

information I could give if I brought down a pile of papers would be how much was spent on each group and how much each settler got. As regards Metropolitan Water Supply, Mr. Nicholson ought to be in a better position than I am in to give information. The question has lately been investigated, and much evidence has been published. I am only too willing to obtain for hon. members any information they desire in connection with matters of this kind, except where, for the time being, it is desirable to avoid publicity.

Hon. J. EWING: I thank the Minister for his explanation. There is an item of £9,000 for the State Brickworks.

The Colonial Secretary: That is for a new kiln.

Hon. A. LOVEKIN: I am not taking much interest in the schedule, because the money has been spent. An item I know something about is that of £150,000 for Metropolitan Water Supply. It is within our knowledge that Mephan Ferguson's contract for the pipes is £100,000 more than the amount of this item, and that up to the 30th June £50,000 odd had been spent on clearing and other works. Since then there has been a good deal of sinking. Therefore, when we pass these amounts it really does not mean anything.

Hon. H. STEWART: What are the Government's intentions as to the Albany-Denmark railway extension, a Bill for which was passed as a matter of urgency in connection with group settlement? Since that measure was enacted, settlement has extended 26 miles past the present rail head. Simultaneously, Parliament authorised an extension of the Tarnadun railway to junction with the Albany-Denmark line. The two authorised railways have not figured in a previous loan Bill and there is nothing in this schedule for them. I know that the responsibility does not attach to the present Government.

The COLONIAL SECRETARY: Of course a large proportion of the schedule is the responsibility of the previous Government, and I could not offhand give information respecting it.

Hon. A. Lovekin: I expect all these works have been constructed and paid for by this time.

Schedule put and passed.

Second and Third Schedules—agreed to.

Preamble, Title—agreed to.

Bill reported without amendment and the report adopted.

Third Reading.

Bill read a third time and passed.

House adjourned at 10.32 p.m.

Legislative Assembly,

Wednesday, 17th December, 1924.

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

MOTION—STANDING ORDERS SUSPENSION.

The PREMIER (Hon. P. Collier—Boulder) [4.32]: I move—

That for the remainder of the session the Standing Orders be suspended so far as to enable Bills to be passed through all their stages in one day, and messages from the Legislative Council to be taken into consideration on the day on which they are received.

This is the usual motion brought forward towards the end of the session. It has been passed generally at an earlier stage than the present. I give hon. members my assurance that the suspension of the Standing Orders will not be used for the purpose of forcing through any new Bills or other legislation against the wish of the House without affording ample opportunity for discussion.

Hon. Sir JAMES MITCHELL (Northam) [4.33]: I have no objection to the suspension of the Standing Orders. It is usual to adopt this course towards the close of the session in order to allow business to go through in one day. It is customary, however, to have some information from the Premier as to the business that we will be asked to deal with, and information, too, as to whether any new Bills will be brought forward.

The Premier: There will be no new Bills here. There may be a new Bill from the Council.

Hon. Sir JAMES MITCHELL: I will take a risk regarding a Bill coming from the Council if the Premier has in mind the Bill I am thinking of.

The Premier: Certainly I do not think we shall be overwhelmed with new Bills from the Council.

The Minister for Works: We shall get some new Bills from the Council all right. The titles may be old but the Bills themselves will be new when they come to us!

Hon. Sir JAMES MITCHELL: I hope we are getting near the end of the session. I take it the idea is to adjourn before Christmas, and I think everyone will appreciate the end of the session.

Question put and passed.

BILL—FORESTS ACT AMENDMENT.

Council's Amendments.

Schedule of three amendments made by the Council now considered.

In Committee.

Mr. Lutey in the Chair; the Premier in charge of the Bill.

No. 1.—*Clause 2, Subclause 1,—Insert after the word "except" in line 3, the words "as hereinafter provided."*

The PREMIER: The amendment deals with the revenue from sandalwood. Clause 2 of the Bill provided for the exclusion of revenue derived from sandalwood from going into the reforestation fund so that it would be diverted to Consolidated Revenue. The Council propose to strike out the words in the clause that exempt the sandalwood revenue from going into the fund and to insert in lieu the words "as hereinafter provided." I move—

That the amendment be agreed to.

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

No. 2.—*Clause 2, Subclause (1).—Insert at the end the following:—"and a proviso is added to Subsection (3) as follows: Provided that ten per centum of the net revenue from sandalwood or the sum of five thousand pounds, whichever sum shall be the greater, shall be credited to said special account at the Treasury and applied to the regrowth of sandalwood."*

The PREMIER: This amendment provides that 10 per cent. of the net revenue from sandalwood shall be placed to the credit of a fund for the purpose of the reforestation of sandalwood. The clause originally proposed to divert the whole of the revenue from sandalwood to the Treasury, and it was intended to place an amount on the Estimates as required for the regeneration of sandalwood. The Council decided to amend the clause by providing that 10 per cent. of the net revenue from sandalwood or £5,000, whichever sum should be the greater, should be provided for the reforestation of sandalwood.

Mr. Taylor: That is practically the amount that you stated you would set aside.

The PREMIER: Yes, but under the Council's amendment the money will be specially ear-marked for that purpose. It

really makes no difference to the Treasury. I move—

That the amendment be agreed to.

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

Mr. Taylor: The dear old gentlemen must do something!

No. 3. *Clause 4—Delete this clause and insert in lieu thereof the following:—"This Act shall continue in force till the thirtieth day of June, One thousand nine hundred and twenty-five, and no longer."*

The PREMIER: While I propose to ask the Committee to agree to the Council's amendment, it is the type of amendment that is becoming all too common with the Council. Every other Bill that is sent to that House is altered by members there, so that its operations are limited to the period of one year. That savours of mistrust of members of this Chamber. The Council say they must not give us too much power. Apparently we are not to be trusted and so this Act will lapse by effluxion of time unless it be re-introduced and sent on to the Council for their approval.

Mr. E. B. Johnston: Disagree with the amendment!

Mr. Taylor: Knock it out!

The PREMIER: It is usual for these annual Bills to carry on to the end of the year. In this instance the Council limit the operations of the Bill to the 30th June.

Mr. Richardson: You will have no opportunity of re-enacting the measure before it lapses.

The PREMIER: That is so. It will be necessary early in the next session to bring down another Bill so that the revenue it has been agreed should be retained by the Treasury, may be collected. I do not know that it is worth while disagreeing to this amendment. If the money were required for sandalwood purposes an amendment of the Act could easily be proposed without the necessity for introducing a Bill year after year so as to obtain the consent of the Legislative Council.

Mr. Taylor: Why not alter the amendment to make it apply to the 31st December?

The PREMIER: My inclination is not to agree to the amendment.

Mr. Taylor: Strike it out!

Members: Yes, strike it out.

Hon. Sir James Mitchell: I would not strike it out if I wanted the money.

Mr. George: Alter the amendment to the 31st December instead of the 30th June. That will give you more time.

Hon. Sir James Mitchell: It really makes no difference whether it applies to the 30th June or the 31st December.

The PREMIER: That is so. I move—

That the amendment be agreed to.

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

Resolutions reported and the report adopted. A committee consisting of the Premier, Hon. Sir James Mitchell and Mr. Panton drew up reasons for not agreeing to amendment No. 3.

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

BILL—TRAFFIC ACT AMENDMENT.

In Committee.

Resumed from the 2nd December. Mr. Lutey in the Chair; the Minister for Works in charge of the Bill.

Clause 2—Amendment of Section 4:

Hon. Sir JAMES MITCHELL: Surely the Minister does not intend to proceed with this Bill after the announcement by the Colonial Secretary in another place yesterday that the Main Roads Bill is not to be proceeded with this session. Unless the Main Roads Bill becomes law, this measure will not be wanted.

Mr. Withers: They could get the money under this measure and not make the roads.

Hon. Sir JAMES MITCHELL: Yes. When we dealt with the Land Tax and Income Tax Bill last night, we did not know that the Colonial Secretary had decided not to go on with the Main Roads Bill. We passed the Land Tax and Income Tax Bill, and in that respect we did wrong. If we pass this Bill, we shall be doing a greater wrong. This measure proposes a petrol tax and a large increase of traffic fees to provide the revenue necessary for the Minister to carry on under the Main Roads Bill.

The Premier: We have been able to make roads and spend money without a Main Roads Bill in the past, and shall be able to do so in future.

Hon. Sir JAMES MITCHELL: You cannot do that.

The Premier: Of course we can.

Hon. Sir JAMES MITCHELL: Then the money raised under this measure is to go into the Treasury? The country road boards and municipalities themselves collect the traffic fees, but if this Bill be passed, the Treasury will get the money. In the circumstances we are not justified in considering the measure.

The Premier: Yes, we are.

Hon. Sir JAMES MITCHELL: If the two Bills had stood alone, I venture to say the Traffic Act Amendment Bill would not have passed the second reading. If the Government say they are going to put it through, we shall see what attitude the majority will adopt. We shall divide on this clause, and that will decide the attitude of the Government. It is monstrous that we should be asked to pass this Bill, which provides so much taxation for a special pur-

pose, when that special purpose is no longer possible of achievement.

The Minister for Works: This Bill does not deal with the petrol tax.

Hon. Sir JAMES MITCHELL: Well, it provides for a great increase in traffic fees.

The MINISTER FOR WORKS: It is quite evident that the Leader of the Opposition has not read the Bill.

Hon. Sir James Mitchell: I have read every word of it.

The MINISTER FOR WORKS: He does not know the first word of it. The Bill provides that the money raised can in no way come under the control of the Treasury. If the Main Roads Bill does not become law—I am still hopeful that it will—the money raised under this measure will be treated in the same way as money now obtained from traffic fees. It will go to the local authorities.

Hon. Sir James Mitchell: As you decide?

The MINISTER FOR WORKS: As is done now. In all the country districts the traffic fees go direct to the local authorities, and only in the metropolitan area are they pooled and distributed. The only alteration proposed under this Bill is that the police, at the request of the local authorities, will collect the fees.

Mr. Sampson: Will there be any charge for collecting?

The MINISTER FOR WORKS: That will be a matter for arrangement. I think 5 per cent. is charged in the metropolitan area to cover the services rendered by the police, but of course they render greater service in the city in controlling the street traffic than they would in the country. The local governing bodies will receive all the money. The Main Roads Board will have no say in the fees collected until they have declared a district to be one over which they will operate.

Hon. Sir James Mitchell: This Bill is designed to get in money for main roads.

The MINISTER FOR WORKS: The hon. member must not place his own interpretation on the Bill when he has not read it.

Hon. Sir James Mitchell: I have studied it too carefully for you. You need not be insulting.

The MINISTER FOR WORKS: When the Leader of the Opposition says that this Bill is a means of raising revenue for the Government it shows that he has not understood it. The wear and tear on the roads through motor traction is making it impossible for the local authorities to maintain the thoroughfares on the revenue they now receive.

Mr. Sampson: If the Main Roads Bill is dropped, do you propose to abandon the petrol tax?

The MINISTER FOR WORKS: That is not dealt with in this Bill.

The Premier: The two Bills are separate and distinct.

THE MINISTER FOR WORKS: We are dealing with a Bill designed to give better control over the traffic and to increase the fees. All the increased fees will be treated in the same way that the present fees are treated. The position created by the voluminous and heavy motor traffic on the roads should not be allowed to continue for another year.

Mr. George: In the metropolitan area the fees go to you, but outside that area they go to the local authorities.

THE MINISTER FOR WORKS: Yes. There is nothing in the Bill to suggest that any revenue will go to the Government. We shall not touch a penny of it and will have no control over the money. The Bill is particularly urgent.

Hon. Sir James Mitchell: These fees should not be considered unless we are to have the Main Roads Bill.

THE MINISTER FOR WORKS: Yes, they should, because money must be found for the maintenance of roads. The fees now charged upon motor traffic are absurdly low.

Mr. Thomson: That is so.

Mr. GEORGE: I do not wish to see the Bill sacrificed, because most of its provisions are necessary. The administration portions of the measure are good and I hope they will be retained. It is intended that the fees in the country districts should be collected by the police. Probably an allowance of five per cent. for collection would be sufficient. If this work is entrusted to the police, it is likely to be carried out efficiently.

Clause put and passed.

Clause 3—Amendment of Section 7:

Mr. LINDSAY: I move an amendment—

That to proposed new Section 7 the following words be added:—"Until such time as a road board or municipality outside the metropolitan area comes within the provisions of any Act for the construction, maintenance, and supervision of main and developmental roads, the local authorities shall have the power to issue, collect, and retain the whole of the traffic fees."

I am not aware that road board conferences have asked that the police should collect their traffic fees. The police do not visit every holding as the road board officials do. The outback goldfields areas particularly should not be brought under this Bill. The road boards concerned have their own methods of collecting the taxes, and know what money they will have each year with which to carry on operations. There is no necessity to alter the present system.

THE MINISTER FOR WORKS: The suggestion that the fees should be collected by the police came from the Road Boards Conference, the ground urged being that the police have better facilities for that work than the secretaries of the boards

have. It is held, too, that the amount of fees collected would be substantially increased if the collecting was done by the police. The select committee appointed by this House thought it would be better to make the police the collecting authority. In many country districts the road board secretary, if he has to institute proceedings against a member of his board for non-payment of fees, finds himself in a peculiar position. Frequently the secretary winks the other eye. A police constable does not depend on local people for his job. The system of collection by the police has obtained in the metropolitan area for some time, with a resultant considerable increase in the amount collected. The police tracked down vehicles in respect of which fees had not been paid for years.

Mr. SAMPSON: Notwithstanding the many good points made by the mover of the amendment, I hope the clause will pass as printed. In many road districts a percentage of traffic fees are not paid. The subject has received consideration at every Road Boards Conference held for many years, and I hope the police will be given an opportunity to do the work. After that it will be possible to institute a comparison between the respective merits of the two systems of collection. Personally I believe that the local authorities will benefit considerably if the collecting is done by the police.

Mr. THOMSON: I hoped the Minister might agree to the amendment, since it is not mandatory. If the amendment is defeated I shall certainly ask the Minister to reconsider the clause dealing with distribution of fees, since there is no limit on the charge to be made for the work of collection. In some of the larger road districts it is a very easy matter to collect the fees on motors. In the country everyone's car is known, and payment of the fee is not often evaded. If the charge for collection is 10 per cent., the Police Department will receive 12s. on every fee paid in respect of a motor. In Katanning, for instance, one could call in the course of half a day on almost every motor owner in the town. Therefore a commission of even five per cent. would be excessive for the work of collecting. Under the Bill the Minister can fix any charge he likes to cover the cost of collection.

Mr. George: Is the Minister likely to be unreasonable?

Mr. THOMSON: Departments are sometimes unreasonable. The charge for collection should be stated in the Bill.

Mr. BROWN: The Pingelly Road Board, having discussed the amendment, carried unanimously a motion requesting me to support it. Pingelly is typical of other boards along the Great Southern Railway. It has a frontage of 12 miles. The Pingelly people are not specially anxious to have their district declared a main roads dis-

trict, because they realise that in conjunction with the adjoining board they could do a great deal of work if they received the fees payable under this Bill. They are not specially opposed to the work of collection being done by the police, but they are anxious that the money collected should be handed over to them until the Pingelly district is declared a main roads district.

Mr. George: The amendment says that the board shall have the power to "issue" traffic fees.

Mr. BROWN: The wording of the amendment is sufficiently clear. The Pingelly board do not wish to be brought under the Act until their area is declared a main road area.

Hon. Sir JAMES MITCHELL: The local authority will not be allowed to collect money, except by the goodwill of the Minister. The clause provides that the amount received by the Commissioner of Police shall be divided amongst the local authorities in such proportions as the Minister may determine. The Minister could give it all to one road board. Why should all this power be vested in the Minister? He will be able to collect fees in York and hand them over to Bunbury. We should provide that these boards are to collect and enjoy the fees paid within their boundaries.

The Minister for Works: That is my intention.

Hon. Sir JAMES MITCHELL: Then the Minister must be going to amend the clause. He says he does not intend to control the distribution of the money collected at all. It does not matter much who collects the fees, so long as they be properly distributed. The amendment is a perfectly right and proper one, and apparently the Minister is going to accept it, and allow the local authorities to have the spending of the money collected in their respective districts.

The MINISTER FOR WORKS: I assure the Committee there is no intention of the traffic fees collected in any district being taken away from the local authority. Each local authority will have the fees collected in its own district. If the Main Roads Bill does not become law, some of the clauses in this Bill will require redrafting. I undertake to have Subclause 2 recommitted and redrafted to make it clear that the local authority is to have the fees collected in its district.

Mr. George: Will you give the local authority the option of collecting the fees?

The MINISTER FOR WORKS: No, I think the policy of having the fees collected by the police is sound.

Mr. George: Then you will require to fix their remuneration.

The MINISTER FOR WORKS: At all events it will not be necessary to provide anything like 10 per cent. in the country.

That charge is made in the metropolitan area because the police here perform so many other duties. In country districts it will be merely the cost of collection, which will not mean much, for the police say they go on to practically every farm at one or another season of the year. However, the money collected in each district will be paid entirely to the local authority. There is no suggestion that the fees in country districts should be pooled. The only difference between the member for Toodyay (Mr. Lindsay) and me, is as to whether the police or the local authority should collect the fees.

Mr. LINDSAY: In view of the Minister's explanation, I will withdraw my amendment. One reason why I brought it forward was that we have not police in all country districts. For instance, the policeman who goes to Bencubbin live 51 miles away.

Amendment, by leave, withdrawn.

Clause put and passed.

Clauses 5 to 12—agreed to.

Clause 13—Amendment of Section 41:

Mr. DAVY: I move an amendment—

That Subclause 1 be struck out.

This subclause gives to the police power to control stands for vehicles. In the original Bill it was thought fit to permit the City Council to retain that power. Now it is to be taken away and given to the police. It is clear that we cannot have two authorities doing the same thing, but there is growing a tendency to gradually steal the powers of the local authority and to hand them over to the Government. The proper body to control stands for vehicles is the body responsible for the construction and maintenance of roads and for the well being generally of the city.

The MINISTER FOR WORKS: I do not mind whether the subclause is in or out, but the police have pointed out that they are responsible for all moving traffic, and the City Council are responsible for stationary traffic. The police say that if they had the allotting of the stands, they would so arrange the allotment as to fit in with the control of the moving traffic. The police argue that they should have complete charge of the traffic, stationary and moving, because they can control the two much better. The proposal will operate not only in Perth but throughout the metropolitan area. As a matter of fact, Fremantle has been doing it for some time, and my friend the Minister for Lands drew attention to the fact that they had no authority there to control the stationary traffic. There is a good deal of logic and reason in favour of the police having charge of both.

Mr. GEORGE: The City Council did their best when they had control of the traffic but as soon as the police took charge even the newspapers offered congratulations on

the change. The police are not likely to act in an arbitrary way. They can see the difficulties that face a motorist. They know best where to fix stands, and certainly better than any other body that is not supervising the traffic as the police are doing all day.

The Minister for Lands: We do not want a lot of policemen looking after a stand.

Mr. GEORGE: As soon as cars begin to move, it is then the trouble may begin. The police should certainly have charge of stationary as well as moving traffic.

Mr. MARSHALL: The police are more capable of carrying out this function than are the City Council. I have noticed that the City Council are influenced by those who regard themselves as authorities as to where parking should be permitted. The City Council permit it in the middle of congested areas in the city. I support the clause as it stands because the police should have complete control. They, too, should decide where char-a-bancs should be parked. Moreover, the City Council cannot give the same consideration to the question of the safety of the public as can the Police Department. The City Council are likely to accept advice from others than the police force, and we would find that owners of cars would be asking permission to park their cars outside their offices.

Hon. Sir James Mitchell: And why not?

Mr. MARSHALL: Many motor car owners are motor hogs and have no respect for human life. The police are independent and should have the right to say where cars should be parked.

The MINISTER FOR LANDS: This is the one clause in the Bill to which I raised an objection when discussing it with my colleagues. We give the local governing bodies control of their local affairs, and they are the right people to say where these stands shall be placed. The police always consult the local authorities regarding the stands to be fixed and if the local authorities make suggestions, they are adopted by the police. It will not be contended that the police when fixing the stands, would consider the requirements of the people in the same way as would the local authorities, because the police would consider the question from the standpoint of traffic and not the convenience of the public. At one time the police desired to establish a stand at Fremantle, but the council did not approve of the proposal. In speaking about the matter to the mayor, I told him that the council had full power to decide the question, as the police at that time had no power under the Traffic Act to even regulate pedestrian traffic on the footpaths!

Mr. Davy: Those regulations are ultra vires.

The MINISTER FOR LANDS: That has been altered now. There is another aspect to be considered, and that is that the local authorities afford transport facilities for

the ratepayers, out of money provided by the people themselves. If the local authorities had this power, they would prevent people from entering upon undue competition with the people's own transport facilities. That is my chief objection to handing over these powers to any other body. It is only right that the people whose money has been spent in providing these facilities should be protected. That is one objection I have to the clause which hands over the power to the police. In my own district one local authority provided transport facilities to enable the ratepayers to reach the reserve at Point Walter. If permission were granted to owners of buses or other vehicles to establish a stand that would enable them to run in opposition to the people's own tramway facilities, the returns from the undertaking would be still further diminished. That undertaking has not been able to pay interest and sinking fund charges yet.

Hon. Sir James Mitchell: You want a monopoly.

The MINISTER FOR LANDS: No, we want fair play. The police are not always the best judges of where traffic should go. That is instanced at Fremantle, where the big buses run from the post office into High-street. Members who know the narrow streets of Fremantle will realise how dangerous that route is.

Mr. DAVY: I urge the Committee to pay considerable attention to the views of the Minister for Lands whose experience in local governing matters is more extensive than that of anyone else in the Chamber. I do not agree with all he said, for I would not advance the argument that the right to fix the stands should be allowed to be a weapon of offence or defence in the hands of anyone.

The Minister for Lands: Only for fair play.

Mr. DAVY: That is one of the reasons why I proposed the amendment. The tendency of the police is to regard the matter from the one point only, that of the traffic. As to the question of collaboration, no suggestion has been made that the municipal authorities would not ascertain the views of the police.

The Minister for Lands: That is always done.

Mr. DAVY: I know of no instance in which the council fixed a stand with which the police were not in agreement.

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

Clause 14—Amendment of Section 61:

The MINISTER FOR WORKS: This is dealt with in a later clause which makes Clause 14 unnecessary. I suggest that it be struck out.

Clause put and negatived.

Clause 15—Regulations as to motor omnibuses:

Mr. THOMSON: We should not give power to the Governor to prohibit by regulations the use of buses.

The Minister for Lands: You would not allow them to run in opposition to your own public utilities, would you?

Mr. THOMSON: The motor fees are to be paid to the State, and the buses have come to stay.

Mr. Pantou: Yes, and they should stay in their proper place.

Mr. THOMSON: I object to this power and, therefore, I move an amendment—

That in lines 2 and 3 of Subsection 1 of the proposed new Section 41a, the words "and prohibit the use of motor buses elsewhere than" be struck out.

The powers sought to be conferred upon the Government are dangerous.

The Minister for Lands: We are here to protect the interests of the State.

Mr. THOMSON: While I have the utmost sympathy for the position of the Minister in control of our railways and tramways, we are also here to see that nothing stops development.

The Minister for Works. This will not have that effect.

Mr. THOMSON: I have no objection to giving the Government power to regulate these matters, but I object to the powers of prohibition.

The Minister for Railways: And you would let buses run wherever they like.

Mr. THOMSON: The State will be paid for it. The Government will prescribe the routes.

The Minister for Lands: What is the good of prescribing a route unless you have the power to prohibit the use of buses elsewhere?

Mr. THOMSON: It is wrong, and I hope the Committee will support me and strike out the words covered by the amendment.

Sitting suspended from 6.15 to 7.30 p.m..

Mr. THOMSON: If it is in the interests of the people that motor buses should be run, we should hesitate before giving the Government power to prohibit their running.

Hon. Sir James Mitchell: The Government have made regulations already.

The Minister for Works: This regulation is in operation now.

Hon. Sir James Mitchell: But it should not be.

The MINISTER FOR WORKS: There is not much use in taking power to prescribe routes for motor buses if we do not take power also to prevent their running on other routes. The power asked for here is taken by the authorities everywhere. Otherwise, motor buses might use roads that were not built for heavy traffic.

Hon. Sir James Mitchell: Would not the local authorities have power to stop that?

The MINISTER FOR WORKS: No.

Hon. Sir James Mitchell: They are concerned about the roads.

Mr. Thomson: You would not grant the buses a license unless they ran on the prescribed routes.

The MINISTER FOR WORKS: That argument is illogical. If it is right to have power to prescribe routes, it is equally right to have power to prevent buses from using other routes.

Mr. GRIFFITHS: I cannot agree with the member for Katanning. The Minister having power to prescribe the routes should be able to prevent motor buses from running on unsuitable roads. An immense amount of money has been invested in the tramways and they must be protected. Buses should not be allowed to run on the tracks which the Tramway Department have to maintain. We are entering upon the first stage of a big transport movement and the Minister should have power to regulate such traffic.

Mr. THOMSON: In the holiday season people engage these vehicles for picnics, and it would be necessary for the bus owner to obtain a specific permit. There is a provision that the police may confer with the Commissioner of Railways and decide that there is a railway or tramway service and that therefore a permit should not be granted. If to give such arbitrary power is not an interference with the liberty of the subject, I do not know what is.

The Premier: All legislation is.

Hon. Sir James Mitchell: But this is a double-barrelled thing.

Mr. THOMSON: My amendment will give the Government all the power they require.

Mr. MacCallum SMITH: I agree with the member for Katanning. I feel there is strong opposition from Government departments to the introduction of motor buses, but the buses have come to stay, and the sooner the Government recognise it the better. The member for Avon suggests that, as a large amount of capital has been sunk in the tramway system, we should not permit the introduction of other vehicles likely to compete with the trams. That is a fallacious argument, similar to the one used when railways were first introduced into this State. The owners of the boats plying between Perth and Fremantle objected to the railway because it would interfere with their traffic on the river.

Mr. Taylor: And so did the teamsters.

Mr. MacCallum SMITH: I have not heard of that, but the opposition from the owners of the river steamers is an historic fact. To-night the same argument is being repeated. If any business man learns of up-to-date machinery that will reduce his costs or turn out work more efficiently, does he stick to the old plant? No. Regardless of cost he scraps the old plant and modernises his factory. That is what the Government should have done when motor buses were

being introduced. Had they been up-to-date—

The Minister for Railways: What would you have done if they had scrapped the trams running to North Perth?

Mr. Marshall: He would have been down to the Minister's office the next morning.

Mr. MacCallum SMITH: I am sorry the Minister did not introduce a bus for that route. We have buses there now, and they are doing good work. They are competing effectively with the trams.

The Minister for Lands: If the Government had stopped the trams from running to North Perth you would have objected.

Mr. MacCallum SMITH: The clause gives the Governor power to prohibit the running of motor buses, and the idea is to get the consent of Parliament in that direction. This is going too far. The Government may prescribe the routes to be followed, but should not be able to prevent the use of buses. If we pass the clause as printed, the department will readily seize upon the word "prohibit," and prevent buses from running anywhere that may lead to competition with the tramways. The tramway service is not as satisfactory as it might be, and many localities yet remain to be served. A tramway along Cambridge-street was definitely promised by the ex-Premier and the rails were to have been laid in June. The present Minister, however, coolly told the people that the Government had decided not to instal the service. It is very probable that heavy motor vehicles do break up the roads, because they have not been made for that class of traffic. Roads must be built that will carry vehicles of that description, and that is one of the purposes of the Main Roads Bill. I support the amendment.

Hon. Sir JAMES MITCHELL: The public are under the impression that the Minister will prevent the running of buses because they compete with the tramway service.

Mr. Thomson: The framers of the Bill have that in mind.

Hon. Sir JAMES MITCHELL: If the public want this form of transport they will have it. Buses are a wonderful convenience. I admit that the roads are unsuitable for this class of traffic, and the time may come when the public will have neither roads nor buses, unless our highways are put in order. Some excellent roads that have been recently constructed in Victoria have been ruined by the heavy motor traffic. The Minister takes too much power to himself by this clause. It should be struck out. It is quite enough to permit him to prescribe the route to be followed by the buses.

Mr. GRIFFITHS: Motor traction has come to stay, and in many parts of the world it is a serious competitor of the tramways. The Government should be able to prevent unwieldy vehicles from using the roads.

Mr. THOMSON: The sole object of the Minister is to prevent competition with the railways and tramways. In some districts

the tramway service is unsuitable, and yet the Government may, under this clause, prevent people living in those districts from enjoying the convenience of a bus service. The clause is full of dangers.

Mr. J. H. SMITH: I support the amendment. As things are the public are not getting full value for the money they have laid out in public services.

The CHAIRMAN: This provision deals with the metropolitan area.

Mr. J. H. SMITH: It may apply elsewhere to-morrow. The clause gives the Minister too much power. Let private enterprise, if it wishes to do so, compete with the trams.

Mr. SAMPSON: It has been stated that the power under this clause is asked for only as regards the metropolitan area. However, within a few weeks a motor bus proprietor applied for a permit to run from Perth to Byford, Bedfordale and Roleystone, and although the vehicle was in perfect order the permit was refused. A further request for a permit has not been granted so far. Surely country residents should be given every opportunity to get to their homes. No vehicle to-day runs to Bedfordale and Roleystone.

Mr. MILLINGTON: The power under this clause is necessary. However, the Government already have the power, because it is being used now, as a delegated power. I am not sure that the delegated power is being exercised justly. A board of four have the right to prescribe omnibus routes. The lack of an efficient tramway service in the metropolitan area has been responsible for the introduction of the motor buses. Some people think the tramways are out of date; but the motor buses are certainly not up to date, because the first essential of an up-to-date motor service is a suitable road system, which we do not possess. If the tramway extensions which are justified had been made, there would have been no necessity for an auxiliary motor bus service. Several parts of my electorate are not served by the tramway system, and therefore it is not for the tramway authorities to complain that they have to face the competition of the motor buses there.

Mr. George: Motor buses give more rapid transit than the trams.

Mr. MILLINGTON: There is a tramway terminus in Angove-street, Leederville, right in the heart of a thickly populated district. Settlement has extended there very considerably. I visited the area in company with the Minister for Railways, the Commissioner of Railways, and a representative of the tramways, who all agreed that there was justification for an extension of at least 25 chains. That extension, however, has not been constructed. The consequence is that a motor bus service has been started there. Instead of frankly prohibiting the buses from running, the authorities have adopted

a policy of harassing them. West Leederville residents have neither a tram nor a train service. In view of that fact, the Government gazetted a motor bus service there. But those buses, when they enter the city, are to do so by a back street into St. George's-terrace. The buses have requested permission to enter by William-street; but permission has been refused, doubtless because there is a tramway in William-street. The result is that passengers by the buses have to come as far as St. George's-terrace and then walk back into town. Where a permit is granted, a reasonable route should also be granted. The buses from West Leederville have to come round Wellington-street, through King-street, into St. George's-terrace; King-street is practically only a right-of-way, and already an accident has occurred in connection with the motor bus traffic through it. As regards the route of those buses, I have received numerous complaints, not only from the proprietors but also from the passengers. The present position is wholly unsatisfactory. Rather than humbug and harass a motor bus service, the Government should prohibit it. If the Government are willing, as they say, to be responsible, let them give an adequate tram service and utterly prohibit the bus service. I agree that there should be some control of the motor bus system, which at present is running wild. I am not so much concerned about the bus proprietors as I am about the public who require these transport services.

Mr. TAYLOR: The hon. member has convinced me that the real object of the Bill is to prevent all competition with the Government trains and trams.

The Minister for Lands: Not all the trams in the metropolitan area are owned by the Government.

Mr. TAYLOR: The Fremantle Tramways Board took time by the forelock and got a Bill through Parliament giving them power to run their own motor buses. But no power has been given the Tramways Department of Perth to run buses, and so the Government want to restrict the bus transport services of the metropolitan area to localities where there are no trams. The Government say they would be prepared to give additional services if they had the money; the bus proprietors say that they have the money and are prepared to give the service. But the Government will not agree to this, for they desire to have a monopoly of transport service, even to the disadvantage of the people. The Government will not supply the required services, nor will they allow others to supply it.

The Minister for Agriculture: You are a supporter of nationalisation.

Mr. TAYLOR: But not of nationalisation run mad. If the Government cannot supply the required services, let somebody else do so. However, the Government say in

effect, "We cannot do it ourselves, and we will not let anybody else do it." If that is nationalisation, it is time the bottom was knocked out of nationalisation.

The MINISTER FOR LANDS: Nearly £200,000 is invested in the tramways of Fremantle, North Fremantle, and the Melville Road Board. People in the Fremantle district represent almost one-fourth of the population of the metropolitan area, and if anything is done to render the tramway system in Perth unprofitable, the Fremantle people will have to pay their share of the loss in Perth, while standing their own losses as well. If we allow buses to use the tram tracks it means a considerably increased cost to the tramway system. For the maintaining of tram tracks last year approximately £2,000 was paid to the local authorities. Some members are ready to protect the men running buses, but will not protect the trams, which are public property. During the first two months of this year the Fremantle tramways failed by £2,400 to make their statutory payments.

Mr. Teesdale: Was that the first time it has happened?

The MINISTER FOR LANDS: No. Last year between £2,000 and £3,000 were lost on the year's operations. Of course it was made up in other directions. Unless something be done to prohibit buses running on the tram tracks, that loss must inevitably increase, and the people will have to make it up in order to maintain good roads over which to run privately owned buses. I want to tell the member for North Perth (Mr. J. MacCallum Smith) that large bodies of people cannot be shifted by buses.

Mr. J. MacCallum Smith: Oh, nonsense! It is done in London.

The MINISTER FOR LANDS: In London they have trams and tubes running in conjunction with the buses. If buses are allowed to run over the tram tracks in Fremantle, the tramway board might as well close down and stop the trams altogether.

Mr. Thomson: You are all right. You have an Act of Parliament.

The MINISTER FOR LANDS: But we do not intend to run buses on our tram tracks; we want to run feeder buses.

Mr. Thomson: That intention is not shown in the Bill.

The MINISTER FOR LANDS: Already applications have been made for permission to run buses along the Point Walter tram route.

Mr. J. MacCallum Smith: Why?

The MINISTER FOR LANDS: Apparently it is thought the buses could be run in between the quarter-hour trams; it is only for rush traffic. The trams run until midnight, but the buses will not do that sort of thing. I cannot understand the anxiety on the part of members for the interests of an individual who invests a couple of thousand pounds, when those same members will not consider the public property in which nearly £200,000 is invested. Mem-

bers are sent here to protect public property, but with some members public property is a secondary consideration. We cannot afford to maintain roads for buses. The Fremantle Tramway Board pay the Fremantle Municipal Council £1,200 per annum to maintain the tram tracks. What do the motor buses pay the local authority to maintain the roads damaged by motor buses? These are roads that are maintained for the use of buses. It is almost a scandal that people should have been allowed to run buses for so long with so much freedom. I agree that buses have come to stay, but it will be admitted that a bus has never yet opened up any country; it comes along after the population is there. The State's money invested in the trams is over £90,000.

Mr. Taylor: Does that include the power house?

The MINISTER FOR LANDS: No, only the trams. The trams in Perth are equal to those in any other part of the world. We who are sent here for the purpose of protecting the State's interests are not entitled to pass that investment over to private enterprise. If we tear up the trams, we might as well give away the £90,000.

Mr. SAMPSON: If we are to eliminate competition, then so far as transport is concerned it is good-bye to progress. The effect of the clause is to restrict the running of buses. If we are to make it impossible for buses to operate, we shall not get the greatest efficiency with the tramway service. It has been said that competition is the life of trade and when we are faced with competition—

The Minister for Works: A monopoly is formed.

Hon. S. W. Munsie: Or you come to an honourable understanding.

Mr. SAMPSON: If the trams are to be protected to the extent proposed, then it is good-bye to progress. Under the Bill license fees are being materially increased.

The Premier: So they ought to be.

Mr. SAMPSON: I am not disputing that. There we have the protection, and if a bus cannot live in face of the fees to be imposed, then it will not compete. We are not justified in doing anything that will have the effect of eliminating competition. As yet buses are new to this State, and I suppose it is correct that on certain occasions buses have failed to run according to time-table. I cannot, however, conceive that any bus proprietor who is endeavouring to establish a connection will do anything but run according to time-table.

Mr. GEORGE: If the words it is proposed to strike out are struck out, there will be no difference, because the Government will be able to prescribe by regulation what is desired. The public are free agents and if they desire to ignore their property in the shape of the trams, and use the buses in-

stead, they are within their rights in doing so. As I have already said, the buses are filling an evident public need and unless the Government can fill that need, the public will continue to support the buses. It is hard on the Government, it is rough on the State and it is rough on the taxpayer, but we have to move with the times. Before the trams went to Claremont I looked forward to the extension of that suburb being a payable proposition because there was a big population to be served.

The Premier: We are going to pull up that line.

Mr. GEORGE: I do not want it pulled up.

Hon. S. W. Munsie: It is time it was pulled up.

The Premier: It was laid ten years before its time.

Mr. GEORGE: We are dealing with a serious matter. I have travelled in that tram from Perth and there have been as few as six paying passengers to Claremont. The fares collected would not pay the wages of the men on the car. Each tram that goes down there passes half a dozen motor buses all filled with passengers.

The Minister for Mines: Why did you build that line?

Mr. GEORGE: The Government should run it more frequently.

Hon. S. W. Munsie: And create a greater loss.

Mr. GEORGE: The Government should cut out the long route via Thomas-street and Subiaco and connect it with the Crawley line and in that way save considerable distance and time as well. If that were done, in my opinion there would be a great difference in the traffic carried.

The Minister for Railways: It would never have been put down if I had had anything to do with it.

The Premier: Whoever was responsible for building it did not show a scrap of sense.

Mr. GEORGE: Anyhow, it is no use exhuming dead bones; we have to deal with the situation as we find it.

Mr. Panton: The man who was responsible for it lost his seat.

Amendment put and negatived.

Mr. DAVY: Paragraph (c) provides that the Governor, by regulation, may prescribe the fares, including maximum and minimum fares for prescribed routes or sections thereof, to be charged for passengers carried by motor buses. The paragraph would appear to place motor buses in the hands of the Government to be squeezed out when they so desire. One could understand the Government taking power to regulate the maximum fares charged, but why take power to prescribe the minimum fares unless it be from a desire to prevent the motor buses

running more cheaply than the trams and trains. I move an amendment—

That paragraph (c) be struck out.

Amendment put and negatived.

Mr. THOMSON: Paragraph (d) provides power for the Governor to prescribe the maximum number of buses to be licensed to ply for hire on any prescribed route. The more one considers these provisions, the more one wonders. This is wrong. I move an amendment—

That paragraph (d) be struck out.

The MINISTER FOR WORKS: The police have recommended on more than one occasion that the motor buses permitted to ply along certain routes should be limited, because the traffic was becoming dangerous. The Government have been requested to take certain action, but it has been impossible, because we have not the necessary powers. Along one route according to the complaint of one local authority, motors engage in races. One dashes up to pick up a passenger and the other races along in an endeavour to block the first bus and so they go on. Thus with our narrow roads there is great danger to the public. The police are strongly opposed to any more motor buses being permitted to ply between Perth and Fremantle.

Mr. Griffiths: They are coming at the old game that was such a menace in London.

Mr. E. B. Johnston: The buses constitute a menace to the safety of the people along that road now.

The MINISTER FOR WORKS: The motor buses are run for profit and the drivers take serious risks. The people should not be subjected to those risks.

Mr. MacCallum Smith: Why do the buses not start at different times?

The MINISTER FOR WORKS: That is the only way by which we can overcome the difficulty. We have made provision for that and a policeman is stationed at Fremantle to see that the buses start according to timetable. A case has been before the Police Court at Fremantle arising out of a fight between motor bus drivers because one man would not start at his proper time.

Mr. Marshall: Keen competition there!

The MINISTER FOR WORKS: Even though the buses start off to time, if they find they are not filling up as they proceed along the road they hang back, until the next bus comes along and then they battle for passengers all the way along the road. Unless some power such as that set out in the paragraph is provided, we cannot overcome this difficulty.

Amendment put and negatived.

Mr. THOMSON: Paragraph (ii) of the proviso to Subsection 1 of the proposed new Section 41 (a) sets out that before any

route is prescribed the Minister shall confer with the Commissioner of Railways, the City Council and any other local authority concerned. Why should the Commissioner of Railways be brought into it?

Hon. S. W. Munsie: Because he is interested in the tramways and railways.

The MINISTER FOR WORKS: Being in charge of the trams and trains the Commissioner of Railways should be consulted by the Minister so that he may obtain information as to how he was catering for traffic along routes over which it was proposed motor buses should operate.

Hon. Sir James Mitchell: He is just the man who should not be consulted.

The MINISTER FOR WORKS: He should be consulted—

Hon. Sir James Mitchell: To know whether he wants the buses or not!

The MINISTER FOR WORKS: The Minister should be able to consult the Commissioner to ascertain what he is doing to meet the public convenience. If that were not done, how could the Minister form an opinion.

Mr. MacCallum-Smith: Why not give the bus-owners a chance of being heard?

The MINISTER FOR WORKS: A representative of the bus-owners has a seat on the committee now, but I do not know how we could mention in the Bill a body that is not incorporated. There is no intention of ignoring the owners of motor buses, because we consult them now.

Mr. DAVY: I am in a position to give members a little more information about the incident that has been referred to by one hon. member. The owner of a motor bus asked for a license to run between Byford and Armadale to Perth. He was told that he could not have it, because the Commissioner of Railways was against it. He then asked if he could secure the transfer of his license to a larger motor bus and he was told he could not have that because the Commissioner was against it. The result is that we see one bus running between Armadale and Perth chock-full, and the Commissioner thinks apparently, that that bus is taking sufficient traffic from the railways.

Mr. Panton took the Chair.

Mr. THOMSON: I intend to move an amendment.

The Minister for Lands: Don't forget you are an agent for a motor car company!

Mr. THOMSON: I congratulate the Minister on his interjection. I move an amendment—

That in line 1 of paragraph (ii) the words "the Commissioner of Railways" be struck out.

It is wrong that the Commissioner of Railways should be placed in the position which enables him to dictate to the public.

The Minister for Lands: It is no more wrong to do that than it is for anyone to be an agent for a motor car company!

Mr. THOMSON: Have some common-sense. I am surprised at the Minister's insinuation.

The Minister for Lands: It is not an insinuation. Here is your own advertisement in a newspaper.

Mr. THOMSON: I have no interest in any motor car company, nor in any motor bus service. I do not own any one of them, and if the Minister indulges in this sort of thing—

The Minister for Lands: Here is your own advertisement.

Mr. THOMSON: If these are the tactics Ministers seek to introduce in order to get their Bill through, we had best put up a strong case against the measure.

The CHAIRMAN: Order! Let us get on.

Mr. THOMSON: I am looking at this from the point of view of the public.

The Minister for Lands: No, you are not.

Mr. THOMSON: I will not be side-tracked. To give the Commissioner power to say where the buses shall run is beyond all question.

The PREMIER: It is all nonsense for the member for Katanning to speak about the Commissioner being given dictatorial powers. The paragraph does not make any such provision. It merely sets out that the Minister may confer with the Commissioner of Railways.

Mr. Thomson: You heard the statement by the member for West Perth.

The PREMIER: I am dealing with the paragraph. It merely provides for a common sense attitude to be adopted. It sets out that the Minister shall not prescribe routes blindfolded or stupidly without conferring with his responsible officers to ascertain whether the reasonable requirements of the public are being met.

Mr. Thomson: Would he not do that in any case?

The PREMIER: Then what harm is there in including that in the Bill?

Mr. Taylor: Does he not do that now?

The PREMIER: Of course. They why object to this provision?

Mr. Thomson: I object to it going in the Bill.

The PREMIER: That was not the objection raised by the hon. member before. He contended that some extraordinary power was being vested in the Commissioner.

Mr. Thomson: That is the position.

The PREMIER: It is not the position. It merely provides power for the Minister to confer with the Commissioner before prescribing a route. When the hon. member refers to powers being conferred upon the Commissioner I wonder where the nigger in the wood pile is!

Mr. Thomson: So do I.

The PREMIER: One would imagine that the railways and the tramways were the private property of the members of the Gov-

ernment and that we were endeavouring to secure income for ourselves instead of merely seeking to protect the property of the public! We as responsible Ministers have to see that a million pounds worth of public property is not scrapped merely in the interests of a few individuals. It seems to me, as the Minister for Lands has said, an extraordinary thing that during this discussion the interests of the public have been lost sight of entirely, notwithstanding that their money is sunk in the tramway system, that they had to construct roads for the tramways, and maintain the greater portions of the roads along which the tramways run, while the interests of a few bus proprietors seem to be paramount.

Mr. Thomson: That is not so.

The PREMIER: There is no doubt about it. Every time the hon. member speaks, he becomes more and more indignant about this Bill. It will be a scandal if Parliament closes this session without passing effective legislation to protect the interests of the people. Are we going to build roads at enormous cost to be smashed up by motor bus proprietors without their paying anything for it? It is a monstrous suggestion. It seems there is a desire in some quarters to defeat the Bill, not in the interests of the public, but in the interests of the bus proprietors.

Mr. Taylor: You are not quite fair.

The PREMIER: That has been the trend of the discussion. If this Bill and other Bills are defeated, whereby we are endeavouring to do a fair thing and raise the necessary revenue to maintain our roads in a proper way, I as Treasurer will not find one pound to build roads for motor bus proprietors. They can run on the roads until they get bogged and cannot travel a yard further, and that will put an end to the whole problem. The hon. member talks of power sought as if Ministers had a personal interest to serve. It is our object to protect the public, and in so doing to give a fair deal to the owners of motor buses.

Mr. Sampson: The honour of Ministers has never been impugned.

The PREMIER: For weeks we have heard nothing but of the autocratic power sought by the Minister for Works; yet it is power that is necessary if the Act is to be effective, and if the interests of the public are to be protected. There is no other object in our taking power under this or any other measure.

Mr. Sampson: It is the desire to limit the running of motor buses to which we object.

The PREMIER: Yes, I do desire to limit their running, and the hon. member, if he did his duty, would also desire to limit their running. I do not desire to prohibit their running, but there should be power to regulate and control them. That is all we are seeking. Because a few people have a few thousand pounds invested in motor

buses, are they to be permitted to run where they like and how they like, at any time and under any circumstances, on roads that the public funds have provided, without any regard to the money sunk in the construction of tramways? Not a member has been able to confine himself to the clause, but hostility has been responsible for each speaker wandering over the whole of the Bill.

Mr. J. H. Smith: Would you extend that power outside the metropolitan area?

The PREMIER: We shall not interfere with Donnybrook, Pemberton, or Bridgetown, if they behave themselves; the urgency lies in the metropolitan area. This Bill is necessary, and this session should not close without a measure of this description being passed to ensure that the public are protected, and that those who utilise the roads pay a fair return for the privilege of running over the roads.

Mr. TAYLOR: The Premier says it is the desire of the Government to obtain power to control the motor buses. The Government are controlling motor bus traffic to-day without power.

The CHAIRMAN: The amendment is to strike out certain words.

Mr. TAYLOR: You allowed the Premier to get up and malign members on this side of the House.

The CHAIRMAN: Order!

The Premier: I ask that the hon. member withdraw the statement that I maligned members. It is not Parliamentary. I did not malign anyone.

Mr. TAYLOR: The hon. member accused us—

The Premier: I ask that the statement be withdrawn.

Mr. TAYLOR: I withdraw. The Premier did attack members on this side of the House.

The Premier: But I did not malign them.

Mr. TAYLOR: He misrepresented this side to justify a flimsy pretext—

The Premier: I ask the hon. member to withdraw the statement that I misrepresented that side of the House. I did not do so.

Mr. TAYLOR: It is no trouble to withdraw. I say the Premier was not justified in accusing this side of the House of neglecting the interests of the people for the sake of the motor bus proprietors. The Government to-day are regulating the motor bus traffic.

The CHAIRMAN: I ask the hon. member to confine his remarks to the amendment.

Mr. TAYLOR: But you allowed the Premier to refer to other matters. Is he alone to have the privilege?

The CHAIRMAN: It does not matter what I allowed the Premier.

Mr. TAYLOR: Am I not allowed the same right?

The CHAIRMAN: The hon. member will confine himself to the amendment.

Mr. TAYLOR: I do not wish to cross swords with you, Sir; I have too much re-

spect for the Chair to do so. The clause gives power to confer with the Commissioner of Railways. If that is not a matter of controlling, I do not know what is.

The Premier: Conferring is not controlling.

Mr. TAYLOR: It is power to confer with a view to controlling. What are they going to confer about if not to control? The Premier's denial is only side-tracking. The more we discuss the question and the more heat the Government import in order to bluff the House, the more apparent it becomes that the Bill is to protect a monopoly of the trams.

The Premier: To protect the public rights.

Mr. TAYLOR: Why should not the public, who are not served by trams or trains, be given some chance?

The Premier: I am more concerned about a million pounds worth of public property than I am about a few buses.

Mr. TAYLOR: The people deserve consideration, and that is all I am asking. I cannot allow the Premier to place me in a false position.

The Premier: I did not mention your name.

Mr. HUGHES: Country members and the member for Mt. Margaret have suddenly developed a keen interest in the metropolitan area.

Mr. Taylor: Someone has to. We cannot see the people neglected.

Mr. HUGHES: I do not suppose there ever was a Government more hostile to the metropolitan area than the Government that has just relinquished office.

Hon. Sir James Mitchell: You have no right to say that.

The CHAIRMAN: The hon. member is not discussing the amendment.

Mr. Mann: You cannot get put out again to-night.

Mr. HUGHES: If I withdraw, I shall not do it as the previous speaker did.

The CHAIRMAN: Order! The hon. member must discuss the amendment.

Mr. HUGHES: This is essentially a matter concerning the metropolitan area.

Hon. Sir James Mitchell: Is it?

Mr. Thomson: It affects the whole of the State.

Mr. HUGHES: I represent one of the largest metropolitan constituencies, and I have heard no complaint amongst my electors about the Government interfering with the motor buses.

Mr. Richardson: You are lucky.

Mr. HUGHES: I have heard no complaint of the Commissioner of Railways being given the power to say whether the motor buses shall be permitted to run alongside the trams. We know very well that if the trams were scrapped to-morrow, the motor buses would not be able to cope with the traffic. If they are to be allowed to run along the tram routes, the trams must be operated at a heavy loss. The people will be obliged to pay rates and taxes to main-

tain the roads, while the general taxpayers will have to maintain the tramways. If the Commissioner of Railways is not there to safeguard the public's investment, the buses will be able to run alongside the tramlines.

Mr. Taylor: Do you not think the people would patronise their own concern as against the buses?

Mr. HUGHES: Generally speaking, they will patronise their own utility, but if a bus runs alongside a car line, they will travel by the more convenient vehicle. Despite all the eloquent addresses delivered by the member for Mt. Margaret during the last 40 years, the people have not been educated to the stage of letting the motor buses go by and waiting for Government-owned trams. I cannot understand the energy of the Country Party, who scorn the metropolitan area and have never shown any consideration for it. Yet suddenly they become the champions of the metropolitan area.

Mr. Lindsay: Are you speaking of the Country Party now?

Mr. HUGHES: Yes, both sections of it.

The CHAIRMAN: The hon. member will discuss the amendment and not the Country Party.

Mr. HUGHES: It is an essential part of the question before the Committee.

The CHAIRMAN: I do not agree with you.

Mr. HUGHES: The Commissioner of Railways should be able to confer with the Minister. The fact that the Country Party do not wish him to confer suggests that they are taking an amount of interest in the metropolitan area. I have not heard of any metropolitan member trying to eliminate the Commissioner in this respect.

Hon. Sir James Mitchell: They are all incensed about it.

Mr. HUGHES: It is necessary that the Commissioner of Railways be consulted; otherwise there will be no official to point out the suitable routes from the public point of view. If country members want motor buses, let them have them. The member for Swin got one immediately he asked for it. When the Commissioner of Railways meets the Minister, I hope the first suggestion made will be to pull up the Claremont tramline and use the rails for the Lord-street extension.

Mr. Richardson: Why not the Como line as well?

Mr. THOMSON: I regret that heat has been engendered and that insinuations have been thrown across the floor of the Chamber. I have no interest in any buses. All I asked was why the Commissioner of Railways should be mentioned in this Bill. I am endeavouring to conserve the interests of the public, and am afraid of the effect this measure will have upon the State. Because the Commissioner of Railways may be running a weekly service in some part of

the State, he may advise the Minister not to allow a bus service to run counter to it.

The Minister for Railways: And the Minister would take no notice of the advice.

The Premier: This deals only with the metropolitan area.

Mr. THOMSON: I know that, but I object to the principle contained in the clause.

The Premier: It is a business proposition to confer with a man whose business it is to know.

Mr. THOMSON: This can be done without anything being put into this Bill. These words give the Commissioner the right to say what shall be done.

The Premier: They give no powers to the Commissioner.

Mr. THOMSON: I am afraid they do.

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

Ayes	..	..	..	26
Noes	..	..	..	15

Majority against .. 11

AYES

Mr. Angwin	Mr. Lindsay
Mr. Brown	Mr. Lutey
Mr. Chesson	Mr. Marshall
Mr. Clydesdale	Mr. McCallum
Mr. Collier	Mr. Millington
Mr. Corboy	Mr. Munsie
Mr. Cunningham	Mr. Sleeman
Mr. Griffiths	Mr. Troy
Mr. Heron	Mr. A. Wan-brough
Mr. Holman	Mr. Willcock
Mr. Hughes	Mr. Withers
Mr. E. B. Johnston	Mr. Wilson
Mr. Kennedy	(Teller.)
Mr. Lamond	

NOES.

Mr. Barnard	Mr. Sampson
Mr. Davy	Mr. J. H. Smith
Mr. Denton	Mr. J. M. Smith
Mr. George	Mr. Taylor
Mr. Maley	Mr. Teesdale
Mr. Mann	Mr. Thomson
Sir James Mitchell	Mr. Richardson
Mr. North	(Teller.)

PAIR.

AYES.	NOES.
Mr. Lambert	Mr. Angelo

Amendment thus negatived.

Mr. SAMPSON: I move an amendment—

That in proposed Subsection 1, paragraph 3, all the words after "roads" be struck out.

This is a further protest against the excessive control over bus proprietors that the Bill seeks to give.

Mr. DAVY: It seems that one has to declare himself as having no financial interest in a motor bus before his remarks receive any attention. The suggestion has been

made that everyone on this side of the House is mixed up in the business.

The CHAIRMAN: That matter cannot again be discussed.

Mr. DAVY: I have no interest in motor buses or motor bus companies. The paragraph means that the public may be deprived of having their own means of conveyance if there happens to be any Government facility in the neighbourhood. There can be no progress under a paragraph of this kind. If buses are wearing out the roads, they should be made to pay their share of the damage.

Mr. Thomson: Right up to the hilt.

Mr. DAVY: It may be that wireless will interfere with the telephone system. Is it to be abolished for that reason?

The Minister for Mines: The Commonwealth Government will see that it does not do so.

Mr. DAVY: They will be wrong to prevent progress of that kind. This sort of thing can only lead to stagnation. A certain amount of control is necessary, but we should choose between what is reasonable and what is unreasonable. I am wholeheartedly in favour of the amendment.

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

Ayes	..	..	16
Noes	..	..	25
—			
Majority against	..	9	—

AYES.

Mr. Barnard	Mr. North
Mr. Davy	Mr. Sampson
Mr. Denton	Mr. J. H. Smith
Mr. George	Mr. J. M. Smith
Mr. Griffiths	Mr. Taylor
Mr. Maley	Mr. Teeddale
Mr. Mann	Mr. Thomson
Sir James Mitchell	Mr. Richardson
(Teller.)	

NOES.

Mr. Angwio	Mr. Lindsay
Mr. Brown	Mr. Lutey
Mr. Chesson	Mr. Marshall
Mr. Clydesdale	Mr. McCallum
Mr. Collier	Mr. Millington
Mr. Corbooy	Mr. Munro
Mr. Cunningham	Mr. Sleeman
Mr. Heron	Mr. Troy
Mr. Holman	Mr. A. Wansbrough
Mr. Hughes	Mr. Willcock
Mr. E. B. Johnston	Mr. Withers
Mr. Kennedy	Mr. Wilson
Mr. Lamond	(Teller.)

Amendment thus negatived.

Mr. THOMSON: As I read paragraph (g) of the subclause, if a party were desirous of using a motor lorry for a picnic, they would have to obtain a special permit

to go out on the motor lorry that day, and it would be within the power of the Commissioner of Railways to say to the applicants, "There is a railway to the place where you want to go, and I will not grant you a permit." Is that the intention of the paragraph?

The MINISTER FOR WORKS: The intention is to cover special occasions, as when there is a big football match on and motor bus owners want to leave their ordinary routes to run to the match. The paragraph will give the Government power to say, "There is no occasion for you to run on that route, as there will be sufficient transport facilities without you, and so you must remain on your own route." The measure will be administered with common sense and reason. The present Government are just as well able as previous Governments to administer laws reasonably. Every Act of Parliament contains extreme powers, which those in authority must be trusted to exercise with justice and discretion. In connection with the trots, there are every week applications by motor bus owners who want to desert the people for whom they ordinarily cater in order to run to the trots, charging any fare they please. The paragraph is essential.

Mr. DAVY: The objection to paragraph (g) is that it is absolutely prohibitory. Surely if one can show, as the member for Katanning has shown, an instance where a proposed piece of legislation would undoubtedly work injustice, that is sufficient to condemn that piece of legislation. It is an injustice to people to tell them they must travel either by tram or by train but not by motor bus.

[Mr. Lutey resumed the Chair.]

Mr. NORTH: The only restriction imposed by Subclause 6 upon motor wagons is that any weight may be carried on 6-inch tyres. If it be desirable to place all these other restrictions on the measurements and construction of motor buses, it should be equally desirable in respect of motor wagons. I move an amendment—

That in paragraphs (a), (b), and (c) of Subclause 6 "and motor wagons" be inserted after "motor omnibuses."

The MINISTER FOR WORKS: I have no objection to the amendment.

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

Clauses 16 to 21—agreed to.

Clause 22—Amendment of Second Schedule:

The MINISTER FOR WORKS: I move an amendment—

That there be added to the definition of "cart" the words "The term includes jinker and whim."

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

Clause 23—agreed to.

Clause 24—Third Schedule:

The MINISTER FOR WORKS: I move an amendment—

That after "vehicle licenses" the words "for a hand cart, 2s. 6d." be inserted.

This was omitted through a printer's error.

Amendment put and passed.

Mr. GRIFFITHS: I shall later move an amendment to this effect: "That after 'pneumatic' wherever it appears in the schedule the words 'or other approved tyres' be inserted."

The MINISTER FOR WORKS: I shall be prepared to accept some amendment that will meet the position and provide for the use of the new cushion tyre, which is something between the pneumatic and the solid tyre. However, I do not think the suggested amendment will meet the position. I prefer the amendment forecasted on the Notice Paper by the member for Swan (Mr. Sampson). The schedule provides a penalty of 20 per cent. for solid tyres, and of 40 per cent. for metal tyres. I should be disposed to accept an amendment providing that the penalty on the new cushion tyre be 10 per cent.

Mr. GRIFFITHS: These new cushion tyres are guaranteed to have the same resiliency as pneumatic tyres. Moreover, they are Australian made, and so we ought to encourage them. I think a penalty of 10 per cent. on them a little heavy.

Hon. Sir JAMES MITCHELL: In addition to the 3d. per gallon it is proposed to charge on petrol, we propose to increase the license fee and make it higher than it is in any of the other States.

The Minister for Works: Nothing of the kind. I have been accused of letting down cars too lightly.

Hon. Sir JAMES MITCHELL: Who said that?

The Minister for Works: The people in the business.

Hon. Sir JAMES MITCHELL: A Dodge car will have to pay £8 and petrol tax as well. In South Australia a Dodge car pays £4, in Victoria £4 4s., in New South Wales £4, and in Queensland £4 8s.

The Minister for Lands: Victoria has just raised its rates.

Mr. Clydesdale: In Victoria and New South Wales they have 10 cars to our one.

Hon. Sir JAMES MITCHELL: The car the hon. member uses does not do £8 worth of damage to the roads.

Mr. Clydesdale: It does £16 worth of damage.

Hon. Sir JAMES MITCHELL: Then why does not the hon. member send along his cheque for £16?

Mr. Clydesdale: Increase the rates and everyone will then be paying what they are willing to pay, and if they get good roads they will save the money in repairs.

Hon. Sir JAMES MITCHELL: I move an amendment—

That the fee of £5 for cars exceeding 30 P.W. but not exceeding 35 P.W. be reduced to £4.

The MINISTER FOR WORKS: I am surprised that the hon. member should be taking exception to these fees. The select committee agreed on the figures. I have had at least a dozen deputations from owners of motor cars urging the construction of good roads, and on every occasion the speakers have impressed upon me the fact that they did not mind paying additional fees provided the money was spent on the roads. All traffic fees will go towards the making of roads. I have been told also that the increases on the lighter cars are not what should have been asked and could have been obtained. In Great Britain a Ford pays a tax of £23. Here we propose to charge £5; a Buick car (1920 model) pays £30, here we ask £9. It cannot be argued that the fees set out in the schedule are too high. When deputations have waited upon me, almost every speaker has said that no objection would be raised to paying higher fees so long as they knew that the money would be spent on road construction. Unless more money is available, the roads cannot be improved.

Hon. Sir James Mitchell: There will be the petrol tax in addition.

The MINISTER FOR WORKS: Every man who can afford to run a motor car, can afford to pay £5 or £6 a year for his license and, according to his mileage, pay petrol tax as well.

Mr. SAMPSON: I was a member of the select committee that dealt with the Bill, and I candidly admit that insufficient attention was given to the license fees to be charged to owners of light cars. Many people use their cars only at week ends, when they go away to Mandurah or some other resort.

The Premier: It is worth £5 a year to be able to do that.

Mr. SAMPSON: I do not dispute it. Reference has been made to the Dodge car, the type that is used largely by the Government. The increase in the fee for that car is from £5 to £8. That is a considerable increase, particularly in view of the fact that we are assured by the Minister that the Main Roads Bill has not been abandoned. The Chevrolet is another popular light car, the license fee for which has been increased from £4 to £6. The same thing applies to the Oakland car. Reference has been made to fees charged in the Old Country, but a better criterion will be found in the fees charged in the Eastern States. In Victoria

the annual registration fee for light cars is four guineas.

The Minister for Lands: A Bill was passed last week increasing the fees.

Mr. SAMPSON: In South Australia the annual fee is £4 for a Dodge. Even when our roads are up to a reasonable standard, they will be much inferior to the roads in South Australia. In New South Wales the fee is £4 a year, and in Queensland £4 8s.

The Premier: Those figures are out of date.

Mr. SAMPSON: No, they are not. Prior to the introduction of the Bill our fees for those light cars was £5, and the increase to £8 is a heavy one. There is still the petrol tax to be taken into consideration, and I agree that that should be imposed. The assertion has been made that the man who can afford to pay £300 or £400 for a car is well able to pay an increased license fee. It must be remembered that it is possible to buy a reasonably good car for £150. Such a car is good enough for ordinary purposes. The day is past when the motor car may be regarded as the exclusive property of the employing class. There are hundreds of employees who have their own cars, and on their behalf we should give some consideration to this matter.

Mr. MARSHALL: I am inclined to support the amendment. In centres far removed from Perth, people do not own motor cars for joy riding purposes, but in order to get over their runs rapidly for the inspection of fences and mills. Such people will not use the roads at all. Many of those concerned in the north are returned soldiers who have been on the land for a few years only and are not yet in a position to shoulder any increased burden by way of additional taxation. Where people own their cars as luxuries they should pay for the privilege of owning their cars, but when they are owned for utilitarian purposes, and for assisting the development of the wealth of the State, they should not be unduly taxed. The Minister has been influenced by the damage done to roads in the metropolitan area, and has perhaps not taken into consideration those who are not using the roads in the outer districts.

Mr. BROWN: The increase in the fee is rather high, particularly in connection with the light cars. They do not cut up the roads to any extent. The motor car is a necessity for the man on the land, for it means a saving of a lot of time in a year. An increase from £5 to £8 is rather high.

The Minister for Works: No such increase is suggested.

Hon. Sir James Mitchell: What is the weight of a Dodge car?

The Minister for Works: I do not know, but there is no increase from £5 to £8.

Mr. Sampson: The increased scale goes to £8.

Mr. BROWN: The present fee for a Dodge car is £5.

The Minister for Works: A car that now pays £5 will in future pay £7.

Mr. BROWN: If a Dodge car is under 45 power weights, the Minister is correct, but I am told it is more. I have no objection to an increase of £2, but £3 is too much.

Mr. LINDSAY: I think the member for Swan is alluding to a new car of 46 power weights just put on the market. Under the old rate of 40 to 45 power weights it paid £5, but for 45 to 50 power weights it paid £6. I do not consider the increase too great, and I have not yet heard of a car-owner who objects to the increase. Motorists recognise that to get better roads they must pay for them. The amendment deals with only one particular car. The Ford car will bear the smallest increase of any.

Mr. SAMPSON: I do not know why the member for Toodyay persists in saying that the fee under this Bill will be £7. It will be £8 for a new model Dodge. Whether it is £5 or £6 at present I do not know, but it will unquestionably be £8 under the Bill. Will the Minister give an assurance that the rate will be not more than £7 under this measure?

The Minister for Works: You have the weights before you. If the charge will be £8, it is £6 at present, and if the charge will be £7, it is £5 at present.

Hon. Sir JAMES MITCHELL: We cannot possibly make hundreds of miles of perfect road. In England they have a very small country and a great many people and wonderful road construction material, and so they can provide perfect roads. Imagine making the roads from Perth to Albany, to Bunbury and to Toodyay! We would not get them even reasonably good in the next 15 years. Not only will a higher rate be paid under the licensing clause, but motors will have to pay the petrol tax in addition.

Mr. MARSHALL: I wish to make my position clear. I do not mind the increase on cars used for luxury or convenience, but there are motor cars in my district used for developing the industries of the State.

Hon. Sir James Mitchell: Everybody objects to paying more.

Mr. MARSHALL: There are hundreds of people who use cars only to come to Perth for enjoyment. Such people should pay; they are able to pay. But there are other people who use motor cars in lieu of horses; they use them on their little runs to develop our industries, and the Minister does not take them into consideration. He puts all motor cars on the same footing. I object to that. The Minister does grant a concession where carts are used to develop farming and pastoral lands, but he does not provide a concession where motor cars are used in lieu of horses also to develop primary industries. I am not going to vote for the schedule unless some consideration is

given to these people. This is got up merely for metropolitan purposes. The roads in my district do not cost as much to maintain as do city roads, but we are to be charged the same proportions as in the metropolitan area. We should be taxed in proportion to the amount it costs to maintain our roads. Burdens of this kind should not be imposed upon the people in the back country who never use main roads. One man is to live in luxury in the city and use his car for purposes of enjoyment, while the other man who uses his car to build up an industry is to pay the same tax. The city man should pay the tax, and the other should be relieved.

Amendment put and negatived.

Mr. SAMPSON: I move an amendment—

That in the line "35 p.w. to 40 p.w.," the figure "6" be struck out and "5" inserted in lieu.

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

Ayes	..	..	..	..	15
Noes	..	..	..	..	21

Majority against .. 6

AYES.

Mr. Barnard	Sir James Mitchell
Mr. Brown	Mr. North
Mr. Davy	Mr. Sampson
Mr. Denton	Mr. J. H. Smith
Mr. Griffiths	Mr. Teesdale
Mr. E. B. Johnston	Mr. Thomson
Mr. Mann	Mr. Richardson
Mr. Marshall	(Teller.)

NOES

Mr. Angwin	Mr. McCallum
Mr. Chesson	Mr. Millington
Mr. Clydesdale	Mr. Munster
Mr. Collier	Mr. Panton
Mr. Corbay	Mr. Sleeman
Mr. Cunningham	Mr. Troy
Mr. Heron	Mr. A. Wan brough
Mr. Holman	Mr. Willecock
Mr. W. D. Johnson	Mr. Withers
Mr. Kennedy	Mr. Wilson
Mr. Lamond	(Teller.)

PAJR.

AYES.	NOES.
Mr. Angelo	Mr. Lambert

Amendment thus negatived.

Mr. SAMPSON: The schedule gives consideration to those who are using vehicles for the carrying of goods and materials to and from the owner's farm, and also to those bona fide prospectors or sandalwood carters who use vehicles, and who may do so at a special rate. This is the age of motor traction, and farmers are using motor lor-

ries to convey their produce to market. I move an amendment—

That the following proviso be inserted after the scale of fees for motor or steam wagons, "Provided that if it is proved to the satisfaction of the licensing authority that the license is required for a motor or steam wagon that is used exclusively by a farmer or settler or wool grower in carrying goods and materials to and from his own farm the fee shall be at the rate of one-fourth the prescribed rates."

Mr. J. H. SMITH: I agree with the amendment, although I notice it does not apply to a man that may be carting his own produce or even a few sleepers. Under the existing Act the local authority endeavours to inflict the heavy traffic fees upon a man once he puts his products on the cart. The local authority should not be permitted to do that.

The MINISTER FOR WORKS: The amendment, if agreed to, will affect more of my constituents than of the constituents of any other member; yet I have never had from any of my constituents a request for the proposed concession. By the use of motor lorries, the settlers make eight or nine trips as against the one or two they made with horse-drawn vehicles. So they get far more use out of the roads. I see no reason why they should escape with one-fourth the prescribed rate for, unlike the wheat growers, they are using the roads all the year round.

Hon. Sir James Mitchell: What about the tractors on the farm?

The MINISTER FOR WORKS: They are exempt altogether. By the use of motor traction the settlers at Jandakot, Coogee and Spearwood in my electorate, are now getting up to every market, as against the two trips a week they were able to make in the days of horse-drawn vehicles.

Mr. SAMPSON: I make an appeal to the Minister on behalf of the small grower who has a strenuous life and is usually in financial difficulties. If we can help such a man, we will not go beyond what the Minister would do himself in private life.

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

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

Majority against .. 9

AYES.

Mr. Barnard	Sir James Mitchell
Mr. Brown	Mr. North
Mr. Davy	Mr. Sampson
Mr. Denton	Mr. J. H. Smith
Mr. Griffiths	Mr. Teesdale
Mr. E. B. Johnston	Mr. Thomson
Mr. Mann	Mr. Richardson
	(Teller.)

NOES.	
Mr. Angwin	Mr. Marshall
Mr. Chesson	Mr. McCallum
Mr. Clydesdale	Mr. Millington
Mr. Collier	Mr. Munstie
Mr. Corboy	Mr. Pantou
Mr. Cunningham	Mr. Sleeman
Mr. Heron	Mr. Troy
Mr. Holman	Mr. A. Van brough
Mr. Hughes	Mr. Willcock
Mr. W. D. Johnson	Mr. Withers
Mr. Kennedy	Mr. Wilson
Mr. Lamond	(Teller.)

AYES.	PAIR.	NOES.
Mr. Angelo		Mr. Lambert

Amendment thus negatived.

Mr. SAMPSON: I move an amendment—

That the following paragraph be added to the schedules: "All motor vehicles and all wagons or engines using approved cushion tyres (neither solid nor pneumatic) to be charged an additional 5 per cent."

I do not know that cushion tyres are any less resilient than pneumatic tyres. I refer to those of the type of the Lambert "Troubleproof."

The Minister for Works: If you make it 10 per cent., I will accept it and save time in discussion.

Mr. SAMPSON: I have had years of experience with tyres.

Mr. Chesson: You are very tiring to-night!

Mr. SAMPSON: I am glad the hon. member is awake at last. If the Minister will not accept 5 per cent., which I think is a fair charge, I will agree to the inclusion of 10 per cent in my amendment.

Mr. GRIFFITHS: I am sorry the Minister will not agree to 5 per cent., because this is a tyre that may be termed the poor man's tyre. It is going to economise the expense of wear and tear. The inventors guarantee 10,000 miles, and the same resiliency as has the pneumatic tyre. I made a long trip with these tyres and noticed little difference. It is an Australian invention that ought to be encouraged.

Amendment (altered to 10 per cent.) put and passed; the clause, as amended, agreed to.

Clause 25—Insertion of Fifth Schedule:

The MINISTER FOR WORKS: This schedule merely describes the metropolitan area. There are several errors, however, that must be corrected. I move an amendment—

That in line 10, on page 12, the words "part of the east boundary of Location 677, the north and east boundary of Location 366" be struck out and the words "thence through Location 677 to the north-west corner of Location 366 and along its north and east boundaries" in-

serted in lieu; that "Ruislip-street" be struck out and "and along said side of Ruislip-street" inserted in lieu; and that Location "49" be substituted for Location "42."

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

Clause 26—agreed to

New clause—Amendment of Section 10:

The MINISTER FOR WORKS: I move—

That the following be inserted to stand as Clause 5:—"Section 10 of the principal Act is amended by inserting after the word 'any' in line 5 of the proviso the word 'cart.'"

Section 10 exempts locomotive or traction engines used solely for ploughing, reaping, threshing and other agricultural purposes, but does not exempt the cart, though it is not the practice to collect fees on the cart. This provision will make it clear that any such cart not used on a road will be exempt.

Mr. Sampson: That will include motor vehicles and others so long as they are not used on a road.

Mr. MARSHALL: I move—

That the proposed new clause be amended by inserting after "cart" the words "and other vehicles used solely on a farm and not on any road or for any."

This will make the amendment comprehensive and there will be no question that vehicles, even though propelled by motor power, are included. This is in keeping with the attitude I have adopted right through the consideration of this Bill.

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

New clause—Amendment of Section 5:

Mr. SAMPSON: I move—

That the following new clause be inserted:—"Section 5 of the principal Act is hereby amended by inserting after the word 'Act' in the fifth line of Sub-section 2 the following words:—"and the magistrate may order that in addition to any penalty imposed the license fee be paid."

In the event of a vehicle being used without a license and a fine being inflicted, the local authority or the police are still in the position of having to go after that person who has failed to license his vehicle. If the amendment is agreed to, the magistrate may order that in addition to any penalty being imposed, the license fee shall be immediately paid.

New clause put and passed.

New clause:

Mr. SAMPSON: I move—

That a new clause be inserted as follows:—"Section 33 of the principal Act is hereby repealed."

This section will not be needed. Locomotives and traction engines are included in the second schedule under the definition of vehicle, so that we are merely saying the same thing twice.

The MINISTER FOR WORKS: It is not saying the same thing. This provides that when a motor tractor is on the road it must stop to allow a man with a horse to get by.

Mr. SAMPSON: The clause we have passed states that the driver of any vehicle must stop until the horse-drawn vehicle has passed. In the second schedule of the Act "vehicle" includes a motor cycle, motor wagon, trailer, locomotive, or traction engine.

New clause put and negatived.

New clause:

The MINISTER FOR WORKS: I move—

That a new clause be inserted to stand as Clause 11 as follows:—"Section 27 of the principal Act is hereby amended by inserting after the word 'vehicle' in line 1 of Subsection 1, and line 2 of Subsection 3 respectively, the words 'or riding a horse or in charge of a horse or other animal or drove of animals on a road.'"

This is consequential.

New clause put and passed.

The MINISTER FOR WORKS: I move an amendment—

That the following paragraphs be added to the new clause:—

(5) By adding to sub-paragraph (i) of paragraph (vii) of subsection (1) the following words:—"and prohibiting the use of jinkers and whims on any road or portion of a road either generally or during certain months of the year."

(6) Strike out sub-paragraph (p) of paragraph (i) of subsection (1) (inserted by the Act No. 16 of 1922), and insert in lieu thereof:—

(q) Prohibiting the use of any specified road by any vehicle or vehicles, or by persons riding, driving, or in charge of any animal.

(q) Prohibiting the use of any specified road by any vehicle or vehicles, or by persons riding, driving, or in charge of any animal except when proceeding in a prescribed direction.

(r) For prescribing the routes to be followed by all classes of traffic, or of any particular class or classes of traffic or vehicles, from one specified point to another, either generally or between any specified times.

(s) For regulating the relative position in the roadway of traffic of different speeds or types.

(t) For prescribing the places where vehicles or vehicles of any particular class or description may not turn so as

to face in the opposite direction to that in which they were proceeding, or where they may only so turn under conditions prescribed by the regulations.

(7) By omitting the words "each local authority" in sub-paragraph (k) of paragraph (vii) of subsection (1) (inserted by Act No. 16 of 1922), and inserting "the Commissioner of Police" in place thereof.

(8) By inserting in paragraph (i) of subsection (1) a sub-paragraph, as follows:—

(g) Prohibit the driving on any road of a vehicle laden with material projecting beyond the side of the vehicle.

Hon. Sir JAMES MITCHELL: What is the meaning of this provision prohibiting the driving of a vehicle laden with material projecting beyond the sides of the vehicle?

The MINISTER FOR WORKS: It merely gives power to control the traffic. Only the other morning, when coming up from Fremantle I passed a big furniture van with the furniture projecting several feet beyond the sides of the van. Later, I met a motor wagon with huge cases overhanging along both sides.

Hon. Sir James Mitchell: This legislation is more stringent than that in England.

The MINISTER FOR WORKS: This is copied from the English Act. It is perfectly dangerous the way in which some of these motor lorries are loaded.

New clause put and passed.

New Clause:

The MINISTER FOR WORKS: I move—

That the following new clause be inserted to stand as Clause 16:—15. Insurance by owners of motor omnibuses.—A section is inserted in the principal Act as follows:—49A. (1) The owner of any motor omnibus shall insure himself, and at all times keep himself insured during the currency of the license therefor, with an insurance company doing business within the State and approved by the Minister, against all sums for which he may become liable by way of damages in respect of such motor omnibus in case of injury to persons. (2) The minimum aggregate amount of insurance against such liability in respect of every motor omnibus shall be £3,000 (three thousand) during the currency of the license therefor: Provided that where more than five motor omnibuses are owned by one owner the minimum aggregate amount of insurance in respect of all such motor omnibuses shall be fifteen thousand pounds, during the currency of the license therefor. (3) Before or on the granting or the renewal of any license for a motor omnibus in accordance with this Act, and forthwith after any further insurance is effected during the currency of the license, the owner of the motor omnibus shall deposit with the Minister a policy of insurance together

with a receipt for all premiums payable thereon during the currency of the license. (4) If the owner of a motor omnibus neglects to effect an insurance in accordance with this section, or fails to deposit with the Minister the policy of insurance and the receipt for the premium, the Minister may, by notice served on such owner and published in the Gazette, suspend any license under this Act held by such owner until the requirements of this section are complied with by him; and during such period of suspension the license shall be of no effect, and the person whose license is suspended shall, during the period of suspension, be disqualified from obtaining a license.

This provision is copied from the English and Victorian laws. Some of these omnibus men are men of straw, from whom nobody could recover. It is only right that the public should be protected.

Hon. Sir JAMES MITCHELL: When the Minister has finished dealing with these bus proprietors there will be nothing left for them. This proposed new clause is taken from the English Act; but motor buses in England carry very many more passengers than can be carried by the buses we have in Perth. The Minister is trying to make it impossible for those men to run their buses at all. Under the new clause the Minister is to approve of the insurance companies with which these motor bus men are to insure. The idea is, that if we get State insurance, the Minister will say "This is the office for you to insure in." In this Bill, as in a number of other Bills, the Minister is to be all-powerful. It is perfectly futile to say any more about this matter, because we can make no alterations. Why is there any necessity for the approval of the Minister being obtained?

The Premier: That is the usual wording adopted by the Parliamentary Draftsman.

Hon. Sir JAMES MITCHELL: No, it is not.

The Premier: It appears in nearly every Bill you introduced.

Hon. Sir JAMES MITCHELL: No. Why should a private person who is conducting his own business have to go to a Minister? It is not right.

Mr. SAMPSON: There is a proviso in the proposed new clause that states that where a man has more than five buses he shall have them insured for not less than £15,000 during the period set out. I do not know why that provision should be included. If £3,000 is essential for the insurance of one car, and if a man has more than five cars, that amount will not cover them.

The Minister for Works: He would be a very unlucky individual if anything happened to more than three of his buses at one time.

Mr. SAMPSON: He could have five of his cars in that position and the whole of his insurance amount might be swallowed up. On the other hand, the provision of the

amount may mean the payment of unnecessary money and cause a hardship to bus proprietors who are being hit hip and thigh at the moment. I realise, however, that it is hopeless to endeavour to alter the clause. It should be redrafted.

New clause put and passed.

Title—agreed to.

Bill reported with amendments and the report adopted.

BILLS (2)—RETURNED.

- 1, Industrial Arbitration Act Amendment.
With amendments.
- 2, Loan (£3,645,000).
Without amendment.

BILL—FAIR RENTS.

In Committee.

Resumed from the 9th December; Mr. Panton in the Chair; the Minister for Justice in charge of the Bill.

(Clause 3—Application of Act (partly considered):

Mr. E. B. JOHNSTON: I move an amendment—

That in line 2 of Subclause 1 the words "before or" be struck out.

I wish to ensure that the measure shall apply to leases made only after the passing of the measure. Ever since I have been in this House we have set our faces against retrospective legislation, and I do not know of any occasion on which the Premier has failed to denounce anything in the nature of retrospective legislation. People have entered into leases and properties have changed hands on the security of leases, and while I agree with the desire of the Government to control rents, we should not make it possible to set aside agreements entered into between two contracting parties.

Mr. Hughes: Is not this in the interests of public policy?

Mr. E. B. JOHNSTON: I do not know that it is in the interests of public policy to encourage citizens to repudiate agreements.

Mr. HUGHES: The House of Commons indulged in retrospective legislation.

The Premier: And the House of Lords, too.

Mr. HUGHES: Yes.

The Premier: To object to it here savours of disloyalty.

Mr. HUGHES: In 1915 the British Parliament passed the original Rent Restriction Act, which was to expire six months after the termination of the war.

Mr. Mann: It was just a war measure.

Mr. HUGHES: Six months after its expiration it was found that rents had been raised to such an extent that the legislation

was re-enacted and made retrospective for the six months.

Mr. DAVY: I approve of the amendment. I do not know where the member for East Perth obtained his information.

Mr. Hughes: It is in a book entitled "The Housing Problem."

Mr. DAVY: I have referred to the British statutes, and have not found that any such thing happened. Still, we are not bound to follow the example of any other Parliament. It is wrong to pass legislation that would permit people to get out of agreements into which they have entered. Later on I hope to object to another Bill brought down by a member on my side of the House proposing retrospective legislation.

Mr. MARSHALL: The member for West Perth said we need not follow the example of any other Parliament, and yet when he was speaking on this Bill, he quoted New South Wales, and said we should follow that State.

Mr. Davy: I did not.

Mr. MARSHALL: If it is wrong in one instance, it is wrong in the other. I have a recollection of a National Government having compensated scabs on the Fremantle wharf three or four years after the event, and that involved many thousands of pounds of the taxpayers' money.

Mr. Richardson: That is only a matter of opinion.

Mr. MARSHALL: I cannot understand the member for West Perth wishing to defend landlords who charge extortionate rates. The people who are suffering from such extortion deserve some relief.

The MINISTER FOR JUSTICE: A grave injustice has been done to many people leasing premises in the city and renting houses in the suburbs, and we are merely providing that a lease which is inequitable, and which the lessee has been forced to accept, will not be permitted to continue in future.

Mr. Davy: But the wicked landlord would prefer to have all his tenants on a weekly basis. A lease is always in favour of a tenant.

The MINISTER FOR JUSTICE: There are two parties to a lease, and unless it was advantageous to both of them they would not enter into the agreement.

Mr. Davy: Now you propose to smash an agreement that you say is advantageous to both.

The MINISTER FOR JUSTICE: A lease is advantageous to the extent that it gives continuity of occupation of premises, but to secure that advantage the lessee has perhaps had to submit to being robbed.

[12 o'clock midnight.]

Mr. Mann: If a man purchased a property and leased it and the lease was still in existence, what would you do?

The MINISTER FOR JUSTICE: Any one who is suffering from an injustice will receive justice.

Mr. Davy: You propose to transfer the unfairness to another?

The MINISTER FOR JUSTICE: If a lease that is unfair to the lessee has been entered into the lessee can have his wrongs righted.

Mr. Mann: You will wrong one man to assist another.

The MINISTER FOR JUSTICE: The people who are being wronged are those who have to pay these unfair rents.

Mr. Mann: While it does not matter about the man who has purchased the property.

Mr. Davy: He has the impudence to own something!

The MINISTER FOR JUSTICE: If a man has been paying an extortionate rent, the mere fact of the property changing ownership is no reason why the tenant should not receive justice. I can imagine the case when a landlord, wishing to continue his extortionate demands, might request his tenant to pay him a premium of £500 to save his lease being terminated.

Mr. MANN: I know of the case of a man who came from the country and invested all his money in city property, accepting the values as they existed at the time. The property was bringing in a certain rental. This man will be victimised under the Bill, because he bought the property when rents were at a certain figure. This man had disposed of his farm, and invested in property in this way.

Mr. Hughes: That is no good for the State.

Mr. Thomson: Why should a man be compelled to live in the country all his life?

The Minister for Justice: He will receive a fair return under this Bill.

Mr. MANN: Not if the rent is now £3 a week and it is subsequently cut down to 30s. a week.

The Minister for Justice: It will be reduced to a return of eight per cent. on the capital plus all other expenses.

Mr. MANN: The tenant will have an advantage over the man who has purchased the property.

The Minister for Justice: You are shifting ground now. If the rent is fair, the landlord will continue to receive that rent.

Mr. MANN: It was fair at the time. Unfortunately the Minister has no regard for such a man.

The Minister for Justice: Yes, I have. He will get a fair return on his capital.

Mr. MANN: I am sure no argument of mine will influence the Minister.

Mr. HUGHES: If the rent roll has been salted and rents have been jumped up, as was the case with Baird's Arcade, a speculator may buy a property and charge such rents that would be very harmful to the people who occupy the premises. One

woman, who was a tenant in Baird's Arcade, was so worried by the landlord's demand for increased rent that her health broke down and she ultimately lost her life's savings.

Mr. Mann: She is still there.

Mr. HUGHES: The effort of trying to meet the landlord's extortionate demands caused her health to break down for several months. The milliner opposite was ruined as the result of the landlord's extortion.

Mr. Mann: There are no vacant shops there.

Mr. HUGHES: The hon. member does not protest against the ruining of those women by the landlord. As for farmers selling out and coming to Perth to speculate in city property, we cannot prevent it. We cannot legislate for isolated cases. There is not much city property that is not returning from 12 per cent. to 15 per cent.

Mr. Mann: All the tenants of Emanuel Buildings are paying rent that is realising less than 6 per cent.

Mr. HUGHES: Then the Bill will not affect them.

Mr. DAVY: Our objection to these two words in the clause is that they are going to break up contracts legally and properly made. It is not suggested that where a lessor is letting his property for very much less than 8 per cent., he shall be able to break his contract. That seems to be unjust; for what is good in the one instance should be good in the other. Landlord and tenant have entered into an agreement and I can see no reason why we should discriminate between them. Much sympathy is expressed for the poor defenceless tenant. As a matter of fact, many tenants in the city could buy and sell their landlords.

Mr. CHESSON: I know of an instance in Perth where a person had a small business that she worked up and she was doing very well. The landlord came along and ascertained that she had worked up a good connection. Her rent at that time was £4 13s. a week. The landlord increased it to £8 15s. The result was that the person was forced out of her business after doing well for about 12 months.

Mr. Mann: What class of business was that?

Mr. CHESSON: It was a café, and you know of it, too.

Mr. Mann: She must have been doing pretty well.

Mr. CHESSON: Because the person was well-known on the goldfields, residents from those districts used to patronise the café, with the result that the business increased. As soon as the landlord found out that she was doing well, the rent was doubled. Greeks are now in possession of the premises which are situated in Hay-street. If that is not an instance of extortion, I do not know what it is.

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

Ayes	..	..	..	14
Noes	..	..	..	21
Majority against				7

AYES.

Mr. Barnard	Mr. North
Mr. Brown	Mr. Sampson
Mr. Davy	Mr. J. H. Smith
Mr. Denton	Mr. Teesdale
Mr. Griffiths	Mr. Thomson
Mr. E. B. Johnston	Mr. Richardson
Mr. Mann	(Teller.)
Sir James Mitchell	

NOES.

Mr. Angwin	Mr. Marshall
Mr. Chesson	Mr. McCallum
Mr. Clydesdale	Mr. Millington
Mr. Collier	Mr. Munie
Mr. Corboy	Mr. Sleeman
Mr. Cunningham	Mr. Troy
Mr. Holman	Mr. A. Wan-brough
Mr. Hughes	Mr. Willcock
Mr. Kennedy	Mr. Withers
Mr. Lamond	Mr. Wilson
Mr. Lutey	(Teller.)

PAIR.

AYES.

NOES.

Mr. Angelo	Mr. Lambert
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Amendment thus negatived.

Mr. DAVY: I move an amendment—

That the following words be added to Subclause 1:—"For any term not exceeding three years at a sum not exceeding £156 a year, or a proportionate sum for a lesser period, or which at any time during a period of six months before the passing of this Act has been let at a rent not exceeding the abovementioned amount."

I gave my reasons for the amendment the other night and the Minister would be wise if he accepted it.

The MINISTER FOR JUSTICE: I do not know why the amendment has been moved inasmuch as there is no hope of the Government accepting it. More than half the argument advanced in favour of the Bill during the second reading debate concerned premises the rents of which were considerably in excess of £156 a year.

Hon. Sir James Mitchell: I thought you wanted to protect the working man?

The MINISTER FOR JUSTICE: We want to protect everyone. If there is one section of the community in favour of the Bill it is the shopkeepers and business people of Perth and Fremantle. In the circumstances I do not think the Committee will accept the amendment, which would take away from those people who have to pay extortionate rents the benefits of the clause.

Hon. Sir JAMES MITCHELL: We know now that this is merely put up because certain premises in the business parts of Perth and Fremantle are the real concern of the Government and not the working man's cottage.

The Minister for Justice: The amendment does not deal with cottages.

Hon. Sir JAMES MITCHELL: As soon as the building trade stops, and stop it will before long, the Minister will see what rents will go to.

Amendment put and negatived.

Mr. DAVY: I move an amendment—

That the following proviso be added to Subclause 1:—"Provided that nothing herein contained shall apply to buildings or parts of buildings ordinarily leased for summer residences."

Mr. NORTH: I support the amendment. It will apply largely to my district.

The MINISTER FOR JUSTICE: This matter was partly discussed when the Bill was previously before us, and I agreed to accept the amendment.

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

Clause 4—Jurisdiction of local courts:

Mr. MANN: I move an amendment—

That the words "provided that there shall be no appeal from the decision of a local court under this Act except by leave of the Supreme Court or a judge" be struck out.

Although provision is made that these cases shall be heard in the Local Court, an appeal must be made to the Supreme Court after applying for leave to appeal. Parties should be able to appeal to the Local Court without being put to the extreme cost incurred in going to the Supreme Court. Why put people to that extra cost and difficulty? I should like an explanation from the Minister.

The MINISTER FOR JUSTICE: In most parts of the world where fair rents legislation is operating, there is no appeal from the lower court and it was thought a similar condition should apply here. I considered, however, that as we were dealing with comparatively large premises, we should provide for an appeal. We do not want every case to go to appeal, and we do not want frivolous appeals to be taken for small amounts. If a man can make out a case for appeal before a judge in chambers, he should be allowed to go to appeal, but in ordinary circumstances there should be no appeal.

Mr. Mann: Why not?

The MINISTER FOR JUSTICE: We have enlarged the ordinary fair rents provisions by allowing an appeal to the judge of the Supreme Court after leave has been obtained.

Mr. SLEEMAN: I consider there should be no appeal at all. This measure is intended to deal more with the poorer class of people than with business men.

Hon. Sir James Mitchell: No, the Minister has admitted it is not.

Mr. SLEEMAN: But the main argument seems to have centred around business men. The poor men should not be put to the expense that appeals would entail.

Mr. Mann: It will cost a poor man more under this provision to defend an appeal.

Mr. DAVY: The machinery proposed will make it more expensive to prosecute an appeal.

The Minister for Justice: We want to discourage appeals.

Mr. DAVY: All that will happen will be that a man will lodge his notice of appeal and his application for leave. The application for leave will be heard first and, when the leave is granted, the appeal will be heard, and so extra expense will be involved. There should be an appeal. If the scope of the Bill were confined, at it would have been if my amendment had been carried, I would have favoured no appeal at all. When a small matter is in question it can be dealt with at once, but if it is a matter of a rental of £50 a week, both the payor and the payee should be able to get a sound opinion and have all errors rectified.

Mr. HUGHES: I am opposed to any appeal. It is a question of bricks and mortar and current prices. There will be no law involved. It can be assumed that the local court magistrate will be unbiassed in his judgment and that there will be no ground for an appeal. I move an amendment on the amendment—

That the words "except by leave of the Supreme Court or a judge" be struck out. If there is going to be an appeal, it should be an ordinary appeal and not one "by leave."

Mr. DAVY: We could strike out the words "except by leave of the Supreme Court or a judge" and insert "where the fair rent awarded was less than £156 per annum."

The Minister for Justice: I would have no objection to that.

Mr. Mann: I will accept that.

Mr. Hughes: I would not accept £156.

Hon. Sir JAMES MITCHELL: We are not concerned about the people who pay high rents for their houses. This type of legislation will not benefit anyone and will do a lot of harm. I am more particularly concerned about the cottage type of dwelling. If we provide that the local court will decide in the case of a man who pays a small rent, that will cover the cottage rents.

Mr. MANN: I ask leave to withdraw my amendment.

Amendment by leave withdrawn.

Mr. HUGHES: There are others besides the householder to be considered. If we

limit the right of appeal to those who pay £5 per week, it will protect the small business man. Large premises are not let for £5 weekly. If the right of appeal be given in all cases where the rent is over £260, it will be satisfactory to all concerned. I hope the Minister will not agree to making the amount £156.

Amendment (to strike out "except by leave of the Supreme Court or a judge") put and passed.

Mr. DAVY: I move an amendment—

That the words "Where the rent awarded is more than £156 per annum" be inserted.

That will mean that there shall be no appeal in small matters. I see no reason why the tenant of a shop, paying £3, who thinks he has been awarded too much, should not go to the court to have the error rectified.

Mr. HUGHES: I move an amendment on the amendment—

That the figures "£156" be struck out with a view to inserting "£260."

The rental of £3 weekly is the rental of but a very small shop. If we give the right of appeal to tenants paying over £5 per week it will be equitable.

Mr. SLEEMAN: I am against any appeal at all. I know widows paying more than £3 weekly for small business premises. I do not think such people should be dragged through an appeal court.

Amendment on amendment (to strike out £156) put and a division taken with the following result:—

Ayes	..	..	19
Noes	..	..	13
			—
Majority for	..		6
			—

AYES.

Mr. Angwin	Mr. McCallum
Mr. Chesson	Mr. Millington
Mr. Corboy	Mr. Munie
Mr. Cunningham	Mr. Sleeman
Mr. Holman	Mr. Troy
Mr. Hughes	Mr. A. Wansbrough
Mr. Kennedy	Mr. Willcock
Mr. Lamond	Mr. Withers
Mr. Lutey	Mr. Wilson
Mr. Marshall	(Teller.)

NOES.

Mr. Barnard	Mr. North
Mr. Brown	Mr. Sampson
Mr. Davy	Mr. J. H. Smith
Mr. Denton	Mr. Teesdale
Mr. Griffiths	Mr. Thomson
Mr. Mann	Mr. Richardson
Str James Mitchell	(Teller.)

Amendment on amendment thus passed.

1 o'clock, a.m.

Mr. HUGHES: I move—

That in lieu of the amount struck out, "£260" be inserted in the amendment.

Hon. Sir JAMES MITCHELL: I would like to know what attitude the Minister proposes to adopt on this matter. Does he agree to the amendment being £260?

The Minister for Justice: Yes.

Mr. Mann: Of course, he does!

Hon. Sir JAMES MITCHELL: Then we know where we stand! The Minister said he would accept the amendment moved by the member for West Perth.

The Minister for Justice: I said that I would accept the principle.

Hon. Sir JAMES MITCHELL: You said you would agree to the amendment.

Mr. Mann: And then you voted against it.

The MINISTER FOR JUSTICE: I accepted the principle, but did not agree to the amendment. We do not want these comparatively small amounts to be subject to appeal.

Hon. Sir James Mitchell: That is all humbug!

The MINISTER FOR JUSTICE: Then why did you divide the Committee on it?

Hon. Sir James Mitchell: We will divide the Committee as much as we like.

Mr. Mann: You interjected in opposition to the member for East Perth when he was speaking.

The MINISTER FOR JUSTICE: I did nothing of the kind. I accepted the amendment by the member for East Perth.

Hon. Sir JAMES MITCHELL: The Minister agreed to accept the amendment by the member for West Perth, and said that it did not interfere with the principle underlying the Bill. Now we know where he stands.

Mr. Hughes: A better suggestion was made, and the Minister supported it.

Mr. Mann: He interjected in opposition to it.

Mr. Hughes: He did not.

Hon. Sir JAMES MITCHELL: Now it is agreed that the workman is not to have the same opportunity as the rest of the people.

The Minister for Justice: This will apply to all shopkeepers paying less than £5 a week.

Hon. Sir JAMES MITCHELL: I go about among the shops, and this has never been mentioned to me.

Mr. Hughes: Of course not. They know it would be hopeless for them to do so.

Hon. Sir JAMES MITCHELL: No, they don't. On the other hand they know the hon. member cannot be fair in any circumstances.

Mr. Marshall: Is the Leader of the Opposition in order in his references to the Min-

ister for Justice and the member for East Perth?

The CHAIRMAN: No, the Leader of the Opposition is not in order.

Hon. Sir JAMES MITCHELL: The main object of the Bill is to deal with shop rents.

The Minister for Justice: You will continue saying that so often that you will believe it soon.

The CHAIRMAN: Order! Let us stick to the amendment before the Chair.

Hon. Sir JAMES MITCHELL: The object of the Minister is to stick closely to the Bill.

The Minister for Justice: If I try to meet your wishes, you quarrel with my attitude! What do you want? We will stick to the Bill if that is what you desire.

Hon. Sir JAMES MITCHELL: The Minister has refused to accept £156, and we must insert some words to complete the clause.

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

Clause 5—Applications to determine rent:

Mr. DAVY: Why provide that an application to have the fair rent of a building determined may be made, against others, by "any lessor thereof"? There will be no earthly gain by permitting a lessor to go to the court.

Mr. Mann: The Minister admitted that.

Mr. DAVY: If the Minister thinks that is so, let him be honest about the Bill and represent the true position.

Mr. Hughes: The lessor might be in doubt.

Mr. DAVY: I understand the Minister admits it is useless for the lessor to go to court under any circumstances. Unless the Minister can show some gain by the lessor going to the court, let us not pretend that the lessor has any rights in that direction.

The MINISTER FOR JUSTICE: If a house just built was let and there was an argument as to what the lessor should charge, he could go to the court and ascertain what the rent should be.

Mr. Mann: He need not let it unless he agrees to the rent. This is to affect leases.

The MINISTER FOR JUSTICE: It is to affect weekly tenancies, which are leases.

Mr. HUGHES: If the lessor had not the right to go to the court there would probably have been an outcry from the Opposition. If the lessor had more than one tenant in a building, on which he was entitled to only a certain amount of rent, he could go to the court to ascertain how to apportion the rent. If the member for West Perth wants the lessor cut out, let him move an amendment in that direction.

Mr. DAVY: The Bill purports to be fair. It pretends to give to both parties to the transaction equal right to go to the court. I want the Minister to show what value attaches to the right of the lessor to go to the court. The proviso to Clause 8 sets forth

that the fair annual rent of a building shall be estimated at a rate not exceeding the average rate at which rent was payable for such building during the period for which it was let.

The Minister for Justice: Could not there be an argument as to the rent to be paid?

Mr. DAVY: Am I to understand that the only point in permitting the lessor to go to the court is to establish that the lessee's statement is wrong? If the Minister admits that the power of the lessor to go to the court is illusory, I ask him to delete this provision.

Mr. Marshall: You move it.

Mr. DAVY: No, I shall not. If the Minister wishes to present a strictly honest measure, he will delete paragraph (a).

Mr. HUGHES: The member for West Perth does not move to delete the paragraph, and so there is more pretence on his part than on the Minister's part. The proviso to Clause 8, together with Clause 9, explains the reason for the inclusion of the lessor.

Mr. Davy: Why would the lessor make an application? He has a lease.

Mr. HUGHES: He may have several tenants and may want to know how to apportion the rent.

Mr. Davy: The Bill does not provide for his going to the court for direction.

Mr. HUGHES: Clause 9 provides that the court shall determine the fair rent of the whole building and determine the proportion between the lessees. Thus, if a landlord knows what he is entitled to receive in the aggregate, he can go to the court and ascertain how the amount is to be apportioned. I can see no objection to this paragraph.

Mr. DAVY: There are only two ways in which a determination for rent can get before the court. Either the lessee goes to the court and says, "I am paying too much rent, please reduce it," or the lessor says, "My tenant is not paying enough rent, please raise it." I move an amendment—

That in Subclause 1, sub-paragraph (ii) of paragraph (b) be struck out.

This is very vague, and it is not safe to trust any local court with the power to say that it is satisfied that the lessee's failure to pay the rent is justifiable.

Mr. HUGHES: The member for West Perth argued from a different angle the other night, but he now says the lessee must first pay up and then go to the court for recovery of the amount.

Mr. Davy: What would be an adequate reason why the lessee did not pay his rent?

Mr. HUGHES: If the rent charged were in excess of the provisions of the Bill.

The MINISTER FOR JUSTICE: If there is an argument as to the rent, and the lessee thinks he is overcharged, he should not be expected to pay his rent before he appeals.

Mr. DAVY: The decision of the magistrate will be on the question as to what rent shall be paid in future. The paragraph is unreasonable. The application of the lessee for a week or two he cannot pay his rent, that had accrued before he appealed. It is altogether too vague. I do not know what it means.

The MINISTER FOR JUSTICE: Suppose a man makes application to the court for a reduction in rent, and some unfortunate circumstances overtake him, so that for a week or two he cannot pay his rent. Is his application not to be heard because of that?

Hon. Sir James Mitchell: When drafting the Bill you thought he ought to pay his rent before going to the court.

Mr. Mann: It is not a Fair Rents Bill, but a Bill to protect the man who does not pay his rent at all.

The MINISTER FOR JUSTICE: No, This is only to protect an applicant who, for a week or two, is unable to pay his rent. Why should not his application be accepted by the magistrate when, as a result of unfortunate circumstances, he is owing a couple of weeks rent? Sooner or later the rent has to be paid. He has to satisfy the court that his neglect to pay the rent is excusable. It will give the man opportunity to appeal, notwithstanding his temporarily unfortunate circumstances.

Mr. MANN: On the Minister's explanation, a person may take premises and pay no rent at all, and when the landlord comes along to enforce the payment of rent the tenant puts up an appeal under the Fair Rents Bill that he has been overcharged, and attempts to adduce evidence to show that he is justified in refusing to pay his rent. That is what the Minister is providing for.

The Minister for Justice: Nothing of the sort.

Mr. MANN: Under this clause whenever a landlord, however justifiably, attempts to distrain for rent, the tenant can appeal to the court.

The Minister for Justice: He must satisfy the court. Is that not sufficient for you?

Mr. MANN: The court will always take the lenient view in such cases.

The Minister for Justice: But if he steadfastly refuses to pay his rent, what does it matter if his rent be reduced?

Mr. MANN: A person may take premises with a fixed determination to pay no rent, notwithstanding which he is to be entitled to appeal to the court for a reduction of his rent.

The MINISTER FOR JUSTICE: This does not prejudice a landlord's right to recover his rent. This is not to recover at all. It is only for the determination of the rent. The provision is necessary, but it will not be availed of in many cases. The instance quoted by the member for Perth has nothing to do with it.

Mr. Mann: It had not appealed to you in that light before.

The MINISTER FOR JUSTICE: It does not appeal to me at all now.

Mr. MARSHALL: It is somewhat amusing to listen to the extreme arguments of the member for Perth.

Mr. Hughes: He is always an extremist.

Mr. MARSHALL: There is no possibility of taking over a house in Perth unless the tenant pays a deposit! I have had to pay well in advance, and the landlord was there every day on the tick to collect his rent when it was due.

Mr. Mann: He must have known you.

Mr. MARSHALL: It is ridiculous to suggest that any person could take over a house in Perth before he paid the rent to the landlord. As to magistrates being lenient, no one can be more cruel and bitter than these magistrates when dealing with a case involving poverty. I could quote an instance on the Golden Mile that would make even the member for Perth weep. No harm is likely to arise from the paragraph.

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

Ayes	..	..	..	13
Noes	..	..	..	19

Majority against .. 6

AYES.

Mr. Barnard	Sir James Mitchell
Mr. Brown	Mr. North
Mr. Davy	Mr. Sampson
Mr. Denton	Mr. J. H. Smith
Mr. Griffiths	Mr. Teesdale
Mr. E. B. Johnston	Mr. Richardson
Mr. Mann	(Teller.)

NOES.

Mr. Angwin	Mr. McCallum
Mr. Chesson	Mr. Millington
Mr. Corboy	Mr. Munslie
Mr. Cunningham	Mr. Sleeman
Mr. Holman	Mr. Troy
Mr. Hughes	Mr. A. Wan-brough
Mr. Kennedy	Mr. Willcock
Mr. Lamond	Mr. Withers
Mr. Lutey	Mr. Wilson
Mr. Marshall	(Teller.)

PAIR.

AYES.	NOES.
Mr. Angelo	Mr. Lambert

Amendment thus negatived.

Mr. DAVY: I move an amendment—

That a new sub-paragraph be added as follows: "and (iii) has not committed any breach of the terms, conditions, and covenants of his lease."

The payment of rent is only one portion of the lease, and I propose that the individual will have to comply with all the terms, conditions, and covenants of his lease. I ask the Minister to accept the addition.

Without this provision it will be an invitation to a man in default of rent or breach of lease to go to court in order to defeat the proper desire of the landlord to regain possession. It is frequently provided in a lease that the lessee shall not carry on a certain trade. That might be for the convenience of the neighbours, to prevent competition with the landlord, or for other proper reason. If the tenant has committed a breach of the lease and the lessor has proceeded to enforce his rights—and under the Landlord and Tenant Act he cannot exercise his rights arbitrarily, but must give notice of the breach and wait a reasonable time for it to be rectified—

Mr. HUGHES: Has not he his ordinary remedy?

Mr. DAVY: He has not.

Mr. HUGHES: If any covenant vital to the lease was broken, he would have the right of re-entry.

Mr. DAVY: No, he would not. The Act forbids him.

Mr. HUGHES: Only in certain cases.

Mr. DAVY: In all cases. As the Bill stands, the moment an application is put in, any proceedings for ejectment or recovery of possession are stopped during the pendency of the application.

The Minister for Justice: Will the court determine this?

Mr. DAVY: Yes. The point of objection would have to be decided by the court. If we provide that a man must have paid his rent, then we must provide that the applicant must not have committed any breach which would entitle the lessor to forfeiture. The lessee must go to the court with clean hands, and must give a fair deal before he can ask for a fair rent.

[Mr. Lutey took the Chair.]

Mr. HUGHES: Until the application is made, the landlord has all his usual rights. If the application is lodged and the tenant is then guilty of a breach of any covenant, he cannot claim the protection of the court. Clause 12 gives the tenant protection only where he performs the conditions of his lease. I do not know what more protection could be given to the landlord. There is no necessity for the new sub-paragraph.

2 o'clock a.m.

Mr. DAVY: Clause 12, which refers to the time after the application is made, has nothing to do with the amendment. We are discussing what shall be the conditions precedent to the tenant going to the court, and payment of the rent is one of those conditions. I now ask that the tenant shall fulfil the other covenants of the lease.

Mr. MANN: I support the view expressed by the member for West Perth. If a landlord wishes to remove an undesirable tenant, the latter may apply to have his rent reduced, and he remains in tenancy

until the case is heard. All he has to prove is that he has paid his rent.

Amendment put and passed.

Mr. SLEEMAN: How will the court determine what is a fair rent? I do not see why a man should be put to the trouble of going to the court and not be able to recover anything. If the landlord charges more than a fair rent, the lessee should be able to recover the costs of the application. I move an amendment—

That in Subclause 3 the following words be added, "And should the court decide that the fair rent has been exceeded, the court shall award the lessee an amount equal to the sum in excess of the determined fair rent that has been paid by the lessee since the passing of this Act."

Mr. DAVY: I hope the Minister will not accept this amendment. The proposition announces something far in excess of retrospective legislation. What A has properly and legally, and by agreement, paid to B, shall be paid back by B to A at some subsequent date.

Mr. Sleeman: That will only operate after the measure has been passed.

Mr. DAVY: The proposition is to give the court power to make retrospective decisions. Many owners of property are not bloated capitalists, as members opposite would have us believe; many of them are widowed ladies who draw their incomes from small capital invested in this way.

Mr. HUGHES: Oh, don't give us the widows!

Mr. DAVY: The difference in rentals may be dependent purely on valuations. It is impossible to determine absolutely what the fair rent should be. Moreover, this Bill does not say that it is illegal to charge more than 8 per cent. for a particular building. The amendment goes even beyond the wildest dreams of Queensland; no one ever thought of such a thing before.

Mr. HUGHES: As the Leader of the Opposition pointed out, the Bill is not of much use to the workers. The member for Fremantle is endeavouring to make it of more service to the workers. The last Fair Rents Bill introduced here provided that if a tenant had been overcharged, he could go to the court and recover what he had paid over and above a fair rent. A working man who was being exploited would be diffident about going to the court to get a determination. But if he had been exploited and could recover the excess from the court, he would be more inclined to go to the court. It is only right that such a man should be able to recover. Further, there might be a thousand applications to the court, and the man who had to wait until the end of the list was reached in order to get at his determination would be placed at a considerable disadvantage. Clause 8, Subclause 5, provides as follows:—

The fair annual rent of the building shall be deemed to be not more than the

total of the following items:—(a) a percentage on the capital value equal to 8 per centum thereof; (b) the amount of the annual rates and taxes; (c) the amount estimated to be required annually for repairs (including painting), maintenance and renewal (not exceeding the average annual amount expended for repairs during the last preceding five years); (d) the annual cost of insurance.

The capital value is definitely specified there. Yet the member for West Perth asks the Committee to believe that the rent is not prescribed.

Mr. DAVY: You will have every tenant having a smack at his landlord on spec, in the hope of getting the difference back.

Mr. HUGHES: If the rental charged by the landlord is not over and above what this measure prescribes, he will have nothing to fear. If the landlord has charged an excessive rent, the tenant should have the right to recover the excess. No money can be recovered that has been overcharged before the passing of the measure; so it cannot be regarded as retrospective legislation.

Mr. DAVY: There are many bad clauses in the Bill, but nothing approaching the wickedness of this proposed new provision. It is monstrous that a person should be able to go to the court and say the rent he has been paying for the past year, under a lease of perhaps 15 years, was wrong; and that the court should release him.

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

Ayes	..	..	18
Noes	..	..	13
Majority for			5

AYES.

Mr. Angwin	Mr. Millington
Mr. Chesson	Mr. Munie
Mr. Corboy	Mr. Pantou
Mr. Cunningham	Mr. Sleeman
Mr. Holman	Mr. Troy
Mr. Hughes	Mr. A. Wainbrough
Mr. Kennedy	Mr. Willcock
Mr. Lamond	Mr. Withers
Mr. Marshall	Mr. Wilson

(Teller.)

NOES.

Mr. Barnard	Sir James Mitchell
Mr. Brown	Mr. North
Mr. Davy	Mr. Sampson
Mr. Denton	Mr. J. H. Smith
Mr. Griffiths	Mr. Teesdale
Mr. E. B. Johnston	Mr. Richardson
Mr. Mann	

(Teller.)

P.AIR.

AYES.	NOES.
Mr. Lambert	Mr. Angelo

Amendment thus passed.

Mr. DAVY: I move an amendment—

That after "court" in line 3 of Subclause 5 the words "may, if it thinks fit" be struck out and "shall on the application of either party" be inserted in lieu.

The subclause provides that, in respect of a statutory declaration, the court may require the attendance of any declarant for the purpose of cross-examining him on the contents of his declaration. If either party objects to the statutory declaration, the court ought to order the attendance of such witnesses; it should not be left to the discretion of the court.

The MINISTER FOR JUSTICE: It is for the court to say whether witnesses shall be called and be cross-examined upon a statutory declaration. The amendment is not necessary.

Mr. DAVEY: But where is the harm? All the witnesses will be in town. This applies only to the metropolitan area.

The MINISTER FOR JUSTICE: There is full provision for serving the ends of justice, which is all that is required. If either party should apply to have witnesses called they will be called. On the other hand, if it is just a statutory declaration that does not require cross-examination or corroboration, it will not be necessary to call witnesses. The provision in the Bill is fair and reasonable and I cannot accept the amendment.

Amendment put and negatived.

Mr. DAVY: I move an amendment—

That Subclause 8 be struck out.

The subclause provides that it shall be no objection to an application by a lessee that he has received from the lessor notice to terminate the tenancy, or that proceedings to eject him have been commenced, but where a building has been vacated by the applicant lessee before the date fixed for the hearing of the application, the court shall not proceed with the hearing of the application. If ever an invitation were held out in a measure for the misuse of its provisions it is contained in this subclause.

Hon. Sir James Mitchell: The landlord is not intended to have any rights!

Mr. DAVY: Evidently that is so. If this subclause be allowed to stand, no man will ever be able to secure the ejection of a tenant.

Hon. Sir James Mitchell: Why should you have any right to get possession of your own house?

Mr. DAVY: Of course not! This clause will mean that owners of property will have no rights. The clause asks for abuses of the remedy proposed.

The MINISTER FOR JUSTICE: I do not think the member for West Perth correctly interprets the meaning of the subclause. It means that there shall be no objection to an application for the determin-

ation of rent in the circumstances set out, and has no reference to ejectionment.

Mr. Davy: Read this subclause in conjunction with Clause 12, which says that once an application is made you cannot continue or start any proceedings.

Mr. Mann: Report progress and think over it!

The MINISTER FOR JUSTICE: I went into this matter and received advice from the Crown Law authorities. I am informed that Clause 12 has nothing whatever to do with it.

Mr. DAVY: Yes, it has. Just read it and see for yourself.

The MINISTER FOR JUSTICE: A tenant may make an application for the determination by the court of what should be a fair rent for the premises occupied by him, and the landlord may object and try to put the tenant out of the house. The subclause is to safeguard against the position. The Parliamentary Draftsman received instructions about this matter, and the subclause is the result of his work, which was to overcome the difficulty. All that the clause means is that there shall be no objection to an application arising from the fact that the lessor has given the tenant notice to terminate the tenancy.

Mr. HUGHES: I am inclined to agree with the member for West Perth. Clearly, there has been some mistake in the drafting. If the landlord took proceedings for distraint for rent, or commenced ejectionment proceedings this would mean, taken in conjunction with Clause 12, that an application for determination of rent would stop proceedings for at least six months. It would be an intolerable position. The subclause is unnecessary, and I feel certain it has not been drafted in accordance with the Minister's wishes.

The MINISTER FOR JUSTICE: I am pretty clear on the point.

ahead with the application for the determination with the rest of the Bill. Why not keep it?

The MINISTER FOR JUSTICE: You are not particularly pleased with the Bill.

Hon. Sir James Mitchell: I am not.

The MINISTER FOR JUSTICE: The subclause merely permits the court to go ahead with the application for the determination of a tenant's rent, irrespective of whether he has received notice of ejectionment or not.

Mr. Mann: That was your intention, but it is not the Bill.

The MINISTER FOR JUSTICE: I cannot read anything different into it.

Mr. DAVY: If a man wishes to resist ejectionment, all he has to do is to lodge an application to have his rent fixed. This is a special invitation to anyone, against whom proceedings for recovery are taken, to go to the court merely to defeat the recovery of possession. Assuming there be such a thing as a Fair Rents Bill, no one would suggest

that the landlord should be able to stop the tenant's application by serving notice after the application had been lodged.

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

Ayes	..	..	14
Noes	..	..	17

Majority against .. 3

AYES.

Mr. Barnard	Mr. Mann
Mr. Brown	Sir James Mitchell
Mr. Davy	Mr. North
Mr. Denton	Mr. Sampson
Mr. Griffiths	Mr. J. H. Smith
Mr. Hughes	Mr. Teesdale
Mr. E. B. Johnston	Mr. Richardson

(Teller.)

NOES.

Mr. Angwin	Mr. Munroe
Mr. Chesson	Mr. Panton
Mr. Corboy	Mr. Sleeman
Mr. Cunningham	Mr. Troy
Mr. Holman	Mr. A. Wansbrough
Mr. Kennedy	Mr. Willcock
Mr. Lamond	Mr. Withers
Mr. Marshall	Mr. Wilson
Mr. Millington	

(Teller.)

Pair.

AYES.	NOES.
Mr. Angelo	Mr. Lambert

Amendment thus negatived.

Clause, as previously amended, agreed to.

Clause 6—agreed to.

Clause 7—No costs:

Mr. DAVY: There is no good reason why the successful party should be deprived of costs. In most cases the lessee will be the attacker and if he succeeds, there is no reason why his costs should not be borne by the other party.

The Minister for Justice: What will his costs be?

Mr. DAVY: In the local court they are on a moderate scale. The lessee may have to employ a skilled person to conduct his case, and he may discover that some of the fruits of his victory have to be expended in the payment of legitimate expenses. Why should the ordinary practice be departed from? It may be a matter of £10, £15, or £20. I know of no way in which people can be kept from bringing other than *bona fide* claims except by mulcting the loser in costs.

The Minister for Justice: He will have his own costs to pay.

Mr. DAVY: But they may be trifling. The winner should have his costs paid by the loser.

Clause put and passed.

Clause 8—Determination of fair rents:

Mr. DAVY: I move an amendment—

That in Subclause 1 all the words after "where" be struck out, and the following inserted in lieu:—"The probable and reasonable price at which such land and buildings might be expected to sell at the time of the determination."

This will prevent many anomalies. If the Minister wishes the Bill to be regarded seriously by the community he will accept the amendment.

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

Ayes	..	11
Noes	..	18

Majority against .. 7

AYES.

Mr. Barnard	Mr. North
Mr. Davy	Mr. Sampson
Mr. Denton	Mr. J. H. Smith
Mr. Griffiths	Mr. Teesdale
Mr. Mann	Mr. Richardson
Sir James Mitchell	(Teller.)

NOES.

Mr. Angwin	Mr. Munste
Mr. Chesson	Mr. Panton
Mr. Corboy	Mr. Sleeman
Mr. Cunningham	Mr. Troy
Mr. Holman	Mr. A. Wainbrough
Mr. Hughes	Mr. Willcock
Mr. Kennedy	Mr. Withers
Mr. Lamond	Mr. Wilson
Mr. Marshall	(Teller.)
Mr. Millington	

Pair.

AYES.	NOES.
Mr. Angelo	Mr. Lambert

Amendment thus negatived.

3 o'clock, a.m.

Mr. SAMPSON: In Subclause 4 I fail to appreciate the method by which the conclusion is arrived at. Why should 20 per cent. be added to the cost of the building? That is fallacious. The only true value is the market value of the property. I am of course aware that in 1915 building costs were much lower than they are now. However, the only true criterion of the value of a building is its value to-day, and not what one has paid for it. The subclause will bring about a position inconsistent with reason.

The MINISTER FOR JUSTICE: The basis of the determination of capital value is the actual cost of the property to the owner. The English Act recognises that the capital value may be greater than the actual cost to the owner. The measure gives the owner some of the additional capital value that has accrued since 1915.

Hon. Sir JAMES MITCHELL: If the Minister wants to be fair, why does he not

accept the amendment of the member for West Perth? Many people who built houses years ago cannot state the cost of the premises now. The next clause says that depreciation may be taken off.

The Minister for Justice: In so far as it depreciates the letting value.

Hon. Sir JAMES MITCHELL: The Minister says "We will give the owner of the property something."

Mr. Davy: Why should the owner get the benefit of something he did not create?

Hon. Sir JAMES MITCHELL: Under the Bill the man who has paid for his land and held it for years will not benefit at all, but the tenant will benefit at the owner's expense. Is that fair?

The Minister for Justice: We rectify that by allowing him 20 per cent.

Hon. Sir JAMES MITCHELL: No, that is on the cost of the buildings. The clause is in keeping with the rest of this precious Bill. Under the Bill the same rent will be paid for a house in North Perth as is paid for a similar house in West Perth.

The Minister for Justice: The rent will be based on the values.

[Mr. Panton took the Chair.]

Hon. Sir JAMES MITCHELL: Yes, the locality is to have nothing to do with the rent. Moreover, if one has not carried out any repairs for five years, he will never get any further allowance for repairs. It would be interesting to know how all these provisions were arrived at. The Bill will not in the least degree assist the working man occupying a cottage.

Mr. SAMPSON: I fully sympathise with the Minister who has to father a tom-fool measure like this. It will not give satisfaction and will have an effect opposite to that desired by the Government.

The Minister for Justice: We will take that risk.

Mr. SAMPSON: That will not be of advantage to anyone. It has been said that fools build houses and wise men live in them.

Mr. Hughes: That is not the position to-day when things are not normal.

Mr. SAMPSON: Reference has been made to depreciation to be allowed at the rate of two per cent. per annum. What is that based on, the full capital cost or on the decreased balance as the two per cent. is taken off the capital cost in each succeeding year?

Mr. Davy: The A.M.P. buildings 50 years hence will not return any rent.

The Minister for Justice: The clause merely says that depreciation shall not exceed two per cent.

Mr. SAMPSON: I sympathise with the Minister who has to support such a concoction as this measure.

Mr. DAVY: On the Notice Paper I have amendments to delete Subclauses 2, 3, and 4. They really followed on my proposal to delete Subclause 1. As that was not agreed to, however, it is useless proceeding with the amendments to delete the subsequent subclauses. As it is, Subclause 1 will be absolutely unworkable. The results of that subclause

will be so amazing that they will stagger the imagination. I have already drawn attention to the position of two houses built on adjoining blocks and to all intents and purposes identically the same, but under this Bill the rent of one will be £240 a year, while for the other one only £90 a year will be allowed. Subclause 5 deals with the next aspect. After ascertaining what is the capital value, the subclause sets out how the rent shall be assessed. If we are to have a Fair Rents Bill, then a return of eight per cent. is absurd. The Minister has several times stated that freehold property is a first-class security. So it is up to 60 per cent. of its value, but no one in his senses, seeing that he can get $7\frac{1}{2}$ per cent. on a first mortgage on property against which he has advanced money up to only 60 per cent. of its value, would purchase a property giving the full 100 per cent. of its value, when a return of only eight per cent. can be obtained. I move an amendment—

That in line 1 of paragraph (a) the word "eight" be struck out with a view to inserting "ten."

I am not wedded to a return of 10 per cent.

Mr. NORTH: A return of 10 per cent. is about right on the basis of the market rates to-day, but is inflexible. If the Minister will not accept the amendment proposed by the member for West Perth, I would suggest that he should accept an amendment to provide for a sliding rate based on the banking or mortgage rates in respect of real property. If some such provision were agreed to, it would be easy to ascertain what was the rate for the time being and then something in addition for depreciation and so on, could be allowed. Once we fix an arbitrary rate, we will check investments and building operations. I support the amendment to make the rate 10 per cent., but there is just as much weakness in the amendment as there is in the paragraph that fixes eight per cent., because the amendment will be arbitrary and will have a tendency to drive builders and investors out of the State.

The MINISTER FOR JUSTICE: I recognise there is something in the argument regarding the percentage. During the past week or two the Commonwealth Bank rate has fluctuated and possibly it would be fairer if we adopted a percentage based on the actual bank rate for the time being. In the circumstances I shall agree to fixing the rate at 2 per cent. above the overdraft rate.

Mr. DAVY: I ask leave to withdraw my amendment.

Amendment by leave withdrawn.

The MINISTER FOR JUSTICE: I move an amendment—

That the words "eight per centum thereof" be struck out and the words "greater by two than the ruling overdraft rate of the Commonwealth Bank" be inserted in lieu.

If the overdraft rate went up to 8 per cent., that would allow 10 per cent. under this measure. If it dropped to 6 per cent., the rate under this measure would be 8 per cent.

Amendment put and passed.

Mr. DAVY: I move an amendment—

That in paragraph (c) of Subclause 5 the following words be struck out, "not exceeding the average annual amount expended for repairs during the last preceding five years."

We are asking the court to fix the fair rent and are allowing certain deductions, but this paragraph sets forth that if in five years the owner has not spent as much as he should have done on repairs, the estimated amount to be allowed as a deduction in future is not to exceed that sum.

The Minister for Justice: As soon as he spends the money he will make an application to have the rent varied.

Mr. DAVY: The only application he could make would be on the score of substantial alterations or additions. The landlord may have been hard up and unable to spend anything in the preceding five years. That should not influence the fair rent he is to receive.

The MINISTER FOR JUSTICE: We allow a fair annual return on the capital expended, and we allow certain deductions. If a landlord does a fair thing by the tenant and keeps the premises in reasonable repair, he will receive a certain return on his capital. The bad landlord should not be allowed to receive the same rate as the good landlord. A man who genuinely does repairs should receive consideration, and if repairs are not effected, the landlord should not be able to get a deduction.

Mr. DAVY: Subclause 3 of Clause 11 covers that.

Mr. HUGHES: The member for West Perth contends that the tenant should pay for repairs that have not been effected. The Opposition have been conceded a great deal, but they are insatiable. They are now going to extremes.

Mr. DAVY: I do not want a tenant to pay for repairs that have not been effected. The estimate that is to be taken into account in arriving at the fair rent will not be based on what has happened in the past but upon what is likely to happen in the future.

The Minister for Justice: It is the only way by which the landlord can be judged.

Mr. DAVY: It is a most unfair basis to work on. The tenant should pay for repairs that are going to be made, and if they are not made the court can review the rent.

Mr. HUGHES: If the landlord will not carry out necessary repairs he should not try to recover from the tenant the estimated cost of such repairs.

Amendment put and negatived.

Mr. DAVY: I move an amendment—

That in Subclause 5 a paragraph (e) be added as follows:—"The reasonable cost of collecting rents and supervision."

In many cases people who have money invested in this kind of property are not able to collect their own rents or supervise the repairs. This is a legitimate cost, and should be allowed.

Mr. SLEEMAN: It is not reasonable to put this cost on the tenant. What would the hon. member suggest as a reasonable charge?

Mr. Davy: Five per cent. is the charge usually made by land agents.

Mr. SLEEMAN: I hope the amendment will not be carried.

The MINISTER FOR JUSTICE: If a man owns a house and collects the rent himself, and another man owning a house gets an agent to do the collecting for 5 per cent., is the former owner to be allowed to charge only 30s. for a house while the latter may charge 31s. 6d. for a similar house? There are numerous landlords who extract absolutely the last penny they can squeeze out of tenants.

Amendment put and negatived.

Mr. DAVY: I move an amendment:—

That the following be added to Subclause 5: "(f) A reasonable allowance for loss due to the premises being vacant."

The Minister for Justice: Do you think that would amount to more than half a week a year?

Mr. DAVY: It is a matter that may be very serious. Even with the best of agents one may have a house standing vacant. The people who have introduced the Bill probably do not want landlords to receive any rent at all. The Minister's idea is to let the landlord receive just enough to make the business attractive to him. The only reason why any rent at all is allowed under the Bill is that investors may not be entirely driven from this form of investment.

4 o'clock a.m.

Mr. HUGHES: It is very difficult to secure a vacant house in Perth.

Mr. Davy: I had one vacant for four months.

Mr. HUGHES: The rent must have been beyond the capacity of the great bulk of the people to pay. Alternatively, the house could not have been very habitable. Outgoing tenants often sell the key to prospective tenants.

Mr. North: It shows there must be a house shortage.

Mr. HUGHES: Of course there is.

Mr. North: Then why such a Bill as this?

Mr. Richardson drew attention to the state of the Committee.

Quorum formed.

[Mr. Lutey resumed the Chair.]

Mr. HUGHES: The average number of days in a year that each house in Perth is vacant would not exceed three. I hope this absurd amendment will not be agreed to.

Mr. NORTH: If the contention that all houses in Perth are occupied be correct, there should be no objection to the amendment. The sole effect of the Bill will be to raise rents, for everybody will be selling property, and so if it be desired to raise rents it will be only necessary to arrange for a transfer at an enhanced price. I will support the amendment.

Amendment put and negatived.

Mr. DAVY: I move an amendment—

That the following provision be added:—
"(g) A reasonable allowance for depreciation of buildings."

This point was raised during the second reading debate, and the Minister suggested that where allowance was made for repairs, there would be no necessity for provision regarding depreciation.

Mr. Marshall: What about repairing to our homes?

Mr. DAVY: I cannot see why depreciation should not also be allowed.

Mr. HUGHES: Last year when a Fair Rents Bill was introduced, provision was made for an allowance of 2 per cent. for depreciation. The present Leader of the Opposition opposed that provision.

Mr. North drew attention to the state of the Committee.

The CHAIRMAN: A quarter of an hour has not elapsed since attention was last drawn to the state of the Committee. I cannot take any notice of the hon. member's call.

Mr. HUGHES: I should be pleased to see a provision inserted in the Bill permitting 2 per cent. depreciation to be charged. It would be of assistance to the tenants because on premises that were, say, 30 years old, there would be depreciation to the extent of 60 per cent. The question has been raised regarding the depreciation on brick buildings. Many of those buildings are 60 or 70 years old, and undoubtedly 2 per cent. depreciation would be too much to allow on such buildings.

Mr. Teesdale: They built bricks in those days; what they build now washes away.

Mr. HUGHES: The Bank of England can be cited as a notable instance. Depreciation was allowed on their premises annually, with the result that the last balance sheet I saw disclosed that the whole of the bank's buildings stood in their books at a valuation of £1.

Amendment put and negatived.

Mr. DAVY: I move an amendment—

That the proviso to Subclause 1 be struck out.

It is an innocent looking proviso, but it is important in its effect in relation to other portions of the Bill. If agreed to it will mean that there may be no increase in rents of land or buildings. No matter how the properties may have increased in value the rents derived from the properties will never be increased. That is a most extraordinary position.

The Minister for Justice: I will agree to the amendment.

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

Clauses 9 to 11—agreed to.

Clause 12—Pendency of application:

Mr. DAVY: I move an amendment—

That in line 5 the words "or continue" be struck out.

I have already drawn attention to the effect of Clause 12. It will mean that if a tenant makes application to the court to have his rent reviewed the lessor will not be in a position to take any action to terminate the tendency during the pendency of the application, nor yet for six months thereafter.

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

Clauses 13 to 15—agreed to.

Clause 16—Threats against lessee:

Mr. DAVY: Subclause 2 deals with the boycott of lessees who have made application under the measure. I always understood it was a principle of British justice that a man was considered innocent until he was proved guilty. The Government are asking us to reverse the principle and say the lessor should be deemed guilty until the contrary is proved. We have heard that the landlord is a fearful creature, but why deprive him of the ordinary rights of British justice? Frequently a man may decline to accept a certain tenant for a very good reason but he would not be desirous of stating his reason in a public place. I move an amendment—

That the words "and on the hearing of any complaint under this provision upon proof of such refusal it shall lie upon the defendant to show that the reason for such refusal was other than the making or prosecution of such application" be struck out.

The MINISTER FOR JUSTICE: Experience in other places has shown that individuals who have made application for fair rents have been unable to get a house. They have been absolutely boycotted, and it has been found necessary to insert a provision of this kind.

Hon. Sir James Mitchell: The marginal note to the clause does not show that it has been taken from any other Act.

The MINISTER FOR JUSTICE: That is so. Any reasonable excuse would be accepted by the court, but if the real reason were boycott—

Mr. Davy: But the man starts off with the charge proved against him, and he has to disprove it.

The Minister for Lands: There are many laws like that.

The MINISTER FOR JUSTICE: Such a provision would be interpreted in a reasonable way.

Hon. Sir James Mitchell: The measure as worded has to be interpreted.

Mr. Davy: There is an absolute direction that the man is guilty unless he disproves it.

Hon. Sir James Mitchell: If a man had once made an application, he could get any house he wanted afterwards.

The MINISTER FOR JUSTICE: No, he could not.

Hon. Sir James Mitchell: A landlord would be pretty bad if he was as bad as the Bill.

The MINISTER FOR JUSTICE: This provision has been found necessary elsewhere.

Mr. Davy: Was it put in to meet a situation that had arisen?

The MINISTER FOR JUSTICE: Yes.

The Minister for Lands: It is merely a preventive.

Hon. Sir JAMES MITCHELL: If a man once makes application, he for ever afterwards will be able to get any house he applies for, no matter how undesirable he may be. I do not

think any landlord would refuse to lease his premises. He would be only too glad to do so if they were vacant. The landlord may have a good idea that he has an undesirable tenant but may not be able to prove it. This legislation is based on the assumption that landlords are themselves undesirable. Most cottages are owned by persons who have so little money that they have to live on the rentals they receive from these cottages. Apparently it is not the object of the Bill to protect any landlord against a bad tenant.

Amendment put and negatived.

Clause put and passed.

Clauses 17 to 21—agreed to.

Schedule, Title—agreed to.

Bill reported with amendments and the report adopted.

BILL—RACING RESTRICTION ACT AMENDMENT.

Second Reading.

Debate resumed from 4th December.

Mr. HUGHES (East Perth) [4.35 a.m.]: I am opposed to the Bill on the ground that there is enough trotting already in Western Australia.

Mr. Marshall: This is the parting of the ways between us.

Mr. HUGHES: In 1916 it became necessary to restrict racing. Parliament allocated to the racing clubs 76 dates and five extra for charity meetings. There was allocated to the trotting association 35 racing dates, and five additional ones if the proceeds were devoted to charities. The racing clubs have found that the State will not stand more racing. On that account the W.A. Turf Club have not allocated all their dates, and I believe they have 22 dates left over from last year. They realise that there is as much racing going on as the people can support. The trotting association have 40 night trotting meetings in the year. Before the last elections, men interested in trotting asked me if I was in favour of granting the association further dates. I replied in the negative, and suggested that they should keep their mouths shut on the subject as the State already had as much trotting as it could stand. The association cannot hold a trotting meeting every Saturday night, for there are eight or nine occasions when, owing to the weather, they do not arrange for meetings. It is bad enough to go to the trots and, after losing one's money, walk home on a decent night; but it is dreadful to have to walk home in rain and storm after losing one's money. The Trotting Association have all the nights on which they can trot, with the exception of a possible two or three nights. If Fremantle wants trotting and the Trotting Association want to establish the sport there, why not take four or five nights out of the Perth allotment and give those nights as a trial to Fremantle, instead of loading the State up with another 12 nights of trotting? If there is trotting at Fremantle, Perth people

will go down to it. Another 12 nights of trotting will mean a total of 52 nights of trotting per annum. Then, in order that the 52 meetings may be got in during the year, there will be trotting in Perth on Wednesday night and trotting in Fremantle on Saturday night.

Mr. Teesdale drew attention to the state of the House.

Bells rung and a quorum formed.

Mr. HUGHES: There are in this State about 500 racehorses and about 500 or 600 people engaged in the occupations of owner, trainer, and jockey. Their upkeep has to come out of the workers. It is the mug punter that keeps the game going. By increasing the number of race meetings we shall increase the number of non-producers in the community. I myself am fond of racing and trotting. If I could afford it, I would go to the trots every Saturday night. I have spoken to bookmakers regarding this matter and they have said to me, "There is as much racing as the State can stand." Undoubtedly Perth trotters will go to Fremantle.

Mr. Mann: Don't forget that some of the dates are for charitable purposes.

Mr. HUGHES: I will deal with that aspect later. In order to get in the additional dates, there will have to be trotting on week nights and probably on holidays. Why cannot 30 trotting meetings be held in Perth and five at Fremantle, instead of 35 in Perth? I suppose I know as much about racing as the average mug knows, and I am convinced that we shall not benefit the State by increasing the number of racing dates. The Western Australian Turf Club, of their own volition, withhold 22 dates during the year, simply because the State cannot stand them. That is sufficient reason for us to pause before saddling the people with another trotting venture. The proceeds of two of the twelve meetings proposed for Fremantle shall, we are told, be devoted to charity. If Parliament increases the number of trotting meetings annually from 40 to 52, it will be only natural to expect the racing clubs to use the full number of their dates. If one could total up what it costs to keep the owners and trainers and jockeys and bookmakers and general hangers-on of racing, one would find that it was a heavy burden on the community. With 40 nights trotting and 81 days of galloping this community has all the racing it can stand. I am sorry this Bill has come forward at such a late hour, because I have not with me certain notes from which I could inform the House as to the cost of keeping all those race meetings going in Western Australia. In the ultimate analysis it is the working man who keeps the racing game going.

Mr. Teesdale: He seems very contented under the burden, so it is no use growling.

Mr. HUGHES: If a plebiscite of the people were taken I doubt whether there would be a majority for increasing the number of trotting meetings from 40 to 52. Perhaps the hon. member has not experienced the gambling lure.

Mr. Pantom: They have trotting goats at White City.

Mr. HUGHES: Unfortunately not at our carnival. I hope the House will not agree to the second reading.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading.

Read a third time and transmitted to the Council.

House adjourned at 4.55 a.m. (Thursday).

Legislative Council,

Thursday, 18th December, 1924.

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The PRESIDENT took the Chair at 3.0 p.m., and read prayers.

QUESTION—FEDERAL ROADS GRANT.

Hon. V. HAMERSLEY asked the Colonial Secretary: 1, Were the instructions, issued by the Minister for Works to the road boards of the State respecting the expenditure under the Federal roads grant, wherein it is stipulated that landholders shall not be employed, approved by the Federal Government? 2, Have similar instructions and reservations been made by any Government of any other State of the Commonwealth? 3, Do the Government consider these instructions are conducive to the economical construction of roads in the outback centres and fair to landholders.

The COLONIAL SECRETARY replied: 1, No. This was not considered necessary, the practice being that if men who depend upon this class of work for a living are available, they must be employed. If not