

used is not subject to inspection under the provisions of the Act. The Bill makes it clear that, no matter what the circumstances are, all scaffolding must come under the provisions of the Act.

Hon. A. Lovekin: Can you give us particulars of accidents arising out of scaffolding under 8 feet in height?

The CHIEF SECRETARY: I will be prepared to do so in the course of my reply or during the Committee stage. Many reports have been received of foreigners being employed who could not speak or understand English. In one instance it was found that three such men were employed. The scaffolding was badly erected and unsatisfactory. The contractor was not on the job, and as the inspector could not make the men understand, he had to wait until he could get into touch with the contractor who eventually had the scaffolding demolished. There are many other instances which could be quoted if necessary. Thus it is provided in the Bill that no person shall be employed where scaffolding is used unless he has sufficient knowledge of the English language to enable him to understand instructions issued to him. The schedule to the Act provides for the payment of fees: 5s. for every £100 or portion thereof of the cost or estimated cost of the building to be erected, there being no limit as to the maximum amount to be paid. The Bill provides for the payment of 5s. for every £100 where such cost does not exceed £10,000; 2s. 6d. for every additional £100 or portion thereof where the cost exceeds £10,000 and does not exceed £50,000, and a 1s. thereafter. The Bill also provides that in no circumstances shall the total fee exceed £100. The Bill also makes the position considerably easier for contractors when erecting lifts, and for painters, signwriters, electricians, and others. In such cases the fee shall be payable on the actual cost of all work done over a period of twelve months, instead of their having to pay the minimum fee for each job, some of which may cost only, say, £10: I move—

That the Bill be now read a second time.

On motion by the Hon. G. W. Miles, debate adjourned.

*House adjourned at 7.55 p.m.*

## Legislative Assembly,

*Tuesday, 10th September, 1929.*

	Page
Questions: Fruit transport—1, Southern districts embargo; 2, Consignments for North-West	634
Railways, condemned sleepers ... ..	635
Opossum season ... ..	635
Main Roads Act Amendment Bill, Select Committee, extension of time ... ..	635
Bills: Property in Bottles, 1R. ... ..	635
Reserves, Com. ... ..	635
Roads Closure, 2R. Com. report ... ..	635
University of Western Australia Act Amendment, 2R. ... ..	636
Stamp Act Amendment, returned ... ..	642
Industries Assistance Act Continuance, returned ... ..	642
Divorce Act Amendment, returned ... ..	642
Electoral Provinces, 2R. ... ..	642
Fair Rents, 2A., Com. ... ..	647

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

### QUESTIONS (2)—FRUIT TRANSPORT.

#### *Southern Districts Embargo.*

Mr. SAMPSON asked the Minister for Railways: In view of the fact that there is no check on transport of fruit for centres south of Narrogin when conveyed by motor truck or otherwise, save by rail, and, further, that fruit fly is, generally speaking, under control, will he consider revising the railway regulations which now preclude the forwarding by rail of fruit to certain southern districts?

The MINISTER FOR RAILWAYS replied: The regulation referred to was issued by the Agricultural Department, and applies to fruit carried by motor as well as by rail.

#### *Consignments for North-West.*

Mr. FERGUSON asked the Minister for Agriculture: 1, Is it a fact that the Midland Railway Company will not accept fruit for the North-West under the special charge of 5s. per case, including steamship charges? 2, If so, will he please endeavour so to arrange that this disability may be overcome?

The MINISTER FOR AGRICULTURE replied: 1, Yes. 2, The company referred to are not prepared to grant the concession.

### QUESTION—RAILWAYS, CONDEMNED SLEEPERS.

Mr. NORTH (for Mr. J. H. Smith) asked the Minister for Railways: 1, Is it a fact that the Government have recently bought approximately 1,000 condemned sleepers from a non-naturalised person at Hesterford-siding? 2, Is he aware that all these sleepers were cut by foreign labour? 3, Will he state what price per sleeper or load was paid for same? 4, Are these sleepers bought marked with railway blue band, and for what purpose are they being used?

The MINISTER FOR RAILWAYS replied: 1, Sleepers to the number named were purchased at Hester recently, but it is not known that the vendor is a non-naturalised person. 2, No. 3, The sleepers were purchased at a satisfactory price for the purpose for which they were required. 4, Sleepers were not marked with the blue band. They are being used for the purpose for which sleepers of an inferior quality, such as these, are suitable.

### QUESTION—OPOSSUM SEASON.

Mr. NORTH (for Mr. J. H. Smith) asked the Minister representing the Chief Secretary: 1, On account of high price ruling for opossum skins, does he propose to open the trapping season? If not, why not?

The MINISTER FOR AGRICULTURE replied: 1 and 2, The matter is receiving consideration.

### MAIN ROADS ACT AMENDMENT BILL—SELECT COMMITTEE.

#### *Extension of Time.*

On motion by the Minister for Works, the time for bringing up the select committee's report was extended to the 11th of September.

### BILL—PROPERTY IN BOTTLES.

Introduced by Mr. Latham and read a first time.

### BILL—RESERVES.

#### *In Committee.*

Mt. Lutey in the Chair; the Minister for Lands in charge of the Bill.

Clauses 1 to 6—agreed to.

Clause 7—Reserve A7804:

Mr. NORTH: I understand the reserve the subject of this clause is being investigated by the Surveyor General. A proposition has been put up by the Claremont Road Board to have these areas slightly altered. I was told by the department that this matter would be held in abeyance for a few weeks until the question could be settled. Has it not been brought before the Minister?

The MINISTER FOR LANDS: It is true the Claremont people have made further representations. I have no objection to the matter being fully investigated. Still, I should like to point out that the people concerned did agree to the proposal in the Bill.

Mr. North: That is quite true.

The MINISTER FOR LANDS: But at the last moment they came along with a further proposal. However, with a view to securing finality in the matter, I am prepared to report progress.

Progress reported.

### BILL—ROADS CLOSURE.

#### *Second Reading.*

Debate resumed from the 22nd August.

HON. SIR JAMES MITCHELL. (Northam) [4.41]: There is nothing in the measure to which exception can be taken. The Minister has brought down the Bill rather earlier than usual.

The Minister for Lands: We may have another one yet.

Hon. Sir JAMES MITCHELL: It is always dangerous to bring down this Bill at an early stage because, as with municipalities, so, too, with road boards, many of them delay their requests for the closing of a road until the last minute. For that reason, in the past we have always kept the Bill back. However, there can be no objection at all to the House agreeing to the road closures proposed in the Bill.

HON. W. D. JOHNSON (Guildford) [4.42]: I support the opinion expressed by the Leader of the Opposition. Even at the present moment, in my constituency negotiations are proceeding for the closing of a road for the purpose of improving and extending the school grounds. Only dur-

ing the week have I had a letter from the Minister stating that the project has been approved by the Government and is now being attended to by the Public Works Department. As the Leader of the Opposition has said, it is the general practice to leave this Bill until late in the session so that all roads to be closed can be dealt with in the one measure. Possibly the roads included in the Bill are especially urgent, but if they are not I suggest the Bill be delayed so that we may embody in it any more road closures that may come along.

**THE MINISTER FOR LANDS** (Hon. M. F. Troy—Mt. Magnet—in reply) [4.44]: It should not be necessary to point out to the members who have spoken that the work represented in the Bill is done in the department. As for negotiations proceeding, there are always such negotiations going on, and always will be. When the last possible road is included in the Bill of the session, there will still be negotiations in hand for the closing of other roads. It is always during a parliamentary session that local authorities come forward with their proposals; during the recess they have no applications of the sort to make. I think we ought to carry the second reading now.

Question put and passed.

Bill read a second time.

*In Committee, etc.*

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

## **BILL—UNIVERSITY OF WESTERN AUSTRALIA ACT AMENDMENT.**

*Second Reading.*

Debate resumed from 3rd September.

**HON. SIR JAMES MITCHELL** (Northam) [4.47]: I suppose this Bill has been prepared by the University for submission to the House by the Premier. The University authorities desire adequately to control their land at Crawley. With that we all agree. I should have thought they had the power they require, but the Premier says it is not so, and we must therefore give it to them. The Bill provides for charges for

admission to the grounds. For the most part, no doubt, the grounds will be open to the public subject to the regulations the University will make. To this we have no objection to offer. The Bill also contains power whereby the authorities may control the domestic affairs of the University. To this we have no objection. I do not know why the Premier suggested that the University should have the right to impose penalties for offences committed against the by-laws made under the Act. The penalties should be imposed by the Government, not by the University authorities. The fines should not go to them, either. I doubt if in any other Act it is provided that fines shall go to an outside body. I have serious fault to find with one particular clause in the Bill. This provides that the accused shall have to prove his innocence. I doubt whether that can be found in any other Act of Parliament.

The Premier: The hon. member has misread the clause.

Hon. Sir JAMES MITCHELL: It says that anyone who is charged with an offence shall be deemed guilty until he affords proof to the contrary.

The Premier: Not as to the offence, but that it took place in the Crawley grounds. That is a different thing. He has to prove that he was not on the grounds of the University.

Hon. Sir JAMES MITCHELL: The clause refers to any prosecution for an offence against the by-laws. The University would have no control over land other than University land, so that the by-laws will cover every offence no matter how it is committed. The Premier particularly referred to the land at Crawley.

The Premier: A person may have been just outside the University grounds.

Hon. Sir JAMES MITCHELL: Then he should be prosecuted as any other person would be. The Bill is intended to permit the authorities to control their own land, to be masters within their own preserves. When a man is charged with an offence, it should be necessary to prove the case against him.

The Premier: The case will have to be proved against him.

Hon. Sir JAMES MITCHELL: Under the Bill, he will be called upon to prove his innocence.

The Premier: No.

Hon. Sir JAMES MITCHELL: I think so. The House should not agree to any such provision.

The Premier: The clause does not read in that way. Whoever takes the prosecution will have to prove the charge.

Hon. Sir JAMES MITCHELL: I hope so but I doubt it. There is no need for a clause worded as this is.

The Premier: Yes.

Hon. Sir JAMES MITCHELL: We should not pass it in this form.

Mr. Mann: It says any prosecution for any offence.

The Premier: That is only half the clause.

Hon. Sir JAMES MITCHELL: The Premier should have read the clause before. Had he done so, he would not have allowed it to appear as it is. As the Bill is drafted by the University authorities, naturally it comes down in the form in which it was suggested to the Parliamentary draftsman. If we allowed departmental officials to draft legislation that affects their particular interests, we would have many Bills that would not be approved by the House. In their anxiety to take power, which no doubt they would exercise with discretion, the University authorities have gone a little further than is necessary.

Mr. Mann: The Railway Department have not the power you are asking for here.

The Premier: I am pretty sure they have.

Hon. Sir JAMES MITCHELL: The Premier does not propose that the power I suggest is contained in the Bill should be given to the University, so that when we get into Committee he will amend that clause.

The Premier: I do not know.

Hon. Sir JAMES MITCHELL: We must turn out a good Bill. We are not going to give more power than is usually given in the administration of an Act of Parliament. We should give the University power to protect its property, grounds, trees, etc. Crawley is a beautiful place and we want it to remain so, but we are not content to pass a clause requiring a person to prove his innocence. Apart from the penalties going to the University, these are the main objections I have to the Bill.

Mr. Sleeman: Do you think that every man should be deemed innocent until he is proved guilty?

Hon. Sir JAMES MITCHELL: I have no objection to the passing of the second reading, but I hope before we get into Com-

mittee the Premier will satisfy himself as to the meaning of the words to which I have referred.

Hon. W. D. Johnson: Do the King's Park Board possess these powers over their land?

Hon. Sir JAMES MITCHELL: I do not think so. We should be very careful before passing legislation of this kind.

Mr. Sleeman: Under the Gold Stealing Act people have to prove their innocence.

Hon. Sir JAMES MITCHELL: That is a special Act.

Mr. Sleeman: That was wrong, and this is just as wrong.

Hon. Sir JAMES MITCHELL: We should not extend the principle, although that is a different matter.

Mr. Sleeman: The principle is the same.

Hon. Sir JAMES MITCHELL: I do not think so. The offence that is committed may be a trivial one, but to the University authorities it may be serious.

Mr. Sleeman: According to British fair play, a man is deemed innocent until he is found guilty.

Hon. Sir JAMES MITCHELL: I agree. We shall be at one on this matter.

Mr. Sleeman: As it happens we shall be at one on this.

Hon. Sir JAMES MITCHELL: I am so certain of winning that I have no further opposition to offer to the Bill.

MR. RICHARDSON (Subiaco) [4.58]: I agree with the remarks of the Leader of the Opposition. There is another point, however, I should like the Premier to consider before we go into Committee. It is clear from the plan of the University grounds that they have a large frontage to the Swan River. For many years there has been an understood right of way through the grounds.

The Premier: They have no frontage really.

Mr. RICHARDSON: They look out upon the river. Many thousands of people travelling from Perth, West Perth, Leederville, Wembley and Subiaco desire to visit Crawley beach during the summer.

Mr. Marshall: Or the City Baths.

Mr. RICHARDSON: This matter was brought prominently before the Subiaco Municipal Council, who agreed to lay down a footpath in Myers-street. That street is centrally situated between the terminus of the Nedlands tramway and the Perth-Fre-

mantle-road. If people pass through the University grounds, Myers-street goes direct to Crawley beach. Many thousands of people—I have seen them frequently myself—traverse that route. They take the tram, alight at Myers-street, and then proceed to Crawley Beach. I have no strenuous opposition to offer to the Bill, but the Premier might consider the granting of a right-of-way through, so that people travelling from this end may be able to get to the beach and the baths.

The Premier: Through the University grounds?

Mr. RICHARDSON: Yes.

The Premier: We have no power to do that.

Mr. RICHARDSON: Otherwise it means that these people will have to go by way of the Perth-Fremantle road, which involves travelling a long distance round; or they must go to the terminus of the Nedlands line and then travel up the river to get to Crawley beach. The Government and the Public Gardens Board, I understand, are anxious that Crawley Beach shall become one of the pleasure spots of the metropolitan area. Under the Bill, however, even people coming from Claremont will have a considerable additional distance to travel if no opening is made just about the middle of the University grounds.

The Premier: That is an impossible request.

Mr. RICHARDSON: I do not think so. For years and years there has existed an oyster-shell footpath, which people have used believing it to be a public thoroughfare. Another point for consideration is that the 3d. section of the Crawley tram ceases where the footpath is. Thus people may traverse that footpath into a part of Nedlands, by merely taking a 3d. tram ride from Perth. If we are going to grant the University all the powers mentioned in the Bill, it will mean giving the institution some extreme powers.

The Premier: Extreme powers over their own property.

Mr. RICHARDSON: Nevertheless we should study the public as well as the University.

The Premier: Why not propose that in regard to any individual's private property?

Mr. RICHARDSON: We do not give such powers or rights in connection with private

properties. There is no necessity for it. In this case, however, there must be some such necessity, or the Premier would not have brought down the Bill. I am seeking to preserve the rights of thousands of metropolitan residents who desire a short route to Crawley beach. The Bill proposes to cut away the opportunity for popularising the beach. Access to it, if the Bill passes as printed, will not be as convenient as it is now. Possibly the Premier sees some difficulty which he cannot overcome, but all I am asking him now is that he should consider the plan further before the Bill goes into Committee. The hon. gentleman would be conferring a great benefit on many thousands of metropolitan residents if he arranged for a right-of-way from Myers-street to Crawley. That is all I ask regarding this measure.

MR. MANN (Perth) [5.5]: I desire to draw the Premier's attention to paragraph (k) in Subclause 1 of Clause 2, which provides power to make a by-law requiring "any person using such lands to give his name and address, whenever required so to do, by any police constable," which is all right, "or servant of the University." The last words confer extreme powers on untrained and probably unqualified persons to approach members of the public with a demand for their names. Western Australia, I believe, is the only Australian State in which it is a criminal offence to refuse one's name to a constable. I say nothing against that provision, which has proved extremely useful in the investigation of crime. But the Premier is going the wrong way in giving that power to every servant of the University. To refuse one's name renders one liable to a fine of £20. If a court hears that John Brown has refused to give his name on the University grounds, that amounts to proof that he has been on the University grounds. All that is required in such circumstances is evidence that John Brown refused to give his name to, say, William Jones. It may be, however, that John Brown was not on the University grounds at all. The affair may have happened on the foreshore or at Crawley.

The Premier: That is a very likely thing for a University official to do, is it not?

Mr. MANN: Probably there will be scores of officials employed on the University grounds—gardeners and other servants—and

every one of them is to have the right to demand names.

The Premier: But these grounds will be fenced in with a high fence. They will not be open to the public except through gateways. They will be enclosed. Imagine any University official demanding the name of a person outside the fence! There is valuable property on the grounds, and they should be fenced in.

Mr. MANN: Many other public bodies in this State have valuable property to protect, but have not been granted this power. The orderlies at Government House have no such power; neither have the officials of the Railway Department.

The Premier: Of course they have.

Mr. MANN: They have not.

The Premier: How do they take legal action against persons for committing offences on railway property?

Mr. MANN: It is not an offence to refuse ones name to a railway official, and it is necessary for the railway official to prove that an offence was committed on railway property. I hope the Premier will reconsider the paragraph in question, which gives extremely wide powers to possibly irresponsible and certainly untrained persons. The by-law would not be administered by responsible officers of the University but probably by gardeners.

The Premier: Do you think that everybody who is not a policeman is irresponsible?

Mr. MANN: In that line of work. To do such work a man must be trained.

The Premier: There are a few irresponsible men in the police force also.

Mr. MANN: Unfortunately irresponsible persons are to be found in every walk of life. That, however, does not make the position better. I do not think the Premier has really read this paragraph before.

The Premier: I have read everything in the Bill.

Mr. MANN: I hope the Premier will read the paragraph again and reconsider the position.

**HON. W. D. JOHNSON** (Guildford) [5.10]: I candidly admit that I do not like giving the University all the powers proposed by this measure. I would like to hear the Premier in opposition to a Bill proposing to enable the University to make by-laws for the purpose of interfering with

the general public. The hon. gentleman says the institution should have these rights in respect of its own property. That is correct. Everybody has such rights, but not by virtue of special legislation. The Bill says that such by-laws shall be approved by the Governor-in-Council and published in the "Government Gazette," but the position is that as a rule we require by-laws and regulations to be laid upon the Table, members thus being enabled to scrutinise them in the public interest.

Hon. Sir James Mitchell: I think that has to be done.

Hon. W. D. JOHNSON: It is not mentioned in the Bill. As the member for Perth (Mr. Mann) has pointed out, in connection with the University lands it is proposed to grant the institution authority to do things that would not be in the public interest. There is a danger. It is not desirable that Parliament should give to any person, even if associated with the University, powers equal to those of a police constable, who is an educated and responsible man, whose special duties are outlined to him, and who goes through a probationary period, during which he is instructed in the limits of his powers and the justice of his actions. University officials might do things that members of this Chamber would not like. Again, it is proposed to give the University power to make regulations for the control of students and servants of the University. I do not know that special legislation in that direction should be granted. So far as my knowledge and memory go, no proposal of this nature has previously been submitted to Parliament. Have the King's Park Board powers of this description? The members of that board have heavy responsibilities in caring for a public park where trees, shrubs and plants need protection. They discharge those responsibilities. I admit that frequently members of the public abuse the privileges granted them in the King's Park. A certain amount of vandalism occurs there, but, notwithstanding that fact, the King's Park Board have not asked Parliament for powers equal to these. The measure needs amendment in Committee. I shall not oppose the second reading, but I ask the Premier not to take the Committee stage now, but to allow members an opportunity to scrutinise the clauses of the Bill more closely. Further, I would respectfully suggest to the Premier, if too much expense is not involved, to furnish the Chamber with a map of the lands under consideration. My

knowledge of Crawley, for instance, is that which is gained from many pleasant outings on the shores of the Swan River, where the Government have built up a fine park and where many thousands of men, women, and children enjoy the summer evenings and also the summer days. I do not know what extent of land the University has. Is there still an approach to the lands which the public have enjoyed as a park?

The Premier: The lands are separated from it by a road and by the tramway going to Nedlands. The roadway and the tramway separate the foreshore of the Crown lands from the University lands.

Hon. Sir James Mitchell: It is well defined.

Mr. Latham: Yes, by the north side of the road.

Hon. W. D. JOHNSON: It has been the custom in connection with Bills of this nature to prepare a plan and hang it on the walls of the Chamber, so that members may be able to follow the discussion. Those with better knowledge of the matter than I possess will no doubt see that adequate protection is obtained, particularly the member for Subiaco (Mr. Richardson), who is specially interested, his electorate being in close proximity to the University lands. I should indeed be sorry if the University were given power to interfere with the right of people to visit that glorious spot which so many of them enjoy summer after summer. The Bill is not one to be viewed with much enthusiasm, since it proposes to delegate powers—for that is a course which should not be taken if it can possibly be avoided. Here it is proposed to empower an outside authority to act as a police constable, and to make by-laws which Parliament will not have opportunity or the right to scrutinise. The University is also to be empowered to make regulations for the discipline of students and employees. Those regulations will not be subject to any scrutiny whatever. I followed the Premier closely when he was speaking regarding the provisions of the Bill, and I think he said the measure was necessary because it was not desirable that a fence should be put up round this particular land.

The Premier: That is not so.

Hon. W. D. JOHNSON: Did not the Premier say that that might be done?

The Premier: No. I said that the University authorities did not desire to exclude the public from the University ground. If we do not give them the powers sought in

the Bill, they may put up a fence around the property and exclude the people from the grounds entirely. The University authorities desire these powers in order to protect valuable gardens, trees and buildings, otherwise they will be forced to exclude the public entirely.

Hon. W. D. JOHNSON: If the Premier will agree to some respite between the carrying of the second reading and the Committee stage, I shall be satisfied. It is the duty of hon. members to see that public interests are protected. We should be careful that we do not agree to handing over too extensive powers to the University authorities. Although I am satisfied that those authorities deserve the distinction the Premier proposes to confer upon them, it is well, in the public interests, that Parliament should have some say regarding regulations that may be framed under the provisions of the Bill.

**THE PREMIER** (Hon. P. Collier—Boulder—in reply) [5.17]: Hon. members are needlessly alarmed regarding the powers proposed to be granted to the University authorities under the provisions of the Bill. As a matter of fact, it is because the University people desire that their grounds shall be in the nature of a public park and as such open to the people at all reasonable hours for their use and benefit, that they ask for the power to control those who may visit the grounds. It must be remembered that those grounds are in the nature of private property. The University authorities could erect a fence or a stone wall round the property and entirely exclude the public. That is what they will be forced to do unless Parliament grants them reasonable powers by which they will be able to control visitors to the grounds. Something like £500,000 is being spent on the erection of public buildings. Hon. members may not be aware that thousands of young trees have been planted there during the past 12 months and are growing well. We know what happens when boys are let loose. We know the vandalism that has taken place in King's Park where young trees have been destroyed, trees that would have beautified the Park in years to come. The powers sought are really such as will enable the University authorities to protect their own property. It is from that viewpoint that the regulations will be required.

Hon. Sir James Mitchell: I think they are necessary.

The PREMIER: I have not looked up the Act under which the members of the King's Park Board operate.

Mr. Latham: There is no Act; it is a matter of regulations.

The PREMIER: I am sure that the members of the King's Park Board have great powers because I remember reading two or three weeks ago that one of their officials himself arrested three boys he had discovered breaking down trees. Unless we give substantial powers to the officers or servants of a body such as the University of Western Australia or the King's Park Board, we will never secure the conviction of people guilty of destroying or damaging trees or property belonging to those institutions. If it is necessary for anyone who detects culprits damaging property to hunt for a policeman before taking action, no such offenders will ever be prosecuted. It is essential that officers who happen to see anyone destroying property belonging to the University or to King's Park Board shall have power to take action. I think the member for Perth (Mr. Mann) will find that the railway authorities have great powers regarding offenders.

Mr. Mann: The Premier has not explained the necessity for the averment clause.

The PREMIER: I will deal with that matter before I finish my remarks. The member for Subiaco (Mr. Richardson) took up an attitude that was quite unreasonable. It may be unfortunate that some people who have been accustomed to an open stretch of country across which they were able to proceed to the water front, will now have to go round by some other route. Hon. members will realise that must be inevitable seeing that the University buildings are being erected on the grounds. If it had been private land that had formerly been open for anyone to cross by the nearest track to the river foreshore, and the owner decided to erect a fence around the property or to erect buildings, the public would have been excluded just the same. I do not think it could be expected that a public highway or thoroughfare should be permitted through the centre of the University grounds, as some hon. members suggested, in order that people might be able to get to the river by means of the shortest route. Regarding the references that have been made to Clause 4, I am satisfied hon. members have not read the full clause. The first two lines of the

second paragraph were read by them and they jumped to the conclusion that a man charged with any offence had to prove his innocence. The clause does not say that at all.

Mr. Mann: Of course not.

The PREMIER: All it says is that if a man is charged with an offence and the statement is made that the offence took place on land forming part of the University site at Crawley, the statement shall be deemed to be proved.

Mr. Mann: That is the essence of the crime, that it did take place on Crawley grounds.

The PREMIER: No; the damage to trees or whatever the offence consists would be the essence of the crime that took place at Crawley.

Mr. Mann: That is the point.

The PREMIER: How will such a charge be proved? If a man says he was not on the Crawley grounds at the time when he was charged with being there, how could the case be proved against him otherwise?

Mr. Mann: As proof always has to be established—by evidence.

The PREMIER: Here is property that is well defined by roads on all sides, by the main Perth-Fremantle road on one side, by the tramway and roadway through to Nedlands on another side, and by a roadway on the third side. No one would be likely to lay a charge against a person of having been on that ground who was not actually on the ground, but was somewhere else. That would be very likely, would it not?

Mr. Latham: Cases of mistaken identity have been known from time to time.

The PREMIER: That may be so. For my part, I do not think too much power has been asked for by the University authorities, but at the same time I have no desire to take the Bill through the Committee stage to-day. I will consult the University authorities on the points raised. I am sure they do not desire to have any greater powers than they deem necessary. They wish the grounds to be open to the people for use as a public park. We can take the Committee stage at a later sitting.

Question put and passed.

Bill read a second time.



**BILLS (3)—RETURNED.**

- 1, Stamp Act Amendment.
- 2, Industries Assistance Act Continuance.
- 3, Divorce Act Amendment.  
Without amendment.

**BILL—ELECTORAL PROVINCES.***Second Reading.*

Debate resumed from the 3rd September.

**HON SIR JAMES MITCHELL** (Northam) [5.25]: The first portion of the Bill contains provisions that are old friends. We have had the same proposals before the House time and again. They were introduced several times by the Premier when he sat in Opposition, and I think once since he has occupied his present position.

Mr. Sampson: It has become a habit.

Hon. Sir JAMES MITCHELL: Yes. I do not know that we need discuss the proposed alterations to the franchise at any great length. I would like to feel that the people were concerned to an appreciable extent about elections, or about electing people to another place.

Mr. Sleeman: They are.

Hon. Sir JAMES MITCHELL: There are a lot of people entitled to be enrolled on the Legislative Council rolls whose names do not appear there; they do not bother to become enrolled. We know that there were 70,000 householders or occupiers of houses in 1921. Since then a great many new houses have been built. We know that the number of householders in 1921 was just about equal to the number of electors enrolled for the Legislative Council Provinces in 1928. Yet there have been a great number of houses built since 1921.

Mr. Sleeman: There are people living in houses to whom you will not give a vote.

Hon. Sir JAMES MITCHELL: There are a number of people who may own land, or hold their properties under lease from the Crown, and many others who are entitled to exercise the franchise in connection with the Legislative Council, but who do not do so. It is a very simple matter for a person to secure a vote for the Legislative Council. It is not a rich man's House; it is the House of the man who is thrifty, the married man

who occupies a house with a rental value of £17 per annum.

Mr. Kenneally: And not always married men will be able to exercise the franchise, unless you agree to amend the legislation.

Hon. Sir JAMES MITCHELL: The married man is nearly always able to have a vote for the Legislative Council. At any rate there are very few married men in the metropolitan area who are not entitled to a vote.

Mr. Kenneally: But the married men in the metropolitan area do not desire to have preference over married people living on the goldfields or in the timber districts. You will not give those people a vote, and we want all to have the vote.

Hon. Sir JAMES MITCHELL: I am afraid the member for East Perth (Mr. Kenneally) wishes to make his speech now instead of awaiting his opportunity! I do not know that the men on the goldfields are so very keen to have a vote for the Legislative Council, nor yet to exercise it when they have it. If the hon. member will study the statistics regarding Upper House elections for the last 20 years and also those applying to elections of members to this House, he will see that a small percentage of the votes available were actually cast.

The Premier: The percentage of votes cast was pretty high for this House.

Hon. Sir JAMES MITCHELL: In some electorates it was, but not in others. I suppose 84 per cent. was the highest percentage recorded. Then again there are many people whose names appear on the roll, but who cannot vote; they may be dead or may have left the district. At any rate, we are now discussing the desire that the Premier says the people have to get themselves enrolled so that they may vote in connection with the election of members of the Legislative Council. I do not believe there is the slightest wish on the part of the great bulk of the people to become enrolled as he suggests.

Mr. Lutey: You are mistaken.

Hon. Sir JAMES MITCHELL: I have talked with people in different parts of the country and I have not heard anything to indicate the slightest wish along the lines indicated by the Premier's proposal. Unless members themselves raised the point, I do not think they would receive any request for such legislation. I think there should be

some qualification. It is more important to the people who are earning a daily wage that we should have good government than that we should have these amendments to the Constitution. Still, there can be no doubt that this House really has control. It has control of finance, and only this House can make and unmake Governments. We administer the affairs of the country, not another place.

The Premier: We have not control of the making of laws.

Hon. Sir JAMES MITCHELL: Yes we have, very largely. I have no complaint against another place for refusing to approve of some of the Premier's proposals in the last five years. Quite the reverse. Another place has been altogether too ready to pass legislation submitted by the present Government. Only to-day the Premier secured the return of a taxation measure unquestioned and without an amendment, and I think a second Bill was returned from another place at the same time also without amendment. Consequently the Premier has nothing to complain about regarding the treatment he has received at the hands of another place. The Premier is not content with the present franchise of the Council. No matter how temporary a structure may be, so long as it is fixed to the ground the occupant, according to the Premier, should have the right to vote for another place.

The Premier: I think everyone should have a vote for another place, even a lodger.

Hon. Sir JAMES MITCHELL: I think the Premier has stated before to-day that the Federal Senate, elected in that way, is a failure. The Premier might as well go the whole hog and ask us to agree to what he wants. Why does he come down with this half-hearted measure? Surely a half-hearted measure of this kind does not appeal to the Premier?

The Premier: In Committee we could amend it in that direction.

Hon. Sir JAMES MITCHELL: Members supporting the Government cannot be satisfied with a half-hearted measure. I suggest that they consider whether it would be advisable to reject this measure and keep on rejecting similar proposals until the Premier brings down a Bill that will meet their wishes entirely.

The Minister for Justice: You know that the British Constitution has been built up on the spirit of compromise.

Hon. Sir JAMES MITCHELL: There is no question of compromise with the Minister when it comes to electoral matters. I shall have something to say to him later when he brings a certain measure before us.

The Minister for Justice: I shall be glad to hear you.

Hon. Sir JAMES MITCHELL: I hope the Minister will not only hear but will heed and approve of the alterations that I shall suggest. The proposals contained in this Bill are old friends. Every structure with four pegs driven into the ground is to constitute a satisfactory dwelling and entitle the occupant to a vote for another place.

The Premier: It says "house."

Hon. Sir JAMES MITCHELL: If that is sufficient, it would be better to adopt another course and provide that every married man shall have a vote. If three or four fellows put up a temporary structure as a home, according to the Premier, it would give them the right to a vote for another place. The other proposal contained in the Bill is somewhat novel. It provides that the boundaries for electoral provinces shall be fixed as we fixed the boundaries for electoral districts, namely, by appointing a Commission and providing a quota. Two electors in the agricultural area are to be equal to three electors in the metropolitan area, and one elector in the mining and pastoral area is to be equal to two electors in the agricultural area. That will result for the time being in the provinces remaining as they are. So far as I can judge there will be no alteration. If the measure be put into operation at once, I suppose the present rolls will be the ones on which action will be taken. There are 37,600 voters in the metropolitan area and there will be three provinces as at present each represented by three members, nine members in all. The agricultural area will comprise four provinces as at present with 29,150 voters, and on the goldfields there will be two provinces representing 6,114 voters. The quota in the metropolitan area will be 11,073, in the agricultural area 7,383, and on the goldfields 3,691. That is the position to-day. If the rolls be in order, all that we shall be doing will be to adjust the boundaries in accordance with the present divisions. I do not know that I take any exception to the proposal. The danger is that the

metropolitan area may grow more rapidly, or that in the metropolitan area there may be more people entitled to enrolment who are not now enrolled. If that be so, I remind the Premier that the goldfields would have a very fair chance of losing a province. That is the danger. I do not think it would be right to give the metropolitan area more than three provinces. Represented as it is to-day by nine members, it is well represented, and I think the agricultural area is also satisfactorily represented. I have no objection whatever to the goldfields representation being six members, and I do not suppose that any other member of this House objects to it, either. A Commission is to be appointed and the Chief Electoral Officer of the State is to be a member of the Commission on this occasion. I hope the greatest care will be exercised in fixing the boundaries. When the boundaries were fixed for the Assembly districts, I do not think the care that we had a right to expect was exercised. I believe that one boundary in Perth ran through a number of buildings occupied by a considerable number of people. That was not as it should have been. I dare say it was a mistake. Generally, the Assembly boundaries cannot be regarded as having been satisfactorily fixed, though probably when the votes come to be transferred and a proper check is made, it will be found that the numbers in many instances have been inaccurately fixed. However, it is of no use going back to that. I hope great care will be exercised in fixing the boundaries for the provinces. In this Bill the Premier has defined metropolitan area, agricultural area, mining and pastoral area. That was a very simple matter. I do not know whether the Premier proposes that this measure shall operate in May next. I doubt whether it will be possible to get the boundaries fixed, the new rolls prepared and everything in readiness for an election eight months hence. To determine the Assembly boundaries we held a special session because it was felt we should have time to make provision for the preparation of the rolls. That course was wise and necessary. There is provision in the Bill that if the boundaries be altered before May, sitting members may continue to represent the old provinces, and I suppose they could be elected to the old provinces if the boundaries were not fixed under this measure in time for that election. That would mean waiting for two years for an alteration of the Act—two years longer than

would be the case if the measure operated from May next. It would be a totally different matter if the alteration of boundaries affected members of the Assembly, because members here all retire on the one day. Members of the Council, of course, are elected for six years and one-third of them retire every two years, so there is not the same need for hurry in their case as there was in our case.

The Premier: It would affect only 10 members there.

Hon. Sir JAMES MITCHELL: Yes. It does not seem possible to get the boundaries fixed and the rolls and everything else in readiness for the election next May.

The Premier: Possibly not.

Hon. Sir JAMES MITCHELL: That, however, will not matter very much. I object to the proposed alteration of the qualification. The Premier does not believe very much in his own proposal, so the Bill might just as well go by the board. I do not believe there are many people really concerned about the qualification for the Council voter. I suppose the Premier has no information about the state of the rolls. If he looks at the number for each province, he will see that the metropolitan provinces vary from 7,000 to 21,000.

The Premier: What number are entitled to be enrolled and are not enrolled is difficult to say. The Metropolitan-Suburban province has been growing considerably.

Hon. Sir JAMES MITCHELL: There is no doubt about that. We have to remember that practically one-half of the people in the State are living in the metropolitan area, and that one-half of the houses in the State are erected in the metropolitan area. Consequently, there may be very few not on the rolls who are entitled to be enrolled. I do not suppose the Premier would like to see more than nine members representing the metropolitan area or fewer than six representing the goldfields. I do not know whether Wiluna will save the situation for the goldfields. The present roll will leave the representation as it is. That is what we want, and I should be very sorry to see any change. I merely warn the Premier that if there is an increase in the metropolitan area, there will need to be an increase on the goldfields if the goldfields are to retain six seats. I am opposed to the Premier mixing up the two things in one Bill—the fixing of boundaries and the franchise. They should have

been kept separate. I wish to vote with him on the boundaries portion of the Bill and I wish to vote against him on the other portion of the Bill.

The Minister for Works: You had better help him.

Hon. Sir JAMES MITCHELL: No, he can get his own 26 supporters if he wants the Bill passed. He will need to have every one of his supporters present.

The Minister for Works: If you help us, we shall reciprocate at some other time.

Hon. Sir JAMES MITCHELL: Sometimes I read "Hansard" and I find myself surprised at the moderation of members who sit on this side of the House, having regard to the attitude that was displayed towards me when I submitted similar legislation. The present Government have nothing to complain of. If he hopes to pass the Bill the Premier will have to separate the two proposals. I have no doubt that Mr. Sayer will help him to find a way to do this. It is a pity that the Premier has brought in the two proposals under the one cover. While wishing to support the Premier's proposal for the alteration of the boundaries of the provinces—

The Premier: Then you will vote for the second reading of the Bill, and in Committee vote against the reduction of the franchise?

Hon. Sir JAMES MITCHELL: I do not need to vote against it or to vote for it. It is an amendment of the Constitution and consequently it is the Premier's funeral, and he must see to it that he has the numbers present if he wants to put the second reading through.

The Premier: Those who are opposed to one part of the Bill will vote for the second reading.

Hon. Sir JAMES MITCHELL: I thought the Premier had some ulterior motive in bringing down the two proposals together, but I do not think we can be caught in that way. We are all willing to oblige the Premier.

Mr. Chesson: Are you in favour of the alteration of the boundaries of another place?

Hon. Sir JAMES MITCHELL: I am in favour of the alteration of the boundaries, but I cannot support the second reading of the Bill. If the Premier thinks that by joining the two proposals he will get support for the second reading, he is mistaken. Anyway, it is the Premier's trouble. When

the Bill to alter the boundaries of this House was before us, I supported it and one half the votes cast for it came from this side of the House.

MR. LATHAM (York) [5.49]: I am sorry the Premier has imported into the Bill two matters that really ought to be the subject of two separate Bills. An amendment of the Constitution should not have been included in the Bill we are now considering. One is an amendment of the Constitution Act and the other an amendment of the Electoral Act. It would have been fairer if we had had two separate Bills, and then we would have had the opportunity to express our opinions without feeling that we were tied by either proposal. I agree that we should have an alteration of the boundaries of the provinces, but when we get tacked on to it a debatable subject such as an amendment of the Constitution, it becomes a different matter altogether. I have gone carefully through the Bill and while I agree with the Premier that there has been removed one of the objections raised by another place, that we should first put our own House in order—

The Premier: Yes, that objection which was raised on the previous occasion has now disappeared.

Mr. LATHAM: Personally, in respect of another place I would agree to the one vote because, while there is nothing very serious in it, I do not think we are justified in permitting an individual to have a vote in every province simply because he owns land in every province. But when it comes to the question of the dwelling house franchise, I am not too sure how we will come out in respect of that. Does it mean that if a man puts up four sticks and covers them with a galvanised iron roof that that will constitute a permanent dwelling? It is a debatable point.

The Premier: The proposal is the same as that contained in the South Australian Act which has been in force for many years.

Mr. LATHAM: I will accept the Premier's word for that; I have not seen the South Australian Act. I will, however, give the Premier my support if he will give us an assurance that his party will delete from their platform the abolition of the Legislative Council.

Mr. Lindsay: You are speaking for yourself only.

Several interjections.

Mr. LATHAM: I know that members opposite will not supply me with a copy of their constitution. I read the other day their agricultural policy and found that it was almost word for word similar to ours.

Mr. Marshall: You stole our policy.

Mr. LATHAM: I am delighted to learn that members opposite have found some virtue in a part of our policy and have seen fit to take it.

The Premier: No, you took ours.

Mr. LATHAM: I know that in State politics and Federal politics as well, it is the decided opinion that there should be only one house.

The Premier: Not here.

Mr. LATHAM: I did not know that that plank in the Labour Party's platform had been removed in regard to this State.

The Premier: "The thoughts of men are widened with the process of the suns."

Mr. LATHAM: The Premier has no reason to complain about the action of another place so far as concerns legislation sent from this House.

The Premier: That is why we have changed our opinions.

Mr. LATHAM: I do not think he can find fault with the treatment the present Government have had at the hands of another place.

The Premier: By broadening the franchise of another place we want to make them even more secure, so secure that there will be no possibility of abolition.

Mr. LATHAM: Will the Premier give me an undertaking that he will leave the party if they replace the plank dealing with the abolition of the Council?

The Premier: I will.

Mr. LATHAM: I will accept that undertaking.

The Premier: That is my opinion and I am not likely to change it.

Mr. LATHAM: I notice that a Commission is to be brought into being to alter the boundaries of the provinces. May I suggest that the Commission be asked to call evidence to guide them in the fixing of the boundaries? I do not say that politicians should be asked to give evidence, but there are people whose services could be availed of, people with a knowledge, wider perhaps than that possessed by the Commissioners, and whose testimony would enable the Commissioners more clearly to define the bound-

aries and so make a fairer and better distribution.

Mr. Marshall: They made a nice little job of the York boundaries.

Mr. LATHAM: I am not complaining about what they did at York, but I claim they are not infallible. A member of the judiciary was included in the personnel of the Commission, and I do not question their work, but even with a member of the judiciary on the Commission, it is quite possible for mistakes to be made. Leederville and Mt. Hawthorn show us how the Commission calculated incorrectly in respect of numbers. Surely there are people who can give the Commission advice in that respect, and I do not think it is quite reasonable to expect that three men can do exact justice to alterations such as we propose by the amending Bill. There is one point I have not been able to understand in the Bill, and that is in regard to the boundaries. There is no doubt that the boundaries of the provinces should be co-terminous with those of the Assembly, at any rate in some respects. Otherwise I should prefer that they be left as they are. It has been an easy matter for people to find out in which province they were entitled to vote simply by ascertaining the electorate they were in. In the amending Bill it appears possible to strike a line in any part of an electorate without having any co-terminous boundaries, and so I hope some consideration will be given to this aspect when the Bill reaches the Committee stage. I notice by the schedule that the metropolitan area will still have three provinces, the agricultural four provinces, mining and pastoral two provinces, and one province for the North-West. We should do something towards making the electors know in which province they are entitled to vote. I agree with the Leader of the Opposition that the people do not interest themselves sufficiently in these matters unless they are compelled to have their names enrolled. Compulsion exists as far as the Legislative Assembly is concerned, but regarding the Legislative Council hundreds of names do not appear which should appear on the rolls.

Mr. Sleeman: Many of them are struck off.

Mr. LATHAM: At least something should be done towards bringing about a better condition of the rolls by inducing the people to see that their names are added. I do not like compulsion very much but when a

person is under an obligation to the State, he should honour that obligation. At any rate, something should be done to prevent a continuance of the complaint that half the people who are entitled to Upper House enrolment are denied the franchise for that House. They are debarred through lack of interest. I propose to support the second reading. I am not committing the members of the Country Party in any way by speaking as I have done to-night. I was pleased to hear the promise made by the Leader of the Government that he would leave his party if they replaced the plank to abolish the Legislative Council.

**MR. CHESON (Cue)** [6.1]: I will support the second reading. I am in favour of the Bill, more particularly that part of it which proposes to give to every adult person an opportunity to exercise full citizenship. As the Premier pointed out in moving the second reading, at present the citizenship of a person is bounded by his geographical position in the State. Hundreds of men holding freehold on the goldfields probably are not qualified to exercise the franchise for the Council, whereas in the metropolitan area a person with similar freehold would be qualified to be enrolled. On the goldfields, under the £17 qualification which it is necessary to hold before one can vote for a member of the Council, it is very doubtful whether, if the property were rated by the local authority, the owner would be entitled to place his name on the Council roll. That very often prevents people from getting on the roll. Only a little while ago there were on the goldfields many prosecutions of people who had placed their names on the roll, but were objected to and ultimately struck off on the score that they had not the full qualification. In the metropolitan area anybody who has any sort of dwelling at all is entitled to be enrolled and vote for a member of the Council. I contend that any person, whether living on the goldfields, in the metropolitan area or in the timber districts, if a householder, should be entitled to be enrolled for the Council and to exercise the franchise. By that means he will have full citizenship and a say in the election of members to both Houses. At present the people on the goldfields enjoy only the Assembly franchise and are disfranchised when it comes to a Council election. Yet

many of those people have been on the goldfields for a number of years and were among the original pioneers, who made possible the advance that has taken place in this State. Those people are disfranchised, although nobody would deny that they are perfectly good citizens. If only on account of their pioneering work, I would give them votes for the Council. The Bill provides for household suffrage for the Council, and I will support it so as to give everybody who has a home of his own, full citizenship. As to the fixing up of the boundaries, that has been gone into pretty thoroughly and so I do not intend to touch upon it. The Bill provides that persons who have property in two or more provinces will be able to say in which province they will vote. It means doing away with plural voting. At present a person having property in all ten provinces is entitled to ten votes, which gives him and his class a big pull over the rest of the community. After all, an elector should not be entitled to exercise more than one vote, and the Bill gives him the right to decide for which province he will vote. I will support the second reading, for I think the Bill will meet a long-felt want. Any man who has been a citizen of the State for any time should be able to exercise the franchise, not only for the Assembly, but also for the Council.

On motion by the Minister for Works, debate adjourned.

## BILL—FAIR RENTS.

### *Second Reading.*

Debate resumed from the 3rd September.

**MR. DAVY (West Perth)** [6.6]: This is the second time we have debated this Bill, and so far as I can gather, it is virtually identical with that brought down by the Minister for Justice some five years ago. I confess I find it somewhat wearisome to have to make a speech twice on the same measure. It is wearisome, not only for those who have to listen to it, but also and in even greater degree for the member who has to do the speaking. Members, of course, cannot be expected to remember what one said five years ago, but on the other hand I remember it very well. I thought the other night that the Minister,

in moving the second reading, showed a distinct sense of weariness. It seemed to me that he was rather battling to make a case for his Bill, and was showing that the subject was somewhat distasteful to him.

The Minister for Justice: No, no! It was enjoyable.

Mr. DAVY: I do not flatter myself that members will remember the somewhat lengthy speech I made on the last occasion. But I have perused it again and come to the conclusion that I then treated the measure rather too seriously. I now think the Bill, when I come to look at it with five further years of Parliamentary experience than I had then, is really a very amusing one.

The Minister for Justice: It is a very serious one.

Mr. DAVY: If the Bill were like other so-called fair rents Bills that have been introduced in other parts of the world, including at least two States of Australia, I would say merely that in my opinion it was a futile Bill and that, like similar measures, it was bound to fail to cure the evil it was designed to cure, and, in fact, was bound to make that evil worse. I would say it was doomed to such failure because it runs counter to that often quoted immutable law, the law of supply and demand. I would have then merely quoted the experience of those other countries, England, Queensland and New South Wales, where, since the introduction of fair rents measures, so far from rents being reduced or kept low, the actual rents have gone up.

The Minister for Justice: But not in the same ratio as in other places where there is no such legislation.

Mr. DAVY: If this had been a measure merely similar to those others, my submission would have been that those others had hopelessly failed in the object for which they were introduced, and that actually the real rents paid in New South Wales, Queensland and England are higher to-day than they ever would have been without that legislation. I say "real" rents, because by passing laws to make payment of rent above a certain amount a criminal offence you can force into concealment the real rents that are paid. Any person coming from Sydney will tell you that in order to get into a house in that city you have to bribe the

existing tenant of the house. The Minister the other night referred to what he called "key money." I do not know what the relevancy of that key-money bore to the case he was making out. As a matter of fact, in New South Wales, key-money is a sum of money which passes, not from a proposed tenant to the landlord, but from a proposed tenant to the existing tenant. And I am told on perfectly credible authority that in Sydney, so great is the shortage of houses, people will pay to the tenant of a house a large sum of money, not for an assignment of the lease, but merely for the handing over of the key so that the person paying the money can get in first in the rush of applicants for a new tenancy of the house. If this Bill had been such a measure as those in New South Wales, Queensland and England, my submission would have been merely that it was futile, and would only aggravate matters instead of making them better. At the same time I would have admitted that I thought other members were well entitled to hold a different opinion, and therefore I would have treated the measure with a considerable amount of respect, with all the respect due to anybody who seriously makes an attempt, however misguided it may be in my opinion, to remedy an existing evil. But this measure is not in the least like any other measure of a similar kind with which I am acquainted in any part of the British Empire.

The Minister for Justice: It might be better than any other in Australia.

Mr. DAVY: It might be, but I am going to endeavour to demonstrate that this measure is so different from the other measures that it bears on the face of it its own condemnation. This measure attempts to do things that no other fair rents measure has ever attempted. It proposes in many instances to confiscate—I use the word advisedly—to confiscate as much as 80 per cent. of a person's property. It proposes to determine that exactly similar buildings on similar land, with an equal possibility for doing trade, and in fact with everything equal, shall be given a different value, in some instances by hundreds per cent. I submit that a Bill containing such a proposal as that ceases to be merely futile.

*Sitting suspended from 6.15 to 7.30 p.m.*

Mr. DAVY: If this had been an ordinary Fair Rents Bill, modelled on the patterns of

preceding ones, I would have thought it merely futile and hopeless of achievement of its object. I would, however, have recognised that I might be wrong, and would have been prepared to give due respect to the opinions of people who disagreed with me. It seems to me, however, that the Bill before us is simply amusing. With the greatest respect to the Minister and members supporting him, I find it extremely difficult to believe that anyone who has studied it could really think it ought to be placed on the statute book. If the party on this side of the House were to study political advantage only, they would allow the Bill to go through in its pristine crudeness, and use all the influence which members on the Government side of the House pretend to think we have, to induce members of another place to pass it, and I would predict, if the Government had to carry the responsibility of putting this legislation on the statute book, they would end by being extremely sorry. It would produce such an extraordinary state of confusion and so many gross and ridiculous anomalies that I believe an absolute furore would be created, which would materially affect the chances of the Government being returned to power next March.

The Minister for Justice: We would take the risk of that.

Mr. DAVY: I venture to say if the Minister thought the risk of its being passed was worth considering, the Government would never have introduced the Bill.

The Minister for Justice: You are imputing motives which are not worthy of you. The argument is not sound.

Mr. DAVY: This Bill is merely amusing. I propose to indicate certain portions of it which I claim substantiate my statement. If the Bill becomes law, on the application of any tenant or any lessor the Local Court will be charged with the duty of determining what the fair rent of any particular building is. The building includes the land upon which it stands. For the purpose of determining that value it first of all has to decide upon the capital value of the land and buildings. The Bill provides that where the land has been purchased and the building has been erected by the lessor, or the land with the building thereon has been purchased by the lessor, the capital value shall be the actual cost to such lessor. It goes on to allow that if the building was erected before

1915, 20 per cent. of the cost may be added. Incidentally, the cost of building since 1915 has gone up very much nearer 100 per cent. than 20 per cent. From that extra cost of building has to be deducted depreciation, which is limited to 2 per cent. and 3 per cent. according to whether it is a brick or a wooden building. That sounds simple enough until we apply it to practical cases. I ask members who are not yet impressed by the absurdity of the Bill to work out a few instances. I will start off with a case that is within my knowledge, the house in which I live. That house was purchased by me from a man who bought the land originally 20 years ago, and erected the building upon it. I happen to know what it cost him within the definition of the Bill at the time I bought it. It cost him, allowing the 20 per cent., and applying this formula exactly, and without putting any depreciation upon it, approximately £1,600. I paid him £3,000 for it, and got good value for my money. If he had not sold that land and building to me and still held it, and if the Bill became law, that gentleman from whom I bought the house would have been entitled to get as rent for it nine per cent. on £1,600. I paid £3,000, and so I could get nine per cent. on £3,000 for no other reason except that I have paid that figure. If I had bought the neighbouring house, which is almost identical so far as land, value of building and situation are concerned, and if the man, who sold me the house I purchased, had remained the owner, we would have had the spectacle of two houses side by side, identical in value, land and situation and all the amenities of a residence, in the one case the landlord charging nine per cent. on £1,600, and in the other the landlord charging nine per cent. on £3,000.

The Minister for Justice: Is there any injustice about that?

Mr. DAVY: It is not based on common sense or economics. We can pass laws until we are black in the face, but the people will not observe them unless they begin to coincide with commonsense. Here we have two properties side by side identical in every way having the same accommodation, an equally pleasant outlook, and containing the same area of land. What is the use of a law which says that the rent of one shall be nine per cent. on £1,600, and the rent of the other nine per cent. on £3,000? If



one man owns something which is identical with another thing the law says is worth £3,000, that man is suffering an injustice if he is prevented from reaping the benefit of owning that which is worth £3,000.

The Minister for Justice: There is the unearned increment to consider.

Mr. DAVY: I can understand the logic of a man who says that the unearned increment is created by the community, and should therefore belong to the community. I read Henry George many years ago. He appealed to me as being highly logical in many respects, and as deflating a theory, which, if it was used within the bounds of practical politics, might benefit the community if put into operation. But I cannot understand the man who says, apart from Henry George, by a stroke of the pen, "I am going to reduce that man's property to the value of £1,600, and leave at £3,000 the other man's property that is identical with it."

Mr. Latham: Simply because it has not changed hands.

Mr. DAVY: Yes. It is not logical. If this amusing piece of legislation reaches the statute book, and one of these two houses happens to be given by an admiring father to his daughter as a wedding present, that person could not get any rent for it. That is the position, incredible as it seems. I could multiply instances of the kind by the hundred. I will, however, quote a property in town known as Sharp's Corner. This is on the north-west corner of the intersection of Barrack-street and Hay-street. The actual corner shop is occupied by one Sharp, who runs a tobacconist's business. That little corner shop is portion of a property which I am informed, was acquired by the predecessors of the Connor-Quinlan estate in 1886. It extends about 240 links towards Murray-street, halfway between Hay-street and Murray-street. The whole thing was purchased in 1886 for £5,000. The buildings now upon it have only break-up value. Were a valuator to value the property he would include nothing for the buildings. The unimproved value as established by the Federal and State Valuation Department for land tax purposes is to-day £90,000. If the Minister puts upon the statute book this wonderful piece of legislation, the maximum rent which the owners of the whole of the property can get will be nine per cent. on £5,000, although they are called upon to pay

State and Federal land taxation on an unimproved value of £90,000.

The Minister for Justice: That would all be allowed for in the rent.

Mr. DAVY: What would be?

The Minister for Justice: The rates and taxes.

Mr. DAVY: The Minister cheerfully contemplates the position that the owners of this property will pay land tax on an unimproved value of £90,000, and be permitted only to charge rent on the value of £5,000. That is why I say this is amusing.

The Minister for Justice: It may be to one or two people.

Mr. DAVY: I could quote another instance of two large buildings.

The Minister for Justice: The estate which originally bought the property still owns it.

Mr. DAVY: The original price to the predecessors of the Connor-Quinlan estate was £5,000. It was subsequently taken over by the trustees of the Connor-Quinlan estate, but it has never been sold since it was originally purchased in 1886. Under the formula, therefore, which the Minister has put before the House as, presumably, a serious and sensible piece of legislation, he proposes by a stroke of the pen, or rather with the votes of this House and another place, to make the maximum rent of that vastly valuable property 9 per cent. on £5,000. When this Bill was last before the House I quoted the case of two different buildings, one of them owned at present by two companies in the same line of business. If the Minister wants the names of the companies, I will tell them to him afterwards. One company, with a shrewd board of directors—as a matter of fact, I know that one member of this Chamber has an office in the building—seeing their chance, bought the building up for £40,000. The other company shifted three or four hundred yards away to a position which was then substantially out of the centre of the business area of Perth, and bought a block of land and built, land and building costing the company £50,000. The office accommodation and rents of the first company are something like three times as great as those of the other company. If the Minister has his way, the total rents of the building furthest out and having only a third of the other's accommodation, will be larger than

the rents of the other building, which is 300 yards nearer the centre of the town.

Mr. Lambert: That was done with both of those buildings on each corner of Howard-street. I know the properties.

Mr. DAVY: I do not know what the hon. member is talking about. He must be on the wrong track. However, it does not matter. There are the two buildings, and so far as the choice of tenants is concerned, they would probably rather have an office in the building nearer the centre of the town than in the other building. Yet, if the Minister has his way tenants will pay something like three times the rent for the same accommodation in the more distant building as compared with the other. One could go on multiplying these instances indefinitely and showing what a hopeless proposition it really is to try to cope with demand as against supply. Another point is that if we are to have these extraordinary inconsistencies, the tenants getting the inferior value for their money will be highly discontented.

The Minister for Justice: Many tenants are highly discontented now.

Mr. DAVY: I suggest that if the Minister has his way, the present discontent will become a positive riot. As a matter of fact, what would happen would be, to use the Minister's words describing the landlord who gets more rent than in the Minister's opinion he should get—"a robber"—merely to change the band of robbers. Instead of the landlord doing the robbing, the tenant would do it, because there is not in the Bill, from beginning to end, one word to prevent a tenant who finds himself with a cheap office or a cheap building from selling out his interest under the landlord to somebody else. The Minister has provided that no premium shall be paid by a tenant to a landlord. As a matter of fact, the premium from a tenant to a landlord is merely rent in advance. But the Minister has not provided that no premium shall be paid by an incoming tenant to an outgoing tenant. If, as will undoubtedly be the case, should the Bill pass, the Minister is going to fix the rents of certain buildings below the market value, then the trafficking will be done not by the landlord but by the tenant. The Minister proposes to take away the value from the man who actually owns the land and give it to the lessee, who is put in a favoured position under the Bill.

The Minister for Justice: Leases would not be for long periods if anybody could exploit the landlord.

Mr. DAVY: But the Minister is going to prevent the landlord from putting the tenant out. The Minister is going to give the tenant a right to remain there. The tenant gets his rent fixed, and cannot be shifted for two years. If he could be shifted, the incoming tenant would not be asked to pay more rent than that indicated by the false basis furnished by the Minister to the court. If the Minister has his way, we shall find tenants occupying buildings, or portions of buildings, which have had their fair rent determined on this artificial basis. We shall find a man who gets a determination of the court on that basis able to sell out to another tenant for a large sum. Why should that be? The man does not own the property, and has not done anything. The landlord put his money into the property, and ran the risk of the property depreciating, and also of its standing vacant. I thought everybody knew that the value of business premises depends on the trade that can be done. If a man is able to do a special degree of trade in a shop in a particular centre, then there will be competition for that shop, and the rent will be forced up.

The Minister for Justice: Yes; the landlord exploits the enterprise of his tenant.

Mr. DAVY: It is not a matter of exploitation at all. Many business premises in Perth are at greater or lesser intervals put up for tender, and prospective tenants then compete with each other for the right to have that site. One reason why rents are high in the central business portion of Perth is that the railway blocks expansion. There are always a number of factors, but the actual central portion of the business section of Perth is badly confined by the river on one side and the railway on the other. That is one of the main reasons why rents in the central portion of the city have gone up in recent years; that, of course, and the steady advancement and prosperity of the State. How the Minister proposes really to stop the increasing value of land in certain parts of the State, I do not know. However, I do suggest that this measure will utterly fail to do it. I would again remind the Minister that the unimproved value for taxation purposes in the central portions of the town is on an entirely different basis from that

which the Minister proposes. If he has his way, we shall find two different values—an unimproved land value on which a man pays tax, and another, entirely false, capital value on which he is allowed to charge rent. There is another point which I suppose does not concern the Minister. It is the position of the mortgagee. If the Minister has his way, the rent-producing value of many properties will come down by anything from 90 per cent. to 10 per cent. Take again Sharpe's Corner. I suppose that before this legislation was brought forward, one could have borrowed on that property anything up to £50,000. If the Minister has his way, the rent-producing capital value of Sharpe's Corner will be reduced to something like £5,000. What will happen to the mortgagee? Apparently that does not matter to the Minister at all. The mortgagee who has put his or her money, probably trust money, out on security, suddenly finds that the security is only capable of producing a rental of 9 per cent. on £5,000, and incapable, naturally, of paying anything like the interest on the amount advanced. Suppose that the mortgagee, owing to default being made in the payment of interest, is compelled to foreclose in the end, what will happen then? The interest is not there. The mortgagee has taken the property, and he can get interest on £5,000.

Mr. Latham: Would a mortgagee increase the value, I wonder, when foreclosing?

Mr. DAVY: That aspect of the thing has never been thought of.

The Minister for Justice: Mortgagees would soon get their money for it if they went into possession.

Mr. DAVY: How?

The Minister for Justice: They could sell.

Mr. DAVY: What is the good of selling when the Minister has declared that the value of the property is £5,000? What price are they going to get?

The Minister for Justice: The economic price.

Mr. DAVY: Then the Minister is going to rob the person while that person holds the property, is going to prevent him from getting the economic rent. The thing is so absurd that I find it difficult to argue about it.

Mr. Sampson: The Government will pick up lots of stamp duty.

The Minister for Justice: The hon. member set out to prove that the measure would inflict an injustice, and I set out to prove that it would not.

Mr. DAVY: The Minister has shown that his Bill is utterly futile. If the Minister is going to prevent a man from getting more than a rental on a purely artificial basis, and thinks that the property, if sold, will produce rent on an economic basis, then the whole Bill does not achieve what it aims at, because—

The Minister for Justice: Yes, it does.

Mr. DAVY: Perhaps. In passing, it is interesting to note that for some extraordinary reason which the Minister explained, as I thought, most inadequately, public houses are excluded from the operation of the measure. The Minister's excuse for their exclusion was that the Licenses Reduction Board have such extensive powers. Those powers are entirely confined to demanding that buildings be brought up to date, to demand the insertion of patent washers and fly blinds, and so forth. Certainly they have nothing to do with the fixing of the rent. But there is no doubt that capital values and rentals of hotels, and premiums charged in respect of hotels, have increased vastly more rapidly than the rents of any buildings other than hotels. If there be an argument in favour of the control of increased rentals, I should think it could be applied more in respect of hotels than of any other class of building in the metropolitan area.

Mr. Chesson: What about the tied houses?

Mr. DAVY: Tied houses or not, they have to pay a license fee on the basis of the trade they do. And what has that to do with the tenant who goes in or with the public either? The fact is, of course, that the hotels, by reason of our licensing laws, have had conferred upon them a monopoly of the liquor business, and so with an increased population, the trade done increases correspondingly. Thus, all the time the capital value is rising. The Minister says that in assessing the capital value there is the basis of the earning capacity of the hotel. I confess that to me the most extraordinary thing about the Bill is that hotels should have been excluded.

The Minister for Justice: There is always a chance that a hotel will lose its value by losing the license.

Mr. DAVY: Of course, but what has that to do with it?

The Minister for Justice: That shows the hotel is in a different category.

Mr. DAVY: The greatest extravagances in the Bill are in connection with the values of city properties. Everyone will admit that at present rents are too high for the working man. I suppose the average working man has to pay probably £1 a week as rent and that is altogether too much. The formula previously used was that a working man could afford to pay one day's wage out of his week's pay for rent. On the basic wage at present that would work out at about 14s. a week. Why are these rents too high? Surely the Minister himself admitted there were factors contributing to the high figure rents have reached, other than any alleged combination of landlords. As a matter of fact, the Minister admitted repeatedly in his own speech that nothing approaching a combination of landlords existed, because he told us that rents on an average were 3s. a week higher than some years ago. Some rents were higher, and some were lower. I do not think anyone could seriously suggest that the landlords of Western Australia had banded together and conspired to put up rents.

The Minister for Justice: No; but the result has been the same.

Mr. DAVY: The landlords have not done it. It has happened; that is all. It has happened just the same as the Minister happens to be a year older to-day than he was this time last year. The Minister has not done anything towards that end; it has just happened, and for good reasons too. I suggest the reason why rents are rising all the time is, first of all, because the cost of building has been going up. I have been informed that whereas some years ago a bricklayer would lay 1,000 bricks a day, nowadays he will lay 350 bricks a day only. I do not vouch for those figures.

Mr. DAVY: I think it is common ground that the output of work has been reduced. I am not concerned as to whether it is right or wrong that fewer bricks should be laid to-day than in the past. The fact remains that that is the practice to-day.

Mr. Panton: Do you not know that 90 per cent. of the bricklaying is done by contract all over the State?

Mr. DAVY: That may be, but I have heard the statement repeated and not denied. The fact remains that the output of bricklaying has decreased.

Mr. Latham: And wages have increased.

Mr. DAVY: Hours of work have been reduced; wages have gone up; the cost of production has increased; the cost of living has gone up; the price of bricks has increased, and so on. Another factor in connection with the high rents at present is the increased population, while another is the shortage of houses emphasised in consequence of the increase in population. I do not regard the introduction of the Bill at this stage of the session as entirely fair. The Minister the other night gave us an inkling of what use we can expect will be made of the Bill at the next election. I consider it is merely an Aunt Sally that has been put up only to be knocked down. We are to be blamed for knocking it down.

Mr. Kenneally: Then don't knock it down!

Mr. DAVY: The other night the Minister, during the course of his speech, referred to a member of the Legislative Council. He said—

Mr. Stephenson represented a considerable number of people of this State, or is supposed to represent them.

He had just quoted Mr. Stephenson's opinion with approval, and went on to say—

If he does not support this legislation, he will be conniving at the robbery that has been and is going on.

That statement by the Minister can give us a pretty fair idea of what he and his party propose to say at the next general election.

The Minister for Justice: Then don't fall for it! You pass this legislation and you will be all right.

Mr. DAVY: I have never yet cast a vote in this House on the ground of political expediency.

The Minister for Justice: It was a good argument for the Bill.

Mr. DAVY: I could vote for the Bill and perhaps later hoodwink some people into thinking it was a good thing to have such a measure on the statute book.

Mr. Kenneally: Don't worry; you won't vote for it!

Mr. DAVY: I shall not do so for one moment. It was not fair to introduce such a Bill at this particular juncture. It has been introduced merely to enable the Minister and his supporters to make statements about us such as he made about Mr. Stephenson the other night. It will enable them to say, as he said of Mr. Stephenson, that we did not support this legislation and were conniving at the robbery that has been and is going on. I suppose that will be the cry we shall hear. So far as I am concerned, Mr. Speaker, I shall ask my constituents, before they accept that cry or believe the suggestion contained in it about me and people like me, to read the Bill for themselves. I suppose the Bill will not be read and it will not be understood. I suppose we shall have the cry advanced that the landlords have been responsible for the robberies in the past, and that we want them to be able to continue their robberies. I suppose we will have that sort of cry and much else that we heard so much about the other night.

Mr. Withers: You are starting your election speeches pretty early.

Mr. DAVY: I am just as keen and anxious as any other hon. member to see the working man secure cheaper and better homes at a rental that will be on a proper economic basis.

Mr. Latham: The Bill will not do much towards that end.

Mr. DAVY: If I thought the Bill would achieve that object, I would vote for it. I am convinced it will have the opposite result. I suggest that the Government might turn their attention to other methods by which they could achieve the same objective. I suggest they might give consideration to the section of the Municipal Corporations Act that absolutely prohibits the building of wooden houses anywhere within the City of Perth or any other municipality. Personally I can see no sense in that provision. It is not generally known that a person cannot build a wooden house or a wooden structure within the boundaries of the City of Perth, except by means of a temporary permit on such terms and conditions as the council may lay down. The same thing applies to a large number of the road board areas. It applies wherever the schedule of the Act, known as the building regulations, has been extended.

Mr. Lambert: I think they are pretty well all brick areas now.

Mr. DAVY: There is scarcely a road district to which the building regulations have not been applied. I would instance the position of the South Perth Road Board district. Within that area there is an immense extent of land upon which there are no buildings at all. Here in a country that produces some of the finest building timber in the world, the use of that timber for the erection of houses for the people is entirely prohibited! Should not the Government devote their attention to removing those restrictions and encouraging the erection of buildings with local timbers? If that were done, they would be made available at cheaper rentals.

Mr. Clydesdale: The buildings would not be much cheaper.

Mr. DAVY: The materials available would enable the houses to be erected more cheaply.

Mr. Clydesdale: Not much.

Mr. DAVY: I am told that if wooden houses were built for the people, they would provide decent, happy homes at rentals of from 12s. to 14s. a week, instead of £1 a week which the working man has to pay at present for a brick house. Take the settler's cottages that are erected in the country districts. Are the people who live in those buildings not healthy and happy? Is it not better for people to live in comfort and happiness in a wooden home at a rental they can afford, rather than that they should pay higher rents for brick houses and be impoverished and harassed?

Mr. Panton: The life of a wooden house is about half as long as that of a brick structure, and the upkeep is much more.

Mr. DAVY: I am told that a wooden house will last at least 20 years, and much longer if properly cared for.

Mr. Latham: It will last much longer than 20 years.

Mr. Lambert: Our wooden houses are merely becoming seasoned at the end of 20 years!

Mr. DAVY: The proper way to tackle the shortage of houses and the high rents problem is to increase the supply of houses and cheapen construction. The Minister himself told us the other night that at present it was impossible to get a decent brick

house for less than £1,000, that figure including the land.

The Minister for Justice: That is for an ordinary comfortable house.

Mr. DAVY: The working man cannot do that, so what is the good of talking about a Fair Rents Bill as a corrective to the high rents the people have to pay? If a decent brick house cost £1,000 and we take the Minister's own basis, there is £90 a year that has to be paid for rent only. We are not concerned with the people who are able to pay decent rentals.

The Minister for Justice: The trouble is that the working man has to pay £150 a year as rent and the Bill proposes to stop that sort of thing.

Mr. DAVY: Surely we are not asked to agree to legislation in the interests of people who can afford to pay £3 a week as rent! I am not concerned with such people, but with people who have to pay £1 out of their weekly wage of £4 7s. I am concerned with the man on the basic wage who has a wife and three or four children to keep.

The Minister for Justice: The point is that two families have to live together and pay the rental of £3 a week.

Mr. DAVY: It is the people that I refer to about whom I am concerned, and I will support any measure that will increase the number of houses available and cheapen construction. Although I believe it would be politically expedient for me to support the Bill, I shall not do so, but will oppose the measure.

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

Ayes	..	..	..	23
Noes	..	..	..	14

Majority for .. 9

#### AYES.

Mr. Chesson	Mr. Marshall
Mr. Clydesdale	Mr. McCallum
Mr. Collier	Mr. Millington
Mr. Corbo	Mr. Panton
Mr. Coverley	Mr. Richardson
Mr. Cunningham	Mr. Rowe
Miss Holman	Mr. Sleeman
Mr. Kenneally	Mr. Troy
Mr. Kennedy	Mr. Willcock
Mr. Lambert	Mr. Withers
Mr. Lutey	Mr. Wilson
Mr. Mann	

(Teller.)

#### NOES

Mr. Angelo	Sir James Mitchell
Mr. Barnard	Mr. Sampson
Mr. Brown	Mr. J. H. Smith
Mr. Davy	Mr. J. M. Smith
Mr. Doney	Mr. C. F. Wansbrough
Mr. Ferguson	Mr. North
Mr. Latham	(Teller.)
Mr. Lindsay	

Question thus passed.

Bill read a second time.

#### In Committee.

Mr. Lutey in the Chair; the Minister for Justice in charge of the Bill.

Clause 1—agreed to.

Clause 2—Interpretation:

Mr. DAVY: I would like to see the Bill made as little harmful as possible by being confined to residences. Then we would not require to have any restriction as to the size of the residence, for nobody ever gets anything like the rent the Bill allows for large residences. It seems to me that one of the anomalies in the Bill arises in relation to central city property. I move an amendment—

That paragraphs (b) and (c) be struck out.

The MINISTER FOR JUSTICE: When moving the second reading I stressed the effect that increased rentals of shops were having on our economic position, and showed that when these rents were raised, the lessees of the shops had no option but to pay the increase and pass that increase on to their customers. Of course, if the rents were raised exorbitantly, then the lessees would have to charge exorbitant prices for their goods.

Mr. Davy: Do you find you can buy things cheaper in cheap shops?

The MINISTER FOR JUSTICE: Certainly.

Mr. Davy: Then why do you not buy them there?

The MINISTER FOR JUSTICE: When a man is running his business in small premises he can easily afford to sell things at a lower price than that charged by others who have to pay considerably higher rents.

Mr. Latham: Then all articles should be cheaper in the suburb than in the city; yet it is not so.

The MINISTER FOR JUSTICE: No, because in city premises the lessee can have

a larger turnover. Still, the landlord gets all the value of that increased turnover, and the lessee has to be satisfied with less than a full return on his capital. I know instances where the rent has suddenly been raised by 30 per cent. and the lessees, because they have had no opportunity to increase their turnover, have had to go out of business. As for things being sold cheaper in cheap premises, here is an instance in which the Leader of the Opposition, who buys a lot of cigarettes from Melbourne, will be interested: If one buys a packet of cigarettes in a city shop he gets no matches with them, but if he buys the cigarettes in a suburb he will get a box of matches with every packet.

Mr. Davy: That is not correct.

The MINISTER FOR JUSTICE: I know it is, for I buy cigarettes all over the country.

Mr. Latham: Do you get a box of matches with them?

The MINISTER FOR JUSTICE: Yes.

Mr. Latham: Then the shopkeepers must know you.

Mr. Davy: I can tell the Minister of two shops in St. George's Terrace where a box of matches is always supplied with every purchase of the value of sixpence or over.

The MINISTER FOR JUSTICE: One of the evils of high rents of business premises is that they increase the cost of living of the community.

Hon. Sir James Mitchell: Do you know the greatest evil of all?

The MINISTER FOR JUSTICE: I know that one of the evils of the increased cost of living in Western Australia is that it is responsible for the high cost of production. It all gets back to the high rents being charged for business premises. We do not want to rob the Bill of any of its value by cutting out any of its effects. The Bill was designed to control rents of business premises, and so I cannot possibly agree to the amendment.

Mr. LATHAM: I cannot understand how the Minister is going to adjust the rents where there are two leased properties side by side carrying on the same class of business, and one has been in the owner's possession for many years while the other has only just been purchased.

The Minister for Justice: That does not apply here.

Mr. LATHAM: It applies all through the Bill. Suppose I have two business houses doing the same class of business, but for one I have to pay 300 per cent. or 400 per cent. more than for the other. I do not see how the Minister is going to adjust that. The arguments put up by the Minister for the retention of these paragraphs are not logical. I can take him to a suburb where shops are being offered at £1 per week, yet nobody will occupy them. Why do not some persons get into those shops and sell their goods at the rate the Minister says they can in such circumstances?

The Premier: Where are those shops? Out in some swamp?

Mr. LATHAM: No they are on the main thoroughfare of a good business suburb. I think the hon. member sitting behind the Minister represents the district. The shops are on the Albany-road in Victoria Park, one of the best business centres near the city, but although offered at £1 a week they remain vacant.

The Premier: The fact is there are too many shops for the business offering.

Mr. LATHAM: Then the rents should automatically come down.

Mr. Keaneally: Then they will not be affected by the Bill.

The Premier: We do not say that all rents are excessive.

Mr. LATHAM: If there were anything in the argument of the Minister for Justice, those shops would be occupied. The Bill, if it ever becomes law, will not have the effect the Minister hopes for; rather will it create an artificial shortage of houses. The Minister has not succeeded in putting up an argument that will induce me to support the retention of the paragraphs.

The Minister for Justice: Do you not think the rents of all business premises in the city are too high?

Mr. LATHAM: They are certainly no higher than they ought to be. If the Government desire to stop the transfer of land—

The Minister for Justice: I did not say anything about that.

The Premier: High rents lead to the inflation of land values and that is bad for any country.

Mr. LATHAM: That is, if they are unreasonably inflated.

The Premier: Are they not unreasonably inflated when buildings have changed hands

in the course of a few years at double the price.'

Mr. LATHAM: The banks largely control the purchase price of such properties, and values here have not increased in proportion to those of other capital cities of Australia.

The Minister for Justice: There is no other capital city where values have gone up 300 per cent. in three or four years.

Mr. LATHAM: The value of property in other capital cities is much in excess of the value here.

The Minister for Justice: But Sydney has a population of 1,250,000.

Mr. LATHAM: There are other methods by which the Government could deal with the unearned increment, which I think is the real desire of the Minister.

The Premier: The high rent for city shops and warehouses is one of the causes of the high cost of production, of which the farmer has to pay a proportion.

Mr. LATHAM: I am aware of that, but the proposal in the Bill is not logical. Inflated values are reflected in the country, and we are not desirous of doing any injury to the backbone of the country.

The Premier: When a farmer sends an order to the city, he pays his proportion of the high rent.

Mr. LATHAM: The rent paid by a big business firm is not severely felt on a single article. There are firms with a turnover of a million a year, and because of that people can buy from them more cheaply than from suburban shops.

The Minister for Justice: Ten thousand pounds a year is 1 per cent. on a million turnover.

Mr. LATHAM: It is not reflected on a pound of tea or a dozen of sugar.

The Premier: But on £100 worth of wire or machinery, it is reflected.

Mr. LATHAM: The Premier is introducing the farmer's point of view in the hope of influencing me. One per cent. would not be felt.

The Minister for Justice: If we put 1 per cent. on to taxation, it would be felt.

Mr. LATHAM: Probably it would be sufficient to make farmers stop producing. The Minister has been thinking chiefly of the railway workers, to whom he has to pay £50,000 a year extra because of the increase of rents. No thought was given to the farmer.

The Minister for Justice: But the railway workers have had to hand it over to the landlords.

Mr. LATHAM: The Arbitration Court gave the workers a 2s. rise to meet it.

The Premier: And the workers are no better off.

Mr. LATHAM: Of course not, and it is about time we abolished Arbitration Court methods.

Mr. SAMPSON: I support the amendment. In olden days it was said that if a man could make a better mousetrap than his neighbour, though he built his house in the woods, yet would the world make a beaten track to his door.

The CHAIRMAN: The hon. member must confine himself to the amendment dealing with shops, warehouses and factories.

Mr. Kenneally, And not to mousetraps.

Mr. SAMPSON: Nowadays it is recognised that if a man builds his house in the woods, he has no hope of engaging successfully in commerce. If it were possible to reduce the rents in the business section of Perth, who should have the privilege of occupying those premises? The firms who occupy the most expensive buildings are usually those who make the most money. If a person desires to establish a successful business, the location is of first importance, and consequently rental values are built up. If there is any sincerity regarding rental costs, perhaps the Government might consider their re-enactment of the stamp duty each year.

The CHAIRMAN: The hon. member cannot discuss stamp duties on this amendment.

Mr. SAMPSON: In Rundle-st., Adelaide, is an old single-storied building with a frontage of less than 20 feet, and the weekly rent is not less than £16 to £18 plus rates and taxes. That is considerably in excess of the rent charged here for an equivalent position. It is a pity that more people do not trade in the outer suburban and country places, but people have formed the unfortunate habit of sending their orders to the congested areas, and thus rental values have been built up to the detriment of business in the outside places. I have no faith in the Bill, which cannot possibly accomplish what is desired by the Minister. If it were possible, I again ask, who should have the privilege of occupying the best shops in the main streets of the city? Outside the congested area there are plenty of shops. A couple of years ago, at any rate, since the present Government



have been in office, I counted 11 empty shops in William-street.

Mr. KENNEALLY: Do you blame the Government for that?

Mr. SAMPSON: Before the hon. member's party took office, there was not one vacant shop in that street. I refer to the area between Roe and Brisbane streets.

Mr. KENNEALLY: Are there any to-day?

Mr. SAMPSON: I do not pass over that route now.

The Minister for Justice: Rents in William-street were put up 20 per cent. when the tram passed that way.

Mr. SAMPSON: There are shops there which were erected two years ago, and are available free of rates and taxes for £1 a week, but four out of six of them are still untenanted.

The Minister for Justice: We cannot help it if people are foolish enough to put up shops in places where tenants are not available.

Mr. SAMPSON: The closer a business is to the centre of the city, the larger is the turnover. The tendency, therefore, is all in the direction of the city.

Mr. KENNEALLY: Members opposite are now complaining that the Bill goes too far in that, in addition to dealing with house rents, it includes also business premises. Rents are reflected in the cost of production. These two subclauses will greatly affect the cost of production, and yet members opposite want them struck out. If more than reasonable rents are being charged for premises, some authority should be empowered to reduce them. The member for York says that rents are no higher than they should be.

Mr. Latham: I will show you how to reduce the cost of building houses.

Mr. KENNEALLY: But the hon. member seldom gives us the benefit of his ideas. If the Government had brought down a Bill to deal only with house rents, we should have heard a great deal from members opposite about the rents that are being charged for business premises. The clause shows that the Government realise the necessity for an all-embracing measure, with a view to in some degree reducing the cost of production.

Hon. Sir JAMES MITCHELL: The Minister for Justice, in his capacity of Minister for Railways, is the greatest rent

collector in the State. I know that for business premises let to one man the rent charged is £1,000 a year, although they only have an iron roof over them. No landlord gives so little as he does and takes so much from his tenants. Since the Minister came into office we have had to pay 4d. railway freight on goods whereas previously we paid only 3d. We should use this Bill as a means to straighten up the Government. The Minister has been collecting big rents for business premises, and still he is not satisfied. I do not wish the paragraphs struck out. It is only an inexperienced and green Minister who can believe that people may be made virtuous by Act of Parliament. As a rule, the sole result of these legislative efforts is to put up prices. The whole Bill is sheer humbug, and to discuss it is waste of time. Nothing will happen if the measure does pass. Really it is a rent-increasing Bill.

Mr. DONEY: I move—

That progress be reported.

Motion put and negatived.

Mr. CHESSON: I support the retention of the paragraphs. Recently a lady took over a café, the weekly rent then being £4 13s. The lady employed a fair staff and paid good wages. Presently the rent went up to £8 15s. The lady having worked up a large connection, the landlord stepped in and took the whole value of the business. The lady had to leave the place, which was then taken over by Greeks—father, mother and all the children working from 8 o'clock in the morning till midnight. Such happenings should be prevented. Rents ought to be controlled, as increases in rent mean increases in the basic wage.

Amendment put and negatived.

Mr. DAVY: I would like to hear the Minister prove his case for the exclusion of hotels.

The Minister for Justice: You know the laws of the country. Hotels can have their value taken from them by a vote.

Mr. DAVY: Does the Minister mean that hotels should therefore be allowed to make hay while the sun shines?

The Minister for Justice: Not altogether that. The value of a hotel is determined by its having a license, which may be taken away at any time.

Mr. DAVY: The value of shop premises of every description is determined by the amount of business that can be done in them.

The Minister for Justice: But you cannot take their licenses away and thus entirely depreciate the property for the purpose for which it was erected.

Mr. DAVY: To follow the Minister's argument, is the owner of a hotel to be allowed to rob the tenant as much as he likes until he himself is de-licensed?

The Minister for Justice: No.

Mr. DAVY: I imagine that the Minister intends to confine this measure largely to the metropolitan area.

The Minister for Justice: And to the larger towns.

Mr. DAVY: I would like to have the Minister's explanation as to why the robbery on the part of hotel landlords, to use the expression of the Minister himself, is to be allowed to continue, whereas robbery affecting other premises is to be prevented.

The Premier: We might take away the whole of their privileges in a year or two.

Hon. Sir James Mitchell: That is a million to one chance!

Mr. DAVY: The Minister should give us some powerful arguments in support of his proposal before he asks us to exclude one particular section from the operations of the measure.

The MINISTER FOR JUSTICE: The incidence of rents in connection with hotel properties is entirely different from that applying to other premises. Under the provisions of the Licensing Act, a hotel may lose its license and thus take away a considerable proportion of the capital value of the building. That has been done by the Licenses Reduction Board regarding many hotels, even in the metropolitan area.

The Premier: And the owners have worthless properties on their hands.

Hon. Sir James Mitchell: But they get compensation.

The Premier: Very little.

Mr. Davy: So you think they should be allowed to make a welter of it in the meantime.

The MINISTER FOR JUSTICE: No. Licensed premises are subject to supervision and control and charges that vary according to the business done.

Mr. Davy: And they make immense profits and have a priceless monopoly.

The MINISTER FOR JUSTICE: They do make profits, but the monopoly may be taken away from them at any time. The conditions under which hotels are supervised and conducted places them in a different category altogether.

Mr. Davy: You suggest that merely on account of security of tenure owners of hotels should be allowed to charge what they like.

The MINISTER FOR JUSTICE: Partly because of that, and partly because of the restrictions placed upon hotels under the licensing laws themselves.

Hon. Sir James Mitchell: As a matter of fact, you cannot justify it at all.

The MINISTER FOR JUSTICE: That is the hon. member's opinion. If the hon. member is so anxious that hotels shall not be excluded, I am prepared to consider any amendment he may move. In my opinion, the position of hotels is so different from that of other premises that there is no necessity to make the Bill apply to them.

Hon. Sir JAMES MITCHELL: I do not think the Bill will do good to anyone, nor will it make any difference with regard to rentals. It will not do a scrap of good. If there is one class of building that the Minister might justly include, it is hotel property. I wonder why he has excluded it.

The Minister for Justice: I am not particular about it.

Hon. Sir JAMES MITCHELL: If we are to fix rents and the interest to be earned by investors, there is no justification for excluding hotels from the Bill.

Clause put and passed.

Clause 3—Application of Act:

Hon. Sir JAMES MITCHELL: The clause says that the Bill shall apply to leases already in existence. Does that mean that if a tenant has a long lease of a shop at a low rental, his rent can be raised under the provisions of the measure?

The Minister for Justice: No.

Hon. Sir JAMES MITCHELL: I think it does. I think the landlord could apply to have the lease set aside.

Mr. Davy: Why should he not, in the circumstances?

Hon. Sir JAMES MITCHELL: Can a tenant apply to have his rent reduced, if he has a lease?

The Minister for Justice: Yes.

Hon. Sir JAMES MITCHELL: Then I consider the owner can apply to have the lease set aside and the rent increased. The Minister will see that the clause provides a double-edged sword. In fact, I believe the result of the measure will be that people will get more from their rents than they do to-day.

The Minister for Justice: No, there will be restrictions upon them.

Clause put and passed.

Clause 4—Jurisdiction of local courts:

Mr. DAVY: In the former Bill there was a provision for an appeal against the decision of the local court by leave of a judge of the Supreme Court. The Bill before us provides that there shall be no appeal in any circumstances where the rent awarded by a local court is less than £260 per annum.

The Minister for Justice: That was in accordance with an amendment moved last time.

Mr. DAVY: I suggest that grave injustice is possible under the clause as it stands to-day, because a court might make a drastic reduction. It might fix the rent at £260 a year whereas it ought to have been £660 a year.

The Minister for Justice: You do not suggest that the court would be as far out as that!

Mr. DAVY: I do not know what will happen.

The Minister for Justice: You know that our courts give fairly reasonable decisions.

Mr. DAVY: I do not know that local courts always give fair decisions because those decisions are repeatedly upset.

The Minister for Justice: What percentage?

Mr. DAVY: That depends largely upon the particular court. I could mention one or two courts that almost seem to make a practice of having their decisions upset. I suggest that to say that any appeal possible must be on a decision of the court is an absurdity.

The Minister for Justice: Is there an appeal against every small amount that may be awarded by a local court?

Mr. DAVY: There is an appeal to the Supreme Court against any decision of a local court. I do not know of any appeal that is governed by the decision of a magistrate. As the clause stands now,

the court might give a decision in such a way as to deprive a party of the possibility of securing a just decision.

The Minister for Justice: There is that possibility.

Mr. DAVY: I suggest that the proviso be struck out.

The MINISTER FOR JUSTICE: The proviso was inserted to prevent frivolous applications in connection with comparatively small rents, and so that tenants would not be unduly harassed.

Mr. Davy: I should say that £5 a week is a substantial rental no one but a well-to-do man would be able to pay!

The MINISTER FOR JUSTICE: But the Bill deals with business premises as well as houses. I see the point that the hon. member has in mind, and I would be prepared to agree to an amendment basing the right of appeal on the amount of the claim. I realise there is a remote possibility of injustice being done.

Hon. Sir James Mitchell: The purchaser of goods from a shop cannot object to the rent.

The MINISTER FOR JUSTICE: No, except that it will be reflected in the prices he has to pay. If the member for West Perth thinks it would be better to have this clause provide that where the claim, instead of the amount awarded, is less than £260 there shall be an appeal I do not mind his moving such an amendment. I agree that we should guard against the possibility of the lower court doing something foolish, and the most effective means will be by allowing the matter to go to the Supreme Court.

Mr. Davy: Why not restore the clause to what it was in the original Bill, and make it read "except by leave of the Supreme Court or a judge"?

The MINISTER FOR JUSTICE: That is how the Bill was originally drafted, but in deference to the wishes of, I think, principally the opposition side of the Committee, it was amended. If the hon. member wishes to restore it to what it was when originally introduced, it will suit me, and I will accept such an amendment. The Bill before us was printed and brought down just as it was when previously it left this House.

Mr. DAVY: I will withdraw my amendment.

Amendment, by leave, withdrawn.

Mr. DAVY: I move an amendment—

That after "Act" in line 5 of Subclause 2, all words be struck out, and "except by leave of the Supreme Court or a judge" be inserted in lieu.

Mr. Kenneally: Should it not be "except by leave of a judge of the Supreme Court"?

Mr. DAVY: The words I propose in the amendment were the words used in the original Bill, a copy of which I have in my hand. I think the wording is perfectly safe.

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

Clause 5—Applications to determine rent:

Progress reported.

*House adjourned at 9.38 p.m.*

## Legislative Council.

*Wednesday, 11th September, 1929.*

	PAGE
Address-in-reply, presentation ... ..	661
Ministerial statement, <i>Inspection of scaffolding</i> ... ..	661
Leave of absence ... ..	661
Motion: Unemployment ... ..	661
Bills: Roads Closure, 1R. ... ..	667
Agricultural Lands Purchase Act Amendment, 3R., passed ... ..	667
Water Boards Act Amendment, 2R., Com. ... ..	667
Inspection of Scaffolding Act Amendment, 2R. ... ..	671
Easter, 2R., Com. report ... ..	673
Pearling Act Amendment, 2R., Com. report ... ..	674
Land Agents, 2R. ... ..	675
Adjournment, state of business ... ..	681

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

### ADDRESS-IN-REPLY— PRESENTATION.

The PRESIDENT: I have to report that this morning I waited on His Excellency the Governor and presented to him the Address-in-reply, to which His Excellency has been pleased to make the following answer:—

Mr. President and hon. members of the Legislative Council, I thank you for your expressions of loyalty to His Most Gracious

Majesty the King and for your Address-in-reply to the Speech with which I opened Parliament. (Sgd.) W. R. Campion, Governor.

### MINISTERIAL STATEMENT.

#### *Inspection of Scaffolding.*

The CHIEF SECRETARY: In response to a request by Mr. Lovekin, I am placing on the Table of the House the only information available to the Government with regard to accidents that have occurred recently through defective scaffolding which did not in any instance exceed a height of eight feet from the horizontal base. I may say that the instances quoted do not appear in the records of the department for the reason that such accidents were not notifiable in accordance with the provisions of the Act and inspectors have no power to make investigations into those accidents. They are not on the records of the department, but they have come within the knowledge of inspectors.

### LEAVE OF ABSENCE.

On motion by Hon. E. Rose, leave of absence for six consecutive sittings granted to Hon. W. J. Mann (South West) on the ground of urgent private business.

### MOTION—UNEMPLOYMENT.

HON. H. SEDDON (North-East) [4.36]:  
I move—

That in view of the state of continued unemployment in Western Australia, this House is of the opinion that the Government should indicate what means have been adopted to remedy the evil, and what measures are proposed to minimise its future recurrence.

I need offer no apology for taking up the time of the House on this important question or for the request contained in the motion. The question of unemployment has been with us for a considerable time, and it has been dealt with in this House during the present session both on the Supply Bill and also during the Address-in-reply. Last year there were certain demonstrations associated with unemployment which brought the question very prominently before the public. This year such demonstrations have certainly been minimised, but I contend that they have