scheme.

QUESTION—TRAFFIC REGULATION.

As to cycle tracks on congested Roads.

Mr. SAMPSON asked the Minister for Works: 1, Is he aware that a 10ft. track on each side of certain roads that carry unusually heavy traffic, thus providing cyclists with a two-way track each side, has been recommended to the Public Works Standing Committee in South Australia and is under consideration? 2, As the provision of such tracks would greatly reduce the danger of crossing through moving traffic, would he, if requested by responsible authorities, consider adopting the proposal for roads in this State where traffic is congested?

The MINISTER FOR WORKS replied: 1, No. 2, Yes.

MOTION—ADDITIONAL SITTING DAY.

THE PREMIER (Hon. J. C. Willcock—Geraldton) [4.34]: I move—

That unless otherwise ordered, the House shall meet for the despatch of business on Friday at 4.30 p.m. in addition to the days already provided.

I mentioned yesterday that we were endeavouring to finish the work of the session at the end of this week, and it may be necessary to sit on Friday. If it is necessary, and the motion be passed, we shall have the authority to sit on the additional day.

HON. C. G. LATHAM (York) [4.35]: The Premier is giving us an opportunity to sit on Friday, if necessary. I prefer to sit an extra day rather than ask members representing country districts to come back again next week. Judging by the appearance of the Notice Paper, we should be able to complete the business in reasonable time on Friday, if not before.

Question put.

Mr. SPEAKER: I have counted the House and assured myself that there is an absolute majority of members present and that the motion has been passed by an absolute majority.

Question thus passed.

BILL—NORTHAM MUNICIPAL COUNCIL VALIDATION.

All Stages.

Introduced by the Minister for Employment and read a first time.

Second Reading.

THE MINISTER FOR EMPLOYMENT (Hon. A. R. G. Hawke—Northam) [4.37] in moving the second reading said: There is no need to speak at length on this Bill. I regret the necessity for bringing it down at such a late stage of the session.

Hon. C. G. Latham: Especially when the act to be validated occurred in 1935.

The MINISTER FOR EMPLOYMENT: The work was done in 1935, but the accounts were not audited until later. The conditions attending the situation are such as to necessitate urgent action being taken.

Mr. Marshall: Do you propose to be quite open and frank about it?

The MINISTER FOR EMPLOYMENT: Yes. About 18 months ago, action was taken to reconstruct what is known as the Northam Cemetery Road. The section of the road leading from the Northam municipal boundary to the cemetery was in an extremely rough condition, and altogether was something in the nature of a disgrace. The officials of the municipality conferred with the officials of the Northam Road Board and agreed that action should be taken as soon as possible. The road board undertook to find £800, and the municipality £600, towards the cost of the work. As a section of the road carries a great deal of through traffic from Northam to Bolgart and other districts, and as that traffic had been largely responsible for creating heavy wear on the road, it was felt that an approach should be made to the Commissioner of Main Roads with a request that he also should contribute, and it was agreed that a grant should be made. All the arrangements were completed to enable the work to be done, and the work was put in hand. The municipality provided plant, machinery and labour to an extent that represented an expenditure of £600. Although the cemetery is in the road board territory, it is largely a town cemetery. For every person from the road district buried in the cemetery, there would be at least three persons from the municipal area. As money had been expended by the municipality on work outside the municipal boundaries, it was later found that the expenditure was illegal because there is no power in the Municipal Corporations Act to authorise expenditure by a municipality on work outside its own boundaries. The ratepayers of the Northam municipality are completely in accord with the work done by the council, and, since the work has been satisfactorily completed, there has been nothing but praise and approval from the ratepayers. There can be no doubt that the ratepayers of the municipality have a moral obligation to assist in a work of this kind. I regret that the expenditure has proved to be illegal, and the mayor and councillors have asked that action be taken to validate the wrong done. I feel sure that the Bill will meet with a sympathetic reception from every member of this Chamber, and also of another place. I move—

That the Bill be now read a second time.

HON. C. G. LATHAM (York) [4.41]: As the Minister has explained, a tripartite agreement has been entered into, and unfortunately one of the parties entered into an illegal contract. The Bill has been introduced to ratify that illegal act. I am rather surprised to find that Northam, above any local authority, should enter into an illegal agreement. The municipal authorities of the town are very careful people as a rule, but sometimes they get off the narrow track. This is not the only occasion when they have done so, but this time we are able to rectify their wrong action by Act of Parliament. This is merely a matter of ratifying an agreement entered into illegally, though in a sense quite rightly, as the road benefited the town of Northam probably more than any other part, and it was only fair that the Northam municipality should make a contribution to the work. I have seen the notes dealing with this proposal, and not much actual cash was found by the Northam municipality. A great deal of the £600 was represented by the use of plant and material. I suppose we have ratified many agreements for which there was less justification. I have no objection to the member for Northam rectifying at least some of the wrongs of his electorate.

Question put and passed.

Bill read a second time.

In Committee.

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

Third Reading.

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

BILL—FEDERAL AID ROADS (NEW AGREEMENT AUTHORISATION).

Introduced by the Minister for Works, and read a first time.

LEAVE OF ABSENCE.

On motion by Mr. Wilson, leave of absence for one week granted to Hon. W. D. Johnson (Guildford-Midland) on the ground of urgent public business.

BILL—DAIRY INDUSTRY ACT AMENDMENT.

Council's Amendments.

Schedule of two amendments made by the Council now considered.

In Committee.

Mr. Sleeman in the Chair; the Minister for Agriculture in charge of the Bill.

No. 1. Clause 4:—Delete the words "December, one thousand nine hundred and thirty-six," in lines 24 and 25, and substitute the words "March, one thousand nine hundred and thirty-seven."

The MINISTER FOR AGRICULTURE: The purpose of the Council's amendment is to defer registration from December to March. I have no objection to this, and therefore move—

That the amendment be agreed to.

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

No. 2. Clause 12:—Delete the word "two" in line 21, page 6, and substitute the word "three."

The MINISTER FOR AGRICULTURE: The Council's amendment deals with the furnishing of returns, and allows further time for that purpose. I move—

That the amendment be agreed to.

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

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

BILL—LOTTERIES (CONTROL) ACT AMENDMENT.

Council's Amendment.

An amendment made by the Council now considered.

In Committee.

Mr. Sleeman in the Chair; the Minister for Police in charge of the Bill.

Clause 2:—After the words "to month," in line 16, add the following words:—"and such report shall be published immediately in the 'Government Gazette'."

The MINISTER FOR POLICE: The object of the Council's amendment is to provide for immediately publication in the "Government Gazette" of monthly audits of accounts to be made by the Auditor General. This Committee agreed that the Auditor General should make a continuous audit of the Lotteries Commission's transactions. My view is that the Council's amendment should not be accepted. The purpose of the "Government Gazette" is not to publish such matters as reports by the Auditor General, but to give publicity to governmental and departmental matters, regulations of departments, and so forth. Apart from the unnecessary expense involved, the Council's proposal is quite unwarranted. I move—

That the amendment be not agreed to.

Hon. C. G. LATHAM: I agree with the Minister that the Council's amendment is unnecessary, though it does not ask that anything but the auditor's report shall be published in the "Government Gazette." We have already provided that those reports shall be laid on the Table in each House. Publication in the "Government Gazette" would be expensive, and would be seen by very few people.

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

A committee consisting of the Minister for Justice, Hon. C. G. Latham, and the Minister for Police was appointed to draw up reasons for not agreeing to the Council's amendment.

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

BILL—ENTERTAINMENTS TAX ASSESSMENT ACT AMENDMENT.

Second Reading—Defeated.

HON. P. D. FERGUSON (Irwin-Moore) [4.56] in moving the second reading said: This Bill is short, and its purpose will be quite apparent to hon. members. It seeks to amend Section 9 of the Entertainments Tax Assessment Act, 1925. At the outset I wish to quote that section:—

Where the Commissioner is satisfied that the whole of the net proceeds of an entertainment are devoted to philanthropic, religious, or charitable purposes, and that the whole of the ex-

penses of the entertainment will not exceed 50 per centum of the receipts, he shall repay to the proprietor the amount of the entertainments tax paid in respect of the entertainment: Provided that when the Commissioner is satisfied that owing to adverse climatic conditions the expenses of an entertainment for philanthropic, religious, or charitable purposes, in respect of which payments for admission have been made, exceed 50 per centum of the receipts, the Commissioner shall repay to the proprietor the amount of entertainments tax paid in respect of the entertainment.

The object of the Bill is, purely and simply, to amend that section by inserting a further proviso to the effect that where the Commissioner is satisfied that the whole of the net proceeds of an entertainment are devoted to the benefit of charitable objects or hospitals, and that the entertainment has been conducted or managed with reasonable economy and efficiency, and is not provided directly or indirectly for the financial benefit of any person connected with the promotion of the entertainment, the Commissioner shall repay to the proprietor the amount of the entertainments tax paid in respect of the entertainment. Throughout the country districts of Western Australia there are numbers of cinema shows which are conducted in the interests mainly of hospitals, though certainly for other charitable purposes as well. My chief concern is with hospitals in the rural areas—institutions which render such a wonderful service to the residents of those districts. The hospitals in question find extreme difficulty in financing their operations. I believe every country hospital in Western Australia is hard put to it to discharge all its obligations. Certainly these hospitals receive a considerable amount of help from the hospital fund; but, notwithstanding that fact, they are still faced with grave problems in raising sufficient finance to enable them to pay their way. The very fact of the hospital fund having been created has had a detrimental effect on direct contributions to those very institutions. Almost solely in the interests of country hospitals I have introduced this Bill. I express the hope that the measure will appeal to hon. members, and that they will show their recognition of the good work which the hospitals in question are performing in the interests of the community. Certain it is that if they are not given some help either in this or in some other direction, they will have to make further calls on the fund which is at the disposal of the Minister for Health for distribution among hospitals; and that fund is found all too small at present. I know that the Minister has difficulty in satisfying all the demands made on it. If some assistance is given to rural hospitals in the direction indicated by the Bill, the fund will go all the further. I wish to point out to hon. members that entertainments, principally cinema shows, which are held in the country for the benefit of hospitals are nearly always run by public-spirited citizens in the various towns, who make little or no charge for their services—in the great majority of cases, no charge whatever. I desire to give the House some particulars of the operations of committees which are running two hospitals in my electorate. These particulars will show that the only moneys paid out in the way of disbursements for wages are amounts which have to be paid, and are paid, to firemen for their services in attending the entertainments. There are no other charges put up by the local residents for services rendered. The first return I have is from the Moora hospital and for the period covered in this report the gross takings of the hospital talkies were £432. They paid entertainments tax of £36. To indicate how difficult it is for those in control of the hospital talkies to come within the provisions of the measure as it stands at present, I point out that the hire of the films for these entertainments cost no less than £158. That is 36 per cent. of the gross takings. It will be seen, if 36 per cent. is to go in film hire and there are other necessary charges such as freight, cartage, fire brigade dues, hire of hall, etc., how impossible it is for those in control of an entertainment to keep the costs down below 50 per cent. as provided by the present Act.

Mr. Marshall: What is the charge for admission?

Hon. P. D. FERGUSON: Two shillings. I can quote another instance, in connection with the Dalwallinu hospital talkies. In this case the gross takings were £571. Film hire cost £236—40 per cent. of the gross takings.

Mr. Cross: They are run for the benefit of the film companies.

Hon. P. D. FERGUSON: Not altogether. The entertainments tax paid was £36. That would materially help the hospital to pay its way and no very great injustice would be done to the State. As a matter of fact, it would probably save a similar amount being contributed by the hospital fund. I do not want the House to think I am trying to pro-

vide a means by which anyone in a country district may obtain profit from these entertainments. The measure I am introducing provides that where the Commissioner for Taxation is satisfied that no one is getting any benefit out of the entertainment directly or indirectly, he shall refund this tax to the promoter of the entertainment. During the last session I introduced a Bill on exactly similar lines to this one, and in the course of the discussion the Premier opposed the second reading and it was not carried. He advanced no argument against the Bill as a Bill, but he did say that I had brought it forward for political purposes, in view of the fact that there was an election pending. I think the Premier was a bit sorry afterwards for having said that. There was no truth in that charge then, and it will certainly not lie against me on this occasion, because I am sure the Premier hopes that there will not be an election for several years. He will not be able to say I am introducing the Bill for that purpose now. I assure him that there is no political propaganda behind the measure so far as I am concerned. I am introducing it in the interests of two deserving institutions in my electorate and I have been told by members from agricultural districts all over the State that their hospitals are similarly situated to those in my district. I wondered why it was that the Premier opposed this Bill last year. It is only recently that I have been given the reason for his opposition. I would like to read it to the House. I have here an extract from a journal known as "The Exhibitors' Monthly." It is the official organ of the Motion Picture Exhibitors' Association. This is the article I want to read—

A proposal was recently made to amend the Entertainments Tax Act by exempting from its regulations any entertainment which was carried out for the benefit of charity. In order to create a sympathetic feeling and an easy passage through the House, some amazing misstatements were made in support of the Bill, including one that "most of the country picture shows were being run for the benefit of hospitals." With the experience of past years when all sorts of "ramps" were conducted under the guise of "charity shows," and recognising that competition on these lines would mean disaster to the bulk of legitimate exhibitors, particularly in the country towns, the association president and executive officers took prompt steps to compile and submit information to the Cabinet Ministers revealing the inevitable result if the Bill were passed, with the result that at the third reading the Bill was defeated. This was a close call for the interests of exhibitors—particularly country ones—and is just another instance of the necessity and vital importance of an alert association.

Here is the official organ of the Motion Picture Exhibitors' Association saying that they were responsible, by the pressure they were able to bring on Cabinet Ministers, for the defeat of this innocent little measure which I brought forward last session. I did not know why it was opposed until this came into my hands the other day. Here is an organisation putting its interests before the interests of such deserving institutions as the hospitals of this country; putting its interests first and the interests of country hospitals in a secondary position. I understand that the same organisation has recently approached the Premier with a request that the entertainments tax be either reduced or abolished altogether. A petition has been signed by thousands of people. If those people can get the entertainments tax removed for private purposes, they are willing to have it all taken off, but if it is only removed for charitable purposes they are such public-spirited individuals that they will oppose its removal tooth and nail. They take the credit for being responsible for——

Hon. C. G. Latham: Influencing Cabinet Ministers!

The Premier: They are good advertisers.

Hon. P. D. FERGUSON: There is very little more I need add. I say definitely that I realise the difficult position in which the Government are placed. When I previously introduced this measure the Treasurer had a much brighter outlook than he has to-day. Notwithstanding that fact, I think the interests of the institutions on behalf of which this Bill is introduced are so deserving of public support and recognition that the Government might at least on this occasion accord the Bill their support. If any individual makes one penny-piece profit out of these entertainments, if this amendment becomes law, the Commissioner of Taxation will not be called upon to refund the tax. It is only where he is absolutely satisfied that no one is making a profit and that the entertainment has been run on economical lines that he will be called upon to refund the tax paid, and also provided the entertainment is only in aid, as the Bill sets out, of (a) any public hospital within the meaning of the Hospitals Act, 1927; (b) any

publicly subscribed medical service or fund in the State, the main object of which is the relief of the sick, or any public medical service or fund in the State which is assisted by any Government grant or subsidy; (c) any incorporated public body in the State, the main object of which is to dispense or provide voluntary aid to indigent, aged, sick, lame, halt, deaf, dumb or maimed persons. I move—

That the Bill be now read a second time.

THE PREMIER (Hon. J. C. Willcock—Geraldton) [5.10]: I am rather surprised that on the propaganda sheet that the Motion Picture Exhibitors' Association sent out to various proprietors throughout the State, statements were made about their having influenced the Cabinet. I was never approached and I do not know that any member of Cabinet was approached. So far as Mr. Collier is concerned, he did not receive any representation in the manner suggested by these people.

Hon. P. D. Ferguson: It was reported in the Press last week——

The PREMIER: I am not talking about that. The Motion Picture Association wants to get all the picture proprietors to join the association and put up propaganda which, so far as I know, is not based on facts at all. If anybody knew about it I think the members of the then Government should have known. But I never received any request of that kind from the picture interests at that stage and was not influenced in the way stated, in the attitude I took in opposing the measure. The Premier at the time happened to be away at the Loan Council meeting and on behalf of the Government I opposed the Bill on the ground that we could not afford to do without the revenue. The member for Irwin-Moore mentioned that I referred to the Bill as having been introduced for political purposes. Perhaps I did, but the main reason for our opposition at that stage was that the Government had budgeted for a certain amount of revenue from the entertainments tax and it might have been very easy to lose three or four thousand pounds if we whittled away the amount due by granting refunds here, there and everywhere. There might be 50 hon. members with two or three hospitals affected in this way and the exemption granted would be considerable.

Hon. P. D. Ferguson: This only applies to country areas; not to the metropolitan area.

The PREMIER: There is a considerable number of picture shows in country areas. In one or two electorates there might be as many as five or six.

Hon. C. G. Latham: Not many are run for hospitals. It is not profitable enough.

The PREMIER: The opposition of the Government was on account of the fact that the tax was imposed for the purpose of getting in a certain amount of revenue and we wanted to obtain that revenue. If exemptions are to be made here, there and everywhere in regard to all our taxes, we shall have little left.

Hon. C. G. Latham: You set the example in exempting certain classes under the Financial Emergency Act.

The PREMIER: That has not been given effect to by law. Anyway, that is a different matter from this. I want to state without ambiguity that the reason for the opposition of the Government is that we want the money we budgeted for. It is desirable that we should assist hospitals and should encourage people to do charitable work; but I do not think this is a time to press a request of that kind. It should not be done at the expense of the Treasury which will perhaps have a big deficit to face this year. It should not be done, even though the amount involved be only a small one. There is not much left for charity by the time the owners of the picture reels have taken practically half the proceeds. It might be that if there is a big attendance at a show, we would have to remit £40 or £50 in taxation, although the profit might be only £5 or £10.

Hon. P. D. Ferguson: You would not get that much at one entertainment. The tax at Dalwallinu was £36 for the whole year.

The PREMIER: Spread over the whole year, the entertainments might cost 99 per cent. of the ultimate proceeds, and yet they would get a remission of taxation of £20 or £30. Then the Bill would be unworkable, for who is to say that the entertainment has been conducted in an economical manner? What check could there be on that? With the Commissioner sitting here in Perth and getting returns from, say, Dalwallinu or elsewhere, he cannot be sure that the entertainment has been run economically. For instance, the rent of the hall may have been considerably more than should be charged

in such circumstances. Of course if we get entertainments all over the country at a cheaper rate because people will not have to pay the entertainments tax, those entertainments will become increasingly popular, and the people living in such districts will get a cheaper class of entertainment than will people living in other districts where the entertainments tax has to be paid.

Hon. P. D. Ferguson: Patrons of the entertainments do not pay the tax now. It is the hospital that pays it. That is the point.

The PREMIER: If of course the entertainment is expensively run there is no reason why we should remit the taxation. That is not a good reason for asking for remission of taxation. Suppose the Bill had come down this time last year. We expect to get a certain amount from the entertainments tax, and if we give remission of the tax here and there it will amount to at least £80 or £90 a year, for if it did not amount to a substantial sum it would not be worth bothering about. People who go to an entertainment the proceeds of which are to be handed to the local hospital get their entertainment cheaper than they otherwise would. That is my objection to the proposal. The Treasury as a Treasury requires the entertainments tax, and if we do not get the money in this way we may have to get it in some other way. The plain statement of my opposition to the Bill is that the Treasury cannot afford to lose the tax.

MR. SAMPSON (Swan) [5.20]: I hope the Government will approve of the Bill, because it is purely a charitable one and will greatly assist the hospital services. The Premier of course has made up his mind that the Bill is not desirable. On this occasion I disagree with the Premier. I point out that where hospitals are concerned the knowledge I have of the subject is that the public are more than ready to attend entertainments in aid of the local hospital, and they do not expect the cost of admission to be reduced. There is tremendous need throughout the country for more funds for the hospitals. At many country hospitals, for want of funds the antiquated pan service still exists. It is not easy to imagine that undesirable state of affairs where human beings are being treated for various ailments and complaints. I should like to know whether those entertainments that take place in Perth and other big centres on Sunday nights contribute anything towards the State's revenue; I mean entertainments where collections are made and the show is permitted without any tax.

Mr. Thorn: You mean silver coin collections?

Mr. SAMPSON: Yes. Possibly there is some arrangement whereby an amount is payable to the Treasury from such entertainments, but if so I am unaware of it. Since this measure provides for assistance to public hospitals and medical services, I hope it will be approved. I know that people look on this matter in much the same light as they regard the lotteries; the general feeling towards the lotteries is that one-half of the subscribed amount goes back in prizes. Very well, those who attend entertainments in aid of hospitals have no objection to paying more than they would pay if the hospitals were not going to benefit. The Bill is in the interest of those suffering from sickness, and I readily support it.

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

Ayes	18
Noes	23
Majority against ..	5

AYES.	
Mr. Brockman	Mr. McLarty
Mrs. Cardell-Oliver	Mr. North
Mr. Doust	Mr. Sampson
Mr. Ferguson	Mr. Seward
Mr. Hill	Mr. Thorn
Mr. Keenan	Mr. Warner
Mr. Latham	Mr. Watts
Mr. Mann	Mr. Welsh
Mr. McDonald	Mr. Doney (*Teller.*)

NOES.	
Mr. Collier	Mr. Nulsen
Mr. Coverley	Mr. Raphael
Mr. Cross	Mr. Rodoreda
Mr. Fox	Mr. Sleeman
Mr. Hawke	Mr. F. C. L. Smith
Mr. Hegney	Mr. Styants
Miss Holman	Mr. Tonkin
Mr. Lambert	Mr. Willcock
Mr. Marshall	Mr. Wise
Mr. Millington	Mr. Withers
Mr. Munsie	Mr. Wilson
Mr. Needham	(*Teller.*)

PAIRS.	
AYES.	NOES.
Mr. Patrick	Mr. Troy
Mr. Stubbs	Mr. Johnson

Question thus negatived; Bill defeated.

BILL—STATE TRANSPORT CO-ORDINATION ACT AMENDMENT (No. 3).

Second Reading.

MR. WATTS (Katanning) [5.27] in moving the second reading said: I should like to indicate to the House that this is a somewhat similar measure to that which was

brought down last year, but nevertheless is not exactly the same. It proposes to do three things: First, to extend the distance over which a commercial goods vehicle may operate without a license from 15 miles from the place of residence of the owner—which is the present position—to a distance of 30 miles from the place of residence of the owner. The second provision is to allow an appeal to a resident magistrate in favour of any person who has been refused a commercial goods license under the Act. Thirdly, the Bill is to amend the Schedule of the Act with a view to enabling farmers to carry, in their own vehicles, wool in addition to the items provided in, I think, paragraph 3 of the First Schedule. I propose to deal with those three things in that order. As I said, at the present time it is not necessary to obtain a license for a commercial goods vehicle for the carriage of goods within 15 miles of the place of residence of the owner of the vehicle. That, it is contended, has had a detrimental effect on certain sections of the State. The first section I have in mind is the outer metropolitan area, and the other section consists of various places in the agricultural districts where 15 miles from the town, in many cases in areas where there are no railways, and which are not covered by the exemption contained in the latter part of the First Schedule of the Act, which deals with feeder services to railways over distances not exceeding 35 miles. With reference to the outer metropolitan districts, I should like to read certain correspondence. I do not propose to give the names of the writers, for obvious reasons. One of the letters reads—

> We have to refuse service to a number of regular customers at the following stations:—Armadale, Roleystone, Glen Forrest, Spearwood, Upper Swan, Bedfordale, Rockingham, and Mundaring. We have constant inquiries for large-size goods, such as furniture, for which we have to obtain a special permit or refuse delivery. Naturally customers do not purchase their full wants, because of the peculiar restriction, whereas an extension to a 30-mile radius would obviate the trouble. At present we pay £6 per annum for one special license which restricts our fleet should a surplus load be required, or in the event of break-downs. We are frequently put to great inconvenience in the event of extra deliveries having to be dealt with beyond the 15-mile limit, and it would be of great advantage to have a delivery service to many of our customers who reside between that distance and a 30-mile radius.

Another firm writes—

> It is only reasonable that merchants should be able to deliver their goods with their own transport to such places as Armadale, Mundaring, etc., and similar districts beyond the 15-mile limit provided for in the Act. Some of the districts, such as Rockingham and Greenmount, have no railway communication at all, and the others can only use a carrier who lives within 15 miles of their centre. It will probably be contended that a license can be obtained in such cases at a small cost, but our contention is that an ordinary traffic license should suffice without putting the merchant or truck-owner to additional expense and trouble. The request is purely for simplification of present methods, and will not in any case interfere with railway revenue.

I should like to give one or two examples which have come under my notice with regard to the agricultural districts. I would remind the House that there is an exemption in the Schedule of the Act which states that no license shall be required for a vehicle that is used solely as a feeder for any country railway station or siding over a distance of 35 miles and no more. In many districts it would be impossible to use such a commercial goods vehicle as a feeder and make a living out of it. It can only be used solely for that purpose under the exemption. There is a district to the east of Mt. Barker known as Woogenellup extending up to about 30 miles from Mt. Barker. There, an extension of the free carriage of goods on commercial goods vehicles, as suggested by the Bill, would in my opinion be of inestimable advantage. There is no railway to the district. There is not sufficient money in the pockets of most of the settlers to permit of their providing motor transport, and in consequence they are in some difficulty. There is no such feeder service there as is suggested in the Schedule to the Act, and these people, in common with others, are in difficulty as to the 15-mile restriction already referred to. I think I have given sufficient evidence to warrant the House giving careful consideration to the proposal to extend the distance from 15 miles to 30 miles. The next part of the Bill provides for the right of appeal to the resident magistrate in whose district the route, or the greater part thereof, over which contention arises, is situated, in connection with refusals by the Transport Board to grant a license for a commercial goods vehicle. It is always well to be frank in matters of this kind. The district which has given rise to most of the contention is Kojonup, which, whilst not situated within the boundaries of my district, is well

known to me. Ever since the passing of the Act, efforts have been made in the district to obtain the services of a commercial goods vehicle or transport carrier. Repeated representations have been made to the Transport Board, but up to the present without avail. In New South Wales, where somewhat similar legislation is in operation, the right of appeal is conferred in similar circumstances upon the persons interested. Kojonup is 258 miles by rail via Katanning. I believe that is the nearest practical railway route. By road it is 160 miles from Perth. In addition, the railway service is, apparently of necessity, of such a nature that considerably more than four times the time required to travel at a reasonable rate by road is expended in travelling by rail. If one sets off to leave Kojonup with one's packages during the wrong time of the week, one may take the best part of three days to reach the metropolitan area, or the southern portion of the State, if not proceeding to Perth. In addition to the claims of Kojonup, other districts are equally concerned, and I propose to quote one or two of them. The Borden district, situated to the south-east of Gnowangerup, is approximately 75 miles by road from Albany. The South Borden territory runs from 10 to 15 miles south of Borden, and is within 60 miles of Albany by road. When I quote railway figures in regard to Borden, it will be realised that in regard to South Borden the comparison is so much the worse. From Borden via Tambellup, which is the only route by rail to Albany, the distance is no less than 141 miles. Representations have been made for the provision of some form of road transport. Whilst I admit in this case that the obvious necessities of the settlers with respect to the carriage of certain items, such as fat lambs, etc., have been met in a reasonable manner by the Transport Board, that permission is only for a year and when that time has elapsed there is no guarantee that it will be renewed. In consequence I believe that this district warrants the right being given to an appeal to the resident magistrate in the event of the request for a license being refused by the board. The board was directed by the Act to give consideration to the necessity for the services proposed to be provided, and the convenience which would be afforded to the people concerned, by the provision of such services; to the existing transportation service for the carriage of goods upon the routes or within the areas proposed to be served in relation to, its present adequacy, and the possibility of improvement to meet all reasonable public demands. It must therefore be realised that scant consideration has been given to the case advanced by the Kojonup district. The board were directed to consider existing transportation services for the carriage of goods upon the route or within the area proposed to be served. There is no convenient service for the area a little to the north of Kojonup. Every reasonable-minded person must have come to the conclusion that the application should receive the consideration of some third and disinterested party. Whilst I do not ask the House to believe that I think all the decisions of the board have been wrong, I am definitely of opinion that reconsideration should be given to this question; and, as the board do not appear to be able to give it more favourable consideration, it seems reasonable that the people concerned should be permitted to appeal to a court of justice, in exactly the same way as we are proposing to allow appeals to aborigines. I cannot leave this subject without referring to the right of appeal originally granted by the State Transport Co-ordination Act. That right was given only to those who had been operating for at least 12 months before the 31st December, 1933. A great many of these persons lodged appeals, but by some means they were persuaded to withdraw them, and ultimately all the services that had been conducted ceased, but they received no compensation.

Hon. P. D. Ferguson: It was contended at the time that they received a very raw deal.

Mr. WATTS: That is so. I do not think this House wishes that any other section of the community should receive a raw deal under this legislation. I firmly believe, and ask members to believe, that unless some reasonable opportunity of having their case reconsidered is granted to this and other districts which I have cited, more raw deals will be handed out in the matter of transport co-ordination than the best interests of justice warrant or would seem to be desirable. The third item this Bill proposes to deal with is to insert the word "wool" after the word "wheat" in the third paragraph of

the First Schedule. That paragraph provides that a farmer may carry in his own vehicle certain goods, livestock, wheat, etc., but wool has been excluded. It also provides that he may carry on the return journey in his vehicle, certain items required to enable him to carry on production on his property. Why was wool excluded? Why should the woolgrower be placed in a worse position than the wheat farmer? There are growers of wool who do not grow any wheat, and who do not to an extent grow any of the other items exempted by the First Schedule. In consequence, that section of the primary producing community has not been enabled to carry the bulk of their production in their own vehicles from the areas where the production took place to other centres. Because they cannot do that—and that is the whole basis of the exemptions in the Schedule—they have been unable to obtain the benefit conferred on primary producers growing the other items referred to, of being able to carry on the return journey articles necessary for carrying on production. It is clearly laid down in the Act that it is only upon the return journey that they are entitled to convey goods to their properties. If they have not been able to make the journey because they have not had sufficient of the exempted articles to warrant the trip, they cannot secure any advantage from the exemption. It will, therefore, be fairly clear that the wool farmer has, to a considerable extent, been unduly penalised in comparison with other producers. While on this subject, I wish to direct the attention of the House to another aspect that ought to be considered. We know there is approximately £25,000,000 invested in the State railways. There is no desire to embark upon an argument at this juncture as to whether that capitalisation should be reconsidered; that would be totally unnecessary. We should bear in mind, however, that there are about 450,000 people in Western Australia, of whom approximately one-half live within a radius of 15 miles of the Perth Town Hall. The other half of the population is to be found in the remaining 900,000 odd square miles that comprise the State. The greater proportion of the latter half of the population is to be found in the areas served by agricultural railways. In the metropolitan area, particularly that portion which is situated within 15 miles radius of Perth—at present there is a portion situated beyond a radius of 15 miles of Fremantle that receives no benefit—none of the business, practically speaking, is done by rail. Almost the whole of the carriage of goods within that area is, I am informed—and I believe the statement to be correct—conducted by means of road transport. On the contrary, practically the whole of the business done from the metropolitan area with the country districts and from the country districts with the metropolitan area is done by rail. It may be said that the revenue thus paid to the State is received at the Goods Offices at Perth and Fremantle. That has been so to a large extent but, nevertheless, if a primary producer sends goods to the central markets for sale, he receives in return what the goods are worth, less what it cost to send them to the markets. If he buys goods in the central markets and has them despatched to the farm by rail, he invariably gets a bill for the cost of the goods plus the charge for rail freight. It will be fairly clear to the House that the greater part of the railway revenue is provided, in actual fact, by the proportion of the population that is within the agricultural areas. In consequence, it seems to me it becomes doubly necessary that reasonable consideration should be extended to those people, as is suggested in the Bill. At the beginning of my remarks I asked the reason why wool was not exempted. I can only assume it was for the reason that wool is high-rated and profitable freight for the railways. That being so, there is no justification for something which, in plain language, is an injustice to that section of the primary producers. I ask members to consider whether that section should not enjoy the same rights and privileges as other primary producers. They should consider, after an examination of the facts I have submitted, whether there is any reason why wool should be excluded from Paragraph (3) of the First Schedule. Gnowangerup is 288 miles from Perth by rail. If a farmer wishes to send 2 tons of wool, which would comprise from 12 to 14 bales and is a reasonable clip for a small farmer, to the metropolitan area, the minimum rate is £2 10s. 11d. per ton, which would mean a cost to him of a little over £5. If he has less than 2 tons to despatch, the charge is £3 4s. 3d. per ton. If he were allowed to transport that wool to Perth or Fremantle for disposal at the wool sales, he would be allowed to bring back a quantity of petrol and oil for his requirements on his property. But that man is not

allowed to cart wool; if he were despatching poultry, livestock and other goods, he could bring back with him on the return journey petrol and other requirements. The freight on petrol represents a fairly high amount. I believe that for the distance I have indicated, the rate is £5 3s. 11d. a ton. It will readily be realised that on that account alone the farmer would be able to save money if he were allowed to cart wool to the place where he desired to dispose of it, and to convey petrol or other requirements for his farm when returning after delivery of the wool. In consequence, I submit to the House that the three proposals in the Bill are reasonable in the extreme. The first is to extend the distance from 15 to 30 miles over which a license for a commercial goods vehicle is not required. I believe the evidence offered to members shows that, not only in the metropolitan district but also in the country areas as well, that extension of distance is justified, and if that proposal were agreed to, it would not be likely to injure anyone whose interests were supposed to be preserved, or assisted, by the State Transport Co-ordination Act. The second is the right of appeal against a refusal by the Transport Board to grant a license. I think that is a concession we may safely grant to the people in the country districts, as there is no need to obtain such licenses in the metropolitan area. By so doing we will merely grant to that section of the community what is recognised as the right even of a criminal. Lastly, there is the proposal to include "wool" in the Schedule to enable the wool farmers to cart in their own vehicles the wool they produce and which they desire to transport to the metropolitan area or elsewhere for disposal. I want it to be perfectly clear that it is not suggested the farmer will be allowed to hire any other vehicle for the transport of the wool but he will be required to cart it in his own vehicle. When that is borne in mind, members will agree that it is a reasonable proposition that the wool farmer should be placed in the same position with regard to his major product as other producers whose articles of production are included in Paragraph (3) of the Third Schedule. I move—

That the Bill be now read a second time.

On motion by the Minister for Works, debate adjourned.

BILL—FEDERAL AID ROADS (NEW AGREEMENT AUTHORISATION).

Second Reading.

THE MINISTER FOR WORKS (Hon. H. Millington—Mt. Hawthorn) [5.57] in moving the second reading said: The Bill provides that the Premier will be authorised to execute an agreement with the Prime Minister of the Commonwealth for the extension, with certain modifications that I will explain later on, of the existing agreement for a further period of 10 years as from the 1st July, 1937. On previous occasions when this subject has been before the House, it has been with the object of ratifying an agreement already executed. On this occasion the Bill is an authorising measure empowering the Premier to execute the agreement. This is necessary for the reason that the draft of the proposed agreement has not been received in time to enable it to be examined and returned to Canberra for signature. Moreover, certain objections have been raised by the State in regard to Clause 5, which have necessitated the passage of telegrams and telephonic conversations in an endeavour to have the draft amended more adequately to protect the State against undue demands by the Commonwealth under that clause. There is no desire on the part of the Government unduly to rush the Bill through. The only reason prompting its introduction at the present juncture is that the new agreement will become operative as from the 1st July next. Should the necessary legislation not be passed before the House rises, we may find ourselves in the position of operating without an agreement for two or three months as from the 1st July next. Therefore it is desirable that authorisation be granted to the Premier to sign the agreement. The Bill is for a continuation of the existing agreement, with certain modifications. The first is that the contribution proposed to be made by the Commonwealth to the State will be on the basis of 3d. per gallon on imported spirits and 2d. per gallon on spirits distilled in the Commonwealth. This represents an increase of ½d. per gallon on the former and ½d. per gallon on the latter, and it is estimated that, by means of these increases, an additional £120,000 per annum will be payable to this State. In respect of the amount accruing from 2½d. of the 3d. received from imported spirits, and from 1½d. of the 2d. received

from excise spirit, this will be hypothecated entirely to the construction, reconstruction and maintenance of the roads. The balance consisting of ½d. on imported spirit and ½d. on excise spirit may, at the option of the State, be spent on roads, works or forestry. Thus, latitude is extended in the expenditure of the additional money being made available. The Commonwealth desire that the maintenance and repair of roads forming approaches to their properties within the State shall be undertaken by the State out of moneys provided. This was announced by the Prime Minister at the recent conference in Adelaide and is provided for in Clause 5. The draft agreement as received from the Commonwealth provided for the reconstruction in addition to the maintenance of roads, but we have been successful in having that excised. The Prime Minister made a statement following the deliberations of the conference in Adelaide and after reciting the Commonwealth's decision to increase the contribution by 20 per cent. and to extend the agreement for ten years said—

> However, there is one relatively small alteration that the Commonwealth Government wish to have made, and that is in relation to the upkeep of roads in the vicinity of defence and other Commonwealth establishments in the States. The Commonwealth Government are desirous that the States should undertake this relatively small obligation from the proceeds of the proposed increased roads grant. This would clear up a matter that has caused some little difficulty in recent years.

So, although we have a slight alteration in that part of the agreement which deals with additional moneys being found, it will be realised by the statement made by the Prime Minister what the function of the Commonwealth Government is.

Mr. Patrick: Their roads, I suppose, would be adjoining aerodromes.

The MINISTER FOR WORKS: It will be seen from the agreement that the Commonwealth Minister takes wide power, but at the same time it is set out definitely that the Commonwealth will require the money for the maintenance and repair of the roads in the vicinity of their establishments. The agreement is for only ten years and we have committed ourselves for that period. We have either to pass this Bill now or take the risk of not being paid for perhaps two or three months. So it is advisable that the Bill should be passed this year. The Commissioner of Main Roads considers the agreement should be signed and that it should be ratified during the present session. I move—

That the Bill be now read a second time.

HON. C. G. LATHAM (York) [6.5]: I support the second reading of the Bill and while I contend that we should be very careful to peruse all that is submitted by the Commonwealth to the State, there is the safeguard that this is a universal agreement and that it will have to be adopted by the other five States. Thus, if we happen to miss something and the other States do not, whatever alteration is made it will also have to be made in this State. I agree with the Minister that it is just as well not to have any complications in respect of this legislation because the point may be taken that if we do not ratify the agreement, the Commonwealth Government may refuse to make any payment until the ratification is completed. We already have an agreement with the Commonwealth which will expire on the 30th June next, and the object of the Bill is to provide for a new agreement for ten years. The additional sum of ½d. per gallon on imported petrol is to be used for roads, public works or forestry purposes according to the desires of the Minister. I do hope that as the opportunity is thus provided it will be seized for the purpose of extending agricultural water supplies. The Minister has always been sympathetic in this direction and we give him credit for that. He, with other members of the House, knows how difficult it is for interest and sinking fund payments on existing water supplies in the country to be met. The agreement is really a gift to the State and as it is for a period of ten years, we shall receive in that time a million of money. I do not suggest that the whole of that sum should be used for water supplies, but that £20,000 or £30,000 a year should be set aside. The Minister is aware of the difficulty in maintaining water supplies in the agricultural areas at the present time, and so I appeal to him to give serious consideration to the utilisation of some of this money for the purpose mentioned. I do not even mind the mining areas participating so long as those areas are suitably situated to jusitfy the expenditure. The Minister, I know, is in accord with the agreement to provide money for the maintenance and upkeep of roads leading to what might be called Commonwealth territory within the State, but

I do not expect much will be required for that purpose. Probably roads may have to be constructed to aerodromes, but the principal one is at Maylands and very little will require to be spent there. The construction of those roads is, after all, a Commonwealth responsibility and all that will have to be done by the State will be to maintain the roads. Probably the outlay in this direction will be less than £10,000. Beyond that there is nothing in the Bill. Provision was made by the Commonwealth Government in the last agreement entered into in 1901 to provide sinking fund for the money that we borrowed between 1926 and 1931 for road construction. We borrowed certain moneys to make up the amount to be spent, our quota being 15s. and the Commonwealth share £1. A considerable amount of that money was borrowed and there is provision for liquidating that liability. It may be necessary later on for the Minister to come along with an amending agreement and I shall be surprised if he does. Probably this will be the first State to ratify this agreement. Each State has to ratify it and then the Commonwealth will do so before the agreement can have any binding effect. At the same time, alterations may be made. There is provision in the agreement for £100,000 or £120,000 that may be used for public works or on forestry. As I said last night, knowing the Conservator of Forests, if there is any opportunity of his getting in on any money he will not miss that opportunity. I hope also that the Director of Works will see that the Conservator gets something, but the director himself should have first call on this money. The Minister for Works entered into this agreement and it is a really good one. I commend him for it. As the Premier has just entered the Chamber, and as I know he will not read my remarks in "Hansard," I think I ought to repeat the request I made to the Minister for Works regarding agricultural water supplies. A sum of £10,000 or £20,000 could well be spent in this direction annually and it would mean a great deal to the State. We who are the representatives of the agricultural areas are very worried about the position in those areas. Whenever we make an application to the Under Secretary or to the Minister, our representations are received sympathetically, but sympathy does not get us anywhere. We want cash, and evidently there is difficulty in getting money from the Treasury at the present time.

The Minister for Works: An enormous amount of loan money has been spent on water supplies.

Hon. C. G. LATHAM: I am aware of that, over a great number of years. But I am not complaining. We are very grateful and I know too that the Government claim credit for what they have done in those areas. I have no wish to deprive them of that credit.

The Premier: Unfortunately, full interest rates are just becoming due.

Hon. C. G. LATHAM: I hope the industry will prosper to the extent that the Government will be able to meet those payments from the additional income that will come from the industry. I cannot repeat too often the need for the Government to find some money for the purpose of extending a small pipe line to those places in the agricultural areas where water is so badly needed.

Mr. Warner: Not too small a pipe line.

Hon. C. G. LATHAM: As I said at the commencement of my remarks, I have no objection to the Bill, and I shall not complain if next session an amending Bill has to be introduced to ratify alterations that have been made by the other States of the Commonwealth.

Question put and passed.

Bill read a second time.

Sitting suspended from 6.15 to 7.30 p.m.

In Committee.

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

Third Reading.

Bill read a third time and transmitted to the Council.

BILL—AGRICULTURAL BANK ACT AMENDMENT (No. 2).

Second Reading.

MR. PATRICK (Greenough) [7.33] in moving the second reading said: The title of the Bill no doubt will appear somewhat familiar to you, Mr. Speaker, because on a previous occasion a Bill bearing a somewhat similar title was dealt a sudden knock-out blow. However, there is an old saying in the country from which I came, "And when we fell, we aye got up again." As a result

we have another little Bill here to-night that is substantially of the same nature as was the previous Bill. There are of course some differences which we have been assured on legal advice bring it within the compass of the Standing Orders, and so we intend to proceed with it. I am sorry that the Minister for Lands is not present, because, although he did not have an opportunity to reply to the provisions of the other Bill on the second reading—the Bill did not get to that stage—he took the opportunity to make a kind of reply on another motion. In fact, he said it was an outrageous Bill, a Bill that would bring ruin and bankruptcy upon the Agricultural Bank. He told us how farmers under the Bill would rob the Bank of its assets. He also told us of the transactions he had had with the Bank, and how the Bank had always given him a very good deal. In fact, he adopted an attitude towards the Agricultural Bank that made him appear to be the only virtuous man who had had dealings with the institution. May I point out that the Minister for Lands, as a farmer, is not in any way comparable with the general run of farmers in this State. His life career has been a political one, and no doubt he has been a very successful politician. As a successful politician he has made a hobby of keeping a farm. But the class of people we have to consider are those who are endeavouring to make a farm keep them—an entirely different proposition. I suppose this would apply to 90 odd per cent. of the farmers of the State. The Minister for Lands does not speak and cannot speak for the farmers of the State. As I say, he has not had the experience of actually endeavouring to run a farm and make a living out of it. Speaking on a Bill the other night, the Minister for Mines said he had introduced the measure because it represented the opinion of over 90 per cent. of the miners in Western Australia. In introducing this Bill I say that we on this side of the House are speaking for over 90 per cent. of the clients of the Agricultural Bank. The other night, when speaking on another motion, I referred to the conservatism of the Minister for Lands on farming matters, and my allusion seemed rather to ruffle him. There is no doubt he is very conservative, as I pointed out on the motion we were then discussing in regard to farming. His mind constantly dwells on conditions as they existed some 40 or 50 years ago. Let me point out that conditions in other industries have considerably altered during that period. I remember when I first went to the Murchison—the Minister went there about the same time—miners were drawing a pay of 10s. per day. I had come from a State where the regular working man's wage at the time was 5s. per day, so the rate received by the miners appeared to be an enormous increase. The men drawing 10s. per day on the goldfields at the time could not purchase fruit at less than 2s. 6d. a pound, and fresh eggs cost at least 6s. a dozen; in fact, the cost of living, except for items of clothing, was something enormous. But, as we know, conditions of industry have improved tremendously since that time. Are we to say that the conditions of the farming industry are to remain in the same state as existed 40 years ago, while the conditions in every other industry have improved? I, of course, have had a little experience of farming. I was brought up on a farm, and milked a few cows before I went to school—and I went to school fairly early in the morning. When I entered upon farming here I probably worked under conditions and for hours that would seem incredible to some of the men going on the land to-day. The conditions in other industries have so greatly improved that we cannot get men to work as they did in those days. I have pointed out on previous occasions how, when industries such as the mining industry became unprofitable, those industries simply closed down because they could not carry on. But the farmer, when his industry became unprofitable, did not cease operations. He attempted to carry on even at a loss. Probably it would have been better in the interests of our agriculturists if the farming community had ceased operations altogether and compromised with their creditors, because they would then have been in a much better position than they occupy to-day. But what would have been the position of the State previous to the revival in the mining industry had the farming industry closed down on the score of its being unprofitable? What would have been the position of the railways? Although prices of primary products declined, all the costs of handling those products, whether by railways or on wharf, remained the same as they had been when wheat was, say, 5s. per bushel. Thus the percentage taken out

of the lower priced wheat, say, 2s. per bushel, was tremendous as compared with the percentage taken when wheat was 5s. per bushel. The position, of course, was that the farmers had nothing left for themselves, while the other concerns, such as the railways, took the same lump sum out of the product as when the product was commanding a high price. In fact, when the farmer attempted to help himself by reducing costs in handling his wheat in a more economical manner, the railways actually raised their freights and increased the cost. Whenever the Minister for Lands speaks on this subject, he produces a mass of figures to show how farmers have defaulted in their payments, but considering the circumstances of prices and seasons, I consider it amazing that they have contributed as much in interest and principal payments as they have done. Last year those two items amounted to over half-a-million of money, a tremendous amount to take out of an industry that is not paying. The Chairman of the Agricultural Bank Commissioners made a statement the other day regarding Section 51 of the Act, one of the contentious sections, in regard to the collection of interest payments. He said—

To give some idea of how Section 51 has assisted the Bank's finance the following table giving the percentages of interest collections, leaving out of account abandoned holdings, is informative.—

Year.	Bank Accounts.	Soldier Settlement Accounts.	Group Settlement Accounts.
	%	%	%
1933–34 ...	65	70·5	8·3
1934–35 ...	67·4	68·1	5·8
1935–36 ...	72·76	83·57	21·64

Of course that was a most misleading statement because, as he said, he took no account of the farms abandoned, and particularly the farms abandoned since the section came into operation. In my district at one time there was a school teacher, who, wishing to get a higher percentage, culled out all the unsatisfactory scholars by giving them such a rough time that he drove them into a private school in the same town. The result was that he had only about half the number of scholars and he got a very fine report. Immediately he left the town the number of scholars at the State school more than doubled. That has been the position with the Agricultural Bank. A number of farms have been culled out; a large number of farms have been abandoned since the section came into operation, and of necessity there must be an increase in the percentage of interest payments. I suppose if the Commissioners got the number down to about 100 farms they would probably collect 100 per cent. of interest. That is no argument to use. What we want to do is to prevent farms being abandoned, which is more important than securing a little higher percentage of interest collected on a much smaller number of farms. As the Bank is at present operating it is, as the Chairman of Commissioners once said, merely a salvaging institution. If the Bank is merely a salvaging institution, or merely a debt-collecting institution, putting out no great amount of new money, it is appalling how the costs of administration have mounted up. In times and circumstances like these, it is the height of extravagance to spend money on expensive alterations of offices. If those offices were good enough when the Bank was functioning on a huge scale, surely they should be good enough until times are a great deal better. We have many administrative offices in this city which are a great deal worse than the offices of the Agricultural Bank. I need only cite some of the offices occupied by the Electoral Department, which are a disgrace to any Government. Naturally, no business firm would consider the making of alterations in times and circumstances like the present; but, unfortunately, the Chairman of the Agricultural Bank Commissioners is not a business man. The present Bill embodies, to a great extent, suggestions which were made by hon. members on the other side of the House when they were sitting in Opposition. I could quote a great many remarks made by them at that time, but I shall not do so on this occasion. Let me take one important feature of the Bill. The Minister for Lands denounced the appeal court clause. Both the member for Boulder, then leader of the Opposition, and the Premier of the day agreed that security of tenure should not be left to the discretion of the Bank or the Government, but should be fortified by an Act of Parliament. The then Premier further said it would be wrong for the Government to impose on outside people restrictions that the Government themselves would not accept; and he gave an assurance that the trustees would conform to the requirements of the Mortgagees' Rights Restriction Act. That is all we ask for in this Bill. Thus the language of the Minister for Lands is, in the circumstances, entirely unwarranted. In this Bill

we have even attempted to meet the hon. gentleman's wishes by altering some clauses so as to improve them in directions which he criticised. We have endeavoured to meet the Minister by a form of compromise. I desire to point out briefly the differences between the present Bill and the Bill I previously introduced. I shall not go over the whole of the former Bill again, as I dealt with it on that occasion. In the previous Bill there was a clause providing that the rate of interest charged by the Bank should not at any time be in excess of £1 per cent. per annum above the average rate paid by the Agricultural Bank Commissioners. That clause has been deleted, as it appears to be under suspicion. Clause 5 of the previous Bill provided that where the production of butter fat formed a minor or subsidiary part of farming operations, the measure should not apply. It may be remembered that the Minister for Lands said the clause might be interpreted as applying to the case of a man who was engaged in, say, orcharding and dairying, and whose dairying operations comprised 45 per cent. of the total of his operations. The Minister for Lands said that under the clause the man's dairying operations might be accounted a minor part of his industry. We have altered the clause to conform with the Minister's wishes, substituting "of small account in his farming operations" and thereby giving the provision a somewhat different complexion. Then there was a clause to which you, Mr. Speaker, took exception. It entitled the farmer to retain £100 for his own use as a prior right. That provision also has been deleted. Then, we have inserted a new clause which I consider entirely warranted, that in any mortgage, bill of sale, lien, or other agreement or instrument the Commissioners shall not have any security in or against the household chattels of the borrower, the book debts of the borrower, or any policy of insurance effected on the life of the borrower. Considering certain agreements which have been sent out by the Agricultural Bank, that clause is highly necessary. Moreover, it is entirely justifiable. In the clause dealing with leave to appeal from the decision of the magistrate we have made some alterations. As I stated on a previous occasion, the idea of the clause is one which was approved by the member for Boulder when Leader of the Opposition. In dealing with applications the magistrate is to consider (a) whether the default giving rise to the application has been caused or contributed to by any reprehensible conduct, or by mismanagement on the part of the borrower, rendering him undeserving of the benefit of the provision; (b) the general conduct of the borrower and his past relationship with the Bank or any of the transferred activities; (c) whether the default has been brought about by circumstances beyond the control of the borrower; (d) whether the security is likely to be seriously prejudiced if the borrower remains in possession of the lands and property comprised therein; and (e) whether there is a reasonable likelihood of the borrower satisfactorily farming or utilising the mortgaged lands so as in future to meet his liabilities to the Bank as they accrue. Various alterations have been made in that clause of the previous measure. To meet the views of the Minister for Lands, we have struck out the words "gross inefficiency." In the paragraph referring to undue hardship being inflicted on the borrower by the granting of an order, we have struck out some words to which the Minister took strong exception. The hon. gentleman said that many neighbours of the farmer might come along and put up a sentimental appeal about inflicting undue hardship and so forth, with the result that a decision would not be given on the merits of the case. Accordingly, we have struck out the words "undue hardship." There is provision also that the Agricultural Bank Commissioners may be represented at the hearing by any of their officers. Those, briefly, are the alterations made by the new Bill, which I commend to the House as an honest endeavour to restore to the farmer confidence in himself and his own initiative. I firmly believe that the measure, far from wrecking the Agricultural Bank, will place it on a much sounder and firmer basis in restoring to the farmers that self-confidence which now they lack. I move—

That the Bill be now read a second time.

On motion by the Premier, debate adjourned.

BILL—DISTRESS FOR RENT ABOLITION.

Second Reading.

Order of the Day read for the resumption from the 4th November of the debate on the second reading of the Bill.

Question put and passed.

Bill read a second time.

In Committee.

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

Clauses 1 to 5—agreed to.

New clause:

Hon. N. KEENAN: I did not take part in the second reading debate on the Bill because I really did not conceive that at this stage of the session we could possibly deal with a measure of this character. I propose to ask the Committee to insert a new clause, the effect of which will be to enable landlords to exercise the same right as any other persons rendering services who have to recover judgment for those services before they can obtain payment for them; namely, the right to end the tenancy at any time upon notice of 24 hours. The new clause will simply read that any landlord or owner of land granting a tenancy will be entitled, on 24 hours' notice, to resume possession of the tenancy. By all means let us abolish distraint for rent, but let us first understand what is the reason why distraint was given and continues, not only for landlords, but also for other parties who render services. It is the continuation of the service which makes the justification for the peculiar remedy given by distraint. Before depriving the landlord of that peculiar remedy, we should take away the duty that now lies on him to continue the service notwithstanding that he does not receive rent. That is the position of the landlord to-day. I therefore propose to ask the hon. member in charge of the Bill to accept the new clause which will provide that the landlord may, at any time, on giving 24 hours' notice, determine a tenancy where the rent of such tenancy is in arrears for any specified term, not being less than a week. If it were a monthly tenancy, the arrears would have to be for a month; if a yearly tenancy the arrears would have to be for a year. It is rarely, however, that in the case of a yearly tenancy rent is paid by the year; it is generally payable quarterly or monthly. The only intent of this clause is to place the landlord in the position of others rendering service in the community, of being able to recover possession of his property when payment is not made for the service.

Mr. Needham: He can do that now.

Hon. N. KEENAN: That is an extraordinary belief that prevails, that a landlord can get possession of his property. He cannot evict a tenant without a writ of ejectment, and that occupies about 10 or 11 days. That is only under local court procedure. A writ of ejectment in the Supreme Court would take months. What I suggest is by all means let us abolish distraint for rent, but let us put the landlord in the same position as any other person rendering services who is entitled to be paid for those services. As soon as those services are not paid for, let him have the right to cease rendering them. I therefore move—

That the following new clause be inserted:—"After the passing and coming into operation of this Act, any landlord or lessor may, without any proceedings in the nature of ejectment, resume possession of any land leased by him on notice to the tenant or occupier of two days in all cases where rent is overdue by such tenant or occupier for seven days or more under any weekly or monthly tenancy.

Mr. CROSS: I could not possibly accept the amendment. It would be equivalent to jumping out of the frying pan into the fire. Moreover, it would be against the tendency in every other country in the world, which is to abolish the inhuman practice of throwing out into the gutter any tenant who cannot pay his rent. In New South Wales they have had modern legislation in operation for the past six years, legislation abolishing distress for rent.

Hon. N. Keenan: And there nothing is let unless the rent be paid in advance.

Mr. CROSS: In New South Wales in 1931 they passed the Ejectment Postponement Act, which was designed to give needy tenants more time in which to find suitable premises.

Hon. C. G. Latham: Tell us the provision made in the New South Wales Act.

Mr. CROSS: It is Section 3 of the Ejectment Postponement Act, and it provides that except under order of a competent court, no person shall take possession of any dwelling house without the consent of the occupier thereof. The Act of New South Wales is designed to give tenants a longer period in which to find suitable houses. The court can give up to three months for that purpose. I have been in communication with New South Wales and I find that the Act is working there very satisfactorily, and that there is no desire that either the Abolition of Distress for Rent Act or the Postponement of Ejectment Act should be repealed. Even now the landlord has a reasonably effective remedy under Section 100 of the Local Courts Act, which provides that

if the rent is in arrears the landlord has the right to bring an action for recovery of the rent. It means that when they get into court in the metropolitan area, where the majority of distresses are brought about, they have a very quick remedy. It is possible to get a man out by eviction order inside of 21 days. That is not so bad, but it is altogether inhuman that a tenant in poor circumstances, and perhaps suffering from illness, should be put out on the street in 24 hours. Another thing, the landlord's position is entirely different from that of a creditor. For instance, the grocer may have supplied £4 or £5 worth of goods to one who cannot pay for them. So the goods have gone. But the landlord's asset still remains and all that he loses is the temporary use of it. I hope the Committee will not accept the new clause. If the hon. member wanted to make any change, his remedy was to move an amendment to Section 100 of the Local Courts Act.

Hon. C. G. LATHAM: The hon. member seems to be interested in getting men out of houses. That is not the idea at all. I know that the member for Nedlands desires that tenants should be able to get a house to live in. If we are going to make legislation especially against landlords, the result will be that no houses will be found for these tenants. The greatest problem to-day is to get for the people homes the rents of which they can afford to pay. While we might agree to alter the law for distress of rent, the hon. member must be reasonable. We know what has happened in New South Wales. The position there is that no man can get a house unless he bears a note from his previous landlord stating that he has paid the rent; or alternatively that he pay his rent in advance. Every piece of legislation like this before us makes the position still more difficult. After all, landlords invest their money for the purpose of earning income. I am afraid the hon. member does not understand the amendment, and so I propose that he move to report progress until he has had opportunity to study the amendment.

Mr. Cross: You would put tenants in the street within 24 hours.

Hon. C. G. LATHAM: The Government have put in the bailiffs and sold furniture at times.

Hon. P. Collier: It all depends on the circumstances.

Hon. C. G. LATHAM: That is so. It was a business man and he refused to pay his rent for premises he was occupying for the purpose of trade. We are not here to protect the dishonest man, but we are here to assist those that cannot pay their rents, not to make it more difficult for them to get houses in which to live. I would prefer to do as has been done so successfully in England, namely, make provision for tenants to secure homes. The point is that when these tenants are out of the houses they were occupying they are not easily going to get into other houses.

Mr. HUGHES: I hope the hon. member will accept the amendment, for it will not injure the Bill in the way he thinks it will. The position to-day is that if a landlord gives a tenant a week's notice, the landlord may resume possession of the house at the end of the week if the tenant will allow him. If the tenant refuses to leave the premises, then the landlord has to take out ejectment proceedings. The law will not allow the landlord himself to eject the tenant; he must apply to the court for an ejectment order. Under the amendment the landlord would not be permitted to go in and eject the tenant, but would still have to get an order for ejectment. The amendment may place the landlord in this position: if the tenancy be a monthly one and a month's rent is not paid, the landlord can serve notice, and if the tenant refuses to leave the premises the landlord must then take action before the court for an ejectment order. Then, if it really proved that the tenant was seriously ill and so refused to go out, he would explain the position to the magistrate, and so the landlord probably would not get his ejectment order. This puts the landlord in the position of having a legitimate case.

Mr. Cross: Why not amend the Local Courts Act?

Mr. HUGHES: Or why not go into the statute of forcible entry? We do not want to do anything that will delay the passage of this Bill. It is much needed in parts of the metropolitan area. It will give valuable relief where that is required, and it ought to go through this session. If the amendment is accepted the Bill will give us all we want, namely, the right to abolish distress for rent. It would also enable the landlord more expeditiously to obtain his remedy in respect to ejectment proceedings. At the

same time he will have to go to a magistrate for an ejectment order, and the magistrate will decide the point after hearing all the evidence. The member for Canning would be well advised to accept the position as it is.

Hon. N. KEENAN: This provision would apply only if the Bill became law. Its only effect then would be to shorten to reasonable limits the length of time during which the landlord could resume possession of his premises. It would be a grave thing if a landlord could say to a faithful tenant that he must leave the premises out of hand, but unfortunately we cannot cure all cases of injustice that exist. We must balance the rights of the two parties as well as possible. If we take from the landlord one remedy he has hitherto enjoyed, we can also say that we will not make him wait 21 days or longer before he regains possession of his property.

Mr. NORTH: The New South Wales Act of 1932 provides that the owner of a property may regain possession of it between three and seven days after the fortnight's default in the payment of rent.

Mr. CROSS: If the member for Nedlands would alter his new clause to conform with the New South Wales Act, I would accept it.

Progress reported, leave being given to sit again at a later stage of the sitting.

BILL—GERALDTON HEALTH AUTHORITY LOAN.

Returned from the Council with an amendment.

BILL—RURAL RELIEF FUND ACT AMENDMENT.

Second Reading—Withdrawal Ordered.

Order of the Day read for the resumption from the 28th October of the debate on the second reading.

Mr. SPEAKER: I regret that I am called upon to intervene in this matter. There is quite a lot about this Bill to which exception can be taken. I propose to order its withdrawal on two grounds. In the first place, the funds that are being handled by the trustees in question certainly comprise Federal money. It appears to me that a Federal grant is derived from the people just in the same way as such an amount would be derived from the people if given by the State. The question arises whether there is any difference between a private member introducing a Bill to appropriate money which has originally been appropriated by the Commonwealth Government, and one to appropriate the money originally appropriated by the State. Both funds are the people's money, and so far as I can see there can be no distinction. The second point is of greater importance. I took upon myself to discuss this matter with the chairman of the trustees of the Rural Relief Fund and the secretary. They informed me that whilst there is provision in the Act for the appointment of inspectors, and they have appointed 57 of them to carry out the work associated with the Act, those inspectors are bank officials who receive no remuneration for the work they are performing for the trustees. They also are very certain in their own minds—I can only take their word for it—that to carry out the provisions of the Bill would mean the appointment of 50 additional inspectors. Their contention is that the Bank officers who now administer the Rural Relief Fund Act could not shoulder any further work, and it would mean the appointment of those 50 inspectors to carry out the proposals in the Bill. That would mean a cost of £40,000. The crux of the question, it appears to me, is that the whole of the administrative expense is borne by an appropriation from the State, and if the provisions of the Bill are to be carried out by the appointment of 50 inspectors at a cost of £40,000, it simply means that the member for Katanning, as a private member, is introducing a Bill that will appropriate £40,000 from revenue. Obviously, that cannot be done by a private member. In the circumstances, I have no option but to order the withdrawal of the Bill.

Dissent from Speaker's Ruling.

Mr. Watts: I move—

That the House dissents from the Speaker's ruling.

With every respect, Mr. Speaker, I consider that your ruling is wrong. First of all, you put it to the House that, although funds have been obtained from the Federal Government, the money is derived from the people of the country in the same way as

are funds collected from the State, and that, therefore, there is no distinction between the two phases. I gather from that that you intended the ruling to refer to the fact that there is something in the nature of an appropriation of those funds in the provisions of the Bill. It is contended quite definitely that the appropriation has already taken place under the Rural Relief Fund Act of 1935 and that nothing in the Bill in any way affects the appropriation that has taken place. That contention is raised because those funds have been appropriated into the hands of the trustees to administer in accordance with the provisions of the Act. Section 3 of the Act says—

(a) There shall be a fund, to be kept in a special account at the Treasury, to be called "The Rural Relief Fund" (hereinafter called "the Fund").

(b) The Fund shall consist of any moneys provided by the Commonwealth for the purpose of rural relief.

Then Section 4 states—

(1) The Fund shall be under the control of three trustees who shall be appointed by the Governor.

Those trustees have been appointed by the Governor. Subsection 3 of Section 4 reads—

(3) The Fund shall not be operated on except by order in writing signed by at least two of the trustees.

I think it may be gathered from those references to the Act, and particularly from Subsection 3 of Section 4, that the appropriation in the hands of the trustees has already taken place, and that nothing we can do now by the Bill can afford the trustees either less or more power with regard to dealing with the funds already entrusted to them as a trust fund and not as revenue. I would also point out that none of the fund vested in the trustees by the Rural Relief Fund Act is paid to the Crown. In Section 2 "Crown" is defined as including—

any body corporate or incorporate constituted under the law of the Commonwealth or of the State whose funds have been provided wholly or in part by the Commonwealth or by the State, or whose obligations are wholly or in part guaranteed by the Commonwealth or by the State, but does not include a municipal corporation or other local governing body, or a health board.

Therefore it appears to me that the question of any appropriation of State funds definitely does not arise with regard to the Bill. In that regard, in the first instance, I disagree with the ruling.

Mr. Speaker: The question is as to whether there is any difference between appropriating Federal money and State money.

Mr. Watts: With all due respect, Mr. Speaker, I do not think that matters at all, because the money is already appropriated and is in the hands of the trustees. That money is in a trust fund and that fund can, in accordance with Subsection 3 of Section 4, be operated only by two of the three trustees. With regard to the other point which you, Mr. Speaker, regarded as the more important, I submit there are definite grounds for disagreeing with the ruling. The point you raised, Mr. Speaker, received considerable consideration from those who advised me in connection with this legislation, and I would point out to the House that it is not a question of appointing inspectors at the discretion of the trustees or the director under the Act, but that Section 9 of the Act says—

To assist and advise farmers in preparing and making applications, and preparing compositions or schemes of arrangement with creditors, the trustees shall appoint a requisite number of persons throughout the South-Western Division, as described in the Land Act, 1893, and in such other localities as they deem necessary, and such persons, when appointed, shall be called district debt adjustment officers.

If you are to rule, Mr. Speaker, and your ruling is to be upheld, that when the law distinctly says that certain things shall be done, which Section 9 of the Rural Relief Fund Act says shall be done, although those things presumably, or possibly, have not been done, it is impossible for any member to introduce legislation based on the assumption that the law has been complied with, then I can see tremendous difficulties confronting any member who attempts to work on any previous enactment. This Act makes provision that the trustees shall appoint the requisite number of inspectors. The Bill that I have introduced does not in any way make provision for such appointments. Clause 7 sets out—

All applications shall be made in the first instance and in the prescribed manner to the district debt adjustment officer (hereinafter called "the adjustment officer") nearest to the place of residence of the farmer . . . .

Then the Bill proposes to give the debt adjustment officer some duties to perform which, in my view, are contemplated by Section 9 of the Act, which sets out that those officers are to assist farmers in the directions I have already indicated. The

only thing that the district debt adjustment officers are called upon by the Bill to do is what they are directed to undertake by the Act itself. If the trustees or the director have failed to make the necessary appointments, I take it that is no concern of any member of the House. Every member is entitled to assume that the law, as set out in the Rural Relief Fund Act, has been complied with by the trustees. If the Act has not been complied with, that is no fault of ours. We are entitled to believe that the law has been complied with, or will be complied with in the future, and that we can prescribe in what manner the inspectors shall act and what method shall be adopted, without any suggestion whatever that additional expenditure shall be incurred in carrying out those duties.

Mr. Boyle: I second the motion. I admit I cannot find the ruling relevant to the point at issue. Funds were provided by the Commonwealth of Australia, and £12,000,000 were set aside under what is known as the Loan (Farmers' Debt Adjustment) Act. This State was to receive £1,360,000, with a sum in reserve of £200,000, or a total of £1,560,000. It was deliberately laid down in the Federal Act that the State Government were not empowered to touch one penny of the fund, which had to be lodged in the State Treasury, and was to be called the "Farmers' Debt Adjustment Fund."

Mr. Patrick: It was a trust fund.

Mr. Boyle: In the Act it is merely referred to as "the Fund." The State Act, which we wish to amend, provides, in Section 9, that certain debt adjustment officers shall be appointed to administer the Act. What the member for Katanning did not tell this House was that the Government do not pay a penny on account of those debt adjustment officers. They are paid entirely by the deposits of £1 that must be lodged in connection with every stay order that is applied for. Those who apply must then become liable for the payment of £4 4s. to the person who will put forward what is known as the "plan of adjustment." So, actually, the State receives £1 for the lodging of every case, and £4 4s. in addition, or a total of £5 4s., which is paid by every applicant in order that his debts be adjusted. I think, Mr. Speaker, you referred to the fact that the chairman of the trustees had stated that 50 inspectors would have to be appointed at a cost of £40,000, or £800 per inspector. I beg leave to dispute that contention.

Mr. Speaker: That would include office charges and travelling expenses.

Mr. Boyle: Quite so; but I would point out that 1,200 farmers who are already adjusted under the Act, have paid in £6,400 for the services rendered to them. The 57 Agricultural Bank inspectors who have been referred to are doing nothing to-day to assist the Agricultural Bank clients. I say advisedly that they are only assisting the Agricultural Bank clients who have applied for debt adjustment and the writing down of their debts to the Agricultural Bank. The Bill will not involve the expenditure of an extra penny. If any member goes to the trustees' office any day, he will probably find two officers of the Agricultural Bank in constant session adjusting these applications that are made for the writing down by the Agricultural Bank of bank debts. But I would be willing to give you, Sir, any assurance that there is not one individual who has applied under the Rural Relief Act who is not a client of the Agricultural Bank who is being assisted by officers of the Agricultural Bank to make his application. I cannot see where one penny piece is involved. If you take the position in Victoria, it is entirely different. There are 42 conciliation officers there who are each allotted a district, and each is responsible for all the adjustments in his particular area. For instance, at Sea Lake, the conciliation officer told me that he had adjusted 219 farmers' claims in that district. In Victoria the position is different from what it is here because in that State the Government have undertaken to pay all the fees to adjust the debts of the farmers. Had we attempted to increase the expenditure, I would have said that your ruling was correct, but the Government of Western Australia have refused to relieve farmers of one penny piece of the fees to permit of the adjustment of debts. The only assistance given by the State is the upkeep of the officers and the payment of the trustees and the staff. As far as the expenditure of State money is concerned, I fail to see how that argument can hold good. I dissent from your ruling and I say with regret that it seems hard for us to get legislation before this House to improve the conditions of the farmers. I do not blame you, Sir, but it seems the most

extraordinary position that we are facing, that we cannot put up perhaps a counter-argument. In this particular case the debt adjustment officers are paid by the farmers themselves and under the proposed amendment the Government would not be called upon to find one shilling piece.

Hon. C. G. Latham: Your ruling, Mr. Speaker, does not only apply to the Bill before the House, it may have application for a long period until it is challenged and rectified by some other Speaker. I do not know whether you have read the Bill, but I do not think, if you did so, you could find one clause which suggests the appropriation of any money. The appropriation has already been made and, as the member for Avon has pointed out, by a Federal Act, and from time to time the money is paid into a trust account here for expenditure. There is nothing in the Bill to say that any of that money shall be appropriated. The Bill only directs the action that shall be taken by the Government in determining that expenditure. We do not say we wish to appropriate any money, and I submit that in no instance can you, Sir, find where an officer is to be appointed under the Bill. If, of course, there were insufficient officers to give effect to this legislation, we could not be worse off than we are under the present Act. The member for Avon was prompted, when the present Act was being considered in Committee, to make provision for the appointment of district officers. That was his amendment and it was accepted. If the point had been taken then, there might have been some justification for it. In this instance, however, there is no justification for your action, and you surprised me when you said that you had consulted the chairman of the trustees and the secretary, and that you asked them for advice. One would have thought that if you had required advice, you would have sought it from a constitutional authority, who would have been qualified to offer advice. If I were an officer of the Public Service, and I desired that there should be no interference with legislation, it would be incumbent upon me to say to the Speaker "If that Bill is passed, it will mean appointing additional officers." But the officers you consulted have no qualification to offer you advice, and, consequently, the advice that you were tendered cannot be regarded as sound. There is only one authority to consult, and that is a constitutional lawyer. It is such an authority you, Sir, should consult if you deem it necessary to obtain advice. The point I more particularly wish to make is that if we are to be prevented from submitting amendments, we might as well cease to exist as an Opposition. I submit that there is not one thing in the Bill that is any different from many amendments that have been made to other Bills in this House. If you are going to rule this Bill out of order, we might as well not be here, because a Bill will either have to be accepted or rejected in its entirety unless it has been introduced by the Government. If you can point to any one paragraph in the Bill which is suggestive of any appropriation being made——

Hon. P. Collier: It is out of order if it makes a charge on the revenue, even if it does not directly appropriate.

Hon. C. G. Latham: But it does not make any appropriation of money and consequently does not make a charge against the State. It does not appoint or suggest the appointment of officers, none whatever.

Hon. P. Collier: It involves the payment of officers.

Hon. C. G. Latham: Until the Bill was given a trial, it could not be claimed that officers would be required. It says that the machinery used to-day shall be varied. Officers are already provided for. If there are 40 officers now transacting the business of the trustees, then those 40 officers can give effect to the Bill. It is just a question of altering the machinery, and so I sincerely hope the House will not agree with your ruling. If it does, then private members in the House may as well cease to exist. It will then be a matter of Ministerial Government only, and that will be drifting away from the Constitution. During the years that I have been here, you, yourself, as a private member, have moved amendments to a similar Bill and those amendments have always been accepted. If you can point to one instance where that was not so, I will submit to your ruling.

Hon. N. Keenan: As far as I can understand, the Bill has been brought in for the purpose of varying some of the provisions of the Rural Relief Act, 1935. That Act is a Government measure and the object of the Bill is to vary the machinery. In effect, what the Bill purports to do is to prescribe a new scale of duties for the officers appointed under the Act. It is merely for that pur-

pose and not for the creation of any charge on the revenue; it is merely to vary the procedure under the principal Act. If that is the whole intent of the Bill, it cannot possibly be described as a Bill that will create a charge on the revenue, directly or indirectly. Officers will not be brought into existence in consequence of the Bill passing; the officers are already there under the principal Act, and all that the Bill will do will be to direct them to discharge the duties imposed on them by the principal Act in a certain prescribed manner. I submit that the Bill, having that purpose in view, should not be ruled out. It is not against our Standing Orders nor against the Constitution Act. It is brought forward to amend an Act on the statute-book which, in the first instance, did create a charge on the revenue, and which alone would be open to that objection and could be ruled out. If your ruling stands, it will mean that legislation will have to be confined almost exclusively to Bills brought down by the Government of the day. I submit that on carefully reading the Bill and also the principal Act, and appreciating the fact that the officers referred to are already in existence under the principal Act, there can be no question that the Bill does not create directly or indirectly any charge on the revenue and does not offend against the Standing Orders or the Constitution.

Mr. Lambert: I have listened attentively to the arguments and I agree with the viewpoint expressed by the Leader of the Opposition and the member for Nedlands that in matters of this description, where it does not appear that we are making any appropriation of revenue, or are imposing taxation, but merely desire to implement existing legislation, it should be competent for any private member to move, as the member for Katanning has moved, to amend an Act. After all, what is proposed affects us in the rural districts very considerably, and to that extent we must have quite a jealous regard for everything that will give a better effect to the rural relief that is required. If we are to be hamstrung—perhaps I should not use that word, but rather should I say "limited"—in our desire as private members to actually assist the Government in implementing and giving better effect to legislation of this character, then we might just as well walk out of the Chamber altogether.

Mr. Speaker: Before the member for Katanning replies, as I stated at the outset —and nothing has been said to the contrary —the money that is being used by the trustees must have been appropriated originally by the Federal Government or Federal Parliament and was appropriated for a definite purpose. That has been stated by the member for Avon. I believe that any member who reads the Bill carefully can come to one conclusion only, namely, that the Bill proposes to divert or interfere with that appropriation.

Mr. Boyle: No.

Mr. Speaker: That is my opinion. I have read the Bill, notwithstanding the suggestion of the Leader of the Opposition that I might not have read it. I have devoted a considerable amount of time to reading it.

Hon. C. G. Latham: I did not say that.

Mr. Speaker: The Leader of the Opposition said, "If you have read the Bill." I assure him that I have read it. I should not like to have to give a ruling without having read it. I have satisfied myself that the Bill, in many of its clauses, does propose to interfere with or divert some of the appropriation. I cannot see any difference between money appropriated by the Federal Parliament and money appropriated by the State Parliament. It is still the people's money. Possibly I may be wrong in that view. The Leader of the Opposition expressed surprise at my having gone to the chairman or secretary of the trustees. If I wish to ascertain exactly how much money is to be used by any trustees or by any body controlled by an Act of Parliament, surely they are the people from whom to get the information! It is not a question of the interpretation of the Constitution. The Crown Law authorities can interpret the Constitution if I am in a position to give them the information as to the effect of the Bill. That is what I have done. The question is, what effect will the Bill have? The only people from whom I could get the information were those administering the fund. I went to them and, rightly or wrongly, I have given the House the information. They declared that the cost will be £40,000. Whether members agree with that statement or not is another matter. I have taken the opportunity to get the information and will do so in future. I think the reasonable course is to go to the people who are administering a fund or an Act, ascertain the position, and then go to the Crown Law authorities with the information and obtain their opinion. The Leader of the Opposition

and the member for Nedlands said there was nothing in the Bill to provide for the appointment of inspectors. The member for Katanning said that the original Act provided for such appointments. Admittedly it did. The inspectors utilised were officers of the Agricultural Bank. This Bill—and this is the information obtained from the trustees—will enlarge the functions of those inspectors.

Hon. C. G. Latham: Vary their functions only.

Mr. Speaker: The hon. member can say "vary."

Hon. P. Collier: Enlarging would be varying.

Mr. Speaker: I have given the information supplied by the trustees.

Mr. Patrick: Do not you think that, if antagonistic to the Bill, they could put up anything like that?

Mr. Speaker: I am not regarding them as antagonistic to the Bill. I asked them for fair and straight information and I believe I got it. I am not asking the House to accept the information, but I have supplied the information and given my ruling on it. If the information is wrong, of course I am wrong. I have given it to the House and it is for the House to decide. I have no bone to pick with anybody in the matter: I have given an interpretation that I believe is correct.

Mr. Watts (in reply): It is abundantly clear from the information I have received and from statements which I understand have been made that those in charge of the operation of the Rural Relief Fund Act are, of course, opposed to the proposals contained in the Bill.

Hon. C. G. Latham: Very definitely so.

Mr. Tonkin: Why should they be opposed?

Mr. Watts: Because they have said so. In consequence, I have no doubt that they would elaborate as far as possible on the necessity for those officers. Seeing that you, Mr. Speaker, have so clearly made reference to the number of officers and to the amount likely to be expended on them, I feel that I must make reference to the matter also. Fifty officers are to be appointed in addition to some 30 or 40 already in the department, to deal with the applications of something like 3,000 farmers, of whom 1,000 have already been dealt with.

Mr. Speaker: I think the number is 57.

Mr. Watts: So it appears there will be 40 farmers to every officer, and each officer will cost £800 a year. With all due respect to those responsible for giving you the information, Sir, I have no hesitation in saying that that is a gross exaggeration. Even supposing that you were correct in saying that further expenditure would be caused by the provisions of the Bill, I reply that there is no need to occasion any further expenditure because the officers already employed could have gone to the country areas in reasonable numbers, instead of being kept in Perth, no doubt to deal with the subject matter of this Bill. Apart from that, it has been clearly pointed out—and I do not propose to dwell upon this aspect—that the Bill does not propose to appoint anybody and does not appropriate any sum of money from the funds vested in the trustees and now held in trust by them, they being the only persons who can draw upon those funds. I shall quote some comments from May's "Parliamentary Practice" at page 535—

> Unless a new and distinct charge be imposed upon the public revenue, the Standing Orders which regulate financial procedure are not applicable.

I think we have said enough to prove to the House that there is certainly no new and distinct charge, if there is any charge at all, proposed to be imposed by this Bill.

> This principle applies to cases where it is proposed to authorise advances on the security of public works out of moneys already set apart for such purposes.

I may add that if this question does arise, then moneys have already been set apart for such purposes, and the principle previously enunciated applies to this case. Thus there is no conflict with the Standing Orders or Constitution Act.

> For the same reason it was held that a Bill which repealed a section of the Superannuation Act that created a superannuation fund by means of annual deductions from officials' salaries did not come within the scope of these Standing Orders because, although the Bill effected a diminution of public income, it did not increase salaries nor the public charge in respect of salaries. The same exemption also applies to legislation which varies the appropriation of the proceeds of an existing charge upon public revenue, whereby no new burden is imposed——

I ask you, Mr. Speaker, in all fairness, whether this is not a case that approximates very closely to the words I have just read?

> such, for instance, as the University Education (Ireland) Bill, 1882, which diverted to the use of the Royal University of Ireland grants out of the consolidated fund which were payable by

statute to the Queen's Colleges in Ireland; and this principle was applied to the local Government Bill of 1888, which diverted from the Exchequer to the county fund a portion of the probate duty, because, although thereby certain sums would be intercepted and the public revenue would be so far diminished, no fresh payment arose out of the consolidated fund or out of money provided by Parliament; nor was any additional charge imposed upon the people.

It seems to me that that authority, which in this House is usually regarded as a conclusive authority, and in denial of which no authority has been quoted on this occasion, establishes quite clearly that this Bill is within the confines of the Standing Orders and the Constitution Act and that we are entitled to proceed with it upon the second reading.

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

Ayes	22
Noes	22
A tie	0

AYES.

Mr. Boyle	Mr. McLarty
Mr. Brockman	Mr. North
Mrs. Cardell-Oliver	Mr. Sampson
Mr. Doust	Mr. Seward
Mr. Ferguson	Mr. Shearn
Mr. Hill	Mr. J. M. Smith
Mr. Hughes	Mr. Thorn
Mr. Keenan	Mr. Warner
Mr. Lambert	Mr. Watts
Mr. Latham	Mr. Welsh
Mr. Mann	Mr. Doney
	(*Teller.*)

NOES.

Mr. Collier	Mr. Nulsen
Mr. Coverley	Mr. Raphael
Mr. Cross	Mr. Rodoreda
Mr. Fox	Mr. Sleeman
Mr. Hawke	Mr. F. C. L. Smith
Mr. Hegney	Mr. Styants
Miss Holman	Mr. Tonkin
Mr. Marshall	Mr. Willcock
Mr. Millington	Mr. Wise
Mr. Munsie	Mr. Withers
Mr. Needham	Mr. Wilson
	(*Teller.*)

Mr. Speaker: I give my casting vote in favour of the noes.

Question thus negatived; Bill withdrawn.

BILL—DISTRESS FOR RENT ABOLITION.

As to Resumption of Consideration in in Committee.

MR. CROSS (Canning) [9.31]: I move—

That the consideration in Committee of the Distress for Rent Abolition Bill be now resumed.

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

Ayes	30
Noes	14
Majority for	16

AYES.

Mrs. Cardell-Oliver	Mr. Needham
Mr. Collier	Mr. North
Mr. Coverley	Mr. Nulsen
Mr. Cross	Mr. Raphael
Mr. Doust	Mr. Rodoreda
Mr. Fox	Mr. Shearn
Mr. Hawke	Mr. Sleeman
Mr. Hegney	Mr. F. C. L. Smith
Miss Holman	Mr. J. M. Smith
Mr. Hughes	Mr. Styants
Mr. Keenan	Mr. Tonkin
Mr. Lambert	Mr. Willcock
Mr. Marshall	Mr. Wise
Mr. Millington	Mr. Withers
Mr. Munsie	Mr. Wilson
	(*Teller.*)

NOES.

Mr. Boyle	Mr. Sampson
Mr. Brockman	Mr. Seward
Mr. Ferguson	Mr. Thorn
Mr. Hill	Mr. Warner
Mr. Latham	Mr. Watts
Mr. Mann	Mr. Welsh
Mr. McLarty	Mr. Doney
	(*Teller.*)

Question thus passed.

In Committee.

Resumed from an earlier stage of the sitting; Mr. Hegney in the Chair, Mr. Cross in charge of the Bill.

New Clause (partly considered):

Mr. CROSS: If the member for Nedlands is prepared to withdraw his new clause, I shall submit one which probably will meet the wishes of all members.

Hon. N. KEENAN: I ask leave to withdraw the new clause I have moved.

Leave refused.

Mr. MARSHALL: I sincerely hope the Committee will not adopt this new clause, or any similar amendment. The Bill deals with the right of a landlord to confiscate goods and chattels in satisfaction of rent owing. I doubt whether the new clause is relevant to the Bill. The principle of the new clause is not implied in the measure. There is no semblance of an analogy between distraining for rent and suing for a debt owing to a butcher or a baker. The Bill suggests that a landlord should have to proceed for rent due in the same way as a butcher or a baker has to sue for payment for goods supplied. Why should the landlord have any greater rights than any other creditor? Let the landlord go to court in the ordinary way and sue, and let the court decide whether the defendant can afford to

pay and, if so, how much. Another Act provides means for the landlord to terminate a tenancy. I shall vote against the new clause.

New clause put and negatived.

New clause:

Mr. CROSS: I move—

That the following new clause be added to the Bill:—"After the coming into operation of this Act a landlord or lessor may, upon two days' notice in writing to the tenant, determine any weekly or monthly tenancy where any rent due under such tenancy has remained unpaid for a period of seven days, and notwithstanding any period specified in Section 100 of the Local Courts Act, 1904, may at the end of such notice bring proceedings in ejectment under such aforesaid Act, the provisions of which shall, subject to this Act, apply thereto, mutatis mutandis"

Close analysis shows that this new clause clearly gives the landlord, not power to collect rents—in which respect he will have merely the same remedy as any other creditor—but an opportunity and a proper remedy of getting a non-paying tenant out of the premises. The landlord will still be subject to Section 100 of the Local Courts Act in that the tenant will not be evicted from the premises until the case has been heard by a magistrate.

Mr. SLEEMAN: I do not think there is any chance of my voting for the new clause, but I should like to have time to refer to Section 100 of the Local Courts Act. The member for Canning is illadvised to depart from the Bill he brought down. Perhaps the hon. member will quote the section of the Local Courts Act.

Mr. CROSS: Before a person can be evicted from premises, the landlord must first give him five days' notice. Then he must issue a summons out of the local court. That is returnable in ten days, but if the money is paid within five days, the proceedings stop. If the amount is not paid, and the proceedings take place within ten days, the magistrate can order the tenant to leave the premises in not less than 14 days. This amendment is merely to shorten the period in which they can get the tenant out under the present Act. It will take them nearly a month to get a tenant out now under this provision, but they will be able to get him out in a little shorter period. They can take action by summons out of the local court when the rent is ten days in arrear.

Hon. C. G. Latham: I am going to support you on the strength of what you say, but I know you are wrong.

Mr. CROSS: I have gone carefully into the matter, and hon. members can be certain I would not agree to this if I did not think it reasonable.

Mr. MARSHALL: The member for Canning has candidly confessed that he is reducing the period the landlord will have in order to evict a tenant.

Mr. Cross: Only by two days.

Mr. MARSHALL: I do not care a continental if it is only two minutes. Would the hon. member like to see his electors out on their heads two days before it is now possible for them to be evicted?

Mr. Cross: It takes them a long time now.

Mr. MARSHALL: Why has the hon. member drifted from the principle contained in his measure, disputing the right of the landlord to confiscate goods and chattels? Why depart from that principle and yield to pressure by those who practically represent the landlords? I cannot understand the hon. member. I am not prepared to accept the amendment. I have not had any experience of this sort of thing in my own electorate, but there has been a lot of it within the metropolitan area in recent years. The hon. member, to his credit, has done a lot to prevent landlords from evicting tenants. His Bill contained a very good principle. For some unfortunate reason he has departed from the principle and forgotten it altogether, and I think he is wrong. He should have stuck to his own Bill. I am going to vote against the amendment.

Mr. HUGHES: It is surprising to hear the hon. member complain that this amendment will facilitate confiscation of a tenant's goods and chattels.

Mr. Marshall: I did not mention that.

Mr. HUGHES: I will leave it to the Chairman whether or not the hon. member mentioned confiscation of goods and chattels. He mixed up the process by which a landlord can seize a tenant's chattels with proceedings in ejectment. As a matter of fact the landlord as soon as the rent is due can issue an ordinary court summons for the rent and at the end of five days, even if an appearance is entered, he can get a summary judgment in two days, and at the end of the seventh day is in a position to issue a warrant of execution and seize the chattels and sell them after five days. So that at the present time, in 13 days, he could go in and sell the chattels under a warrant of execution. But what this Bill takes away from the landlord is the right

he has, apart from the ordinary proceedings in the court, of levying distress immediately, and selling chattels without an order of the court at all. If the Bill is carried it will take that right from the landlord, and the only way he could then sell the chattels would be by means of a summons and a judgment of the local court. That is the very thing hon. members have been asking for. He will have to get his ordinary judgment, and then sell the chattels pursuant to the judgment. Proceedings in ejectment are quite another thing. At the present time, when the rent is ten days in arrear in respect of a weekly tenancy, the landlord can commence proceedings in ejectment, and in the case of a monthly tenancy the rent must be 21 days in arrear. All the Bill does is to say that at the end of seven days the landlord can give two days' notice to determine the tenancy, and then proceed in ejectment. All the amendment means is that the landlord could in nine days start his proceedings in ejectment whereas at present he can do so in ten, in respect of weekly tenancies. The relief this gives the landlord is that where it is a monthly tenancy he has not to wait 21 days, as at present. He can determine his monthly tenancy on two days' notice when the rent is seven days in arrear. Surely there is nothing extraordinarily unfair about that? We are mainly concerned with weekly tenancies; those people entering into monthly tenancies are generally in a position to meet their commitments. Where we take even in that case the right of distress away from a landlord, we are giving him some little redress. If this amendment goes into the Bill, it will mean that members will get all they are asking for. The landlord will have to recover his rent by judgment in the local court, which he will be able to do in seven days, as at present, and then proceed by warrant of execution to sell the goods and chattels. In the case of a weekly tenancy we give one day's reduction in the time, and in the case of a monthly tenancy about 12. That is not an extraordinary concession.

Mr. STYANTS: I regret that the member for Canning has departed from the principle contained in his Bill, which was a very good one. The amendment he now proposes to introduce does not appeal to me at all. I believe we would find a nigger in the woodpile, if we had time closely to examine this. Accepting the amendment at its face value, it provides for the landlord having authority to start ejectment proceedings in the case of a weekly tenancy one day sooner than under the present Act, and in the case of a monthly tenancy a matter of 12 days. I am not prepared to give one day, or one hour, less than the period stipulated under the present Act. Under section 100 of the Local Courts Act, a landlord is amply protected as far as recovering his rent is concerned, or getting ejectment through police court proceedings. I am not prepared to support the amendment, which I believe the member for Canning was ill-advised to introduce.

Mr. SLEEMAN: After reading the amendment, I see the hand of a legal man there, because a Latin phrase is used. I would not be consistent if I were to allow it to go through without uttering my protest, and expressing my disapproval. Surely we can use English in an English Act to show what we are trying to do. As a matter of fact, I do not agree with any of the amendment, but in case it is carried, I am going to do my best to have the last two words cut out.

Hon. N. Keenan: Do you know what they mean?

Mr. SLEEMAN: Yes, and the member for Nedlands knows what they mean; and it is up to him, as a learned man, to use English instead of Latin words. Too often we have words of another language in our Acts, which are thus hard for the average man to understand. The plainer we can make Acts of Parliament, the better for everyone concerned. Some Acts of Parliament that have been put through since I have been a member would require a legal man to understand. I would be open to bet, if betting were allowed in this Chamber, that there are not too many people who know the meaning of the last two words in the amendment. I therefore move an amendment on the proposed new clause—

That the words "mutatis mutandis" be struck out.

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

Ayes	14
Noes	28
Majority against	14

Ayes.	
Mr. Coverley	Mr. Sleeman
Mr. Fox	Mr. Styants
Mr. Hawke	Mr. Willcock
Miss Holman	Mr. Wilson
Mr. Millington	Mr. Wise
Mr. Munsie	Mr. Withers
Mr. Raphael	Mr. Marshall
	(*Teller*)

Noes.	
Mr. Boyle	Mr. Needham
Mr. Brockman	Mr. North
Mrs. Cardell-Oliver	Mr. Nulsen
Mr. Collier	Mr. Patrick
Mr. Cross	Mr. Rodoreda
Mr. Doust	Mr. Sampson
Mr. Ferguson	Mr. Seward
Mr. Hill	Mr. Shearn
Mr. Hughes	Mr. J. M. Smith
Mr. Keenan	Mr. Tonkin
Mr. Lambert	Mr. Warner
Mr. Latham	Mr. Watts
Mr. Mann	Mr. Welsh
Mr. McLarty	Mr. Doney
	(*Teller.*)

Amendment thus negatived.

Mr. WATTS: It is not often, in a matter of this kind, that I find myself in agreement with the members for Canning and for Murchison. The member for Canning brought down a Bill to abolish distress for rent, and so far as the proceedings have gone he has abolished distress for rent. The question arises as to whether we should place in the Bill some clause that would assist the landlord to get early possession of his premises for which rent is owing. It is essential that we should distinguish tradesmen from landlords. Say, for example, that on the 5th December a tradesman satisfied himself that he cannot get paid for any more goods. He stops credit. Suppose that on the 5th December the landlord satisfies himself that he cannot recover any more rent. He cannot stop credit, but has to allow the tenant to continue to occupy the premises for at least a time. To that extent the position of landlord varies considerably from the position of a tradesman. I propose to support the amendment before the Committee. Members of the Committee should distinguish between distress for rent and an action for ejectment. Distress for rent has been provided for landlords for many centuries past and can be taken advantage of without any legal proceedings. The landlord can, if he thinks fit, take proceedings for an order for ejectment, since he wants to obtain possession of his premises. All that we are doing by this amendment is to allow the local court the same power as it has had for many years to adjudicate on the matter and order an ejectment to take place if the court thinks it should take place; with this difference, that instead of having to give the tenant a week's notice before these proceedings in the local court, the time of notice by the landlord will now be limited to two days. I think the amendment is a good one and I will support it.

Mr. SLEEMAN: I object to the amendment. When the Bill was brought down it represented a fine effort on the part of the member for Canning to do something for the poorer class of people harassed by the landlord. If the Bill had gone through in its original form it would have occasioned no hardship on the more reasonable landlords. Some of the landlords in this State are essentially reasonable, but the legislation is needed for unscrupulous landlords, and it should be tightened up to protect the tenant from the unscrupulous landlord. I hope the Committee will not agree to the amendment.

Mr. RAPHAEL: I will oppose the amendment. This measure probably arose out of the experience that the member for Canning had gone through as representative of a poor man's district. During the depression period the landlords were hit harder than any other section of the community because, under the tenants' relief legislation, they were made to stand up to the liability of keeping indigent tenants in their houses. But there are many landlords to-day who, when tenants have decided to leave their houses, raise the rent by 5s. a week and tell the tenant that if the rent is not paid the furniture will be seized. The member for Canning should not have agreed to budge an inch from his original Bill. To my thinking it is the landlord, not the tradesman, that is protected in various districts. I hope the Committee will not agree to the amendment.

New clause put and a division taken with the following result:—

Ayes	32
Noes	11
Majority for	21

Ayes.	
Mr. Boyle	Mr. Munsie
Mr. Brockman	Mr. North
Mrs. Cardell-Oliver	Mr. Nulsen
Mr. Collier	Mr. Patrick
Mr. Cross	Mr. Sampson
Mr. Doney	Mr. Seward
Mr. Doust	Mr. Shearn
Mr. Ferguson	Mr. F. C. L. Smith
Mr. Hill	Mr. J. M. Smith
Mr. Hughes	Mr. Warner
Mr. Keenan	Mr. Watts
Mr. Lambert	Mr. Welsh
Mr. Latham	Mr. Willcock
Mr. Mann	Mr. Wilson
Mr. McLarty	Mr. Wise
Mr. Millington	Mr. Withers
	(*Teller.*)

Noes.	
Mr. Coverley	Mr. Rodoreda
Mr. Fox	Mr. Sleeman
Mr. Hawke	Mr. Styants
Miss Holman	Mr. Tonkin
Mr. Marshall	Mr. Needham
Mr. Raphael	*(Teller.)*

New clause thus passed.

Title—agreed to.

Bill reported with an amendment.

BILL—DAIRY PRODUCTS MARKETING REGULATION AMENDMENT.

Returned from the Council with an amendment.

BILL—ABORIGINES ACT AMENDMENT.

In Committee.

Resumed from the 3rd December; Mr. Sleeman in the Chair, the Minister for Agriculture in charge of the Bill.

Clause 2—Amendment of Section 2 of the principal Act (partly considered):

The CHAIRMAN: The member for Katanning had moved an amendment to strike out the words "over 21 years of age" appearing in line 1 of sub-paragraph (i).

The MINISTER FOR AGRICULTURE: I oppose the amendment. Protection must be given to the quadroons. The member for Nedlands said he hoped the Committee would not do what the parent Act did not contemplate. If the amendment is proceeded with, something will be brought about that the Act did not contemplate. Quadroons are aborigines under the Act as it stands. By Section 3 the term "half-caste" includes any person born of an aboriginal parent on either side, and the child of any such person. The child of a half-caste and a white parent living in a camp has no place in that camp. If we strike out these words, the child of a half-caste mother will be unlawfully on an aboriginal reserve. That will make it necessary to take the child away from the parents, and it will then come into the care of the Child Welfare Department. When a quadroon or a child of an aboriginal or half-caste is found in a native camp, and is seen to be almost white, the endeavour of the department is to place such child in the care of some home. If the child is under control until he or she is 21, it only means that he or she is under control if necessary. No restrictions are placed upon the child going into service, for instance.

Mr. WATTS: We have already agreed to strike out the interpretation of "half-caste" in the Act. According to that definition the term does not apply to quadroons. The provisions of the Act relative to half-castes, therefore, do not include quadroons. In Section 3 there is a reference which deals only with what is referred to in that section. There the term "half-caste" includes any person born of an aboriginal parent on either side and a child of any such person. If the section means what the Minister says it does, it applies only to persons referred to in it. He would have us believe that that section means that quadroons who live under the conditions set out in the Act are classed as aborigines. Quadroons should be liberated from the control of the Aborigines Department. It was never intended that these people should be classed as natives. We should aim at getting as many of these light coloured people as possible away from the control of the Protector. It is not to their benefit or the benefit of the State that he should have anything further to do with them, except possibly in circumstances where an order is made by a magistrate. It is not proper that the exemption should apply only to adult persons.

Hon. N. KEENAN: The only reference in the Act to quadroons is in the interpretation section, and that is only inserted to make it clear that the term "half-caste" does not include quadroons. No doubt it was the intention of the citizens of the colony at that time not to put any further barriers in the way of an amalgamation and gradual absorption of the native population, but on the contrary to leave the gate open for such amalgamation and absorption. Now we are going to start upon the reverse policy. I support the amendment, but it is my intention to move for the deletion of all the words in the paragraph except the word "quadroon."

The MINISTER FOR AGRICULTURE: In view of an expression used by the member for Katanning, I desire to assure the Committee that I have no wish to misrepresent anything. I want merely to put forward the point of view of the administration, and the intention of the various clauses in the Bill. The member for Katanning suggested it would be wise to liberate all quadroons from the control of the department. It should be pointed out that in the uplift of the quadroon there must be of necessity a transitionary stage. There are many quadroons

living as aborigines who are far inferior, physically and mentally, to the previous generation. Surely those who are not fitted to take their places among the white people should have the protection of the Act. No harshness is intended, and I challenge members to show how such provisions have acted harshly. This will allow control to be exercised where necessary.

Hon. C. G. LATHAM: Quadroons were exempted from the application of the Aborigines Act.

The Minister for Agriculture: No, they were brought in under Section 3.

Hon. C. G. LATHAM: I cannot place that interpretation upon Section 3, although I know it was stretched by the Protector with that end in view. If the Bill be agreed to in its present form, it means that every quadroon will be a ward of the State until he is 21 years of age. Irrespective of how intelligent he may be, he will have to make a successful application to the court before he can be excluded from this legislation. Is it not humiliating to men who fought in the Great War for us, and who in every respect are like white men apart from colour, to expect them to make application to the court before being excluded from the provisions of the Act? I hope the Minister will appreciate the reasonableness of the request.

Mr. WATTS: I hope the Minister will realise that I did not suggest he was endeavouring to mislead the Committee; I was merely expressing his belief with which I did not agree. I cannot see that the Act could be construed to apply to quadroons, because they are of the offspring of half-caste parents. I regret that the Bill seeks to apply the provisions of the Act to a section that was excluded from the Act itself.

Mr. CROSS: I hope the Minister will take a reasonable view, because there should be a differentiation between quadroons who live in the metropolitan area and those who live in camps in the country districts. I have been astounded to learn that some people living in my electorate are half-castes. No one would have known the fact had they not made the admission, and people of that type should not be stigmatised as is proposed in this legislation.

Mrs. CARDELL-OLIVER: I support the amendment. I sympathise with the objective the Minister has in mind regarding the children, but they could be placed under the control of the Child Welfare Department and not, as is suggested, be regarded as natives until they are 21 years of age.

Mr. MARSHALL: I support the amendment. There may be, as the Minister suggests, some quadroons and others who should be brought under the control of the department, and I think the measure should be left so as to allow protection to be accorded those people.

Amendment put and passed.

Mr. NORTH: I move an amendment—

That all the words after "age" in line 1 of subparagraph (i) of paragraph (e) be struck out.

Hon. C. G. LATHAM: There may be quadroons who should be brought under the protection of the department by means of an order obtained from a magistrate and the amendment should not be accepted.

Amendment put and negatived.

Mr. WATTS: I move an amendment—

That subparagraph (ii) of paragraph (e) be struck out.

No person of less than quadroon blood can reasonably be regarded in any circumstances as an aboriginal, and should be excluded from the legislation. The paragraph should never have been included in the Bill. There is no need for it. It may be all very well to argue that there are persons of this type of low mentality or bad character, but there are laws to deal with them, and also, unfortunately, there are people of white blood possessed of similar characteristics, much as we may regret it. It would, however, be better to move to strike out, not the whole sub-paragraph but to leave in the words "any person of less than quadroon blood." With the permission of the House, I will amend my amendment, and will move—

That in subparagraph (ii) the words "unless that person expressly applies to be brought under this Act, and the Minister consents" be struck out.

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

Clauses 3, 4—agreed to.

Clause 5—Persons of quadroon or less than quadroon blood may in certain cases come under the Act:

Mr. WATTS: I move an amendment—

That the following proviso be added to Subclause 1:—

Add the following proviso at end of paragraph (b) of proposed new Section 3A:—

Provided that any quadroon, so long as he is under the age of 16 years, whose parents

(or parent, if only one surviving or known) are or is ordered to have or has applied (and obtained the consent of the Minister) to be classed as natives or a native shall be classed as a native.

The clause provides that a quadroon over 21 years of age, on his application and with the consent of the Minister, may be classed as a native. Some provision should be made for the children of such persons who, either by order of a magistrate or by their own request with the Minister's consent, are classed as natives. It seems to me that for their own preservation, as it were, up to 16 years of age they should be under some control. To meet the situation as I see it, I submit the amendment.

Amendment put and passed.

Mr. WATTS: It will now be necessary to strike out subclause 2 of the same clause. This is consequential. I move an amendment—

That Subclause 2 be struck out.

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

Clause 6—Amendment of Section 7 of the principal Act: Travelling inspectors:

Hon. C. G. LATHAM: People who are appointed to a position such as this should have some qualifications, and so I think it is necessary that we should insert the word "qualified" before "persons." The clause would then read, "The Government may appoint such qualified persons to be travelling inspectors," etc. I move an amendment—

That "qualified" be inserted before "persons."

The MINISTER FOR AGRICULTURE: There is no need for the amendment. If a person is considered to be fit to be a travelling inspector, he would need to have some qualifications.

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

Ayes	16
Noes	18
Majority against	2

AYES.

Mr. Boyle	Mr. North
Mrs. Cardell-Oliver	Mr. Patrick
Mr. Ferguson	Mr. Sampson
Mr. Hill	Mr. Seward
Miss Holman	Mr. Warner
Mr. Latham	Mr. Watts
Mr. Mann	Mr. Welsh
Mr. McLarty	Mr. Doney

(*Teller.*)

NOES.

Mr. Coverley	Mr. Needham
Mr. Cross	Mr. Nulsen
Mr. Doust	Mr. Raphael
Mr. Fox	Mr. Rodoreda
Mr. Hawke	Mr. F. C. L. Smith
Mr. Hegney	Mr. Styants
Mr. Marshall	Mr. Tonkin
Mr. Millington	Mr. Wise
Mr. Munsie	Mr. Wilson

(*Teller.*)

Amendment thus negatived.

Mr. COVERLEY: I move an amendment—

That in paragraph (b) the words "if and when required by the Commissioner" be struck out.

It is not right that this power should rest in the hands of the Commissioner to dictate when and where an inspector should make a report. If these words are struck out, a travelling inspector will make a report on all institutions whether they be Government institutions or those under private control.

The MINISTER FOR AGRICULTURE: To press the amendment would be unwise. On rare occasions the department deem necessary inspections by travelling inspectors of mission stations or similar institutions. There is the possibility of a junior officer being placed in the position of having to inspect and report upon, say, Moola Bulla Station under the control of a senior and valuable officer. A junior officer might take it upon himself to inspect when not required by the commissioner.

Hon. C. G. Latham: Would there be anything to hide?

The MINISTER FOR AGRICULTURE: No, but the manager would be placed in an awkward position. That is the departmental view.

Mr. COVERLEY: The deletion of the words is very necessary. The commissioner should not have the right to say when a place should be inspected. Such power would be too great. All institutions, whether Government or privately controlled, are a long way from supervision. The complaint I made about the administration of the department was practically based on the fact that there was a want of knowledge and inspection on the part of the senior officer of the department. If he hurried his tour through being afraid of catching leprosy, he should agree with me. I have seen natives suffering badly from burns and there were no approved first-aid requisites to treat them. It is most important that an inspector should be compelled to travel and inspect all natives in

employment, and it is equally important to inspect the institutions.

Hon. C. G. LATHAM: An inspector might be in the Kimberley district and suddenly get information that certain things were happening at one of the institutions, and he would not be permitted to go there, although perhaps he was within 20 miles of the institution.

Mr. Coverley: No person is allowed to go to Moola Bulla, and I believe an inspector was prevented from going there to make a report.

Hon. C. G. LATHAM: If a report were frivolous, effect would not be given to it.

Mr. SEWARD: On first reading the Bill I marked the words down for deletion, but after hearing the member for Kimberley there is some force in retaining them. I can visualise an over-enthusiastic or officious officer making a nuisance of himself by inspecting institutions more often than was necessary. Perhaps a safeguard could be introduced by stipulating inspections once a year or half-year, if and when required by the commissioner.

Mr. WATTS: Now that we are to have inspections by qualified persons, the more often inspections are made, the better for the institutions. On reading the Bill I considered that the words should be deleted and I shall support the amendment.

Miss HOLMAN: Does the term "native institution" definitely cover Government settlements and stations?

The MINISTER FOR AGRICULTURE: The term covers all places including mission stations, reserves, and institutions controlled by the State, whether stations or the like. The department would be reluctant to lose the services of the good managers they have at institutions. Naturally, those who have been in control of natives for years would be averse to criticism by a junior officer lacking the experience possessed by those in charge.

Mr. MARSHALL: I cannot agree with the Minister. Surely he will appoint men of standing and experience! Surely he will carefully select men whose probity and capacity are unchallengeable! Headmasters of schools have their work inspected and that is the system we want embodied in the Bill. We want inspectors to go where they like and when they like and present reports. There is little risk of any wrongdoing being indulged in by inspectors.

Amendment put and passed.

Mrs. CARDELL-OLIVER: I move an amendment—

That after "institutions" the word "periodically" be inserted.

There is nothing to show how often inspections shall be made. Without the amendment they might be made once in five years or ten years.

Hon. C. G. LATHAM: And that might be "periodically."

Amendment put and passed.

Mr. WATTS: I move an amendment—

That the following proviso be added:—"Provided that, for the purposes of such appointments, the State shall be divided into three parts, as nearly equal in area as possible, to be known respectively as the northern, southern, and central native districts, the boundaries of which shall be defined by regulation under this Act, and when making such appointments the Governor shall appoint at least one such inspector to each of such native districts to carry out his duties in such district and not elsewhere."

The intention of the proviso is clear. The State should be divided into three areas for the appointment of inspectors so that their duties would be clarified. They would know the part of the State in which they had to move, would be better qualified to deal with that area, and should become experts in the affairs of their districts and thus be of greater assistance in carrying out the provisions of the measure.

The MINISTER FOR AGRICULTURE: The amendment is not necessary. The matter is purely one of administration, and I am sure that all the hon. member seeks to achieve by the amendment will result from administration. It means that supervision shall be given to every district. Section 7 of the Act is so amended by this clause as to provide for additional inspectors where required.

Mr. COVERLEY: On this occasion I support the Minister. The matter is one of administration. Provision for appointment of persons considered fit to act as inspectors is inserted for that reason. There are times when the department may have a specially good man and may desire to move him from one district to another. In that respect the department should not be restricted. I agree with the member for Katanning that there are three particular districts to be looked after, and that one inspector should not have to travel more than one district—which would represent a full-time job. The proviso would not improve the clause.

Amendment put and negatived.

Clause, as previously amended, put and passed.

Clause 7 to 10—agreed to.

Clause 11—Amendment of Section 15 of the principal Act:

Hon. C. G. LATHAM: I move an amendment—

That after "amended" in line 1, a new paragraph, to stand as paragraph (a) be inserted, as follows:—"(a) by inserting the words 'not being a native' after the word 'person' in the first line of the section."

The clause must refer to any person not being a native. Some inspectors in years gone by, if they wanted to get rid of a native, used this method to get rid of him.

The MINISTER FOR AGRICULTURE: The objection to this amendment is the objection I would raise to the next amendment standing in the name of the member for Kimberley, that the provision is intended to apply to persons other than natives, and not to natives alone. The great difficulty is not with white persons, but with natives enticing other natives, or native children, away from native institutions. The object is to prevent this.

Hon. C. G. LATHAM: The amendment does not apply to institutions, because the word "reserves" means a reserve for aborigines proclaimed under the Act. This is a different class of reserve from that referred to by the member for Irwin-Moore. The department have used this provision for the purpose of punishing natives. The penalties provided, £50 for a first offence and £100 for a second offence, surely cannot be intended to apply to natives. Natives should be punished differently from white men.

The MINISTER FOR AGRICULTURE: There are many reserves where aborigines would be trespassers, and there are depots where natives of certain tribes are enclosed and other natives would be unlawfully on those depots. Any person might assist illegally in transporting a native from an institution.

Hon. P. D. FERGUSON: If the Leader of the Opposition had any experience of native institutions, he would never move such an amendment as this. The biggest trouble of the management at the Moore River Settlement, for instance, arises when a native comes along from outside and endeavours to entice a girl away. This is the cause of the immorality at such places. One elusive native coming in from outside, of whom those in control of the institution cannot keep track, gives rise to much trouble. It would be a mistake to carry the amendment.

Amendment put and negatived.

Mr. COVERLEY: I move an amendment—

That paragraph (c) be struck out.

That paragraph means a heavy penalty for any person who entices a native away from a native institution, or transports or assists a native in or after his removal or escape. Under the parent Act the Chief Protector has enough power to penalise people who interfere with natives in that way. The extra power desired goes a little too far. For instance, many natives come from East Kimberley to Broome to serve a term in gaol. If those natives escape, as they often do, and make their way back towards East Kimberley and some innocent traveller happens to pick them up and give them a lift, say, from Derby to Wyndham, he is liable to a fine of £50 or six months in prison. Under the parent Act the onus of proof is on the person who gives a lift to natives. The case I suggest is not imaginary, but extremely common. The very first thing a traveller would do on seeing a native would be to ask him where he was going and offer him a lift to act as gate-opener. The proposal might lead to grave persecution of innocent persons.

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

Clause 12, Compulsory examination of diseased aboriginals, etc.

Mrs. CARDELL-OLIVER: I move an amendment—

That in lines 1 and 2 of paragraph (a) the words "some suitable person or persons" be struck out with a view to inserting "medical practitioners or qualified nurses."

The MINISTER FOR AGRICULTURE: It is very undesirable that this amendment should be accepted. In the conditions obtaining in the far-flung parts of this State there are many instances where those charged with the supervision of natives must inspect them and report, and they must have a knowledge of the diseases of natives. It is on them that the responsibility rests for sending natives from remote parts to some place where they can be attended to medically. It might not be practicable for a nurse or a doctor to be

placed in actual contact with these people, and it is very necessary that the words "some suitable person or persons" be retained in the Bill.

Mrs. CARDELL-OLIVER: I sympathise with the Minister's viewpoint. I am led to believe that it is difficult to get people to examine natives suffering from disease, but I am told a medical man could be appointed for the work in the north, and in the southern part of the State it would be quite easy to have a medical woman appointed. My objection is that any sort of person may be described by the Department as a "suitable person." I object to a man examining native women, and if a woman could be selected to do this, I would be satisfied.

Mr. COVERLEY: In the interests of the natives themselves I hope the amendment will not be pressed. Many years ago, after Dr. Cook had gone through the North and made scathing remarks on venereal disease amongst the natives, the Department made an effort to have the natives inspected by the district medical officer of each particular district. The only good done was that probably the ears of sympathetic people in the southern areas of the State were tickled when they were told that the local medical officers were making a close examination of the natives. The fact, however, was that where a medical officer could travel by motor he went, but when it was not possible to go further he returned to Wyndham, Derby or Broome as the case might be. The whole thing was a farce. Only the semi-civilised natives were inspected, and they might as well have been left alone. If the Government could finance it, it would be desirable that many medical officers be appointed to travel throughout the northern areas. If only one were appointed to do the work it would not be much good. As a matter of fact we have had a travelling medical officer appointed to inspect the natives and yet the most serious part has not been touched, and that work is not going to be performed for another six months. If authority to conduct these inspections is given to station managers or owners or the book-keeper or some other resident person, I can assure the member for Subiaco that it will not be so hard on the female aborigines as she imagines. In fact the probability is that the inspection will not be carried out by a man, but by one of the gins, who will report to the person in charge.

Mrs. CARDELL-OLIVER: I ask leave to withdraw the amendment.

Amendment by leave withdrawn.

Hon. C. G. LATHAM: I move an amendment—

That in line 1 and 2 of paragraph (b) the words "use such force as may be necessary to" be struck out.

I do not mind reasonable force being employed where necessary. After all, in arresting white men, the police sometimes have to use a measure of force. But I do not think it is wise for us to advertise the fact in our Statute-book. It will be misunderstood by people.

Amendment put and passed; the clause as amended agreed to.

Progress reported.

ADJOURNMENT—SPECIAL.

THE MINISTER FOR MINES (Hon. S. W. Munsie—Hannans) [11.40]: I move—

That the House at its rising adjourn until 7.30 p.m. to-morrow.

Question put and passed.

House adjourned at 11.40 p.m.