

# Legislative Council.

Thursday, 4th August, 1949.

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

## QUESTIONS.

### GOVERNMENT BUILDINGS.

#### *As to Delay in Construction.*

Hon. J. A. DIMMITT asked the Chief Secretary :

(1) What delays have occurred in the construction of Government buildings through the shortage of bricks and other building materials ?

(2) Is the supply of materials used in the construction of Government buildings subject to a similar permit system to that applied to material used in home construction ?

The CHIEF SECRETARY replied :

(1) Many and serious delays have occurred, and are still occurring, in the construction of Government buildings, due to the shortage of bricks and other building materials.

(2) The supply of controlled materials for Government buildings is subject to the same release system as that applied to controlled materials for housing construction.

Generally, materials for housing are granted a No. 1 priority, and materials for Government buildings a No. 2 priority.

## GOVERNMENT EMPLOYEES.

### *As to Number.*

Hon. R. M. FORREST asked the Chief Secretary :

(1) What was the total number of persons employed by the State Government departments at the end of June, 1947 ?

(2) What was the total additional number employed in other State Government activities, such as Rural Bank, Electricity Commission, Price Fixing, State Housing, State Insurance, Materials Control, at the same date ?

(3) What was the total number of persons employed at the end of June, 1949 ?

(4) What was the total number of persons employed in other State governmental activities as abovementioned at the end of June, 1949 ?

The CHIEF SECRETARY replied :

(1) and (2) The number of all State Government employees at the 30th June, 1947, was 28,824.

(3) and (4) The number of all State Government employees at the 30th June, 1949, was 32,021.

### BILL—PETROLEUM ACT AMENDMENT.

Introduced by the Chief Secretary and read a first time.

### MOTION—INCREASE OF RENT (WAR RESTRICTIONS) ACT.

#### *To Disallow Application Fees Regulation.*

Order of the Day read for the resumption from the 2nd August of the debate on the following motion by Hon. E. H. Gray :—

That Regulation No. 27 made under the Increase of Rent (War Restrictions) Act, 1939-1948, as published in the "Government Gazette" of the 8th July, 1949, and laid on the Table of the House on the 13th July, 1949, be and is hereby disallowed.

HON. E. H. GRAY (West) [4.33]: I wish to make a personal explanation before asking the House for leave to withdraw my motion to disallow Regulation 27 under the Increase of Rent (War Restrictions) Act. I was under the impression that the regulation applied to the big army of persons who were in trouble over the high rents they

were paying and who wished to apply for a determination of a fair rent under the Act. The Chief Secretary was good enough to inform me that this regulation does not apply so far as those people are concerned, but to people who desire to go on holiday and who apply for a license to be exempted from the regulation, so that when they return they can obtain repossession of their homes from the tenants who occupied them during their absence.

In those circumstances I have no objection to the regulation, which I consider fair and reasonable. The regulation which I was proposing should be disallowed was laid on the Table late last session and was overlooked by members.

Hon. Sir Charles Latham: . Not last session, but this session.

The Chief Secretary: Early in this session.

Hon. E. H. GRAY: However, I have been given the opportunity of pointing out to the best of my ability the serious plight of the 6,000 people who have priority permits for tenancy dwellings. I hope that as a result of my remarks, the Government will, if necessary, bring in a Bill to amend the Act so as to enable the State Housing Commission and the department controlling rents to act in close cooperation.

I trust the necessary steps will be taken so that the department itself can initiate proceedings against any person robbing these unfortunate people—and there are many thousands of them. I hope, as a result of my remarks, that some inquiries will be made. In my opinion, Mr. Stewart and his small staff at the Rent Control Office are doing a remarkable job. They would have much more to do if their duties were widened, and I am sure that would be to the advantage of the unhappy people to whom I have referred. I appreciate very much the action of the Chief Secretary. He set an example that we could all do well to follow. I ask leave to withdraw the motion.

Motion, by leave, withdrawn.

## **BILL—COAL MINES REGULATION ACT AMENDMENT.**

*Third Reading.*

**THE CHIEF SECRETARY** (Hon. H. S. W. Parker—Metropolitan-Suburban): I move—

That the Bill be now read a third time.

**HON. E. H. GRAY** (West) [4.42]. I am sorry to have to take the unusual course of speaking to the Bill on the third reading, but since yesterday I have heard that its provisions are strongly opposed by certain people in Collie. In 1946 we passed an amendment to the Act providing for the tightening up of management, check weighing and other phases of coalmine operations. The measure that we agreed to was an excellent one, and must have resulted in a great improvement both for the management and the miners in the Collie district. Section 41, to which the Bill refers, provides—

No person shall be entitled to a certificate under this Act unless he shall have had practical underground experience in coal mines for at least five years, such practical experience to include at least 12 months at or in the coal face as either a miner or a shiftman.

I am given to understand that the Bill will affect only one individual. The Chief Secretary made out a good case.

Hon. W. J. Mann: Not necessarily only one.

Hon. E. H. GRAY: It will apply to only one at present.

Hon. W. J. Mann: My information is different.

Hon. E. H. GRAY: The hon. member ought to know as he represents that part of the State. I have been informed from Collie that the Bill is for the special purpose of allowing only one individual to be appointed. It is a dangerous thing to try to break away from an Act. This will have a bad effect upon the management, the shiftmen and the shift bosses, and everyone else concerned with the coalmining industry. I must, as a matter of duty, give expression to that opinion from the Collie district. I suppose it is not reasonable to ask that the debate be deferred, but I am sorry that we have reached the third reading without my having had time to make further investigations. I oppose the third reading.

**THE CHIEF SECRETARY** (Hon. H. S. W. Parker—Metropolitan-Suburban—in reply) [4.45]: I think the people who are, perhaps, a little afraid of the Bill, probably do not understand it. It simply provides that no person shall be entitled to a certificate under the Act unless he shall have had practical underground experience in coal-mines for at least 12 months, instead of five years. But that applies only where he has a certificate of competency under the Mines Regulation Act, which is a far more severe Act than

the Coal Mines Regulation Act. In other words, it means that the manager of a goldmine, with very high qualifications, may be appointed as the manager of a coalmine if he has had 12 months' practical underground experience. That is only fair and proper.

Much of the training of coalmine managers and goldmine managers runs along the same lines to a certain point. It is only right that they should be inter-changeable if they have the practical experience. At the present time there is a tremendous shortage of coalmine managers throughout the world. Of course, there are many people who, perhaps, are technically qualified for the job and an even greater number who think they can manage a coalmine at any time, anywhere. But at the moment—and I think Mr. Gray is correct in this respect—the measure will affect only one man. I understand he is now at Collie, and is a man to whom there will be no objection.

Question put and passed.

Bill read a third time and transmitted to the Assembly.

#### BILLS (4)—THIRD READING.

- 1, Rural and Industries Bank Act Amendment.
- 2, Government Employees (Promotions Appeal Board) Act Amendment.
- 3, Public Service Appeal Board Act Amendment (No. 2).
- 4, Administration Act Amendment (No. 2).

Passed.

#### BILL—INCREASE OF RENT (WAR RESTRICTIONS) ACT AMENDMENT (No. 4).

##### *Second Reading.*

**THE CHIEF SECRETARY** (Hon. H. S. W. Parker—Metropolitan-Suburban) [4.50] in moving the second reading said: This Bill, although it appears somewhat formidable, is really a simple one. It has two main features, one is the continuation of the present Act and the other is to incorporate what is commonly called "the soldiers' moratorium." I will deal firstly with the continuance portion of it. If rents were not controlled and a landlord and a tenant could enter into any arrangement they desired, it would have a serious effect upon the basic wage. Obviously, rents would

rise, and, as we all know, the item of rent is one of the principal factors in determining the basic wage.

There is no need for me to point out the effect that the basic wage has upon industry. There is no suggestion, nor do I wish to convey the impression, that a proper adjustment of the basic wage is not necessary. If rents were not controlled, owing to the shortage of houses there would naturally be a scramble, and some landlords would increase their rents. Although this would not be the case with all landlords, there are some who would adopt this practice.

Hon. J. A. Dimmitt: Has any increase been allowed?

**THE CHIEF SECRETARY:** Yes and no. Applications have been made to the court. There is a general trend towards an increase, because the rents of houses let under the Commonwealth-State Housing Scheme are higher than for the old ones.

Hon. H. Hearn: But there has been no increase for private owners up to date.

**THE CHIEF SECRETARY:** There has been no set increase, but the matter is not by any means simple. The adjustment of rents is a difficult problem. The principal Act came into force in 1939, and was divided into two parts. The first referred to control of rents, and the second to evictions. Rents were always under State control but that portion dealing with evictions came under the Commonwealth. In 1948 the Commonwealth ceased to have any jurisdiction over recovery of possession, and earlier in this session we passed a Bill giving control over ejection to the State. Broadly speaking, the question of ejection rests upon the degree of hardship. I will not go into details of that aspect.

This, however, does not apply to soldiers or those whom we call protected persons. Ex-Servicemen were treated differently by the Commonwealth and were protected for four years from the date of their discharge, as were the families dependent upon them. Furthermore, the ex-Serviceman or his dependants are protected all the time they are receiving a pension. In the case of a widow it goes on ad infinitum. There was another clause in the Commonwealth moratorium regulations which gave the soldier a right to demand possession of any empty house. That provision is not included in this Bill, but I mention it so that members

may consider that aspect. The Bill provides for the continuance of the legislation until the 30th September.

Hon. J. A. Dimmitt: Next year?

The CHIEF SECRETARY: Yes. If this Bill is passed but is not renewed by the next Parliament, then its provisions automatically cease. A large number of what I might term fit ex-Servicemen, who were discharged about 3½ years ago, will not be affected by this legislation, but there will be a few of them. I am speaking of the fit men, not the pensioners or widows, and it will automatically work itself out in that respect, whether we continue the Act next year or not. Two months ago, the High Court ruled that the Commonwealth Government had no constitutional right to carry on with this law which gave ex-Servicemen protection.

Hon. H. K. Watson: That it had no constitutional right, or that it had a constitutional right which had expired by effluxion of time?

The CHIEF SECRETARY: The Commonwealth Government has no constitutional right now, and therefore its regulations lapsed, with the result that all those ex-Servicemen who considered they were protected and had gone on blandly feeling that they were safe and secure, suddenly found themselves to be insecure and on the same basis as other citizens. There is a good deal of argument as to whether or not that should continue, and it is open to a reasonable and proper difference of opinion. The result of the High Court decision was that it caused a good deal of sudden trouble and emergency to those people who thought they were protected persons. The idea of this measure is to cushion that effect and it is to continue until the 30th September next. That will give these people ample time to adjust themselves to the ordinary conditions to which civilians are subject.

Hon. G. W. Miles: It is to continue the legislation until September, 1950. You keep on saying "next."

The CHIEF SECRETARY: It is to continue the legislation until next year. I am glad the hon. member corrected me. The original Act was to, continue until six months after the war had ended, or until a date, whichever be the later. That wording will still continue—"whichever be the later." It is difficult to know whether the war is over or not, but apparently the war is still technically on.

Hon. H. Hearn: The High Court did not think that, did it?

The CHIEF SECRETARY: Whether it is still technically on or not, I do not know.

Hon. Sir Charles Latham: That was the reason why the High Court gave judgment against it.

The CHIEF SECRETARY: No.

Hon. Sir Charles Latham: The High Court said that the Commonwealth Government now had no power under the Defence Act.

The CHIEF SECRETARY: In 1947 an amendment to the principal Act was passed which provided that rent inspectors should have power, subject to appeal to the local court, to make a summary determination of the fair rent of shared premises. Up to the 30th June last, 386 applications were received. Of these, 357 were dealt with and the remaining 29 are under discussion now. Generally speaking, we find that the rent inspector has done an excellent job and has brought the parties together without friction. There have been one or two appeals to the local court against his decisions but they were dismissed by the magistrate because he found the adjustments made by the rent inspector, who is entirely and absolutely impartial, were fair and that the inspector had made thorough, competent and complete inspections. He set out in detail how he arrived at his determination and adjusted the rent accordingly.

For the most part, the parties have been satisfied with his adjustments, and the department has worked effectively in assessing rentals for shared accommodation. I have not, of course, been speaking about rents generally. On the inspector's adjustments, he has saved the 357 persons concerned in the applications already dealt with, £6,000, representing overcharges of rent. In view of those figures, members will appreciate what might happen if this legislation were discontinued as regards ordinary rentals.

Then, again, by a further amendment to the Act passed earlier in the present session provision was made whereby a landlord who desired to leave his house for six months or some other short period, could obtain a certificate of exemption from the requirements of the Act. He might desire to go to the Eastern States or possibly to England and to let his house for six months. All he would have to do would be to pay 10s.

or £1, according to the rental charged, to the rent inspector who would then go into the matter, submit a report to the Minister, following upon which the Minister would sign a certificate of exemption. A great many such applications are made, and last year I signed 205 certificates, and that only for six months.

There have been 77 breaches of the Act reported to the rent inspector and 128 breaches of the regulations. In each instance where prosecutions were launched in respect of those cases the offenders were convicted and fined. Members will appreciate that quite a considerable volume of work is done in the rent inspector's office, and excellent results have been obtained. Furthermore, the rent inspector has visited various country districts, including Albany, Katanning, Wagin and Narrogin where he has given advice to quite a number of people and settled difficulties that have arisen. From what I have already stated, members will realise that it is essential to continue the operations of the Act for a further period until the housing position becomes more satisfactory than it is at present.

With regard to the protection of ex-Service personnel, the High Court decided, of course, that they were no longer protected, and I have pointed out that the Bill does not include the right of ex-Servicemen to demand occupancy of an empty house. There is a provision, however, dealing with the situation that arises when an order has been made against an ex-Serviceman to leave premises, and if that order is not completed—the magistrate may have granted an adjournment of the proceedings or may have given the ex-Serviceman until the 30th October or some other date when he would have to vacate premises—those proceedings go by the board. Of course, where he has been ejected, whether under an order of the court or by other means, that is the end of it because it would be rather difficult to reinstate him in the house subsequently. These are the transitional provisions.

The phraseology of the Bill is practically word for word in keeping with the Commonwealth regulations. If members peruse the measure they may find its clauses somewhat clumsy. The reason there has been no alteration in that respect is that so many decisions have been made not only here but in the Eastern States and also by the High

Court, that all concerned know exactly where they stand as regards the construction to be put on, and the administration of, this legislation. If we were to alter the wording, then it would give rise to further argument. In the circumstances it was thought advisable to introduce a Bill that followed the phraseology of the Commonwealth regulations as nearly as possible.

Should there be any other matters that I have not touched upon and in respect of which members may desire additional information, I shall be pleased to give further details when the Bill is dealt with in Committee. I again stress the point that the continuance of this legislation until the housing position eases is, I regret to say, quite essential. If that course were not adopted, chaos all round would be created, and many more difficulties in connection with the housing problem would be bound to arise. Should members agree to the continuance of the legislation until September of next year, we shall perhaps then be in a better position to judge whether it is necessary to continue the Act or to let it go by the board. I move—

That the Bill be now read a second time.

**HON. J. A. DIMMITT** (Metropolitan-Suburban) [5.10]: While I do not intend to oppose the Bill, I feel that some remarks are necessary in connection with this type of legislation. Only yesterday I received a letter from an elderly person living in Victoria Park who does not regard the position as by any means satisfactory. The gentleman I refer to is well on in years and invested his life savings in two small cottages, one of which he occupies and the other he lets. He is very concerned about the continuance of this legislation. He bought the property during the depression and charged a small rental which he has not increased since.

Now he finds that the costs of maintenance, repairs and upkeep are such that today the small amount he secures is not sufficient to meet his outgoings. His case is typical of many hundreds that exist. It resolves itself into the fact that the protection afforded is all one way. I realise that tenants need protection. I appreciate what we owe to the returned soldiers who also need protection, but, after all is said and done, men who have invested their life savings in small properties in the hope of deriving therefrom a competency upon which they

will be able to live, are in a very unfortunate position in that rents remain static and expenses keep climbing up.

I suggest to the Government for consideration what I believe has been done in some of the other States where a flat rate of rent increase has been allowed. In support of that, I would point out to the Chief Secretary that we have permitted two increases in capital values. First, we allowed 15 per cent. and then a second increase of a like percentage. That indicates the justification for considering a flat rate increase in rentals. I ask the Minister to give consideration to the two points I have submitted. I shall not oppose the Bill because I realise there is need for some restriction but I think there is also need for consideration being extended to the landlord as well.

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

## BILL—RIGHTS IN WATER AND IRRIGATION ACT AMENDMENT.

### *Second Reading.*

Debate resumed from the previous day.

**HON. SIR CHARLES LATHAM (East)** [5.12]: I asked for the adjournment of the debate when the Minister introduced the Bill yesterday because I thought that provision had already been made in the parent Act for the powers sought in the Bill. I appreciate, of course, that there must be some reason for the introduction of the legislation, and evidently it is considered that further powers are necessary than those set out in Section 29 which states—

The Governor may, at any time, on the recommendation of the Minister, acting with the advice of the Commissioners, by Order in Council, do any of the following things:—

- (a) unite any two or more districts so as to form one district;
- (b) sub-divide any district and constitute thereout two or more districts.

Does that not provide the power sought in the Bill to make subdivisions?

The Honorary Minister for Agriculture: That does not provide for sub-areas; that applies only to districts.

**Hon. Sir CHARLES LATHAM:** What is the difference?

The Honorary Minister for Agriculture: Quite a lot.

**Hon. Sir CHARLES LATHAM:** I do not know that there is. There must be some reason for it. The interpretation section makes no provision regarding the matter. As a district may be subdivided, does that not mean areas?

The Honorary Minister for Agriculture: We can only rate on areas and sub-areas.

**Hon. Sir CHARLES LATHAM:** What is meant by the term "district"? Does it mean a road district or a water area? I understand that the object, as the Honorary Minister explained, is to apportion the cost to different areas that will be served by irrigation channels. I agree with that. I may have made a mistake when I interjected that the cost of headworks in connection with water undertakings was a charge against Consolidated Revenue.

The Honorary Minister for Agriculture: Not "may have made a mistake"; you did make one!

**Hon. Sir CHARLES LATHAM:** That is not the first time: it will probably not be the last. Section 29 further states that the Governor may—

- (c) excise any portion of a district—

I should think that would include an area—

- (d) add any portion excised from a district to any other district;

- (e) extend any district by the addition thereto of any land that has not theretofore formed part of a district.

Then it goes on to refer to the apportioning, settling, adjusting and determining the extent of the respective interests and obligations of the several parties. Section 47 provides that—

All moneys received by a board from rates, charges, rents or otherwise under this Act, shall be carried to the account of a fund to be called the "Irrigation Fund," and such fund shall be applied in manner following, that is to say:—

- (1) in defraying the expenses incurred in the maintenance and management of the works, and the conduct of the business of the board;
- (2) in payment of interest at such rate as may be determined by the Colonial Treasurer, on any expenditure charged against the board under the last preceding section;
- (3) in the payment of contributions to a fund for the replacement of depreciating property;
- (4) in the payment of any interest or instalments of principal or contributions to the sinking fund due in respect of any money advanced to the board by the Colonial Treasurer, or borrowed by the board under the powers hereinafter conferred.

In respect of quite a lot of headworks that were undertaken in the early days of irrigation, a charge was made against Consolidated Revenue for interest and sinking fund. What has been done since then, I am not in a position to say because quite a lot of work was not completed at the period I refer to. But it would be very unfair to charge to one district, such as Harvey or Waroona or Collie, the whole of the cost of the headworks, which is pretty expensive, plus the channelling that has to be done through a lot of inferior country that could not be irrigated.

I do not think anyone could reasonably oppose the passing of the measure, which will spread the cost over areas that must receive a great deal of benefit from the headworks and channelling that have been established. There are members representing the South-West, to which this applies more particularly, and I have no desire to usurp their function in this House.

Hon. W. J. Mann: We are satisfied with it.

Hon. Sir CHARLES LATHAM: But at the time I was Minister, a lot of this work was started; and it was on account of the knowledge I gained at that period that I am now doubtful whether the whole cost should be imposed on the district that reaps the benefit from water set aside for irrigation purposes. On reading the measure I can see clearly that the charges might be made in respect of the whole of the work. In some cases I know the cost was considerably over £1,000,000 and that would mean pretty high charges.

I agree that the increased value of the land as the result of irrigation is almost limitless because it does augment productivity, and the people who benefit in consequence should be asked to make some payment. Those who happen to have good land and have had no capital expenditure, apart from that on the drains, should certainly bear some of the incidental costs of the headworks and the channelling, which in the South-West has become somewhat expensive; because, as the Minister pointed out, most of those channels have now been concreted, which is a costly job. The work has certainly revolutionised great portions of the South-West and proved of considerable value to the people of this State.

For that reason, I had hoped that the people who reap benefit indirectly—that is, the general public—would be asked

to make some contribution to the cost of the headworks, as was provided for in the early days when the scheme was first put in hand. The Minister says that is not the case. I hope he is wrong. I think he will agree that where additional work and revenue are provided for the Government and the people generally, it is not unfair to ask them to make some contribution to the cost.

The Honorary Minister for Agriculture: The Minister for Works tells me I am right.

Hon. Sir CHARLES LATHAM: He is not always right. I hope he is not on this occasion.

The Honorary Minister for Agriculture: I should think he would know that.

Hon. Sir CHARLES LATHAM: I think the Minister will agree—

The Honorary Minister for Agriculture: I do.

Hon. Sir CHARLES LATHAM: —that the headworks are costly and that we are centering the financial burden in a very small area, while people throughout the State are getting the benefit. Irrigation in the South-West has been of great benefit to Western Australia. It has provided the people with a good milk supply and increased butter production. We used to import butter and send money away to provide employment for people over East, but now we are retaining that money in the State and have become exporters of butter as well.

That applies also to beef cattle, which have increased considerably. I know that the land has been made so valuable that it hardly pays to run anything but highly productive stock on it. I am not going to oppose the Bill, but I do not think the Minister will object to my having had time to go through it to see whether I had as much knowledge of the matter as he possesses.

On motion by Hon. W. J. Mann, debate adjourned.

## BILL—FARMERS' DEBTS ADJUSTMENT ACT AMENDMENT (CONTINUANCE).

### *Second Reading.*

Debate resumed from the previous day.

HON. SIR CHARLES LATHAM (East) [5.22]: On the previous occasion when similar legislation was before us, I said I was very hopeful that the Rural and Industries Bank would be able to take over

these clients to obviate the necessity for the present Act being continued. This type of legislation must have a moral effect on the people operating under it. Every one of them has a stay order against him.

The Honorary Minister for Agriculture : Not every one. They may borrow money from the Rural Relief Fund, but not necessarily have a stay order against them.

Hon. Sir CHARLES LATHAM : The original Industries Assistance Act provided for it.

The Honorary Minister for Agriculture : It did ; but they can get relief under this Act without a stay order.

Hon. Sir CHARLES LATHAM : I am glad to hear that. A stay order takes control of the farm out of the hands of the person against whom the order is issued. I do not know how many people are operating under this measure. I was surprised last year when the Minister informed us of the amount still outstanding. I will agree that high taxation has, to a certain extent, prevented these people from meeting their indebtedness in the way we would have liked. Unfortunately, under our Income Tax Act there is no provision—no matter what a man's financial position may be—for relief to be afforded for debts outside of the interest he has met on the borrowed money or the liability he is carrying. But I was very anxious from a moral point of view that some encouragement should be given to men to improve their lot.

For that reason I was desirous of seeing the end of this class of legislation. It served a very useful purpose when it was introduced. I know that, at one time, some debtors were having a great deal of difficulty ; and the creditors in some cases made the statement that such people should do the same as any other person who was in business and who failed—namely, take advantage of the provisions of the Bankruptcy Act. Had that been done, it would have meant that people would have left the land wholesale. Whatever happened at that period, Western Australia can claim that the people on the land, and their creditors, did a good job in maintaining a very important industry in the State ; because that was at a time when wheat was down to 1s. 6d. a bushel, wool was down to 8d. a lb., and butterfat was at a very low price too.

The Honorary Minister for Agriculture : Ninepence.

Hon. Sir CHARLES LATHAM : I think butterfat was 8d.

The Honorary Minister for Agriculture : Eightpence to ninepence.

Hon. Sir CHARLES LATHAM : People found themselves in great financial difficulties. By combining forces, the creditors and the farmers helped one of the State's most important industries out of the depression. I think the Government should ask the Rural Bank officials to see whether it is not possible to clean up this legislation and give the people an opportunity to operate as ordinary clients of the bank, without our having to continue the existence of this measure. If in the future—and I hope it never happens—we experience a depression such as the one that gave rise to this Act, we shall have to introduce some similar statute.

The Honorary Minister for Agriculture : You would hand over the Relief Fund Act money to the Rural Bank ?

Hon. Sir CHARLES LATHAM : Yes, with instructions as to what it was to be used for. I would not hand it to the bank's capital account, because that would be an improper thing to do. But this money has been set aside to help industry, and the money should be reserved entirely for that purpose. The Minister made that very clear when he spoke last night on the Bill. I do not intend to oppose it, but I would ask the Government to give consideration to having this legislation removed from the statute book as soon as possible because that would serve as an impetus to farmers to get themselves out of their difficulties as quickly as they could. I was surprised to hear the Minister state that there was over £1,000,000 still outstanding. If my memory serves me aright, I think the money was handed over to this State more or less as a gift with the intention of its being used, as this Government and other Governments have used it, to provide a pool for contingencies that might arise. In the circumstances, I shall support the second reading, but hope that this will be the last time such a measure will be before this Chamber.

Question put and passed.

Bill read a second time.

*In Committee.*

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



**BILL—WATER BOARDS ACT AMENDMENT.**

*Second Reading.*

Order of the Day read for the resumption from the previous day of the debate on the second reading.

Question put and passed.

Bill read a second time.

*In Committee.*

Hon. J. A. Dimmitt in the Chair ; the Chief Secretary in charge of the Bill.

Clauses 1 and 2—agreed to.

Clause 3—Amendment of Section 113 :

Hon. Sir CHARLES LATHAM : Will the Chief Secretary agree to report progress in order that members may study the Bill, which was introduced only last night ?

The CHIEF SECRETARY : The Bill has been on the notice paper for a long while and it contains nothing but provision for the Governor to cancel an order that he issued previously. However, I will agree to the hon. member's request.

Progress reported.

**BILL—ACTS AMENDMENT (INCREASE IN NUMBER OF JUDGES OF THE SUPREME COURT).**

*Second Reading.*

THE CHIEF SECRETARY (Hon. H. S. W. Parker—Metropolitan-Suburban) [5.34] in moving the second reading said : This Bill has a rather formidable Title, but it is in reality quite a simple measure. Its purpose is to make provision for appointing a fifth judge to the Supreme Court bench. In order to appoint a fifth judge it is necessary to amend a number of Acts. The Bill will also amend a schedule to the Constitution Act, so it will not be possible to put it to the vote today owing to the absence of so many members. It will be necessary to have 16 members on the floor of the House. However, I will introduce the measure and I hope members will take the opportunity of reading the Bill before Tuesday next.

Hon. Sir Charles Latham : I do not think this measure requires a constitutional majority.

The CHIEF SECRETARY : I believe that is so, and in that event we will be able to proceed. Mr. Justice Jackson was appointed as a fourth judge, so there are

now a Chief Justice and three puisne judges. It is intended that Mr. Justice Jackson shall devote the whole of his time to the Arbitration Court, and in that event he will not be available, generally, as a judge of the Supreme Court. In an emergency, however, he will be available, but it is thought that in the near future it will be necessary to appoint another judge to the bench of the Supreme Court.

At present, with three judges, it is difficult to deal with criminal appeals as there must be three judges to sit on such appeals. The judge who presides at the trial has now to sit on the appeal and it is sometimes thought that that is inadvisable, inasmuch as the person appealing feels that he is not being given an appeal to an independent tribunal. It is therefore hoped that in such cases Mr. Justice Jackson may be available. Apart from that there is a peculiar anomaly. When there is an appeal on an important matter from an inferior court, there are three judges to hear the appeal and give their decision ; but if it is an appeal from the decision of a judge of the Supreme Court there are only two judges to sit on the appeal.

The other day there was an appeal from a decision of one of the judges. The Chief Justice took a view opposite to that of the judge of the first instance and the other judge agreed with the judge of the first instance. The result was that the appeal was lost, because there were two judges against one although the appeal court was evenly divided. That is not a satisfactory state of affairs and it is desired that the Government should have power to appoint a fifth judge if and when it is deemed necessary to make such an appointment. I move—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

*In Committee.*

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

*House adjourned at 5.40 p.m.*