

The number of agreements filed showed a slight reduction on the preceding year, and the reason for this was the growing resistance of workers to enter into them where they contain what are considered to be inequitable waiver provisions. I feel that it would be unfortunate if the useful function of agreements were lost because they effect less than justice in a few cases and a possible remedy would be statutory provision for the board to review the terms of an agreement in the case of a recurrence or deterioration of condition in the same manner as it can its own award, all or any provisions for the discharge of waiver of future claims contained in the agreement notwithstanding. This should satisfy the present objections raised by the workers' organisations.

Mr. Marshall: What are you quoting from?

Mr. LAWRENCE: This is the annual report of the Workers' Compensation Board for the year ending the 30th June, 1951. On the words of the chairman, it must be evident to the Attorney General that he should do something in this matter. There are many other points relating to the provisions of the Bill which I could raise, but I do not wish to take up any more of the time of the House. I appeal to the Government to consider these matters carefully. It should go out and inquire into the seriousness of the problem and the number of cases that arise. It would probably surprise the members of the Government to know what a serious problem has arisen in this State, and how much more serious it will become in the future if proper steps are not taken to remedy it.

Members may think I am exaggerating because I have picked out bad cases but, if necessary, I could stand here probably until 8 o'clock in the morning and quote case after case. Members who are concerned with trade unions and industrial organisations are only too willing, with myself, to bring these cases to the attention of the Attorney General and the Government, so that the problem that has arisen can be considered in its true and full light and that justice, in which I know the Government believes, can be meted out to injured employees. I sincerely trust that members will favourably consider the amendments that will be brought forward at the Committee stage of the Bill.

On motion by Mr. Molr, debate adjourned.

House adjourned at 1.3 a.m. (Wednesday).

Legislative Council

Wednesday, 5th December, 1951.

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The PRESIDENT took the Chair at 2.30 p.m., and read prayers.

BILL—MOTOR VEHICLE (THIRD PARTY INSURANCE) ACT AMENDMENT.

Read a third time and passed.

BILL—ACTS AMENDMENT (FIRE BRIGADES BOARD AND FIRE HYDRANTS).

Second Reading.

Debate resumed from the previous day.

HON. H. S. W. PARKER (Suburban) [2.38]: I do not propose to oppose this Bill but I would like to point out that to me it is not quite fair. The contributions made to the Fire Brigades Board are as follows:—Two-ninths by the local authority; two-ninths by the Government, and five-ninths by the insurance companies. For some years there has been an argument as to who should pay for the installation of hydrants that are attached to water mains and now the Bill proposes that the Fire Brigades Board shall pay for all those hydrants which, in effect, means that the insurance companies will be paying five-ninths of the amount. When the insurance companies pay, it means that those who insure contribute the five-ninths and not the companies. These hydrants are for the benefit of the whole community and I think it would have been much fairer if the local authority had paid for them in view of the fact that they are for the general benefit of all householders in the particular district served, irrespective of whether they insure or not. People who do not cover up their possible losses by insurance have to pay nothing towards these hydrants which are, of course, paid for by the insurance companies. I think it should be borne in mind that the right thing would have been for the local governing authorities to have paid for the installation of

these hydrants, because loss by fire affects the whole community and not merely those people who are insured. 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.

BILL—RENTS AND TENANCIES EMERGENCY PROVISIONS.

Second Reading.

Debate resumed from the 30th November.

HON. H. S. W. PARKER (Suburban) [2.44]: I propose to support the second reading, but I do not like Part IV of the Bill dealing with recovery of possession. To my mind, the time has arrived when we should revert to the law that prevailed in 1939, namely, that the owner of premises should have the right to control them. I cannot understand why we should not do that, and I feel sure that if we adopted this course, conditions would be improved, not only for landlords but also for tenants.

Hon. E. H. Gray: And chaos would result.

Hon. H. S. W. PARKER: We have previously been told exactly what Mr. Gray has said. In June there was a tremendous outcry by certain individuals, who maintained that chaos would reign if we did not hold a special sitting of Parliament to do certain things regarding the rent restrictions legislation. All sorts of things were forecast to happen at the 30th September and previous to that date, but nothing happened.

Last year, this House gave the people clearly to understand that it was opposed to a continuance of these controls. We extended the time to a certain date instead of shutting down immediately, and gave them every opportunity to make arrangements for the future. It was then said that all sorts of dreadful things would happen and that people would be thrown into the streets. That did not occur.

I entirely agree that in existing conditions we must have rent control. It would be quite unfair to remove this control. There are some landlords, though I believe not many, who would cause trouble by taking advantage of the shortage of homes and increasing rents, making their houses available to the highest bidders and reaping a profit from unfortunate people. If we continue to control rents—and I consider that this Bill, by and large, is well designed for the purpose—a landlord would have the right

to eject a tenant only if he wanted to get the house with vacant possession so that he could sell it at a high price, or if he wanted to occupy it himself. Assuming that he could sell it, the house could be let only at the fair rent, no matter what price the owner had paid for it. For him to keep the house empty would be absurd; it would still be made available to a tenant. From the point of view of the State, it does not matter whether A or B is the tenant so long as the house is let.

At present, unfortunately, there are quite a number of bad tenants, and such an arrangement would affect only bad tenants, not the good ones. Every landlord desires to keep a good tenant, but there are many anomalies where people want to gain possession of their homes and cannot get it because they do not come within the restrictive provisions of the law. There is an instance I can quote of a woman who owns two or three houses. One house she shares with a married daughter; she is, in fact, a tenant of the daughter in her own house. She wants to obtain possession of another house for the married daughter, but unfortunately she does not come within the law and therefore cannot get it. I cannot see why she should not be entitled to get it, but I candidly admit that we cannot frame laws to meet hard-luck cases.

I trust that people will appreciate the position. I believe that I am voicing the opinion of a majority of members of this House when I say that we are not likely to approve of a continuance of these provisions after the end of this year, if as long as that, and that it is up to the tenants to make arrangements accordingly and not wait until the last minute or be misled by those desirous of using this legislation for party political purposes. In the past, quite a number of tenants have been badly misled, some of them, I regret to say, by certain lawyers, who told them, "Do not worry; Go to the court and we shall defeat this move. You sit tight." Generally speaking, those people were not the best tenants. We should let the public understand clearly that the prospect of this measure being continued after the end of next year is very remote except, so far as I am concerned, with regard to the control of rents.

Unfortunately, it is very difficult for us to let the public know the intentions of this House. The Press gives publicity only where someone creates some disturbance or unpleasantness, and I seldom see reports of what happens in this House. I would like the general opinion of members in this place to be given publicity, especially as regards ejections. If that were done, the people would have a very much better idea of the views of Parliament than is the case when publicity is given only when someone creates a disturbance, perhaps for party reasons, or

perhaps for perfectly genuine reasons, thinking that he can do something for someone by means of the publicity he receives.

We find that the people were misled as to what would happen in regard to this legislation; and instead of passing on to the Government the duty of housing people, some folk are extremely anxious to place it on private individuals. I do not see why a man who has a house should be compelled to provide for a protected person. That is the duty of the Government through the Housing Commission. After World War I, the Commonwealth took the matter up and provided war service homes. There was no suggestion that private individuals should accept this responsibility or that the State Government should do it; it was a Commonwealth matter.

But now we have reached the stage where people say it is the duty of private individuals to provide for protected persons. They consider only the protected persons and do not take into account the rights of the landlords. Landlords have some rights, and it is the duty of the Government to attend to this matter. When there are two people living alongside each other in identical houses, why should one of them have to provide a house for a protected person and the other be more or less free? All landlords should be on the same plane, and it is the bounden duty of the Government to provide houses for people. I should like to hear an expression of opinion from members that the Government and not private individuals should provide for protected persons, and that tenants at large should be given to understand that the general opinion of this House is that we will not continue that part of the law which provides a restricted right for one to recover possession of one's own property.

My own point of view, and I think it is the general opinion of this House, is that for some time to come rents must be controlled because we must not allow rapacious landlords to take advantage of the misfortunes of others. I support the second reading, but I am doing so only because I want to give people notice that we will not continue this legislation much longer. I do not think it is right that we should discontinue it within a month; people should be given a little more warning than that. By passing this Bill, we will give them almost 12 months' notice, though if some of the proposed amendments are carried it will be only six months.

HON. H. L. ROCHE (South) [2.55]: I support the second reading because the Bill seems to me to be a reasonable and honest attempt by the Government to meet some of the major objections that were raised to previous legislation, which had much the same purpose as this measure.

If this legislation must continue, I think it is fair that a reasonable effort should be made to meet the Government's proposal even though, in the opinion of some members, certain amendments are necessary.

I doubt whether the provision for an increase of 10 per cent. in rents is fair in all the circumstances. Having regard to capital values and the cost of building, the increase in rents permitted by statute since 1939 has not been such as to give reasonable encouragement to people who have invested in property of that kind. I doubt the desirability of this legislation embracing new contracts, even with regard to rents. For my part, I look forward to the time when we can throw off these controls entirely. This Bill, even as it is framed, is a step forward to unwinding some of the controls.

As we contemplate easing controls, I doubt whether we are consistent in trying to bring new contracts under control. Within a year or two, this type of legislation should terminate. It is high time that earnest consideration was given to the very excellent suggestion made by Mr. Parker that some right of ownership be restored to the owners of property. Possibly the majority opinion will still be that rents should continue to be controlled, but I can see no reason whatever why the hon. member's suggestion should not be put into effect at the earliest possible moment.

Such a step would not lead to thousands of ejections while rents are controlled. It would only restore to an owner some right as to the disposal of his own property; because, after all, if he gets rid of one tenant and rents are pegged, he can only take another tenant at the same rent, so that the chaos, confusion and hardship that some people foresee in the easing of these controls would not occur if that suggestion were accepted.

The position in respect of protected persons is somewhat difficult. It seems to me that the Returned Soldiers' League, acting on behalf of those people, has got into a rather unfortunate position and is having to follow a policy of expediency. It is forced to rely on this legislation being re-enacted instead of being able to place the responsibility for housing protected personnel on the shoulders of the Commonwealth Government where it rightly belongs. Individual owners of houses should not have to carry that responsibility. The position is fraught with a certain amount of danger for the people the league is so anxious to protect inasmuch as if this legislation lapses within the next year or two, these people will have no protection whatsoever. If the legislation does not cease to operate we will, I imagine, find owners of properties doing everything they can, in their own

defence, to ensure that in no circumstances will protected personnel, or people likely to become protected personnel, gain occupancy of their premises. This will boomerang on the very people that the league, and I think every member here, would like to see afforded reasonable protection.

To my mind, legislation for protected persons should be separate from the measure we have before us. We have seen the present tendency, and it is likely to develop further, of the protected person being used politically to justify the carrying of the Bill which will apply to other people as well. It would be far better for the protected persons to be dealt with separately and legislation in that connection considered on its merits. I do not wish to delay the House any longer. I think the Bill is still capable of considerable amendment although possibly not requiring the vital amending that the previous legislation needed. In the circumstances I shall support the second reading, but I shall certainly support, in addition, a number of amendments when we get to the Committee stage.

HON. H. C. STRICKLAND (North) [3.31]: I do not agree with Mr. Parker that this House should tell the world that we intend to discontinue the protection at the end of next year. I would not agree to protection being lifted entirely, although I do agree that it should be eased to a considerable extent. My main concern is with respect to the influx of migrants into the country. I do not think it is a fair proposition to have an alien coming here, buying a house and then tipping out a protected person.

Hon. E. H. Gray: That is a big problem.

Hon. H. C. STRICKLAND: That would not be giving justice to the man serving his country, and he is the only person who is protected under the Bill. I agree that it is the responsibility of both the Commonwealth and State Governments to find the solution of the existing protective clause that we are required to continue from year to year. But what are those Governments doing? Are they doing anything to make provision for these protected persons when they are evicted? My experience of the Housing Commission is that it caters for migrants—new Australians. The people who are very badly housed, such as the person living in a fowlhouse, mentioned by Sir Charles Latham—

Hon. E. M. Davies: It might be better than where some others live.

Hon. H. C. STRICKLAND: Why should not the Housing Commission do something for that person? Why do not the health authorities do something.

Hon. N. E. Baxter: Can they build houses?

Hon. H. C. STRICKLAND: They could force the Government to do something. We should not tip people out into the street, although that is what is happening. Flats and houses are kept available for migrants to walk into when they come off a boat. I do not agree with that.

The Minister for Agriculture: It would not be fair to put out the fowls!

Hon. H. C. STRICKLAND: Perhaps the people are sleeping with the fowls. Sir Charles did not tell us about that. I am afraid that until such time as housing can be provided by the Government for this class of tenant, I will not be able to promise to agree to the deletion of Part IV of the Act—at least, until something better is done for them.

Another clause in the Bill which interests me is the one permitting a 10 per cent. rise in rentals. I do not think a 10 per cent. blanket increase is warranted. Whatever Sir Charles's tenant was paying for the fowlhouse would be increased by 10 per cent. I have seen houses in such sub-standard condition that they should be condemned, and probably are, but the health authorities withhold their fire because there is nowhere else for the tenants to go. Why should the rentals of such places be increased by 10 per cent.?

Hon. L. Craig: The tenants can appeal against the increase.

Hon. H. C. STRICKLAND: Yes, but they would be afraid of being tipped out or victimised. We previously increased rentals of dwellings by 20 per cent. I would like to quote the case of a house belonging to a company which owns, I suppose, hundreds of houses. This particular dwelling is 30 years old and consists of two bedrooms, lounge-room, kitchen and bathroom, and is built of brick. The standard rent for it, according to the Act, was 22s. 6d. When we increased rents by 20 per cent. that figure went up to 27s. Immediately following that increase the company decided to have the house valued, which it did, and it then made an application to the court.

It notified the tenants that the application was being made and said it was certain an increase would be granted by the court, but that they could oppose the application if they wished. Then not wishing to offer resistance in case of future eviction, the tenants decided not to oppose it. The company took the case to court on the 20th October, and asked for an increase of 12s. per week on the valuation, which brought the rental to 39s. per week. That was granted with the result that, since the 1st January last, the basic rental of that house, 22s. 6d., has been increased by 73½ per cent. If we are to increase that rental by a further 10 per cent., under this Bill, we will bring the increase in the last 12 months to almost 100 per cent.

Hon. L. Craig: You can move an amendment, and you might be lucky.

Hon. H. C. STRICKLAND: The property has been valued and the judge has said that that is what it is worth. We are now being asked to give the company permission to charge another 10 per cent.

Hon. L. Craig: I say you can move an amendment to cover that.

Hon. H. C. STRICKLAND: Yes, but the point is that the people who have been living in this house and have looked after it for many years—the company would not deny that—are afraid to make any move because once the protection under this measure goes, it is only a matter of time before landlords will tell their tenants that if they are not prepared to find the rent asked they must obtain other accommodation. A blanket increase of 10 per cent. is unfair as there are too many substandard houses that warrant no increase. Many of them, in fact, are not worth the rent already being paid and the landlords should be made to put them in order.

Hon. J. M. A. Cunningham: The low rent is probably the cause of the low standard of such houses.

Hon. L. Craig: Or vice versa.

Hon. H. C. STRICKLAND: We are being asked to say that some of these low standard houses are worth more, instead of less. Of course, there are both good and bad landlords but where the landlord has direct contact with the tenant they can generally reach agreement. In the metropolitan area, however, most landlords deal through agents and when an agent is allowed to raise the rent by 10 per cent., that means more commission for him, so he loses no time in having the increase made. After all, that is only business and it pays many landlords to have agents to look after their properties and collect the rents. I oppose this increase but will support any move for further protection for servicemen and others who are covered by the legislation. I support the second reading.

HON. G. BENNETTS (South-East) [3.15]: I support the second reading. I agree with the remarks of Mr. Roche and Mr. Parker who said that the onus with regard to protected persons should be placed on the State and Commonwealth Governments. Mr. Roche said that it is high time that a protected person should have the right to gain possession of his own home from a tenant. I know two or three railway men in Kalgoorlie who have returned servicemen in their homes. Because they have smaller families than the tenants, they have not been able to regain possession of their properties, while the tenants have ruined the houses and cost the owners hundreds of pounds.

Where an owner of a house in the metropolitan area has to come down from Kalgoorlie to live near the coast for health

reasons, for instance, I think the Government should see that other accommodation is provided for the tenant so that the owner could regain possession. A railway man told me last week that he is living in one room of a house for which the tenant pays £4 10s. rent. That tenant sublets rooms and this young railway man, his wife and baby were paying £3 10s. per week for one room until about a week ago. On the last rise their rent was increased by a further 2s. 6d. per week—

Hon. L. Craig: They should have appealed.

Hon. G. BENNETTS: Yes, but the owner intimated that if they did they would be out of the door quick and lively. Many young people do not know the law. They are frightened to do anything except pay the extra rent demanded. I understand that the landlord I have mentioned is receiving about £20 per week from the subletting of rooms in this house for which he pays the owner £4 10s. per week.

I was told last Friday of a person in Fremantle who is paying a very low rent for a house and is subletting rooms. One of the subtenants is paying as much for a single room as the owner is receiving in weekly rent for the house. That is the way in which many people are being exploited. Of course, there are good and bad landlords and good and bad tenants, and many injustices are being done in both directions. I believe that an owner who wishes to live in his own house should be able to gain possession of it within a reasonable time. The tenant must be afforded an opportunity and given time to make other arrangements, but there are cases where drastic action should eventually be taken, as many tenants make no endeavour to find other accommodation for themselves.

We know that the Housing Commission is doing a fairly good job for some of these protected persons, but I believe that there is still room for considerable improvement. Members in another place quoted several letters they have received on this point and it looks as though the Commission could still do a lot more than it is at the moment. I will agree, during the Committee stage, to several of the amendments on the notice paper and I intend to support this Bill at the second reading stage, because it is at least a start in the right direction; unless we do make a start we will not get anywhere.

On motion by Hon. E. M. Davies, debate adjourned.

BILL—TRAFFIC ACT AMENDMENT.

Second Reading.

THE MINISTER FOR AGRICULTURE (Hon. G. B. Wood—Central) [3.21] in moving the second reading said: This is a Bill in which members will be interested

because it deals with licenses and other matters appertaining to motor vehicles. The measure contains several amendments to the principal Act, the most important of which refers to the penalties to be imposed on persons driving vehicles while under the influence of drink or drugs. I will refer to this proposal later in my remarks and will now deal seriatim with the other amendments. The first of these concerns the provision in the Act that a local authority may assign to manufacturers or dealers a general identification disc for use on motor vehicles on trial by an intending purchaser.

Hon. A. R. Jones: What does that mean?

The MINISTER FOR AGRICULTURE: The Bill proposes to amend the definition of a "motor vehicle" to include a trailer, a semi-trailer or a caravan attached to or drawn by a motor vehicle, these vehicles on occasions being used on trial by intending purchasers.

The next amendment seeks to rectify an anomaly in the parent Act. It refers to the authority given by the Act to the Commissioner of Police to issue major vehicle licenses for differing periods, this being done to avoid the congestion at licensing times, to which much undesirable publicity was aimed. The anomaly arises from the fact that vehicles which were licensed in rural areas prior to 1946 and subsequently transferred to the metropolitan area could not be subjected to the staggered licensing periods. It is the intention of the Bill to remove this anomaly.

The measure then seeks to provide that when an application for a vehicle license is made within 15 days after the date of expiry of the previous license, the new license shall have effect as from the date of expiry. An owner is permitted 15 days grace in which to re-license his vehicle and a recent court decision laid down that the new license must date from the date of application. I know of a person who went along the other day to renew his driver's license, but he found that he was three months overdue. However, the authorities renewed his license as from September. I do not know whether that is the regulation which applies to the renewing of drivers' licenses, but I merely mention the instance.

Hon. Sir Charles Latham: They date it from the date of expiry.

The MINISTER FOR AGRICULTURE: I do not mind telling members that this was my own license; I had forgotten about it and it was three months overdue. Apparently there is some anomaly and the Bill seeks to amend the law. It does not make sense to me that if a man forgets to renew his license he should get grace for the period during which he has forgotten about it. If an owner, for example, took out his new license on the fifteenth day, he would have obtained 15 days unlicensed use of the vehicle and he could do this each licensing period.

Hon. L. A. Logan: You can do that now under Section 4.

The MINISTER FOR AGRICULTURE: I know. That is what I am trying to tell members. The Bill seeks to take that provision out of the Act and so the license will operate from the date of expiry.

Hon. L. A. Logan: What about if it has expired for a period longer than 15 days?

The MINISTER FOR AGRICULTURE: At present, if a license expires on the 30th June and the person concerned has forgotten to renew the license and does not take action to do so until the 15th July, he gets that 15 days' grace. That is not right.

Hon. L. A. Logan: Under that section, yes.

The MINISTER FOR AGRICULTURE: I do not think that is right, because the man who plays the game and renews his license on the correct day, is worse off than the man who is a little slack and allows his license to go, say, 15 days over the due date. I do not think that is fair. The Bill, therefore, provides that a re-license shall be deemed to be a continuation and shall have effect from the expiry date of the previous license.

At the present time the Act gives the Commissioner of Police authority to refuse to grant a license to drive a private or passenger vehicle to any person suspected of being physically or mentally unfit, pending a medical examination of such person. If medical evidence proves the person is fit to drive, a license is issued and if not, the person concerned may lodge an appeal with a magistrate whose decision shall be final. The Commissioner also has power to suspend a driver's license, subject to the same right of appeal.

It is desired to permit the Commissioner to suspend or cancel licenses issued to conductors of passenger vehicles. A case is cited of a conductor who was found guilty of theft while in the course of his duty. No legislation exists that permits the suspension or cancellation of this person's license or that of any person committing a gross dereliction of duty. If the amendment is agreed to, the person concerned will have the right of appeal to a magistrate.

An entirely new proposal is to provide the Commissioner of Police with power to issue provisional motor drivers' licenses subject to certain conditions which will be laid down by regulation. This provision is designed to meet extreme and necessitous cases, such as the issue of licenses to persons under 17 years of age and to natives to drive vehicles on stations in out-back areas; also to persons with certain physical disabilities who could, on medical advice, be issued with a provisional license.

Under the Act a penalty of £20 in the case of a first offence and £50 or imprisonment for three months may be imposed on any person driving a motor vehicle on a road without possessing a driver's license.

The Bill seeks to bring this provision into line with the Australian Uniform Road Traffic Code recommendation that any person driving a motor vehicle while his license is under suspension, disqualification or cancellation, or who has been refused a license, or may be subject to arrest, without warrant, by any member of the Police Force and may be liable on summary conviction to imprisonment for not more than 12 months, or to a fine not exceeding £100. Where a disqualification or suspension is in force at the time of the offence, he will be liable to be automatically disqualified from holding a license for a further period of six months.

The Act provides penalties for driving whilst under the influence of drink or drugs to such an extent as to be incapable of having proper control. The present penalties are:—

A fine of £50 or imprisonment with or without hard labour for three months and—

- (a) in the case of a first offence, suspension of driving license for three months,
- (b) second offence—the suspension of the license for six months,
- (c) third offence—permanent suspension of the license.

In the Bill it is proposed that the penalty for a second offence be increased from £50 to £100 and for a third offence from £50 to £150, also that the term of imprisonment on a third offence, be extended from three to six months.

These proposals for severer penalties for continued offences are submitted in view of the number of accidents and cases of dangerous driving that are occurring. There is no doubt that a motor vehicle in the hands of a person rendered incapable or reckless as a result of drink is a potential death-dealing weapon and can cause fatalities, permanent injury and much unhappiness to innocent people or children.

Another amendment will obviate the necessity of a visitor to Western Australia from another State obtaining a special license for his vehicle while in this State. The Bill proposes that, in future, it shall be incumbent only on oversea visitors to observe this provision. This will bring the procedure in Western Australia on to a basis similar to that generally adopted in the other States and has been recommended by the Commissioner of Police. Subject to certain conditions a license issued in any State or Territory of the Commonwealth will enable the holder to drive his vehicle in Western Australia. This is really reciprocal legislation.

The Bill also provides, on the recommendation of the Commissioner of Police, that a driver's license issued elsewhere in Australia shall be valid in this State when the holder is on a visit here. This originated from a proposal by one of the airline

companies so that visitors arriving by air from other States could hire a "drive yourself" vehicle.

Under the Act it is an offence for a person to drive on a road a vehicle with a greater overall width, including the load, of eight feet, except where special approval has been obtained. As no penalty was provided for this type of offence, the Bill seeks to make the penalty £20 and also to penalise to a similar extent a person who employs or who permits another to drive an over-width vehicle. The Commissioner of Police desires to have the power to prosecute the owner of an over-width vehicle where necessary.

The two last amendments are designed to remove any possible legal doubt of the validity of certain regulations made under the Act, whereby the Minister for Local Government has been authorised to declare and define major roads, to issue permits for the carrying of loads in excess of the length prescribed, and for increased loading capacity, particularly where wheat and superphosphate transport is concerned. The Minister is also authorised to approve of the style of forms and registration certificates, and in certain cases, to delegate such authority. I move—

That the Bill be now read a second time.

HON. L. A. LOGAN (Midland) [3.34]: This is a Bill which should be dealt with mainly at the Committee stage. When the Minister was speaking, I made an interjection relating to the amendment to Subsection (4) of Section 10, but apparently he did not get the meaning of my interjection. That subsection reads—

Application for a licence for a vehicle which is not licensed at the commencement of the Traffic Act Amendment Act, 1946, may be made at any time, and the licence shall commence and have effect from and including its date of issue.

The amendment proposes to strike out the words "which is not licensed at the commencement of the Traffic Act Amendment Act," and the words proposed to be included will make the section read—

Application for a licence for a vehicle which is not licensed or for a vehicle for which the previous licence has expired for more than 15 days prior to the date of application may be made at any time and the licence shall be made and have effect from and including the date of issue.

From my reading of that provision, I take it that if a man allows his licence to expire for a month, he can have it renewed from the date of his application, which I think is the opposite of what the Minister intends.

The Minister for Agriculture: We want to alter that to make it apply from the date of expiry.

Hon. L. A. LOGAN: No, from the date of issue. If my licence expires on the 30th June and I renew it on the 1st August, then it becomes current as from the date of renewal.

The Minister for Agriculture: That is as it is now, but we want to have the licence renewed as from the date of its expiry.

Hon. L. A. LOGAN: That may be the intention but it is not what the Bill states. The date of issue of the licence will be the date on which I apply for its renewal.

Hon. A. R. Jones: No, it will be from the date of expiry of the previous issue.

Hon. L. A. LOGAN: No, the date of issue would be the date of renewal. It must be. Unless my interpretation is wrong, the Bill will not achieve what it is proposed. The only other amendment in the Bill that may be controversial is the one applying to Section 32, which reads—

Any person who, when driving or attempting to drive . . . a motor vehicle . . . under the influence of drink or drugs to such an extent as to be incapable of having proper control of the vehicle . . . shall be guilty of an offence under this Act.

The amendment proposes to include the word "preparing."

The Minister for Agriculture: What section is that?

Hon. L. A. LOGAN: Section 32. Without any intention of driving, a man may get into his car when a little befuddled, but if he is caught doing so he can be charged under the section as it is to be amended, and he will have no hope of evading the charge. That is carrying the position a little too far. Many a man, knowing that he has had too much to drink, could get into his car and test his lights, the brakes and so on, and then settle down to have a sleep. A police officer could come along, find him in the car under the influence of liquor and charge him. He might have had no intention of driving the car. I think we are going too far by inserting the word "preparing." As to the penalties laid down for a third offence, it is doubtful whether we should allow a man a third chance. If he has committed a breach on two occasions, he should definitely suffer the consequences without being allowed any third chance.

The Minister for Agriculture: You would not give him a third chance?

Hon. L. A. LOGAN: No. Why should we? If he cannot learn his lesson after the second offence, it is his own look-out. I will deal with the first clause I mentioned when the Bill goes into Committee, and in the meantime I shall support the second reading.

On motion by Hon. A. L. Loton, debate adjourned.

BILL—LICENSING (PROVISIONAL CERTIFICATE) 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.

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

BILL—WAR SERVICE LAND SETTLEMENT AGREEMENT.

In Committee.

Hon. J. A. Dimmitt in the Chair; the Minister for Agriculture in charge of the Bill.

Clauses 1 to 5—agreed to.

Clause 6—Granting of tenures:

Hon. A. L. LOTON: I am afraid that I cannot proceed along the lines I desired in dealing with the clause. I have placed an amendment on the notice paper, but as there is some doubt as to the proposals regarding the valuation of improvements to be written down, I am not prepared to proceed with it.

Hon. H. L. ROCHE: Dealing with the concluding portions of the clause, I would like the Minister to clarify one point so that we may have a better understanding of the position. I gather that when the measure was introduced in another place the Minister responsible stated that the value on which a property would be assessed for freehold would be the cost of the property plus developmental costs.

I draw the Minister's attention to Sub-clause (?) of Clause 7 of the War Service Land Settlement Agreement entered into with the Commonwealth. That sub-clause reads—

In making the valuations, the officers shall have regard to the need for the proceeds of the holding (based on conservative estimates over a long term period of prices and yields for products) being sufficient to provide a reasonable living for the settler after meeting such financial commitments as would be incurred by a settler possessing no capital.

In those circumstances where a man has taken over a property on a leasehold basis, it could involve considerable writing down of the actual cost, but the Minister in another place gave an assurance—I have been informed by a responsible officer that his statement was misreported—that the total cost will be a charge on the man who desires to freehold his property.

The effect of that is that the man who desires to freehold his property will be prejudiced as against the individual who

is prepared to carry on with the leasehold basis. As one who approves wholeheartedly of the principle of freehold, it does not seem to me to be right that the obtaining of the freehold should be more expensive to the settler than would be the position if he carried on with the leasehold basis. I had prepared an amendment to deal with the position, but as it would be ruled out as involving a charge against the Crown, I have not proceeded with it.

In view of the confusion and the assurance given by the Minister in another place—although I understand he was misreported—will the Minister inform the Committee just what the position is? As the clause stands, the matter will be left to the discretion of the Minister, and Ministers come and go. While we cannot amend this portion of the clause, to my mind it is left in an unsatisfactory position.

THE MINISTER FOR AGRICULTURE: I cannot give the hon. member any more information. He should have brought this matter up on the second reading.

Hon. A. L. Loton: The point was raised.

THE MINISTER FOR AGRICULTURE: If the hon. member wants any further information, we could have the Bill re-committed and I could supply it.

Hon. H. L. ROCHE: Together with another member, I have discussed this matter with the Director of War Service Land Settlement, and we formed the impression that an amendment might have been submitted. I do not know that we can discuss the matter further. I wanted to know whether the Minister could give us an assurance that the Minister in another place was misreported, and it was not the intention to prejudice the man who wanted to freehold his land. It is still left subject to the Minister, but Ministers come and go, and a future Minister could reverse the procedure. While I do not like the provision, it is not competent for me to amend it. Moreover, I am assured by the Minister for Lands that the R.S.L. is completely satisfied with the Bill.

The Minister for Agriculture: That is true.

Hon. H. L. ROCHE: It seems extraordinary to me that the R.S.L. should take that stand, the circumstances being as they are. If the Minister cannot clarify the position, I do not know that I can do much more.

Hon. A. R. JONES: I cannot see why Mr. Roche assumes that you, Mr. Chairman, would take exception to his amendment. I have seen it and I do not think it would involve a charge upon the Crown, because the agreement between the Commonwealth and the States takes care that certain things shall be done. When a property is bought in the first instance and improved to the full extent and the department is able to assess the real total cost, it values the property. We will

assume that the land and the buildings, together with clearing, etc., were worth £10,000 and the valuation was only £8,000. In that case, the arrangement between the Commonwealth and the State provides for a writing down. I suggest that the hon. member submit his amendment to the Committee for discussion.

Hon. A. L. LOTON: I do not think the Minister for Agriculture was present when I spoke on the second reading, but this was the clause to which I gave a good deal of consideration and my remarks concerned the conditions of freehold versus leasehold. The Director of War Service Land Settlement knows all about the point I raised, because, at the request of the Minister for Lands, Mr. Roche and I discussed the matter over a fortnight ago with Mr. Baron Hay. The Government has had time, therefore, to give consideration to drafting an amendment.

But the matter has gone on for days and the Minister is now agreeable to defer consideration. I do not think we can do anything further. The terms of leasehold are most attractive, but the conditions of freehold are not, and it was on that point that I raised my voice, and do so again. The conditions of freehold should be as attractive as those of leasehold. The franchise for this House is on a property basis and we should try to encourage every one of these men to become a freeholder rather than a leaseholder.

Hon. Sir CHARLES LATHAM: Evidently the real trouble is that there is a price fixed for perpetual leases. While that has been covered, when it comes to a freehold, the price for the fee simple is to be fixed by the Minister. I think members would be satisfied if a provision were inserted to the effect that that price shall not exceed that fixed for leasehold. I know that for some reason leasehold in Western Australia is very unpopular.

The problem mentioned by previous speakers will arise at the end of 10 years. The settlers will want to know, and are entitled to ask now, what is going to be the value. Is the Minister to have power to increase the value, because the land is to be freehold? He might look at it from the point of view that the State is getting continuous revenue from the land forever, as it is held under perpetual lease, and an unreasonable price might be placed on the freehold. I do not think the R.S.L. knows that.

The Minister for Agriculture: I think it must.

Hon. Sir CHARLES LATHAM: The league does not always understand everything. I have had experience of that.

The Minister for Agriculture: Nobody understands everything.

Hon. Sir CHARLES LATHAM: I am sorry Mr. Roche did not submit his amendment, because I do not think it violates the Constitution Act at all.

Hon. H. L. ROCHE: I would like to state the amendment I had in mind to give you, Mr. Chairman, an opportunity of considering it.

The Minister for Agriculture: Why not report progress?

The CHAIRMAN: I think that would be a good plan. It would give us all time to deal with the matter.

Hon. H. L. ROCHE: Very well. I ask the Minister to report progress.

The MINISTER FOR AGRICULTURE: I am quite willing to do that. I do not want to rush this Bill through. Even if Mr. Roche read his amendment now, I would still have to refer it to the land settlement board, and members would want time to study it.

Progress reported.

BILL—FISHERIES ACT AMENDMENT.

Received from the Assembly and read a first time.

House adjourned at 4.3 p.m.

Legislative Assembly

Wednesday, 5th December, 1951.

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The SPEAKER took the Chair at 3.30 p.m., and read prayers.

QUESTIONS.

EDUCATION.

As to Concession Fares on Railway Buses.

Mr. HEARMAN asked the Minister for Education:

Has any decision been made with respect to the granting of concession holiday fares to school children on railway road services in areas where no rail passenger service operates?

The MINISTER replied:

A decision has been made with respect to the granting of concession holiday fares to school children on railway road services operating south of Bunbury; this is in conformity with Cabinet's decision. It is hoped to be able to extend a similar concession before Christmas in respect of road travel in certain other districts.

FREE MILK SCHEME.

As to Eastern Goldfields Children.

Mr. STYANTS asked the Minister for Education:

(1) When will distribution of free milk in schools on the Eastern Goldfields commence?

(2) Will he inform members what progress has been made during the past four months to implement this scheme in the above district?

The MINISTER replied:

(1) and (2) All country schools have been advised through the Parents and Citizens' Federation publication, through the Teachers' Journal, and through the Press that the Education Department will reimburse the cost of milk supplied to children under hygienic conditions laid down by the Public Health Department of Western Australia and set out in the publications mentioned.

The schools which have applied and do not need to purchase equipment have been accepted into the scheme as from the date of application. Those schools which have applied and where equipment is required are awaiting the decision of the Commonwealth Health Department on the purchase of such equipment.

ELECTRICITY SUPPLIES.

As to South Fremantle Station, Capacity and Load.

Hon. J. B. SLEEMAN asked the Minister for Works:

(1) What is the kilowatt capacity of the South Fremantle power house?

(2) What load is on the South Fremantle power house at present between the hours of 6 p.m. and 6 a.m.?

The MINISTER replied:

(1) The installed capacity of "A" section is 50,000 kilowatts.