

HON. F. J. S. WISE (Gascoyne) [11.10]: All that this Bill seeks to do is to amend the second schedule of the Water Supply, Sewerage and Drainage Act in the direction of indicating which Acts are relevant and may be connected with this legislation. As it is only a matter of greater clarification in administration, I support the second reading.

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 11.12 p.m.

BILL—INCREASE OF RENT (WAR RESTRICTIONS) ACT AMENDMENT (No. 1).

Suspension of Standing Orders.

THE HONORARY MINISTER FOR AGRICULTURE (Hon. G. B. Wood—Central) [4.35]: I move without notice—

That so much of the Standing Orders be suspended as is necessary to enable a Bill for an Act to amend Section 18L of the Increase of Rent (War Restrictions) Act, 1939-1949, to pass through all its stages at the one sitting.

HON. H. K. WATSON (Metropolitan) [4.36]: May I suggest that the Honorary Minister might take the ordinary course and give notice of this motion and have it placed on the notice paper for the next sitting of the House. There is no immediate urgency necessitating a departure from giving the House time to have a look at the Bill between now and tomorrow; particularly as, I understand, it purports to continue a section of an Act which Parliament, very deliberately, 12 months ago decided should not be continued beyond the 30th September of this year. Even though it provided that the remainder of the Act should continue until the 31st December, 1950, Parliament in its wisdom decided that this particular section should not continue after the 30th September of this year.

HON. E. H. GRAY (West) [4.37]: I am supporting the motion because it is of vital importance and the Bill affects ex-Servicemen, their relatives, pensioners and sick people. It is a pity that we have to pass a motion of this character but I understand that the Government is adopting this course because it was taken unawares.

Hon. Sir Charles Latham: The Government was not taken unawares.

Hon. E. H. GRAY: That was the excuse put up in another place.

Hon. Sir Charles Latham: That is not so. The Government was not taken unawares.

Hon. E. H. GRAY: That argument was put up in another place. It was found that the section referred to expires on the 30th September and therefore the Government was forced to take this action. Unless we assist, the Government will be in serious difficulties and unless amending legislation is passed, tremendous inconvenience, confusion and suffering will be placed upon a large number of ex-Servicemen, women and their relatives. I understand that the Government is to introduce amending legislation to this Act which will deal with the varied problems facing these people. I recognise the difficult position in which the Government is placed and on behalf of the people who

Legislative Council.

Wednesday, 27th September, 1950.

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

will be involved, if this particular section lapses, I support the motion. I consider it imperative, too, that every other member should support it.

HON. G. FRASER (West) [4.39]: I support the motion with very bad grace.

Hon. Sir Charles Latham: A rift in the party!

Hon. G. FRASER: I support it because we are placed in the position that if we defeat it, chaos will reign. But, I object strongly to the Government, which has had ample time to deal with this particular Act, coming along here and asking us to suspend Standing Orders to deal with this continuance Bill.

It is not something that has developed within the last few days and which must be fixed up straight away. This is something the Government has known for a whole 12 months. It has known that this part of the Act would expire on the 30th September this year. On the 27th September we find the Government bringing down a measure and, in order to get the Bill through, moving to suspend the Standing Orders.

Hon. W. R. Hall: Do you think the Government had reasons for delaying it?

Hon. G. FRASER: I do not care what the Government's reasons for delay are; it has had 12 months in which to prepare the Bill. What has probably happened is that the Government has taken some action, found it was not correct and, having left it late, now wishes to adjust the position. The gun is held to our heads, and we are told that we have either got to pass this measure or a state of chaos will prevail.

Hon. H. K. Watson: Are you going to hold up your hands and yield?

Hon. G. FRASER: Exactly. I am not doing it willingly but with very bad grace. The Government has had a breathing space of 12 months, and now, I assume, it is anxious because of the termination of portion of the Act.

Hon. H. K. Watson: We do not know that.

Hon. G. FRASER: We can assume that it is so. I presume it is only going to be a temporary postponement so that the main Act can be dealt with.

The Honorary Minister for Agriculture: That is correct; it is only for three months.

Hon. G. FRASER: If it were for 12 months, I would take an entirely different attitude.

The Honorary Minister for Agriculture: You will have every opportunity.

Hon. G. FRASER: That is so. We ought to have every opportunity, but it will not be under this measure. While I am giving way on this occasion, my vote will be recorded in an entirely different manner if

the Government comes forward again with something which I do not consider is urgent but which the Government regards as such. I appreciate the urgency, but the Government has been very inactive over the last 12 months, and for that reason I support the motion with very bad grace.

HON. H. HEARN (Metropolitan) [4.42]: I propose to vote against the motion. I cannot see any reason for it. As previous speakers have said, the Government knew full well that this Act would need to be amended if it was to be continued after the 30th September. Mr. Fraser has mentioned that chaos would reign. I suggest that the real chaos is on account of this Act, and therefore if later on we decide to suspend Standing Orders, I shall have something to say. In the meantime, I am against any such suspension. If the Honorary Minister had introduced the Bill today and given us until tomorrow to study it, it would have been far better.

HON. J. A. DIMMITT (Suburban) [4.44]: I think members should appreciate the motion before the House. It is that Standing Orders be suspended in order to discuss this matter and arrive at a conclusion, but it must be dealt with and the conclusion must be arrived at by tomorrow. If Standing Orders are suspended today, the House will have two full days in which to discuss the Bill.

The Honorary Minister for Agriculture: Mr. Hearn does not understand that.

Hon. J. A. DIMMITT: If Standing Orders are not suspended until tomorrow, then we shall only have tomorrow in which to discuss the Bill. I suggest that members view the position in that light. If we agree to the suspension of Standing Orders, we shall have two days in which to discuss the Bill. If we do not agree to it today, we shall only have one day. I support the suspension of Standing Orders on that ground.

HON. H. S. W. PARKER (Suburban) [4.45]: It appears to me that the Government realises that this is a matter of urgency.

Hon. G. Fraser: Created by Ministers themselves.

Hon. H. S. W. PARKER: All right; we can say that, if the hon. member likes. We can say it was caused by carelessness or negligence, but it is a matter of urgency. If we suspend the Standing Orders, it does not by any means follow that we have to vote for the measure, nor does it mean that we could not vote to have the debate adjourned. Mr. Hearn objects to the suspension of Standing Orders but desires that the Bill may be introduced today to enable us to know what it is all about, and then proceed to discuss it tomorrow. With the suspension of the Standing Orders that can be done.

I would like the Bill to be read a first time today and to have the second reading tomorrow. It will then be possible for those members who desire to vote against the Bill to have their full rights to vote. But those of us who desire to help the Government, by dealing with something that has been overlooked, would surely not be prejudiced nor, in fact, would other members, by permitting the suspension of the Standing Orders so that that may be done. We are not committing ourselves to vote one way or the other by supporting the motion before the House. While I do not know what the Bill contains, I have a general idea through conversations I have had. I have not perused the Bill, however, and personally I should like to see what it contains before I commit myself one way or another. I do think, however, we would be entirely wrong to hobble the Government by refusing to allow the Bill to be introduced today. I shall vote for the motion.

HON. W. J. MANN (South-West) [4.47]: I propose to support the motion. It has been the invariable custom in this House, since I have been here, to permit the Minister on behalf of the Government to make any explanation regarding the course it is proposed to pursue. As members have pointed out, it does not necessarily follow that if we pass the motion today the Bill will go through all stages at once.

The Honorary Minister for Agriculture: That is quite correct.

Hon. W. J. MANN: We will have an opportunity of debating it. While I am not going to say that I will support the Bill, I intend to support the Honorary Minister in his effort to have the Standing Orders suspended so that the business can be put through.

HON. SIR CHARLES LATHAM (Central) [4.48]: I propose to support the Minister. The only mistake made was that he did not give notice of motion yesterday. If he had, all this would have been avoided.

The Honorary Minister for Agriculture: It had not passed through another place.

Hon. Sir CHARLES LATHAM: The Minister could still have given notice. I agree it is far better to have two days to discuss the Bill, and I would like the Minister's assurance that we will have every opportunity of doing so.

The Honorary Minister for Agriculture: I am in the hands of the House.

Hon. Sir CHARLES LATHAM: Last year, when what was more or less a new section was introduced into the rents restriction Act, this House in its wisdom decided to give the incoming Government the opportunity of framing something that was more acceptable. So it was limited to the 30th September this year. The Government has evidently not yet come to any

decision as to what it wants to introduce, but is asking us to extend the period to the end of the year.

The Honorary Minister for Agriculture: We are not debating that, but the suspension of Standing Orders.

Hon. Sir CHARLES LATHAM: I know, but that is what the proposal is. There is no doubt about that. I hope the Minister will give us an opportunity to debate the matter and will not force the Bill through today.

The Honorary Minister for Agriculture: How can I? I could not do that.

Hon. Sir CHARLES LATHAM: The Minister could, of course.

The Honorary Minister for Agriculture: No.

Hon. Sir CHARLES LATHAM: If the Minister only has the numbers, he can do as he likes, provided he keeps within the Standing Orders. Once he is given this power, I want members to have a full opportunity to discuss the Bill.

HON. A. L. LOTON (South) [4.52]: While supporting the motion, I must enter a protest against the introduction of this measure at this stage on a take-it-or-leave-it basis. The House has been sitting for just over two months and the Government has had plenty of time to give notice of this measure. Yet today it is necessary to suspend Standing Orders for the purpose of discussing the Bill. There does not appear to be any other course. I will support the motion; but, as I have said on various occasions, I hope that the suspension of Standing Orders will not be sought as a matter of expediency.

Question put.

The PRESIDENT: It will be necessary for the House to divide as, under Standing Order No. 422, the motion must be agreed to by an absolute majority of members.

Division resulted as follows:—

Ayes	18
Noes	2

Majority for	16
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Ayes.

Hon. G. Bennetts	Hon. W. R. Hall
Hon. R. J. Boylen	Hon. Sir Chas. Latham
Hon. L. Craig	Hon. A. L. Loton
Hon. E. M. Davies	Hon. W. J. Mann
Hon. J. A. Dinmitt	Hon. H. C. Srickland
Hon. R. M. Forrest	Hon. J. M. Thomson
Hon. G. Fraser	Hon. F. R. Welsh
Hon. Sir Frank Gibson	Hon. G. B. Wood
Hon. E. H. Gray	Hon. H. S. W. Parker

(Teller.)

Noes.

Hon. H. Hearn	Hon. H. K. Watson
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(Teller.)

The PRESIDENT: The question passes in the affirmative by an absolute majority.

Question thus passed.

First Reading.

Bill received from the Assembly and read a first time.

Second Reading.

THE HONORARY MINISTER FOR AGRICULTURE (Hon. G. B. Wood—Central) [5.2] in moving the second reading said: I thank the House for giving me the opportunity of introducing this Bill and having it passed through all stages at one sitting, if necessary. As has been pointed out, no member is committed to supporting the measure by having voted in favour of the motion for the suspension of Standing Orders. It is not imperative that we pass the measure through all stages today. I do not desire to push it through in a hurry, nor is that necessary. We have two days, if required, in which to deal with this legislation.

The Bill is a simple measure that seeks to continue until the 31st December next certain provisions that were approved by Parliament last year for the protection of ex-Service personnel and their dependants who are renting premises. As members will recollect, these provisions—which comprise Sections 18F to 18L of the Act inclusive—were embodied in the legislation owing to a decision by the High Court which declared invalid the War Service Moratorium Regulations made by the Commonwealth Government, first under the National Security Act and later under the Defence (Transitional Provisions) Act. In order to continue the protection of ex-Servicemen and their dependants, it became necessary that there should be State legislation for that purpose.

For the purposes of the Act an ex-Serviceman is defined briefly as a person who is or had been on war service in any war in which His Majesty became engaged on or after the 3rd September, 1939. Such protection is given to the person while a member of the Forces and for a period not exceeding four years after his discharge. If the discharged person is in receipt of a war pension or is receiving medical treatment from the Commonwealth, such protection continues for the full period of the pension or treatment. A person is regarded as on war service if he is a member of the Citizen Forces called up for war service under the Defence Act, or during continuous training under the Defence, Naval Defence or Air Force Acts, or if he volunteers under any of those Acts and is accepted for continuous service, or if he is a member of the permanent forces during war.

The Act provides that no order shall be made for the recovery of possession of premises rented by such persons, or for the ejection of such persons, unless they fail to pay the rent for a period of not less than eight weeks or fail to abide by other provisions specified in the Act. To

obtain such protection a serving member of the Forces must have been required to rent premises, by reason of his war service, or, if discharged from the Forces, must have been renting premises prior to his discharge. The Act provides that an order can be made if the premises are reasonably required by the owner for his own occupation or that of some person who ordinarily resides with him and is wholly or partly dependent on him, provided, in the case of a house, that the lessor has been the owner of the premises for more than three years and does not own any other house.

Orders can also be made for a number of other reasons contained in the Act, one of which is where the lessee, after the 14th March, 1947, entered into occupation of the premises without the approval of the owner. In certain circumstances, too, an order cannot be made unless the court is also satisfied that reasonable alternative accommodation is available for the protected person. There are other provisions, such as the necessity for the court to adjudge the relative hardships of the lessor and the lessee.

When these provisions were submitted to Parliament last year, it was decided that they should operate until the 30th September, 1950, only. This was done in order that Parliament should have opportunity further to consider the extension of these powers. The rest of the Act does not cease to have effect until the 31st December, 1950. In view of the fact that the Government proposes, as soon as possible this session, to introduce another Bill to amend various parts of the Act, including the provisions now under discussion, it is requested that the House agree to extending to these ex-Service personnel, until the 31st December, the provisions with which we are dealing. I understand that the other Bill I have mentioned will be introduced within two or three weeks, and in any case members will be given ample opportunity of debating it. The charge has been levelled that the Bill now before the House has been brought down much later than should have been the case.

Hon. A. L. Loton: You cannot deny that.

THE HONORARY MINISTER FOR AGRICULTURE: I do not intend to deny it, but the fact is that the Government proposed other means to bridge the period between the 30th September and the end of the year, but was recently advised that the methods contemplated were legally unsound and that the Bill with which we are dealing was the only way of solving the difficulty. A tremendous amount of work has been done and investigations made with regard to the proposed Bill that I have mentioned. There are, however, so many conflicting interests and views involved that great difficulty has been experienced. No possible point has

been overlooked and although, when introduced, that Bill will undoubtedly not please all parties, I can assure the House that it will be a genuine effort to deal with the problem, and members will be given full opportunity to advise and assist the Government.

Hon. Sir Charles Latham: Ministers do not take any notice, anyway.

THE HONORARY MINISTER FOR AGRICULTURE: Oh yes, they do! The Premier has stated that a Bill to amend the whole of the Act will be brought down this session, in ample time for it to be given thorough consideration. If the Bill now before us is not passed, there will be serious repercussions on the rental position of war pensioners and ex-Servicemen receiving Commonwealth aid, and on the dependants of men who are now on active service or who have not been discharged from the Forces. The Bill asks only that the provisions with which it deals be extended for three months. I admit that the delay in bringing down this measure should not have occurred, but we must meet the position as we find it and reach a decision on the merits of the measure. I move—

That the Bill be now read a second time.

Hon. Sir CHARLES LATHAM: I move—

That the debate be adjourned.

Motion put and negatived.

HON. E. H. GRAY (West) [5.11]: The issue before the House is so simple that I do not think it necessary that the debate be adjourned. I feel that we should be able to decide the matter quite easily at the one sitting. I realise the extent of the work involved in the inquiry made by the Government in regard to this legislation. Notwithstanding that, I think it is a pity that the measure was not brought down weeks ago; but we must remember that the course the Government proposed to take was declared illegal. This Bill seeks to continue the operation of certain provisions of the Act for a period of three months, and we have been assured that a further Bill will be brought down, giving members an opportunity to discuss in full the whole of this legislation in a few weeks' time. If we do not pass the present measure, we will cause confusion and injustice to a lot of people.

I agree that there have been some serious happenings under the present Act and that some people have been treated unfairly. Hardship has been inflicted on some owners of premises, but all of that can be discussed in the next few weeks when we are dealing with the Bill that will be introduced later. I hope the Minister's statement will be proved correct and that when this further Bill is introduced members will be given every opportunity of voicing their views and doing all that is possible to ensure that justice is done to the majority of the people. No matter

what we do in that regard hardship is certain to be inflicted on a number of people.

All that we can do is to endeavour to pass legislation that will be beneficial and give justice to the majority of those involved. Therefore, I ask the House, as this is a one-clause measure, to pass the Bill, so that the operations provided for under this section—which is fairly large—may be continued to the 31st December. Members have ample opportunity to air their views and support or oppose the amendment brought forward by the Government to meet the position. Under those circumstances I am supporting the Bill; and I hope members will not consider it necessary to postpone its consideration until tomorrow, because that which we can do tomorrow we can do today and thus dispose of it. I am certain that no member will oppose the Bill if he considers it carefully because it is giving a chance to everyone. If any member does oppose it, he is carrying a grave responsibility on his shoulders.

Hon. H. Hearn: Yes, and on every measure, too.

Hon. E. H. GRAY: Such a member will carry a grave responsibility and will inflict hardship and suffering on many people. On behalf of those people, I appeal to members to support the Bill.

HON. H. HEARN (Metropolitan) [5.17]: I preface my remarks by saying that I am a returned man from the World War II and a member of the Returned Soldiers' League. So I want members to know that I realise the responsibility that rests upon members of this House in regard to this particular matter. I do not think there is any member of this Chamber who could not get up, if he felt so disposed, and tell harrowing stories of the grave injustices that have been inflicted on individuals through this blanket protection. I recognise that the Government owes a duty to ex-Servicemen.

Hon. Sir Charles Latham: The Government does, yes.

Hon. H. HEARN: I do not believe that the Government is discharging its duties by expecting individuals to shoulder its responsibilities. When we realise that nearly five years have elapsed since the conclusion of hostilities, then I say that most ex-Servicemen should and would have moved—that is, those who wanted to—obtain premises of their own in the way of a war service home, or would have done something else to rehabilitate themselves. I am concerned about the fact that there is extremely little differentiation between the types of protection given to ex-Servicemen. I believe there should be priorities, because I know, as all of us know, the terrific trouble that is being foisted upon individuals who happen to be, shall I say, unfortunate enough to own their own properties. They have waited patiently dur-

ing the war period and for a further five weary years and are hoping, in the eventide of their lives, to get back into their homes—yet here we are considering a measure to carry such a position still further!

The Government has had the whole of the past nine months to consider what to do and now we are asked to extend this period and to debate this Bill and come to—what conclusion? I believe that if the Government had any sense of responsibility, it would have taken steps to ascertain the magnitude of the job which it should carry out on behalf of ex-Service-men, having regard to its responsibility to individual property owners. I am looking at the question from the point of view of equity and justice and I say quite definitely that insistence that a man with only one house shall not obtain possession of it is not moral. Because of that, and as a protest against the Government's inaction, I intend to vote against the Bill.

HON. G. BENNETTS (South-East) [5.20]: I take it that if we pass this measure today, then when the other Bill is brought before the House members will be able to put forward points such as Mr. Hearn has raised, which doubtless justify amendments to the Act. Personally, I am concerned with at least five or six sections in the Act and I could bring forward the names of people who are very deserving of relief but who cannot obtain possession of their own homes. The measure which we are trying to get through today is to allow the parent Act to continue until such time as another Bill is brought before the House. At that time I shall take the opportunity to bring to light some of the hardship suffered by people who have fought, and whose sons have fought, on the battlefronts in the past and who are unable to obtain possession of their own homes. For that reason I intend to support this Bill today.

HON. SIR CHARLES LATHAM (Central) [5.22]: The only difficulty which justifies the Government's asking this House to extend the period of the Act for a further three months is that a Legislative Council election has been held since the end of last session. During the last session the members of this Chamber determinedly said that they would give authority to the Government to extend the period to the 30th September in order to give effect to the views that were then expressed in this House.

A very definite view was expressed then that the responsibility of looking after returned soldiers was that of the people as a whole and not that of individuals. Whether or not, during that period, the Government has carried out the obligations that were imposed upon it, I do not know. As I said before, there has been an election and there are now four new members in this Chamber. That may justify the Government in saying that it is prepared

now to ask the members of this House to alter the views which they expressed very definitely towards the end of last session.

While most of us agree that we are under an obligation to those men who enlisted for active service so that we might enjoy our freedom, we are bound to see that obligation is honoured. However, in its execution we have imposed extreme hardship on individuals who cannot afford to carry it. So for that reason I can now justify the expressions that I made during the last session of Parliament, neither can I alter the views which I voiced then by agreeing to the alteration of the term as required by this Bill, which is to extend it for a further period.

It is perfectly true that the Government has had over a year to bring to this House a measure that would be much more acceptable than the Bill introduced last year for the adoption of the regulations that were introduced by the Commonwealth Government under the National Security Act. We accepted that, more or less, with minor amendments. We knew that during the war period we were entitled to ask our people to carry a responsibility which probably, under normal circumstances, they would not have been asked to shoulder. However, as already stated, it is five years since the termination of hostilities and yet the Government has not taken sufficient constructive action, with the aid of its officers, to bring down, well before the 30th September of this year, any legislation that would give us confidence in believing we shall not be misled for another three months, when we are asked to continue something which we absolutely believe is an injustice to the few people—because there are only a few—who are suffering hardship at present.

I believe, and say definitely, that many people are imposing on the benefits afforded by this legislation. I know of cases of married couples who own houses but who are living in rooms, under great hardship, while other people are living in their houses and subletting rooms at great profit to themselves. This Chamber should attempt to impress upon the Government that some alteration is required in view of those circumstances. My idea is that instead of the owner of a house going to the court, as at present, and saying, "Please, Mr. Magistrate, may I have back my residence, on the purchase of which I laid money aside for my old age?" it is up to the people who are occupying the house to justify their staying there. It is about time the Chamber adopted that attitude.

The Government has had every opportunity during this session to bring down a Bill regarding which we would know what we were doing. Last session I should not have supported the extension of the period asked for in the Bill then before the House, but in view of the impending elections I did so to enable the Govern-

ment to introduce legislation early in the next session to effect the desired amendments. For that reason I now support the Bill.

On motion by the Hon. H. K. Watson, debate adjourned.

BILLS (4)—THIRD READING.

- 1, Bulk Handling Act Amendment.
- 2, Marketing of Eggs Act Amendment (Continuance).
- 3, Superannuation, Sick, Death, Insurance, Guarantee and Endowment (Local Governing Bodies' Employees) Funds Act Amendment.
Transmitted to the Assembly.
- 4, Public Trustee Act Amendment.
Passed.

BILLS (4)—FIRST READING.

- 1, Transfer of Land Act Amendment.
- 2, Public Service Appeal Board Act Amendment.
- 3, Western Australian Government Tramways and Ferries Act Amendment.
- 4, Water Supply, Sewerage and Drainage Act Amendment.

Received from the Assembly.

The PRESIDENT: Ring the bells.

Bells rung and a quorum formed.

BILL—STATE TRADING CONCERNS ACT AMENDMENT.

Second Reading.

THE HONORARY MINISTER FOR AGRICULTURE (Hon. G. B. Wood—Central) [5.33] in moving the second reading said: I know how greatly a majority of members of this House dislike State trading concerns and I am therefore confident that this measure will meet with approval. The Bill will mark the final episode in the career of the Boya State Quarry as a State trading concern. This quarry was created a State trading concern on the 23rd May, 1930, under the State Trading Concerns Act of 1912, and it continued to supply roadmaking materials, mainly for the metropolitan area, until 1942. Since then no operations have been carried out and the assets of the concern have been disposed of.

As I have mentioned, the principal object of the quarry was to supply metal for the metropolitan area. In due course, the requirements of metal supplies for metropolitan roads became very small and, as a result, the output of the quarry dropped sharply. The plant was not suitable for the production in quantity of the type of metal required outside the metropolitan area and, in addition, the cost of transport of metal to distant work would have been so high as to prevent successful competition with private enterprise. Privately-

owned quarries were able to overcome these transport costs by shifting their crushing plants to sites near the works on which the stone was required, but the Boya plant was not suited for relocation in this way.

Since the war there has been a very heavy demand for screenings from all road board authorities, but apart from the immobility of the plant and its unsuitability to produce the type of metal required, the granite in the quarry is not considered to be as suitable for road-making as the metal in private quarries. One large firm intends to install extensive modern crushing plant, and it would not be economical to try to compete with the inferior stone contained in the Boya quarry. This private quarry, it is estimated, will alone be able to supply the whole of the needs of the metropolitan and outer suburban areas.

In view of the continued financial losses by the quarry for a number of years and the obsolescence of the equipment, it was resolved in 1942 by the then Government, on the recommendation of the Minister for Works, Hon. H. Millington, to discontinue operations. Mr. Millington stated that he could not recommend the installation of new plant, as requirements from the quarry were negligible and there appeared to be little prospect of improvement. During the next few years, all buildings that were likely to suffer depreciation were removed and utilised elsewhere and, in June, 1947, following on reports from departmental officers and the Auditor General, Cabinet approved of the sale of the remaining assets and the winding up of the concern.

On the 31st May, 1948, Cabinet decided that tenders be called for the disposal of the plant, but it was resolved to retain possession of the quarry. This was recommended by the Director of Works and the Government Geologist, who stated that it would be advisable to reserve for possible future use the supply of epidiorite, which is readily available in quarrying form. If the quarry were sold and a necessity arose for the supply of blue metal or granite, the Government would be forced to acquire new land.

Under Section 25 of the State Trading Concerns Act, the Minister is authorised to sell or lease, and Section 26 provides that the proceeds of the sale of assets may be applied to the capital and placed to the credit of the Government Property Sales Fund at the Treasury. Steps in this direction have been taken and all the salable assets have been disposed of. The method of disposal has been mainly by tender, but where no tender has been forthcoming, private sales have been arranged. The sale of these assets, the book value of which was in the vicinity of £12,000, has realised very little, owing to the obsolescence of the plant.

In conformity with the requirements of Section 22 of the Act, the annual accounts have each year been placed before both Houses, together with the Auditor General's report. The balance-sheet as at the 30th June, 1948, disclosed an accumulated loss of £43,453 5s., which included Treasury interest on the capital invested. The Bill seeks to amend the State Trading Concerns Act to exclude the quarry from the operations of that statute. Now that the salable assets have been disposed of, there is nothing to be done other than to close the accounts.

Hon. Sir Charles Latham: And fill in the grave.

The HONORARY MINISTER FOR AGRICULTURE: Yes. If the Bill be not passed, it will still be necessary to prepare a financial statement each year, have it approved by the Auditor General and lay a copy before each House. 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.

BILL—INSPECTION OF SCAFFOLDING ACT AMENDMENT.

Second Reading.

THE HONORARY MINISTER FOR AGRICULTURE (Hon. G. B. Wood—Central) [5.42] in moving the second reading said: The Act extends to all scaffolding erected within a radius of 25 miles from the G.P.O., but provision is made that scaffolding erected outside that area shall be inspected if it extends 15ft. in height from the ground level. In the Act "scaffolding" is defined as—

(1) Any structure exceeding eight feet from the horizontal base.

(2) Any swinging stage or stage.

(3) Any ladder exceeding 25 feet in length used or intended to be used by workmen or for the support or protection of workmen employed on works.

The object of the Bill is to repeal the regulations included in the Schedule to the Act, and to amend the Act so that regulations may be made by the Governor.

Hon. A. L. Loton: More regulations!

The HONORARY MINISTER FOR AGRICULTURE: Yes, more regulations. These, when made, would, of course, be laid before both Houses in the manner provided by the Interpretation Act.

Hon. Sir Charles Latham: In the meantime, they would have become law.

The HONORARY MINISTER FOR AGRICULTURE: It is open to the House to disallow regulations.

Hon. Sir Charles Latham: Yes, after they have been operating.

The HONORARY MINISTER FOR AGRICULTURE: They may be disallowed, as the hon. member well knows.

Hon. H. Hearn: After having an eight months' run.

The HONORARY MINISTER FOR AGRICULTURE: In addition to the regulations at present contained in the schedule, the Act authorises the Governor to make further regulations not inconsistent with the regulations in the Act. It also lays down the purposes for which the additional regulations may be made. If any alteration is required to the original regulations in the schedule, this would have to be done by amending the Act. That would be a cumbersome method and contrary to the usual manner in which regulations are made.

In recent years it has been necessary on several occasions to amend the Act in order to bring the regulations into line with modern scaffolding methods. The Act deals not only with scaffolding for buildings but also with all lifting gear and cranes used in the construction, maintenance, alterations, etc., of buildings, and to ships in harbour where alterations are necessary for cargo carrying, and where structural work involves the use of carpenters and other persons engaged in the building trade.

The Act is administered by a sub-branch of the Public Works Department, responsible to the Principal Architect, who is also Chief Inspector of Scaffolding. Under his control are five inspectors engaged exclusively on scaffolding supervision. In the country areas architectural supervisors act with the authority of the Chief Inspector. The work is extremely important for ensuring not only the safety of workmen, but also that of the public.

Methods of scaffolding have improved considerably in recent years and these improved methods are in common use in the Eastern States, but they cannot be used in Western Australia unless the regulations contained in the schedule to the Act are amended. Some of the improvements that are in use elsewhere are the improvement and lengthening of battened ladders; the substitution of metal scaffolding for steel scaffolding, metal scaffolding now being in common use in the Eastern States; also the use of tubing of stipulated calibre superior to that required under our existing regulations; and the modification of scaffolding fees payable in respect of construction of groups of houses.

It is desired to institute these improvements in this State and to adopt others as they occur. If it is necessary always

to do this by amendments to the Act, considerable delay may occur especially during the parliamentary recess. The improvements to which I have referred, are advocated by the scaffolding inspectors and by building organisations.

If approved by Parliament, it is proposed that the Bill shall come into operation on a date to be fixed by proclamation. This procedure is suggested so that the existing regulations may continue until such time as new regulations, incorporating all improvements to date, and the requirements of the builders' organisations and scaffolding inspectors, can be framed and gazetted.

I trust that the House will approve of the measure, which will permit of the same method to be used in promulgating regulations as is availed of with other Acts. It will ensure that scaffolding improvements can be adopted with the least possible delay. The Bill is a simple one. It brings the method of promulgating regulations into line with that adopted in 99 per cent. of our Acts. If any further information is required by members, I shall be only too happy to make it available when replying to the debate. I move—

That the Bill be now read a second time.

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

BILL—FREMANTLE HARBOUR TRUST ACT AMENDMENT.

Second Reading.

Debate resumed from the 20th September.

HON. G. FRASER (West) [5.50]: I have had a look at the Bill, which is merely to give certain protection to the Commissioners of the Fremantle Harbour Trust, with which I agree, so I raise no opposition to it.

HON. H. K. WATSON (Metropolitan) [5.51]: There is one question arising out of the Bill on which I would like the Minister to enlighten us when he replies. The Bill gives to the Harbour Trust Commissioners power to exempt themselves from liability for damage or loss suffered by any person in consequence of an act of God; act of war; act of public enemies; strikes, lock-outs or stoppage or restraint of labour from whatever cause, whether partial or general; and riots and civil commotions.

Those are the usual five items by which any person or body having dealings with another person or body contracts out of liability, and preserves its rights and privileges. I am, however, a little concerned about No. (vi) which is—

The use for purposes of war or defence or training or preparation for war or defence of any of the property vested in the Commissioners.

I would like the Minister to assure us that it is not contemplated that, under that particular clause, the Harbour Trust Commissioners can, by regulation, exempt themselves, or the Trust, from damage arising out of the negligence of the Trust as distinct from a real act of war.

Hon. L. Craig: This arises from the "Panamanian" case, I suppose.

Hon. H. K. WATSON: When introducing the Bill, the Minister cited a case where the Harbour Trust Commissioners had been muled in damages on account of a strike by, I think, the pilots. He also gave another illustration, but he did not refer to the "Panamanian" case, although I imagine the Bill has been introduced primarily as a result of the circumstances which arose from that incident. The point I make is that while it is quite legitimate for the Harbour Trust to contract out of damage by an Act of God or warlike operations, it should not be permitted to contract out of damage arising from its own negligence.

Hon. H. S. W. Parker: Is that so here?

Hon. Sir Charles Latham: I do not think it applies as broadly as that.

Hon. H. K. WATSON: I do not know whether other harbours have exempting powers as broad as those set forth here. The common law does not necessarily apply in this instance, because there was a time when the shipping companies, by their bills of lading, used to contract out of everything conceivable.

Hon. L. Craig: But they did not get protection that way.

Hon. H. K. WATSON: Yes, they did because the Sea Carriage of Goods Act was passed in 1924 to override those exempting provisions. I would like the Minister, when he has had an opportunity to consider this point, to assure us that nothing in the Bill will enable the Harbour Trust Commissioners to contract out of matters arising out of their own negligence.

On motion by the Honorary Minister for Agriculture, debate adjourned.

BILL—THE FREMANTLE GAS AND COKE COMPANY'S ACT AMENDMENT.

Second Reading.

THE HONORARY MINISTER FOR AGRICULTURE (Hon. G. B. Wood—Central) [5.54] in moving the second reading said: Members may recollect that in 1947 Parliament agreed to a Bill authorising the Fremantle Gas and Coke Company to increase its capital from £120,000 in £1 shares to £250,000 in £1 shares, and its borrowing powers from £60,000 to £125,000. That action was taken to enable the company to extend its operations in the City of Fremantle and its fast growing environs. The company had secured some 46 acres of land at Spearwood, and proposed

to transfer its works gradually to that location from the site in Cantonment-street, Fremantle, which it had occupied since 1886 and on which there was no room for expansion.

The Bill now before the House proposes a further increase in the authorised capital of the company from £250,000 to £750,000, and in its borrowing power from £125,000 to £375,000. The directors of the company resolved to ask parliamentary sanction for these increases, so that the company might have ample financial provision for future extensions, among which was a request from the State Housing Commission that gas be made available to prospective housing areas contained in the district served by the company.

With regard to the request for an increase in borrowing power from £125,000 to £375,000, this has been recommended by the company's bankers, who are prepared to advance all the accommodation needed for some time to come. As I have already intimated, the increase of capital and loan powers in 1947 was approved so that the company might proceed with its new works at Spearwood. Unfortunately, owing to the shortage of skilled labour and materials, the contractors, Woodall, Duckham and Coy., have not been able to complete the works and it is doubtful whether they will be finished within the next 12 or 18 months.

Since the contract was let in 1947, labour costs have increased heavily and the price of materials has climbed steeply. Much material has had to be imported, owing to the inability of the Broken Hill Pty. to maintain supplies. These added costs, of course, have to be borne by the company under the "rise and fall" clauses in the contracts. It is anticipated that the rises in labour and material costs since the contracts were entered into will amount to approximately £40,000.

In addition to the construction of the new gas works, the company is about to embark, at the request of the State Housing Commission, on a very big main-laying programme estimated to cost at least £50,000. These mains will be extended to areas where the Housing Commission intends to build within the next few months. Here again, the Broken Hill Pty. has informed the company's contractors, Hume Steel Ltd., that the necessary plates cannot be supplied until possibly 1954. As a result, the company has been forced to negotiate overseas for supplies, at heavily increased costs. The company states it will not hesitate to incur additional expense in order to provide facilities for consumers with the least possible delay.

It is apparent that these greatly increased financial commitments necessitate the provision of ample additional financial power. The company does not propose to issue a quantity of new shares at once.

It holds 70,000 unallotted shares which will be offered to shareholders, employees and the public during the present half year. This will assist largely in reducing the present bank overdraft of £100,000. The company proposes to continue adding new plant at Spearwood, so that the works there can absorb the full load, and enable the Cantonment-street plant to be closed down and dismantled.

There is no shadow of doubt that it will be more economical to work from one centre, instead of from both Fremantle and Spearwood. This proposal, of course, necessitates looking well ahead to provide the necessary finance. It is to carry out this long range programme that such substantial increases have been requested in capital and in borrowing power. If these are granted it will obviate Parliament's being approached for further increases in the near future.

Some information of the present commitments of the company may prove of interest to members. These are—

	£	s.	d.	£	s.	d.
Woodall Duckham Ltd., New Works Spear- wood	105,660	0	0			
Less expenditure to date	21,242	0	0			
				84,418	0	0
Hume Steel Ltd., Pip- ing	35,200	0	0			
Less expenditure to date	9,382	16	6			
				25,817	3	6
Buildings at Spearwood for Governor and Meter House				12,000	0	0
Hume Steel Ltd.— 50,000 gallon tank				4,074	0	0
Stewart & Lloyds Ltd. —Piping				1,860	0	0
Monteath Bros.—Pip- ing				2,272	0	0
Repairs to two retorts Boiler mountings, gov- ernors, lavatory block, motors, valves, roadway new works, fire- bricks				1,931	0	0
A total of	£134,872	3	6			

These figures, of course, are subject to the rise and fall clauses in the contracts. In addition, there must be taken into consideration the cost of construction of a railway siding to the new works from the Spearwood-Armadale line. In the past the quality and supply of gas at Fremantle has given rise to much criticism. Happily, the position now appears greatly improved, and to prove this I propose to quote from a number of letters received recently by the company. The extracts are—

Municipality of Cottesloe: "My council are perfectly satisfied with the gas supply—the ratepayers are quite satisfied with the service."

City of Fremantle: "Councillors express their satisfaction with the service being rendered to the community."

North Fremantle Municipality: "My Council was for many years very dissatisfied with the failure of the company to render a service commensurate with its obligations—the position at the present time is, however, much more satisfactory."

East Fremantle Municipality: "During the past six months there has been a considerable improvement in the gas supply and this office has not received any complaints during that period."

Melville Road Board: "The gas supplied by your company for householders in this district is very satisfactory."

Peppermint Grove Road Board: "The board would like to state that the services rendered by your company in this district are quite satisfactory."

Hon. G. Fraser: Did you read anything from the North Fremantle municipality?

The HONORARY MINISTER FOR AGRICULTURE: Yes, would the hon. member like me to read it again?

Hon. G. Fraser: Yes, I would.

The HONORARY MINISTER FOR AGRICULTURE: The letter from the North Fremantle Municipality states—

My Council was for many years very dissatisfied with the failure of the company to render a service commensurate with its obligations—the position at the present time is, however, much more satisfactory.

Hon. G. Fraser: The company has not connected up one extra customer. It is doing the work but not one extra house has been connected up.

Hon. H. Hearn: It is the quality.

The HONORARY MINISTER FOR AGRICULTURE: I do not know whether the hon. member suggests this letter is not authentic. It is authentic, otherwise it would not be quoted here. I did not receive the letter, but somebody else did; and if the hon. member would like to peruse it, I will see that it is made available.

Hon. G. Fraser: I am informing the Honorary Minister of the true position.

The HONORARY MINISTER FOR AGRICULTURE: The North Fremantle Municipality qualifies its remarks by saying that it was not satisfied for many years but that the position at present is much more satisfactory. Possibly the hon. member is not au fait with the position or at least not in possession of facts which are available to the municipality.

Hon. G. Fraser: What a pity!

The HONORARY MINISTER FOR AGRICULTURE: The company's request for the financial increases was submitted to the Under Treasurer, who found no objection to the introduction of the Bill. He mentioned that two Acts passed in 1947 effectively controlled the operations of the company, one being the Gas Undertakings Act, which deals largely with the financial side of gas undertakings and places numerous restrictions on such undertakings. The other measure is the Gas (Standards) Act which is concerned with the quality of gas to be sold and the service which the undertaking is required to provide. The Chairman of the State Electricity Commission—Mr. Dumas—also examined the company's proposals and gave his opinion that the company would be pinched if restricted to its present capital and that an increase was justified. It appears that unless a substantial increase is granted, the rapidly expanding areas around Fremantle will suffer either poor gas supplies or a lack of such facilities. Members will realise, of course, that whatever the decision of Parliament the Government will incur no financial obligation of any kind. I move—

That the Bill be now read a second time.

On motion by Hon. E. H. Gray, debate adjourned.

BILL—RAILWAYS CLASSIFICATION BOARD 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.

House adjourned at 6.6 p.m.