

# Legislative Council.

Wednesday, 10th August, 1949.

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

## QUESTIONS.

### WORKERS' COMPENSATION BOARD.

#### *As to Levies and Expenses.*

Hon. C. F. BAXTER asked the Chief Secretary :

(1) What amount was levied for the Workers' Compensation Board Fund for the period ended the 30th June, 1949?

(2) How much of this amount was levied to meet the estimated cost of claims by uninsured workers?

(3) What were the estimated expenses of the board for which the balance of the amount was levied?

(4) What was the period covered by such estimate?

The CHIEF SECRETARY replied :

- (1) £5,414.
- (2) £2,500 representing two full claims.
- (3) £2,914 including establishment expenses.
- (4) From the 8th April, 1949, to the 30th June, 1949.

### RAILWAYS.

#### *(a) As to Loss of Tarpaulins.*

Hon. G. BENNETTS asked the Chief Secretary :

(1) Is it correct that for the year ended June last, 1,674 tarpaulins, costing £20 each, were either mislaid, stolen or lost, the amount involved being close on £34,000?

(2) If so, would this be the reason for increased rail freights and fares to the Eastern Goldfields?

(3) What action is the department taking to protect itself against such losses in future?

The CHIEF SECRETARY replied :

- (1) No.
- (2) No.
- (3) It is estimated that approximately 70 tarpaulins had not been accounted for, but the long stretches of unattended lines, and the number of tarpaulins which are always in transit make accurate stocktaking a difficult matter. A plan is under consideration which it is hoped will provide a practical method of maintaining a closer check than hitherto.

#### *(b) As to Late Starting of Kalgoorlie Express.*

Hon. G. BENNETTS asked the Chief Secretary :

(1) Is the Minister for Railways aware that the express for Kalgoorlie on Thursday the 4th August, departed at 5.30 p.m. owing to the late loading of vans?

(2) Will he take steps to have the receiving time for goods conveyed in the vans altered, so that this train may depart at its proper time—5 p.m.?

The CHIEF SECRETARY replied :

- (1) Yes.
- (2) Parcels traffic is received up to one hour prior to the train departure and it is not desired to take this convenience away. On the day in question heavy late hour receipts accounted for the late departure of the train.

### BRICKMAKING.

#### *As to Coolgardie Works.*

Hon. G. BENNETTS asked the Chief Secretary :

- (1) Is it the intention of the Government to take over the brickworks at Coolgardie?
- (2) If so, from what date?

The CHIEF SECRETARY replied:

(1) No.

(2) Answered by No. (1).

### MOTION—SUPREME COURT ACT.

*To Disallow Liquidators' Accounts Rule.*

HON. H. K. WATSON (Metropolitan)  
[4.36]: I move—

That Rule 6 of the Companies (Liquidators' Accounts) Rules, 1949, made under the Supreme Court Act, 1935, and the Companies Act, 1943-1947, as published in the "Government Gazette" of the 24th June, 1949, and laid on the Table of the House on the 5th July, 1949, be and is hereby disallowed.

The point covered by this motion is not one of transcending importance and I will not delay the House very long in dealing with it. Nevertheless, the rule is one that merits disallowance for the reasons I shall briefly give. When a company goes into liquidation, a liquidator is appointed and he is required to carry out his duties in accordance with the various provisions of the Companies Act relating to liquidations. Section 254 of that measure deals with voluntary winding-ups and that section provides, among other things, that Section 207, which deals with winding-ups under an order of the court, shall apply to the liquidation of a company which is being wound up voluntarily. However, there is an exception that Subsection (5) of Section 207 shall not apply to a voluntary winding-up.

Among other things, Section 207 provides that a liquidator shall, at least once in every year and upon the termination of the liquidation, file an account at the court, which account shall be verified by a statutory declaration in the form prescribed by rules of the court. The section also provides that that account when filed shall be duly audited by a registered auditor appointed by the Registrar of Companies. In pursuance of the provisions of Section 207, which require that the accounts shall be lodged by the liquidator with the Registrar "in the form prescribed," the form has been prescribed in the set of regulations which have been tabled and which are referred to in the motion now before the House.

Rule 3 of the regulations provides that the account and statutory declaration verifying the statements, are required to be

lodged with the Registrar pursuant to Sections 207 and 254 of the Act and that they shall be in accordance with the form set out in the schedule. On the next page of the regulations there is a specimen form which has to be completed by the liquidator, in which he has to give a full and complete statement of all receipts and payments. In due course that statement is audited and lodged with the Registrar of Companies on the completion of the liquidation. Rule 5 states—

When the liquidator's account has been audited, the auditor appointed by the Registrar shall certify the fact upon the account, and thereupon a duplicate copy bearing a like certificate shall be filed in the office of the Registrar.

Now we come to Rule 6, which is the subject of my motion for disallowance. That rule sets out—

(1) If so required by the Registrar, the liquidator shall transmit to the Registrar with his accounts a summary thereof in such form as the Registrar may from time to time direct, and on the approval of such summary by the Registrar shall forthwith obtain, prepare and transmit a copy of the summary to each creditor and contributory if so requested by the Registrar.

The objection to that rule is that it is rather pernicious and is really an extension of, rather than a consequential provision of, the Act itself. It is felt amongst the profession of practising liquidators that the rule is really unnecessary. It is regarded as such because with a compulsory liquidation under an order of the court, the Act already requires that the liquidator has to provide not merely an abstract but a full statement of receipts and payments, which must be presented and circulated to all creditors and contributories.

Then with regard to voluntary liquidations, the accounts have to be verified by a statutory declaration which is sent to the Registrar and, as a matter of good accounting and sound practice, the voluntary liquidator at the close of the proceedings almost invariably, of his own volition, sends out either a full statement of receipts and payments, or an abstract of those transactions. It is felt that the forms that are to be sent out in the case of a voluntary liquidation should be completed and prepared in such a manner at the discretion, not of the Registrar, but of the liquidator who is handling the business.

During the past few months it seems that the Companies Office has become rather form-happy, and I suggest that the House should support the desire of the commercial community and of the practising accountants to get away from the idea that nothing can be done without the consent of a Government official but, on the other hand, to do everything that a Government official would direct. Rule 6 contains a second paragraph reading as follows:—

(2) The cost of such copies and of the posting thereof shall be a charge upon the assets of the company.

It might well be that in many cases the liquidator would find that if the Registrar at his own sweet will and pleasure decided that such an extract had to be prepared and circulated, he, the liquidator, would have to do it at his own expense. That would be so because the ordinary routine is that when a liquidation is being dealt with, one gets in the assets and makes the necessary distribution to the creditors and then to the shareholders. The accounts are then completed, a reserve sufficient for filing costs being set aside, and thereafter no money would be left in the estate.

The liquidator then prepares the accounts which have to be lodged with the Registrar. Those accounts having been prepared and all the assets disbursed, it would then be within the province of the Registrar to instruct the liquidator to have an abstract prepared and circulated. While in the earlier days the cost of stationery and postages did not amount to very much, in these times that cost might mean that, in addition to the inconvenience, worry and trouble of preparing and circulating the abstract quite needlessly, the liquidator would be landed with an expenditure of anything from £10 to £15, which would have to be met entirely out of his own pocket.

The rules and forms that have been gazetted are very elaborate. Form 1 deals with the liquidator's account and statutory declaration; sheet "A" concerns the creditors' dividend sheet; sheet "B" sets out the form for the shareholder's dividend sheet and sheet "C" deals with the form for calls on contributories. Then another form provides for the statutory declaration of no receipts of payments by the liquidator. There is also the statement and statutory

declaration that has to be sent to the Registrar, following upon which the Registrar appoints an auditor for the purpose of having an audit carried out.

The liquidators' attitude is, "Having done all this, I have kept faith with the requirements of the Act. I have not evaded its provisions. I have filled in Forms A, B, C, D, E, and F. Having rendered my account, then I ask that I be preserved from having to accede to the whim and caprice of the Registrar should he want another statement to be prepared that will have to be circulated at my own expense. That is the reason behind the motion for the disallowance of Rule 6. I have brought the matter before the House at the request of the Chartered Institute of Accountants, and the Chartered Institute of Secretaries, the members of which regard the rule as irksome and calculated to serve no good purpose.

On motion by the Chief Secretary, debate adjourned.

#### BILLS (2)—THIRD READING.

- 1, Rights in Water and Irrigation Act Amendment.
- 2, Water Boards Act Amendment.  
*Passed.*

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

*Second Reading.*

Debate resumed from the previous day

**HON. H. HEARN** (Metropolitan) [4.53]: This Bill seeks to achieve two objects, firstly, to restore the protection to returned Service personnel, which is necessary owing to the recent High Court judgment: and, secondly, to continue without interruption the control of rents which has been in operation for almost a decade. With other members who have spoken to the Bill I deeply deplore the position which makes it essential to restore the protection to returned Servicemen: but with the housing position as it is, such a course is most vital and necessary.

We must surely be aware of the fact that the protection is only achieved at the sacrifice of many others, and I heartily agree with the remarks of Sir Charles Latham concerning the necessity for the State Housing Commission to give prompt attention

to the incidence of the hardship to owners of houses. I feel that we must support the Bill. The second object is to give another blank cheque to the Government for a further year after the present period expires to continue the present rentals, which were fixed in 1939. The Chief Secretary, in introducing the Bill, deplored its necessity. He said that unless it was continued the impact on the basic wage would be terrific. So what?

Do I understand the Chief Secretary to mean that because of the inflationary spiral due to so many factors outside of our control and for which the Commonwealth Government must assume responsibility, we are to ask the average owner, as well as the small owner, of properties to accept and support a financial load—the basic wage stabilisation? After all, it really does come back to the small owner. As members are doubtless aware, owners of large properties have found ways and means to increase their rents. I have had several such cases in the past few months, one recently where a large city block of offices had been re-valued and taken on lease by consent. That means that if the tenant does not consent to an increase of rent, he had better look out when controls are lifted. Speaking generally, this Bill will hit a very large section of the people who, in days gone by, invested in small cottages and small residences and who, owing to the controls that have been in force for nine or 10 years, are still receiving the same rents as they were paid at that time, when we know full well that the Australian pound of today is worth just about half of what it was when those rents were fixed.

Surely we must recognise that fact, because in every other department of life people have received increases in their incomes owing to that depreciation. Even members of Parliament have had their salaries increased. Yet we are asking these people to continue until the end of 1950 on the same wicket, bearing in mind that no-one can foresee what will happen here as a result of the Federal basic wage declaration. I very much regret that the Government has not given some lead to rectify this grave injustice, at least partially. I am conscious of the terrific responsibility resting upon the Government in regard to these controls. Members are aware of my

attitude towards controls, and I had intended to move in the Committee stage for some amelioration of those conditions, but I found that my amendment would not come within the scope of the Bill.

I also regret that the Government did not include in the Bill some provisions to ensure that justice should be done. I quoted on the occasion when we were debating another Bill earlier this session the case of a man I know very well. He was quite content to let a string of about half-a-dozen cottages at 13s. per week in the depression days and he never raised the rent. At that time he was young enough to be able to do his own repairs. Today he is still getting only 13s. per week, but he is paying for the repairs and very often finds it difficult to raise the tram fare to come into town from East Perth.

It is too much to expect one small section of the community alone to bear its share of the stabilisation of the basic wage when, after all, its contribution would be infinitesimal. It is time the Government gave some consideration to these cases. Knowing the housing position as I do and being aware of what would happen if there were an open go, I unfortunately have no alternative but to support the Bill. But I regret to say the Government has simply brought forward another of these blank cheques knowing quite positively that long before 1950 arrives the position, bad as it is today, will be much worse. These people are just being martyred for the sake of some consideration. I reluctantly support the Bill.

**HON. L. CRAIG** (South-West) [5.1]: I find myself very much in agreement with Mr. Hearn on that portion of the Bill which deals with rents. It is claimed, naturally, that if rents are raised, the basic wage will be affected. I doubt that. I do not know on what basis rent is taken into account in arriving at the basic wage, but it must be remembered that many thousands of workers today are living in new houses for which they have to pay a considerable rent compared with that paid for the older homes.

I regret that the Bill has been brought down in its present form, and with no provision for at least some increase in rent for those people who rightly deserve that consideration. It is too ridiculous that rents that

were paid, in some instances in the depression time and in others in 1939, are still being continued, though the cost of maintenance of houses has gone up more than double.

Hon. R. M. Forrest: Treble.

Hon. L. CRAIG: I should say treble. I do not think it is an exaggeration to say that. We have made provision for increases in the value of agricultural land, and have allowed business premises to be sold at a much higher price than previously. But we stick to the standard rents for homes. We do not even stick to the standard rents in regard to business premises, because increases can be obtained in those cases. For many houses, for which low rents are paid the tenants, by letting rooms, are securing, in spite of the law, many times the revenue they used to receive. That is to be regretted, and the Government should do something about it.

I think the time has come when we should make a statement in regard to the protection to soldiers, sailors, airmen and their dependants, and everybody connected with them. It is a difficult subject to talk on because one is immediately accused of not being sympathetic towards soldiers or their dependants. That is not so. We have to be fair. All the members of my family were in the Air Force, the most dangerous of all the Services, and they fought in the most dangerous areas. So, I can speak openly. I know I am voicing their opinion when I say the time is fast approaching when these special privileges should not be continued for all soldiers and their dependants.

If we read the Bill, we find it extends to all sorts of people. The position is being exploited. I do not think there is one member who will say that that is not so. Goodness knows, we must protect the men who went to the war because, in some way, that caused them to lose something, but I think there must be an end to it. This is a difficult subject. Personally, I do not see anything very noble about a young man going to the war. When the country is in danger of invasion, I think it is the natural function of all young men to offer their services, or if they do not do that, for them to be compelled to do their share in the defence of the country. I do not look on that as anything very noble, but as the ordinary function and duty of young men who are fit and able.

There were many people in 1939 who were just too old, too weak or too young, but who were willing to do all these things. Some of them did what they could voluntarily. Those people are suffering because of this Bill. Do not forget that the old ones are getting older, and the young ones too. The Bill protects people connected with the war, who did their duty, but it is causing a distinct hardship on older people who were not particularly old at the beginning of the war but are getting old today, and on others who had no opportunity of going to the war but today are young and vigorous men. I personally think we must put an end to it.

I would not take away the right of preference to soldiers, and many of the other privileges, but I am of the opinion that the time is coming when they should show why they should continue to have some of these protections and privileges at the expense of old folk. I know one or two people and I expect other members do too, who in their late middle age bought places to which they could retire. Today they cannot get into those houses because, perhaps, young and vigorous soldiers are in them, and they cannot be put out in any circumstances.

Hon. E. M. Heenan: They can if they do not pay the rent.

Hon. L. CRAIG: Yes, but who is not in a position today to pay rent? There are 50 jobs offering for every able-bodied man. I am talking of those who pay their rent. I know of a man who, having a growing family, bought houses for them as an investment, and so that when they came of age he could say to a son or daughter, "This is your house." There might have been mortgages on the houses, but he was finding homes for his family. I wish to goodness I had done that. It was a wise precaution but those people, unless they are soldiers, cannot get into the houses. In one instance a daughter cannot get into a house which she owns. I think the time is coming when people who are in those houses should show cause why they should stay there. I was a soldier, and all my family too, so I can speak without fear of being accused of not having the interests of the soldiers at heart. That is not so. It is bunkum. We cannot continue giving these privileges to people who served in the war, and their dependants and everybody connected with them.

It applies to people of other countries, and not only our own soldiers, because we find that on page 4 of the Bill a member of the Forces means a member of the Defence Forces engaged on war service, and includes any person who was on active service with the naval, military or air forces maintained by any foreign authority, etc. It is pretty wide. I do not know what we can do, but I say there should be a definite limit to legislation of this sort. Let us devote some thought to a measure which will, without taking away the rights and privileges of soldiers, ease the position in some way, but not at the expense of those who were not able to render the service that others did. I reluctantly support the second reading.

**THE CHIEF SECRETARY** (Hon. H. S. W. Parker—Metropolitan-Suburban—in reply) [5.11]: I agree with a considerable amount of what has been said. Members will recall that in my opening remarks I pointed out that the Bill was for the purpose of cushioning the effect of the sudden decision of the High Court, because many people were living in places in the belief that they could not be ejected. Because the High Court's decision came so suddenly it was deemed advisable that the measure should be extended for a further period. The original Bill, as introduced in another place, was to provide for an extension to September, but now I think it is for a further 12 months.

I take exception to the remarks concerning the duty of the Government to provide houses for soldiers. It is the duty of the Government to provide houses for everybody in urgent need; and the Housing Commission has done a wonderful job. Every avenue has been thoroughly explored, and organisations have been set up even to the extent that recently a full-time highly paid officer was appointed to devote the whole of his attention to seeing what could be done to expedite the building of dwellings. Furthermore, the Housing Commission has decided that no industrial or commercial buildings shall be erected until the people are housed.

Everything possible is being done. I have been asked by members to tell them what the Government is doing. Well, the Government is doing everything possible. It has set up a complete department for

that purpose. Only recently I brought down a Bill to continue the Building Operations and Building Materials Control Act, but it has been delayed. That does not make any difference to the real position, because the Act will continue to the end of the year, and so long as it is re-enacted before then it will be all right.

Any measure brought down to improve the housing position meets with a solid phalanx of opposition. It does not matter what it is; there is opposition from some source—and a great deal of it is justified. But it must be remembered that the Government has devoted a considerable amount of time and attention to the matter, and—I think all members will agree with me in this—the most able Minister we have has been put on that job. I do not think that anyone can object to that. I do not wish to delay the House because this matter has been argued fully and completely. I feel that members will support the second reading, and perhaps at the Committee stage there may be some amendments to be considered. I would again point out that this Bill is, to all intents and purposes, a continuation of the law that existed under Commonwealth control.

Question put and passed.

Bill read a second time.

*In Committee.*

Hon. G. Fraser in the Chair; the Chief Secretary in charge of the Bill.

Clauses 1 and 2—agreed to.

Clause 3—Sections 18F to 18L added:

Hon. H. K. WATSON: I move an amendment—

That in line 2 after the word "sections" a new section be inserted as follows:—

18F. On and after the thirty-first day of October, one thousand nine hundred and forty-nine, and notwithstanding any provision of this Act or of any regulation made hereunder, the Court shall not refuse to make an order for the recovery of the possession of land or premises being a dwelling house in favour of the owner and the ejectment of a tenant therefrom if it is satisfied that such land or premises are required by the owner for his own personal occupation or that of any person who ordinarily resides with and is wholly or partly dependent upon the owner, and that a period of not less than three months has elapsed since the date upon which the owner first gave notice to the lessee in writing that he required possession of such land or premises for such

purpose. The Court may in special circumstances suspend the enforcement of any order made pursuant to this section for a period or periods not exceeding in the aggregate three months.

In a later new section proposed under this clause there is a provision that the section shall not apply in certain circumstances. The provision should not apply in the circumstances predicated in my amendment, namely, in the case of a person who is applying for recovery of his own home and who requires it for his own personal use and enjoyment. Numerous home-owners have been deprived of possession of their own homes for many years. Numbers of them have suffered serious hardship.

*Point of Order.*

The Chief Secretary: Mr. Chairman, I do not know whether this is the correct time to take the objection that this amendment is not within the scope of the Bill, unless the hon. member is prepared to alter it so that it applies to ex-Servicemen only.

The Chairman: I take it that the Chief Secretary is implying that the hon. member's amendment is out of order.

The Chief Secretary: Yes.

The Chairman: The Chief Secretary is a little premature with his objection and therefore the hon. member can proceed if he so desires. However, in view of what has transpired, I take it that Mr. Watson will possibly reserve his remarks until later.

*Committee Resumed.*

Hon. H. K. WATSON: I will proceed, Mr. Chairman. In addition to many of these owners suffering serious hardship, it is found that not a few of those persons in the house are really there by taking an unfair advantage of the provisions contained in the Act. No-one has the right to deny any man possession of his own home. A man may have slaved and saved for years to build up that asset for himself and his family. He still has obligations and liabilities connected with it, yet his hands are tied and he is denied the use of his own home. I agree with Mr. Craig when he said on the second reading debate that the time for talking has passed. It is time the Government and Parliament declared themselves on this all-important aspect at least. I therefore ask the Committee to accept this amendment.

*Point of Order.*

The Chief Secretary: I refer you, Mr. Chairman to Standing Order 191, which reads—

Any amendment may be made to any part of the Bill provided the same be relevant to the subject matter of the Bill, and be otherwise in conformity with the Standing Orders. Is this relevant to the subject-matter of the Bill? Assuming this amendment is carried and becomes part of the Bill, it will in no way affect the other clauses. The ex-Servicemen will have exactly the same rights as the Bill proposes to give them, because the latter portion of the next proposed new section goes on to describe what a discharged member of the Forces is, what his rights are, and so on. The amendment certainly does not affect the continuance, because, with a continuance Bill, we can deal only with the question of continuance. That is why such Bills are always introduced to alter one word in one section. I submit that the amendment is not relevant to the Bill.

The Chairman: I have considered the amendment and rule that the proposed amendment is not within the scope of the Bill. Does the hon. member wish to dispute my ruling?

*Dissent from Chairman's Ruling.*

Hon. H. K. Watson: Yes, Mr. Chairman.

The Chairman: It will be necessary for the hon. member to state his objection in writing.

Hon. H. K. Watson: Could I move to report progress at this stage?

The Chairman: I do not know of any Standing Order that would permit progress to be reported at this stage.

The Chief Secretary: All that Mr. Watson need do is to state in writing that he considers the amendment relevant to the Bill.

The Chairman: The relevant Standing Order 255 begins—

If any objection is taken to a decision of the Chairman of Committees, the objection must be stated at once in writing.

The hon member merely has to state his objection to my ruling and can give his reasons later.

[*The Deputy President resumed the Chair.*]

The Chairman having stated the dissent,

The Deputy President: Mr. Watson may state the reasons for the dissent.

Hon. H. K. Watson: I submit that my amendment is clearly within the scope of the Bill as it is designed to modify certain of its provisions. Subsection (3) of proposed new Section 18G provides that an order shall not be made for the recovery of possession of premises from a protected person or for the eviction of such a person unless the conditions enumerated are complied with. Similarly, in the proposed new Subsection (5), provision is made that where a tenancy has been lawfully determined and the person in possession of the premises is a protected person, an order shall not be granted unless the conditions laid down have been complied with.

Those provisions would preclude the owner of a home from obtaining possession of it unless he were a person coming within the provisions of the proposed new Subsection (9), which stipulate that the provisions of Subsections (3) to (8) shall not apply in relation to premises of which a protected person is the lessor. Perhaps I should have moved my amendment as a further proviso so that those subsections should not apply in the case of a person seeking possession of his home for his own personal use and enjoyment. That, however, is purely a matter of drafting. In order to establish the principle, I thought it would be more convenient to move my amendment at the beginning of the section so that, if it were carried, various consequential amendments could be made.

It has been suggested that if the proposed amendment were agreed to, it would have no effect on any other provision of the Bill. I disagree with that view. Although later provisions lay down that a protected person shall not have a recovery order made against him and shall not be evicted unless the provisions of the succeeding sections are complied with, my amendment clearly states that "notwithstanding any provision of this Act"—this surely means the sections which follow as well as the rest—the court shall not refuse to make an order for the recovery of the possession of premises as set forth in the amendment. Therefore I contend that my amendment is definitely relevant to the Bill seeing that it is intended to modify the provisions of Clause 3.

Hon. E. M. Heenan: It is a negative.

Hon. H. K. Watson: Only in the case of a person requiring the property for his own use. If he desired to let the house to some other person, the remaining provisions of the Bill would apply.

Hon. G. Fraser: I do not like to give a ruling without stating my reasons. One might divide the Bill into two parts, one providing purely for a soldiers' moratorium and the other for the continuance of the Act. The continuance portion, of course, cannot be amended except in certain ways. This means that the part relating to the soldiers' moratorium is the only part that may be amended. The proposed amendment would defeat the object of the Bill because it would undermine the whole structure designed to give ex-Servicemen certain protection. This being so, I had no alternative to ruling the amendment out of order.

The Chief Secretary: After listening to the argument of Mr. Watson, it is clear that the amendment would apply, not only to ex-Servicemen, but also to everybody. The Bill, as Mr. Fraser said, deals purely with a moratorium for soldiers and it would not be relevant to include in it something that would apply to other than ex-Servicemen.

Hon. H. Tuckey: I take the view that, irrespective of what the Bill deals with, it is an amending measure. This being so, I consider that Mr. Watson was quite in order in moving his amendment.

Hon. A. L. Loton: Mr. Tuckey has alluded to the Title of the Bill. It reads—

A Bill for an Act to amend and continue the operation of the Increase of Rent (War Restrictions) Act, 1939-1948.

Thus the word "amend" is definitely mentioned. The short Title also makes a similar reference—

This Act may be cited as the Increase of Rent (War Restrictions) Act Amendment Act, 1949.

Thus the word "amend" is mentioned in two places. Therefore I consider that it is subject to amendment as proposed by Mr. Watson.

Hon. J. G. Hislop: Surely we are aiming at granting something that the State has not previously granted and surely it is within our province to limit what is granted! All the amendment seeks to do is to limit the provisions of the Bill.



The Chief Secretary: No, to extend them. It deals with people apart from soldiers.

Hon. J. G. Hislop: The amendment seeks to limit the Bill by stating that its provisions shall not apply in certain cases. Therefore, I consider the amendment to be in order.

The Deputy President: I am called upon to give a ruling in this matter, and as I see the Bill there appear to be only two reasons for its introduction, the first being to extend the Bill for a further period; and the second, to introduce into the State Act those provisions which had hitherto been operative in a Commonwealth Act but which were subsequently ruled by the High Court as being ultra vires the Constitution. The purpose of the Bill is to introduce into the State Act practically en bloc those protective provisions covering Service personnel and their dependants. I believe that the proposed amendment by Mr. Watson goes outside the intention of the Bill. In other words, I would rule that it is irrelevant. I would refer to Standing Order 191 on account of the point raised by Mr. Tuckey and supported by Mr. Loton. The fact of its being within the scope of the Title of the Bill is no ground for making the amendment. Standing Order 191 clearly states—

Any amendment may be made to any part of the Bill provided the same be relevant to the subject matter of the Bill, and be otherwise in conformity with Standing Orders.

It has not necessarily to be within the scope of the Title, but has to be relevant to the subject matter, and my ruling is that this amendment is irrelevant.

#### *Dissent from Deputy President's Ruling.*

Hon. H. K. Watson: I move—

That the House dissent from the Deputy President's ruling.

The Deputy President: There can be no debate on the motion.

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

Ayes	..	..	..	13
Noes	..	..	..	13
—				
A Tie	..	..	..	0
—				

#### AYES.

Hon. C. F. Barter	Hon. A. L. Loton
Hon. L. Craig	Hon. W. J. Mann
Hon. J. M. Cunningham	Hon. G. W. Miles
Hon. H. A. C. Daffen	Hon. H. L. Roche
Hon. R. M. Forrest	Hon. H. K. Watson
Hon. H. Hearn	Hon. H. Tuckey
Hon. J. G. Hislop	(Teller.)

#### NOES.

Hon. G. Bennetts	Hon. L. A. Logan
Hon. E. M. Davies	Hon. H. S. W. Parker
Hon. G. Fraser	Hon. O. H. Simpson
Hon. Sir F. E. Gibson	Hon. F. R. Welsh
Hon. E. H. Gray	Hon. G. B. Wood
Hon. W. R. Hall	Hon. R. J. Boylen
Hon. E. M. Heenan	(Teller.)

The Deputy President: The motion being equal. I give my casting vote with the noes. The motion is resolved in the negative.

Question thus negatived.

*Committee Resumed.*

Progress reported.

*House adjourned at 5.55 p.m.*

## Legislative Assembly.

Wednesday, 10th August, 1949.

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