

Home. We provide for people who are physically ill, but not for those who are mentally ill.

The Chief Secretary : That was the argument.

Hon. SIR CHARLES LATHAM : It is a very sound argument, too. Had they been provided for as they should have been, the State would not have been expected to bear the expense, and as a result the relatives would have been materially assisted. Quite a number of relatives feel they are under an obligation to make some payment. It is a bit distressing to find some patients in mental homes with no possible hope for their future, and who appear to have not many, apart from the officers of the service itself, to care for them. I believe the Government will financially benefit by this Bill. I still maintain that the State Government should continue any reasonable agitation to make the Commonwealth Government realise, as it has accepted the responsibility of pensions, that it should make invalid pensions available for people who are mentally ill.

There is a difference between being physically ill and being mentally ill. Some people who are being kept in our gaols today are mentally ill. They have an unaccountable kink in the brain and so violate our laws, in consequence of which we put them in gaol. Those people ought to be cared for in the same way as we look after people with physical disabilities. I will do anything I can at any time to help this Government to get the Commonwealth, which is responsible for pensions, to render assistance to these people by way of an invalid pension.

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

House adjourned at 5.55 p.m.

Legislative Assembly.

Tuesday, 26th July, 1949.

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

QUESTIONS.

ELECTORAL ACT.

(a) *As to Objections to Enrolment.*

Mr. RODOREDA asked the Attorney General:

What section of the Electoral Act gives power to electoral registrars to object to the name of any elector remaining on the roll solely because the elector is at a different place of residence from that shown on the roll, although still in the same district?

The ATTORNEY GENERAL replied:

Section 48 of the Electoral Act, 1907-1948, is the section which gives electoral registrars the right to object to any name on the roll.

(b) *As to Amending Legislation.*

Mr. RODOREDA (without notice) asked the Attorney General:

In view of the answer given to my question, does he intend to amend the Act so that the provisions of Section 11 can be enforced?

The ATTORNEY GENERAL replied:

It is not usual to deal with matters of policy by way of answers to questions.

BUSINESS NAMES ACT.

As to Prosecutions for Offences.

Mr. RODOREDA asked the Attorney General:

(1) Is it a fact that certain firms have been given exemption from the provisions of Section 11 of the Business Names Act, 1943, which requires the names of partners to be conspicuously displayed on the premises?

(2) If not, why is it that no prosecutions have been launched against firms which have, for years, contravened the provisions of Section 11?

The ATTORNEY GENERAL replied:

(1) It is not a fact that certain firms have been given exemption from the provisions mentioned in the question.

(2) Section 11 of the Business Names Act, 1942, contains no penalty clause and there is therefore no practicable method of enforcing its provisions.

MEAT.

As to Price.

Mr. HEGNEY (without notice) asked the Attorney General:

Is he aware of the fact that a butcher in the metropolitan area is selling meat to customers at a retail price up to 5d. per lb. above that fixed by the Prices Commission?

The ATTORNEY GENERAL replied:

I am not aware of that being done. If the hon. member will furnish me with the name of the butcher, I will see that the proper investigations take place.

BILL—TRAFFIC ACT AMENDMENT (No. 2).

Introduced by the Minister for Local Government and read a first time.

BILL—THE WESTRALIAN BUFFALO CLUB (PRIVATE).

Read a third time and transmitted to the Council.

BILL—WORKERS' COMPENSATION ACT AMENDMENT (No. 2).

Second Reading.

THE MINISTER FOR EDUCATION
(Hon. A. F. Watts—Katanning) [4.35]
in moving the second reading said: It will be remembered that substantial amendments to the Workers' Compensation Act were considered last year. In many respects these conferred greater compensation upon workers who were injured and also set up something new in workers' compensation law in this State, namely, a workers' compensation board. The amendments to that Act were proclaimed on the 8th April last, which was the earliest date on which arrangements could be made for that purpose. It was necessary to obtain nominations from the employers and the employees, respectively, for the compensation board and to provide a chairman for the tribunal after the very many amendments that had passed and passed between the respective Houses of Parliament had been gathered together and a fair copy of the Bill presented to the Governor for His Excellency's assent. Therefore, although the Workers' Compensation Board has been in operation since, approximately, the middle of April last, it has not until recently been able, as it were, to get into its stride.

At the time the Bill was introduced by me in this House or during the discussion of its provisions, the matter of the effect that the measure would have on workers who, having been injured prior to the coming into operation of the amended Act, were still in receipt of weekly payments and had not received lump sum payments where they were indicated before the new legislation became operative, was the subject of a clear understanding, so far as I and other members of the House were concerned. It was the intention of myself and of others I refer to, that workers who were entitled to, and were receiving, weekly payments on the 8th April or on whatever date the Act came into operation—as a matter of fact, that was the actual date—should receive the full benefits provided under the new Act.

There appears, however, to have been some doubt as to the interpretation of the section now in the law and arguments have ensued as to whether the word "payment" in the measure referred to weekly payments only and therefore excluded, if that were

the case, payments by way of lump sums which, although earned in respect of injuries that took place before the 8th April, had not been the subject of settlement prior to that date. Therefore, the first proposal in the Bill which I now present to the House is to endeavour to clear up that point. It is to remove any doubt which might exist as to the proper interpretation of the section; and it provides that where a worker is in receipt of compensation as at the 8th April, and that compensation continues after that date, both the weekly payments and the lump sum that might be given after that date shall be in accordance with the Workers' Compensation Act, 1948.

The second amendment to the parent Act which this measure proposes is really of a nature consequential on the rejection by Parliament of certain proposals which were in the Bill that was introduced in the middle of last year. The paragraph which it is now sought to delete is redundant, as no provision is contained in the Second Schedule for compensation for loss of genital organs. Members will recall that this was the subject of discussion last year. It was taken out of most places in the measure, but left in this particular part.

Another amendment is to place workers suffering from silicosis in the same position as other workers suffering from a First Schedule injury so far as the retrospective application of the measure is concerned. In my opinion, this also is really a consequential amendment which should have been made at the time Section 4—I think it was—was inserted. If the amendment is carried a worker who was in receipt of weekly payments or entitled to compensation on the 8th April, 1949, can proceed to the maximum amount of compensation provided under the new Act for his particular disability. Without this amendment the worker could not obtain more than £750 if his liability had been agreed to or adjudged before the proclamation of the Act last April. Under this new amendment the only workers suffering from silicosis who will be excluded from the increased benefits under the amending Act of 1948 will be those who received the full amount of their compensation prior to the 8th April, 1949.

The next amendment which this measure proposes is an alteration of Section 13 of the Workers' Compensation Act, as re-

printed. Reference to a member of an employer's family dwelling in his house is made in Section 5, under the definition of "worker." A consequential amendment to the section is necessary to provide the correct reference, as the section referred to is wrongly quoted. The next amendment is one following on the intention of the measure which we passed earlier this session, wherein it was intended to give the State Insurance Office the sole right to insure any employer for his liability to pay compensation in respect of workers employed in the mining industry. Members will recall that there was general agreement that, in all the circumstances which had arisen over the last quarter of a century, the State Insurance Office was the only organisation both capable of and willing to handle that type of insurance. But there was a reference in the Act as it was passed last year to defined areas. It is proposed to take that reference out of the Act so as to make the authority of the State Insurance Office in this matter apply to any part of the State.

I want to make it clear that at least one organisation engaged in mining, but not in goldmining, is a self-insurer under the provisions of the Act as it stands at present, and that the provision in this measure—as those in the Act passed last year—will have no effect on its rights, because if it can continue to obtain the approval of the Minister to act as self-insurer, it will not come into the equation at all. But in all cases where a mining organisation is covered in the ordinary way, then it will require to obtain the insurance from the State Office. I might say that this amendment has the complete assent—so I am advised—of the Underwriters' Association and that it is considered to be a distinct advantage for the State Office to handle all mining risks, as it should ultimately be in the position to create reasonably substantial reserves and to meet potential silicosis claims, the cost of which cannot at present be estimated.

The next amendment in the Bill is to alter the word "employer" to "employed." This of course is a rectification of a clerical error. The major provision is one that will authorise the Workers' Compensation Board to appoint inspectors for the purpose of ascertaining that employers declare the correct wages upon which premiums should

be assessed. This provision meets with the approval of the insurance offices but is something which, while they might have liked to undertake, they have been unwilling to do because naturally they might commence an investigation into the wages sheets of an employer who is strictly honest and reliable and who would be somewhat resentful of an inquiry having been made into his affairs, with consequent loss of business as far as the insurance offices were concerned. For the Workers' Compensation Board to make such inspections would naturally remove any such objection as that. It seems that all parties in this business are quite agreeable to the proposal that the Workers' Compensation Board should have the power to appoint an inspector. There is no doubt that, either inadvertently or intentionally—and undoubtedly in some cases the latter—heavy loss of premium income has been incurred on account of the understatements of wages that have been paid.

The State Insurance Office, pursuant to certain powers contained in the policy of insurance which it has hitherto issued, has in some instances conducted investigations. In one case it found that it had been short-paid £1,700; and in another instance over £4,000 in the course of five years. These amounts were recovered as a result of the inspection. Obviously, it is disadvantageous to the honourable employer that the full amount, on the proper basis, should not be collected from all employers. That sort of thing is calculated to increase the liability of all employers, including the honest employer, whereas if all employers pay up strictly in accordance with their wages payments per annum the expense is shared equitably amongst them all. Therefore, the provision in this Bill is to enable the Workers' Compensation Board to employ an inspector and, of course, pay him or, if there be more than one, pay them.

It will also be recalled that controversy with another place produced a provision in the Act that the expense of the Workers' Compensation Board should not exceed £8,000 per annum, plus an allowance for claims that have not been covered by any insurance, which was to be estimated by the board at the beginning of each year. The £8,000, plus that figure, makes, of course, no possible provision for expenditure on an inspector. But it is to be as-

sumed that the services of the inspector will far more than compensate industry for the cost which he involves. Therefore, it can be imagined that there will be no objection to the proposal in the Bill to enable the Workers' Compensation Board to tack the cost of an inspector on to the £8,000 already allowed for its annual budget. Of course, provision is made so that the net amount of the premiums recovered is to be paid to the insurers. Necessarily, when we come to appoint an inspector we must give powers to him so that he will have the right to examine the records and books of the employers to determine what their full wages were. So the Bill contains a provision in that regard. I am informed that this is nothing new, as such a provision has been embodied in the conditions of the policies of insurance, but, for the reasons I gave a few moments ago, has not been exercised.

Mr. May: Do you think one inspector will cover the lot?

The MINISTER FOR EDUCATION: I do not think so, but I think one will be a good start, and we can see how we shall get on. I might say, too, that power is to be given to the board to sue for any amounts short paid, and to recover from any employer in the courts. The board, therefore, will have full authority to deal with any short payments that may be ascertained.

The next amendment is one which I shall have to deal with at some length. It is to alter the composition of the premiums committee. It is intended to make the three members of the Workers' Compensation Board members of the premiums committee. It will be remembered that the Act provides that the premiums committee shall fix premiums on the basis of calculations to be determined by the Workers' Compensation Board. In the short time that the board has been appointed, some attention has been paid to this matter. I am informed that it made inquiries from various sections of insurers—tariff and non-tariff companies and the State Insurance Office—and there were differing opinions as to the alteration in losses or claims which might take place by reason of the increased benefits. It was impossible to work on a full year's experience as only a few weeks had passed. Normally, I suppose, one would have worked on a full year's experience and been able to extract from that pretty reliable figures. But working back, I understand, over a period

of two months, and plussing up the claims paid to the figures that would have resulted had the greater benefits been in operation, it appeared that the increased losses or claims that might be expected under the 1948 Act ranged from 20 per cent. to 24.8 per cent.

I think it was intended in the first place that the board, when fixing this basis as the Workers' Compensation Act provides, was really to fix what is usually known as the loss ratio—that is, the proportion which claims bear to revenue. But the Act does not say so. However, the board did purport to fix a loss ratio of 70 per cent. In doing that, it submitted to the premiums committee its views on the subject, and indicated that it would not result in any increase in premiums, but rather a reduction. Members may recall that I said from this place last year that the increased benefits conferred by this measure would not, in the opinion of the manager of the State Insurance Office, necessitate any immediate increase in premiums. It appears now, from the calculations that have been made—although, as I say, not made on the best evidence because that evidence was not forthcoming on account of the shortness of time—by the Workers' Compensation Board that, so far from there being an increase of premiums necessary, it might be possible to make a reduction. However, the premiums committee constituted, as now provided in the Act, proceeded to declare that the existing premium rates should stand until some indeterminate future time.

The members of the Workers' Compensation Board considered the matter and passed a resolution asking for a considerable change in the premiums committee set-up or constitution. It desired that all three members of the Workers' Compensation Board should be members of the premiums committee; and also that the representation of the tariff and non-tariff companies should be reduced.

Mr. Triat: What are the non-tariff companies?

The MINISTER FOR EDUCATION: Those companies that do not belong to the Underwriters' Association. They are mostly those who act as agents for Lloyds, such as Edward Lumley & Co., and Harvey Trinder Ltd. There are four or five of them.

Mr. Styants: Non-unionists.

The MINISTER FOR EDUCATION: The hon. member may put it that way if he wishes, but they are not in the association. They are represented on the premiums committee as they are responsible for a substantial part of the premiums collected from industry. The Workers' Compensation Board, as I said, wished to reduce the representation of the insurers on the premiums committee. I referred the matter back to the board, asking if it would be agreeable to alter its recommendation to what now appears in the Bill, namely, that the premiums committee should consist of the Auditor General, as chairman, the three members of the Workers' Compensation Board, the manager of the State Insurance Office and one representative of each of the two other types of insurers, so that, on the premiums committee there would be a representative of the State Insurance Office and of the two other sorts of insurers, together with the three members of the Workers' Compensation Board and the Auditor General as a seventh member who, one might suppose, will be entirely unbiassed in his position of chairman.

To my request, the members of the Workers' Compensation Board agreed. My reason for not wishing at that stage to diminish the representation of the insurance companies was because the Act had scarcely commenced to operate. It could not be said that the representation given to them a few months ago with the consent of both Houses of Parliament—because with that particular clause there was no difficulty whatever—should be suddenly withdrawn or substantially altered. So I was glad when the Workers' Compensation Board eased the difficulty as far as the composition of the premiums committee was concerned by agreeing to the proposition now in the Bill.

The measure also proposes to provide that the committee will set up a basis on which the premiums are to be determined. The committee, by this time having a majority of the Workers' Compensation Board, and the Auditor General upon it, seems to be fully competent to finalise the matter in every way. In consequence it is proposed that they shall have the first and last say in regard to the composition of premium rates. In the meantime, I might observe that although it was the intention of the board to have these premium rates, as they exist, placed in the "Government Gazette"

for public information, pending Parliament having an opportunity to alter the measure, it occurred to me, as there was no legal compulsion upon the board to put it in the "Gazette," that it might be better for Parliament to deal with the measure first. It could then, in all probability, be referred to the new body and the whole question of premiums discussed and the new premiums advertised in the "Gazette." This would obviate having to advertise in the "Gazette" and then a few short weeks later probably re-advertise the new premiums.

The present set-up of the premiums committee is not satisfactory and in the Bill we are asked to agree to a new set-up which embodies in the committee the three members of the Workers' Compensation Board as well as the Auditor General and leaving three members, one of whom is the manager of the State Insurance Office, to represent the insurers. I think it will then be found to be a well-balanced committee and its deliberations will not make it possible to reach the difficult situation which has been reached—I would say quite inadvertently—under the provisions which exist in the present Act.

The next amendment of importance deals with the weekly rate of compensations and the Act provides that the weekly rate shall not exceed £6 or the average weekly earnings whichever is the lesser amount, and that such compensation shall include payment to dependants. The question has now arisen whether, because of the specific reference to dependent children, a worker can receive an additional £1 per week in respect of his wife, making his total compensation £7 per week. As that amount would be substantially in excess of the actual earnings of many workers, and it is apparent that it is the intention not to exceed £6, it is proposed to make it clear that the maximum amount is £6 irrespective of any extra payment for a wife.

Members will recall that when the Act was before this House earlier in the session, last year, comparisons were made with the legislation in other States of the Commonwealth. It was found that where there were greater payments than in Western Australia at that time—which was the case in a number of States—a maximum figure of £6 had been fixed. I do not think it was ever intended that it should go beyond that sum,

but the advice that I have received is that the phraseology at present leaves the matter open to question and has occasioned the Workers' Compensation Board some little difficulty. Therefore, I seek to have the matter clarified. I think that covers all the major proposals in the Bill. In fact, I think it covers all the proposals with the exception of one or two small consequential or clerical amendments. Therefore, I have pleasure in presenting the measure to members, and move—

That the Bill be now read a second time.

On motion by Mr. Hegney, debate adjourned.

BILL—GUILDFORD OLD CEMETERY (LANDS REVESTMENT).

Second Reading.

THE MINISTER FOR LANDS (Hon. L. Thorn—Toodyay) [5.5] in moving the second reading said: I am sure that all members of the House will share with me the satisfaction which the introduction of this Bill affords. We are all aware of the existence of the old disused and neglected cemetery alongside the Great Eastern Highway in the shadow of the Church of England Grammar School chapel and, no doubt, have felt that some steps should be taken to put it in order. As a result of representations by the head master of the school, an attempt was made in 1935 but investigations revealed a most difficult problem in regard to the title to the land, and no headway was made.

The site forms part of the first grant of land made in the Colony, being portion of Sir James Stirling's "Woodbridge Estate," which originally comprised some 4,000 acres, reaching from the Swan River at Guildford to the Darling Range and, after disposals down through the years, this small area remains as part of the original grant. From information in possession of the Perth Diocesan Trustees, it appears that Sir James donated an area for a church to the Colonial Missionary Society. A church was built and the foundation stone was laid by the Governor in the year 1836. The church and churchyard were eventually consecrated by the Bishop of Adelaide in the year 1848 but, whether by neglect or inadvertence, a memorial of the deed of conveyance was not placed on record and it cannot be found. In due course the church, which had been

erected with pug walls, served its purpose and was demolished and, the graveyard having been filled, fell into disuse.

As the title to the land still remains in the name of Governor Stirling, the present-day church authorities have no power to take possession or to expend moneys on upkeep. The matter was recently revived by the Diocesan Trustees, and officers of the Lands Department devoted a considerable amount of time to exploring possible avenues for a solution of the problem. The survey of Guildford townsite, carried out in 1842, and also what is now the Great Eastern Highway, indicated the existence of the church with enclosed grounds, but otherwise no official record was traceable—the land being private property and the Crown was not concerned. That survey, however, indicated a rectangular site of less than half an acre in extent but, in addition, a small triangular area between the church site and the road, where it turns towards Midland Junction, was also shown as fenced off from the adjoining property as though part of the church site. The two areas now comprise 3 roods, 1-6/10th perches. I would like to say that our thanks are due to the Assistant Under Secretary and those associated with him, for the great deal of research that they have put into this matter. Eventually they found some very old documents in the Public Library and we were able to find a starting point and a re-survey made.

Another line of action was then tried and the titles to the adjoining property were searched. This search revealed a deed by which Governor Stirling's executors conveyed part of "Woodbridge Estate" to a purchaser and it specifically excluded land sold by Sir James in his lifetime and also the Guildford Cemetery and old Church site. The application to bring the adjoining land, which was sold, under the Transfer of Land Act, resulted in titles being issued which excluded an area containing 3 roods, 1-6/10th perches the subject of this Bill. An attempt was made to ascertain the date at which burials commenced in the churchyard and a search was made of old records of both the church authorities and the Registrar General's Department. Unfortunately the present-day system of registrations will not be of any use. A burial ground was set apart on Guildford Lot 29 some little distance away in the original layout of the town.

Old records have been turned up which show that some 36 burials took place at Guildford between 1830 and 1841, and the surveyor's fieldbook reveals that several plots of graves existed on Lot 29 in 1842. Further burials took place on Lot 29 subsequent to 1842, but in 1887 the church authorities sought and were granted permission to sell the site and some 30 bodies were transferred to the South Guildford Cemetery. However, with the exception of four, for whom headstones existed, the identity of the others is unknown. It is therefore possible that some of the pioneers of Guildford were amongst those transferred.

On the other hand, the town had not actually been pegged out when the first burials took place in 1830. This fact, together with the differences in the number of graves unaccounted for, raises a question as to whether trace has been lost of the sites where the first burials took place. However, the churchyard now in question, when put in order under the proposed plan, may well be regarded as a memorial not only to those named on existing monuments but also to the early-day pioneers of Guildford in general, marking it as one of the State's most hallowed and historical sites.

Proposed works include the grouping of existing monuments and headstones in cruciform, set in concrete as near as possible to the site of the original church, together with the grassing of the land and the planting of trees consistent with the treatment of the adjacent land on which the school chapel now stands. Provision is made in the Bill to take portion of the land for corner truncation as this is necessary for present-day road requirements. All who have travelled that road realise and appreciate the urgent necessity for that work to be carried out. It is a bad corner and when the truncation takes place it will contribute to the safety of the travelling public. This area has been agreed upon between the Diocesan Trustees, the Main Roads Department and the Lands Department, subject to survey. Formal safeguards have been provided to ensure that the plan for re-arrangement of the monuments, etc. and the future layout of the remaining grounds and their upkeep will be to the satisfaction of the Crown.

The remaining area will be granted to the Diocesan Trustees in fee simple under a Crown Grant which in itself will be of some historical importance, because it will contain permanent directions inserted for the first time on record, requiring the grantees to maintain the grass in perpetuity and to allow free public access on foot between the hours of sunrise and sunset.

Hon. J. T. Tonkin: Who are the grantees referred to by the Minister? Surely he means grantees?

The MINISTER FOR LANDS: Yes, requiring the grantees to maintain the grass in perpetuity. This latter condition is consistent with the bylaws regulating access to cemeteries, but at the same time desirable control can be exercised by the grantees at night, since the land is in actual contact with the school chapel and the school grounds. That is the story as to the arrangements for the old Guildford cemetery. I move—

That the Bill be now read a second time.

On motion by Mr. Brady, debate adjourned.

BILL—PLANT DISEASES ACT AMENDMENT (No. 1).

Second Reading.

THE MINISTER FOR LANDS (Hon. L. Thorn—Toodyay) [5.16] in moving the second reading said: The purpose of this Bill is to increase the levy under the parent Act for fruit-fly baiting from three shillings to a maximum of six shillings, to finance what is known as community fruit baiting. This compulsory baiting was commenced in the south-suburban district last year under the Plant Diseases Act. It has become necessary to increase the levy as a year's operations proved that insufficient money was available to carry out the work. Because of this, the committee had to approach the Government for the guarantee of a loan of £500 in order to complete the work. Members will agree that it is undesirable that the committee should find itself in debt at the end of a year's operations, and this Bill is introduced to provide the necessary finance and so prevent a similar recurrence in the future.

Fruit-fly is a serious menace and it is as bad, if not worse, in this State as in any other in the Commonwealth. As a result of advice from the last meeting of the Agricultural Council, the Prime Minister wrote to the Premier and the following is part of his letter—

The Commonwealth Director General of Agriculture (Mr. Bulcock) and the Supervisor of Fresh Fruit Exports (Mr. Carne) have both drawn attention to the seriousness of the outbreak and the results that are likely to develop unless immediate action is taken to meet the situation. It is thought that little practical work can be done until next spring, but it is deemed essential that preliminary action should be taken without delay to have the situation fully surveyed and plans outlined which could be put into operation as promptly as possible. In this regard my colleague, the Minister for Commerce and Agriculture, considers the matter of such importance as to justify the immediate convening of a conference at which all States should be represented, together with representatives for the Commonwealth Scientific and Industrial Research organisation, Commonwealth Treasury and the Department of Commerce and Agriculture, to consider and report on the action deemed necessary and including consideration of means for the financing of the project. Should such a meeting be called, it is considered that the agenda should include the following subjects for discussion:—

1. Control and/or elimination of fruit fly (Queensland and Mediterranean).
2. Research into the possibilities of the destruction of fruit fly larvae in fruits by cooling before and/or during transport;
3. The trade implications of the incidence of fruit fly;
4. The intra and interstate trade and movement of fruit from infected areas;
5. Financial implications of a campaign to achieve elimination or control;
6. Methods to be adopted to ensure co-operation between States, including transport and border inspections;
7. The general aspects of the entire question.

The Department of Commerce and Agriculture is desirous, in view of all the implications, of convening the necessary conference which could be held in Melbourne. It would be appreciated if you would nominate a representative to attend at a date that will be fixed as soon as possible. It is considered essential that all States be represented and that the whole problem of fruit fly infestation be examined.

A similar communication is being addressed to the Premier of each of the other States. When this conference is called, my colleague in another place desires that two representatives be sent; one to cover horticulture, and the other research. He took

the matter up with Sir George Jenkins, the Minister for Agriculture in South Australia, suggesting that both aspects be considered, and he replied saying he was in complete agreement with the suggestion. It is the intention of Sir George Jenkins to ask the Prime Minister to call the conference, and request that it deal with both the scientific and commercial sections of the industry. The Government appointed two extra inspectors, who have operated for the past two seasons, at a cost of about £1,400 per annum. The cost of inspectors is borne out of funds provided by the orchard registration fee. However, the cost of appointing the additional two inspectors was covered by a special grant last year from the Government. This amounted to about £1,400, which was provided out of Consolidated Revenue.

Compared with £300,000 spent in South Australia, found principally by the growers, we have spent practically nothing, except this £1,400 for two extra inspectors. The funds here have been found almost solely by the fruitgrowers. This measure will not create a charge on the Government, but will give the fruitgrowers the right to tax themselves more. We should do all we can to stamp out the fruit-fly in this State, particularly as the experts say this is possible. The extra charge to the fruitgrower for compulsory baiting cannot be levied without a poll of growers first being taken, and the vote must be in the affirmative before anything can be done. At least 60 per cent. of the owners or occupiers who vote must be in favour of the introduction of the scheme. On that point, I know from experience that spraying generally on an orchard or a vineyard is a fairly costly and unpleasant task. I feel that if any district desirous of stamping out this most undesirable pest is able to assemble its growers, the community spraying will be far more effective and cheaper in the long run. When one is employing labour it is also very difficult to get employees to carry out the job efficiently. However, if it is left in the hands of a responsible committee and organisation to do that spraying efficiently, at a charge, I consider the producer would be better off.

Mr. Fox: Does that refer to backyard gardens?

The MINISTER FOR LANDS: No, as a matter of fact it only refers to any area where baiting is carried out by growers who have agreed to do so as a result of a poll. I felt very concerned over one clause in the Bill which states that the charge will be so much per hundred fruit trees, because my thought straight away turned to the viticulture industry. Generally speaking, the plantings are 100 to the acre of fruit trees and vineyard planting is, of course, 400 to 450 vines to the acre. Therefore, when the clause mentioned a charge of 6s. an acre for spraying 100 plants it gave me food for thought. But the safeguard is in the Act whereby the growers themselves, by way of a poll, can agree to have this practice carried out. Therefore, the position would be clarified because it is undoubtedly meant to be on an acreage basis. Why the number of plants is mentioned of course is on account of scattered areas. Where one is spraying a scattered area on which a lot of trees have been removed or have died, the charge is arrived at by calculating the number of trees that remain. Not a great deal is involved in this Bill as it simply raises the levy from a maximum of three shillings to six shillings per 100 trees. Here trees are mentioned, but the Bill mentions plants. Generally speaking, an acre of land contains about 100 trees. The Bill is intended to assist in some way towards the eradication of the fruit-fly, and I feel sure it will have the support of all members. I move—

That the Bill be now read a second time.

On motion by Mr. Hoar, debate adjourned.

BILL—ADOPTION OF CHILDREN ACT AMENDMENT.

Second Reading.

THE MINISTER FOR LOCAL GOVERNMENT (Hon. A. F. Watts—Kataning) [5.27] in moving the second reading said: The Adoption of Children Act was passed in 1896 and while it has been amended in one or two minor ways, since that time it is substantially in the same form as when it was passed. It has been found in practice that there are one or two anomalies which require correction, one or two amendments for the simplification of working, and also one or two suggestions have been made by judges of the Supreme

Court which have been incorporated in this measure. In the original Act a child was interpreted as being a boy or girl under the age of 15 years. In an amendment passed in 1921 there was reference, as members will find if they examine that Act, to what should be done with children over 15, and in practice orders of adoption have been made for many children over 15 years and under 21 years of age. Therefore, it is considered that the limit should be raised to 21 years under which age an order of adoption can be made if the court thinks proper. The Chief Justice himself commends this proposition because in practice it is actually taking place with persons over 15 years of age, but under 21 years, and it is desired to place it beyond doubt, that is, in accordance with the law. Members will find the next amendment is to alter the word "legitimate" to "ex-nuptial."

Mr. Graham: A most commendable move.

The MINISTER FOR LOCAL GOVERNMENT: I was about to suggest that this amendment was really brought to my notice in deference to the views expressed by the member for East Perth on another measure about 18 months ago. But I want to warn members when looking at this amendment in the Bill, not to fall into the same trap that I did. The amendment proposes to alter the word "legitimate" which is obviously incorrect because it is clear from the context that "illegitimate" was intended. It is now to read "ex-nuptial." The 1896 statute contains the word "illegitimate." When the statutes were reprinted in 1943—Volume 2 of the reprinted statutes—the word "legitimate" was inserted, and I have been informed by the Parliamentary Draftsman that, under the Acts Interpretation Act of 1922, the 1943 reprint is that which is now valid and therefore must be amended. That is the reason why the word "legitimate" is being altered to "ex-nuptial." There is also a small amendment, for reasons which are obvious, to alter the word "colony" to "State."

It has been the practice to insist on the consent to an adoption being obtained, wherever possible, from the putative father of an ex-nuptial child. This is not always desirable as sometimes the putative father, subsequent to the occurrences that gave rise to the application under the Act, has married and has a family living in perfect

domestic bliss. The arrival of communications under the Act, I am advised, has on more than one occasion broken up that domestic bliss, because the former relations of the husband have thus been brought to the notice of the wife. It is therefore desired to give the judge the power to dispense with the consent of a putative father if deemed wise to do so.

Mr. Graham: Why putative father?

The MINISTER FOR LOCAL GOVERNMENT: That applies to a father being the father of a child not born in wedlock. The hon. member may call it reputed father, if he likes that better. From time to time applications to adopt children have been made, but could not be finalised because the necessary consent was not forthcoming from one of the child's parents. There are cases where the parent has done nothing for his child and has obviously no care for it, and yet has adopted a dog-in-the-manger attitude. I am informed that one of the most striking cases that has come under the notice of the Child Welfare Department is that of a man who is serving a sentence of imprisonment for the term of his natural life. His wife married again, and this man refuses to allow the wife and her present husband to adopt the child when obviously it would be for the benefit of the child that it should be adopted in the circumstances existing. However, the father has steadfastly refused to allow his ex-wife and her second husband to adopt it.

We propose that a Supreme Court judge may dispense with the consent of such a person if of the opinion that the child's best interests would be served by granting the adoption order. Under another clause, the judge will be required to state in the order why he dispensed with the consent in order that this may be placed on record.

Paragraph (4) of Section 5 requires that a child over the age of 12 must consent to his own adoption. Experience has shown that this creates difficulty. There are many cases on record where a single woman has had an ex-nuptial child and later has married a man who is not the child's father. Usually the child grows up in the belief that the mother's husband is really his father and that he bears his surname. If the couple decided to adopt the child legally after the age of 12 years—many unfortunately put these things off for years before

making up their minds—the child would have to be told of the facts and this, in some cases, would not be desirable. He would have to be told the circumstances in order to secure his consent to the adoption, so here again we propose to give discretionary power to the judge to dispense with the child's consent where circumstances warrant the adoption of such a course.

Now I turn to a provision dealing with the re-registration of the birth and name of a child. Up to date the order of adoption confers the surname of the adopting parents on the child. But in many cases they desire to bestow a new Christian name, and this at present can be done only by order of the Attorney General under the Change of Names Act. This is a very cumbersome method in circumstances such as these, and it is therefore proposed that when the judge makes the order of adoption, he may make an order giving the child another Christian name. A similar provision is found in the relative Acts of other States of the Commonwealth.

The Bill contains provisions to ensure when an order of adoption is made that the adopted child is re-registered with the Registrar General and the change of name and alteration of circumstances are placed upon record. At present the registration of the birth of a child under the provisions of the Adoption of Children Act is contingent upon application being made by the adopting parents and it is considered that in the interests of the child re-registration should automatically follow. Therefore we propose that the court shall supply the Registrar General with the particulars for re-registration and not rely upon the adopting parents or anyone else to do so.

I came into contact with a case where the failure of the adopting parents to take this action over a long period of years resulted in its being most uncertain whether the new name and particulars of the child in question—now some 14 or 15 years of age—could be registered under the existing law. It is hoped that the department will be able to put the matter straight, but at the moment I am not certain owing to the lapse of years. While the present position is that the re-registration must be done by the adopting parent or someone on his behalf, it is now proposed that this shall be done automatically from information supplied by the court to the Registrar General.

There is a provision in the Bill stipulating that particulars of these transactions shall not be made available to the public on search. Anyone desirous of obtaining such particulars must secure the permission of the Registrar General himself and therefore provide a legitimate reason. In the normal way, anyone can go into the Registry Office and obtain an abstract of a birth for 2s. 6d. That cannot happen under this measure in cases to which the Adoption of Children Act applies, and I think members will agree that it is desirable to have some restriction on the prying of people who have no legitimate interest in finding out the facts.

This explanation covers the main matters with which the Bill deals. It is introduced with the idea of simplifying the activities of the department in very many cases where it has to assist in the adoption of children, in making it easier to ensure that the child is brought up in happier surroundings than might have been expected from its origin, and at the same time to ensure that when orders of adoption are made by the court after due consideration of all the circumstances, the changes in the child's name and status shall be notified immediately by the court to the Registrar General and placed on record, but the record is not to be available to the general public in cases affecting ex-nuptial children. Generally, the measure is designed to improve the conditions under which the people who are obliged to work in connection with the adoption of children have to carry out their duties. I move—

That the Bill be now read a second time.

On motion by Mr. Triat, debate adjourned.

BILL—PRICES CONTROL ACT AMENDMENT (CONTINUANCE).

Message.

Message from the Governor received and read recommending appropriation for the purposes of the Bill.

Second Reading.

THE ATTORNEY GENERAL (Hon. A. V. R. Abbott—North Perth) [5.43] in moving the second reading said: This Bill is to continue for a further period of 12 months the measure which was brought down last year. *

Hon. J. B. Sleeman: Do you think it has controlled anything?

The ATTORNEY GENERAL: As members are aware, the object was to enable Western Australia, in conjunction with the other States, to continue the price-fixing previously carried on by the Commonwealth for such period as was necessary to enable the supply of goods, services and commodities to reach a stage where competition would ensure that the community was supplied on a fair basis both to the vendor and to the purchaser. Of course, it was also designed to ensure that inflation tendencies should, as far as possible, be kept in check. The Governments of all the States consider that the time has not yet arrived when price fixing should be allowed to lapse.

Mr. Triat: It has lapsed.

Hon. A. R. G. Hawke: It has collapsed.

The ATTORNEY GENERAL: On the Commonwealth's abandonment of price control, the State Governments agreed to bring into operation a co-ordinated system of price fixing with cooperation between the several States in implementing it. To carry into effect the decision of the State Governments, machinery was evolved by the Prices Ministers which has worked with far greater efficiency and effectiveness than was believed possible by many before it was instituted.

Mr. Graham: Don't you believe it!

The ATTORNEY GENERAL: Although each State has local control of price-fixing within its boundaries and no authority elsewhere, close cooperation by the States has enabled a co-ordinated price-fixing system to operate throughout Australia. It was decided by the Prices Ministers that commodities should be classified into two groups—namely, commodities to be dealt with on a State basis as being purely of local concern; and those that required to be dealt with on an Australia-wide basis. Examples of the first category are firewood and vegetables, which are of purely local concern. In the second category come such commodities as clothing, petrol, footwear, metals and steel, which have to be dealt with on an Australia-wide basis.

Mr. Hegney: Do you say that footwear has been adequately controlled?

The ATTORNEY GENERAL: It was left to each Minister to control the commodities in the first category as he thought fit, while those in the second category were to be dealt with only at conferences of

Prices Ministers. With regard to the goods that were to be dealt with on an Australia-wide basis, particular States were charged with the general supervision. They were known as the investigating States for those commodities. In order that there should be the closest co-ordination between the States, it was considered advisable that the Ministers should meet as often as possible. This has resulted in close cooperation between all States and in a uniform system of prices for commodities which might flow from State to State being maintained. These conferences have been held usually at two-monthly intervals.

I would like to say something about the price movements that took place prior to the States assuming control and those that have taken place since that date. Because of the Federal price stabilisation plan that came into operation in April, 1943, prices were kept reasonably stable for some time. However, with the lifting of the wage-pegging legislation and the abolition of subsidies on some goods such as crockery, calico for flour bags and certain Australian manufactured goods, prices gradually rose until the States took control on the 20th September, 1948. This rise is demonstrated by the cost of living index figures from the 30th June, 1947, to the 30th June, 1948. In June, 1947, the index figure was 1,160 and by June, 1948, it had risen to 1,247. It continued to rise and the figure for the quarter ended September, 1948, was 1,291. That was the position when the States took over. From this it will be seen that the States assumed control at a time when prices were moving upwards, despite the assistance of the Commonwealth subsidies and stabilisation plans.

Mr. Hegney: Your Government said it would keep prices down.

The ATTORNEY GENERAL: The principal goods on which subsidies were being paid and which had the greatest effect on the cost of living were raw wool, raw cotton, imported piece-goods and potatoes. The increase in the index period mentioned was effected mainly by the increase in wages—basic wage and marginal wage increases—and the incidence of the 40-hour week, which came into operation on the 1st January, 1948. Some of the principal marginal increases which began to operate in the various industries as a result of that were as follows:—

- Metal trades—October, 1947.
- Sheet metal trade—December, 1947.
- Furniture trade—March, 1948.
- Clothing trades—April, 1948.
- Building trade—August, 1948.

From this it will be seen that while some of the effect of the 40-hour week and marginal wage increases would be apparent before the changeover, the whole of the effect has been operating against prices since the States assumed control. The real impact on the cost of living, however, was not felt until after the States took over.

Mr. Hoar: The biggest drawback is the way it has been handled.

Mr. Graham: Mishandled.

The ATTORNEY GENERAL: On the 20th September, 1948, the first State prices control order was issued. The effect of this order was to peg all prices for goods and rates for services as those prevailing on that date. Provision was also made for carrying on existing Commonwealth orders and formulae for the determination of prices approved to trades prior to that date. All future price increases could be made only following application by trades and investigation by prices officers. It must be admitted that price movements have been upwards, although in most cases manufacturers' and distributors' percentage margins have been reduced. This upward trend has been due principally to

(a) the accumulating effect of the 40-hour week on manufacturing concerns;

(b) the effect of marginal increases in wages since the 20th September, 1948;

(c) the effect of basic wage increases since that date; and

(d) the discontinuance of subsidies paid by the Commonwealth Government.

Mr. Hegney: Wages only follow prices, so that argument is no good.

The ATTORNEY GENERAL: Owing to the strict watch that has been kept on prices by the State commissioners, the rise has in my opinion been very greatly minimised. The cost of living index figures for Western Australia for the quarter ended the 31st March, 1949, are compared with those for the quarter ended the 30th September, 1948, in the following table:—

	Sept. 1948.	Mar. 1949.	% Increase.
Foodstuffs and groceries ..	1276	1370	7.37
Clothing ..	1789	1859	3.91
Miscellaneous ..	1234	1269	2.84
"C" series (all items) including rents ..	1291	1348	4.41

I think it must be considered that the percentage increases are surprisingly small. The main increases that have occurred since the States took control were largely brought about by the cessation of Commonwealth subsidies. The withdrawal of the subsidy on potatoes has made some appreciable difference in the increased costs. Potatoes were subsidised to the extent of £4 7s. 6d. per ton to the growers; 8s. 6d. per ton for agents' commission; and, in addition, the Commonwealth paid all administration expenses of the Australian Potato Committee, early digging and storage premiums, and the cost of interstate transfer.

Hon. J. B. Sleeman: What is the reason for candles being 7d. each?

Mr. Hegney: That is only a light increase compared with others!

The ATTORNEY GENERAL: The withdrawal of the subsidy necessitated the retail prices being increased from 10½d. to 1s. 2½d. per 7-lb. lot.

Mr. Styants: Man cannot live by potatoes alone, you know.

The ATTORNEY GENERAL: Since then, an increase of £3 per ton has been approved to growers to cover increased costs of production and early digging and storage premiums. Dealing with clothing, garments, drapery, etc. the subsidies paid to importers of certain commodities were discontinued prior to September, 1948, but the main effect of such cessation was not felt until after the date of the changeover.

Mr. Styants: It is being felt all right now.

The ATTORNEY GENERAL: Yes, prices are pretty heavy. The following figures set out the effect of the cessation of the Commonwealth subsidy on certain items. These are figures for Australia and cover a representative period of five months from the 1st April, 1948, until the 31st August, 1948. The landed cost for cottons, all groups, was £212,960 and the basic cost was £144,320. The subsidy was £68,640. The figure for rayon, all groups, was £159,149, the basic cost was £128,382 and the subsidy £30,767. For face towels the figure was £16,886, the basic cost £12,757 and the subsidy £4,129. The total landed cost of those lines was therefore £388,995, the basic cost was £285,459 and the subsidy £103,536. As the result of those withdrawals, cottons were increased by 47.5 per cent., rayons by 24.0 per

cent. and face towels by 32.3 per cent. That does not take into effect any increase that may have occurred in the overseas price of goods since the cessation of subsidies. As the result of the withdrawal of subsidies on wool, the price of worsted piece goods has increased by between 55 and 95 per cent., according to the quality. To offset that increase, the wholesalers' and distributors' margins have been decreased by varying amounts.

Mr. Hegney: Have the prices commissioners or their staffs checked these figures?

The ATTORNEY GENERAL: They are the Prices Commissioner's figures. I will give a little more information about wool.

Hon. F. J. S. Wise: That is what you are trying to pull over our eyes.

The ATTORNEY GENERAL: I am taking, for example, worsted yarn of a quality of 64, as indicative of the general position. Price increases may be summarised as follows:—For quality 12 twist, undyed, the price on the 20th September, 1948, was 76.75d. per lb., and that has had to be increased to 87.25d. per lb., an increase of 164 per cent. as the result of the increased price of wool and the withdrawal of subsidies. The manufacturers' prices of worsted goods are affected as follows:—(a) The increase to the present is estimated as from 40 to 75 per cent., an average of 57.5 per cent. The future anticipated costs owing to withdrawal of subsidies are estimated at from 10 per cent. to 16 2/3rds per cent., an average of 13.3 per cent. Therefore the estimated average increase in the manufacturers' price will be 70.8 per cent. The distributors' margins, however, were and are being scaled down to offset these increased costs to some extent.

As a result, it is estimated that the increase in the wholesale price of piece goods will be about 65 per cent. For woollens generally, including blankets, the increase has not been so substantial because for the lower quality wool used in the manufacture of these goods the price has not increased to the same extent as has the higher quality normally used for worsteds.

Mr. Hegney: Did the State Prices Commissioner compile that information?

The ATTORNEY GENERAL: He and his staff compiled it from the records.

Mr. Hegney: In Western Australia?

The ATTORNEY GENERAL: Yes. It will therefore be seen that under the conditions existing, price rises in these commodities were absolutely unavoidable. The Prices Commissioner has had a staff of investigators continually checking and investigations have been carried out constantly. In the period from the 20th September, 1948, to the 31st May, 1949, a total of 3,090 checks were made in the metropolitan and country districts. At present, there are about 509 investigations per month.

Hon. A. R. G. Hawke: What are the results of those investigations?

The ATTORNEY GENERAL: That the prices index figures should have increased by such a small percentage, having in view all the pressures on rising costs, shows that the States have been able to put into effect an efficient and effective system of price control.

Mr. Styants: You tell that to the housewives!

The ATTORNEY GENERAL: Therefore I move—

That the Bill be now read a second time.

Point of Order.

Hon. J. T. Tonkin: I rise on a point of order in connection with this Bill. Standing Order 180 states—

No Question shall be proposed which is the same in substance as any question which, during the same Session, has been resolved in the affirmative or the negative.

I submit that this very question which the Minister is now putting before the House has already been resolved this session in the negative. Section 18 of the Act which the Minister proposes to amend reads as follows:—

This Act shall continue in operation until the thirty-first day of December, one thousand nine hundred and forty-nine and no longer.

Earlier this session the Leader of the Opposition moved to strike out the word "forty-nine" and this House, this session, divided on that question and decided against it. In other words, the House confirmed the word "forty-nine" in the Bill, which meant that the Act was to continue until 1949 and no longer. As this House has already, this session, determined that this legislation shall continue until 1949 and no longer— and this specific point has been debated and decided—are we in order, during this same

session, in giving consideration to that question again? I submit that we are not in order and therefore the Minister cannot proceed with the Bill.

Mr. Speaker: As I understand the position, the last time the matter came before us, this session, the idea of the Leader of the Opposition was to make the Bill a double-barrelled one for two years. This Bill, however, is to continue the Act for one year from 1949. That is not the same Bill. As I see it at the moment, it is a different question altogether.

Dissent from Speaker's Ruling.

Hon. J. T. Tonkin: I move—

That the House dissent from the Speaker's ruling.

The specific question submitted to this House, this session, was not as to how many years the legislation should continue. The question put by the Chairman of Committees was that the words proposed to be struck out be struck out.

Hon. J. B. Sleeman: "Forty-nine."

Hon. J. T. Tonkin: We did not come to any decision upon what words were to be inserted in lieu of the word struck out. Had the Committee agreed to the striking out of the word "forty-nine" it would have been competent for the Minister to have moved for the insertion of the word "fifty," the word "fifty-one" or "fifty-two," or whatever he decided upon. The House was given no such opportunity, however, because the Committee decided that the word "forty-nine" was to remain in the Bill, and the Bill, as it then read, stated—

This Act shall continue in operation until the thirty-first day of December, one thousand nine hundred and forty-nine and no longer.

So I submit that we have already determined the currency of this particular legislation this session. The Leader of the Opposition, to test the Committee, said—

I think it necessary for the clause to be amended to provide for a later time.

His desire was to amend the clause to provide for a later date. He suggested "fifty-one" but he did not get to the stage of being able to move to have that word inserted. All he could move, in the first place, was to strike out the word "forty-nine." A question was put to the Committee that the word "forty-nine" be struck out, and this session the Committee decided not to

strike out that word and, in other words, determined that the legislation was to remain in force until 1949 and no longer. If our Standing Orders mean anything at all, and if Standing Order 180 means anything in regard to this matter, surely it means that we cannot debate exactly the same question in the same session. The question we have already debated this session is whether we should strike out the word "forty-nine" with a view to inserting some other date. We determined that we should not strike out the word "forty-nine" and we therefore decided that this legislation shall remain in force for the year 1949 and no longer. We determined that question this session and yet the Minister now proceeds to ask us to continue the measure until 1950. How you, Mr. Speaker, can rule that it is in order is beyond me.

Mr. Speaker: Do not forget the Interpretation Act.

Hon. J. T. Tonkin: That has not been forgotten. If the House upholds the Speaker on this point, then henceforth we may, at any time during a session, put to the House any proposition which has previously been turned down during the same session. This would be a dangerous precedent.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. J. T. Tonkin: I want to emphasise that the question of disagreeing with the Speaker's ruling is by no means a Party one for this is a matter of extreme importance to the conduct of business in this Assembly. Obviously, when Standing Order No. 180 was framed it was done deliberately to prevent the time of Parliament being unduly occupied in discussing more than once the same question in the same session, it being the belief that, if somebody has a shot at a question and fails, once during a session ought to be enough and if he wants to make a further attempt he should bring it forward in another session. The Standing Orders allow a person to submit a question session after session, but we draw the line at being called upon to determine the same question more than once in the same session.

Despite what the Interpretation Act says about our power to alter or repeal Acts passed during the same session we must take the Standing Order in conjunction with

that Act, use commonsense, and realise that it was never intended that we should, time and time again in the one session, be called upon to determine the same question. For example, suppose the Minister for Education were to introduce a Bill this session for an Act to make the school leaving age 17 and, whilst that was under discussion the specific question of making it 18 was put to the House and negatived and the Bill went through as originally introduced providing for 17! If your ruling be correct, and if that Act was proclaimed, it would be competent for any member in the same session to introduce an amending Bill to provide that the school leaving age be 18—a question already negatived a few weeks before. Surely, Sir, you do not want the House to reach a pass like that. If that were to happen it would take little imagination to realise that we would soon get into a chaotic state of business when we would never be able to carry on properly.

It is to prevent things of that sort that Standing Order No. 180 exists; to limit a question to one shot a session. You, yourself, Sir, previously emphasised that. When I raised the matter of a Bill being in or out of order before you said that Standing Order No. 180 can only mean that no question of the same substance can be introduced again. I put it to you, Sir, is this not a question of the same substance? Earlier this session when this Bill which we are now seeking to amend was introduced, it had as a question that this Act shall continue in operation until the thirty-first day of December, one thousand nine hundred and forty-nine and no longer. That was the question. The Leader of the Opposition then sought to delete the word "forty-nine" to provide that the Bill should extend for a longer period and that very question as to whether "forty-nine" should be the word was put to the Committee, and on that question it decided not to delete "forty-nine" but to adhere to it.

In other words, this session the Committee determined that this price control legislation should continue in operation until the thirty-first day of December, one thousand nine hundred and forty-nine and the division taken on it was ayes, 20, and noes, 21. So by a majority of one the Committee, this session, determined that the word "forty-nine" should remain and should not be altered so as to provide for a later year. Now

the Minister introduces a question which we are asked to determine and that is, that this legislation shall continue to 1950, when we have already decided that it shall not go beyond 1949. Now, had this been a new session there would have been no difficulty because we can consider a question of the same substance in a different session, but we cannot do it in the same session. Why, it would go on ad lib. Supposing the Minister succeeds in having this Bill passed then next week somebody could introduce a similar proposition for altering the time, and we could go on week after week changing the year of operation until the whole of our time was being given to considering the same question over and over again.

It was to prevent that kind of thing that Standing Order No. 180 was framed. If not, then I ask for what reason it was framed. Surely it must be there to prevent repetition and to prevent the time of the House being devoted to considering the same matter which has already been determined. If the matter had been previously under discussion and withdrawn with no determination made it would be different, but this question is the same in substance as a question which has already been under consideration this session and determined. The very specific point as to whether we should alter "forty-nine" to something else has been put to us and, by a majority of one, it was decided that "forty-nine" shall be the figure to remain in this legislation.

Now, in the same session, we are being asked to insert the word "fifty" when we have already said we are not prepared to strike out the word "forty-nine." So we can go on week after week and month after month if your ruling, Sir, is permitted to stand. I think it is a serious matter for this Assembly and I consider we are bound, no matter what the repercussions are, to give consideration to it on the score of logic and on the proper working of our Parliament; and we should not rely upon numbers. It was noticeable, Sir, that immediately I raised this question the Attorney General sent for the Whip.

The Attorney General: That is not so.

Hon. J. T. Tonkin: It is so. The Attorney General immediately conferred with the Whip. No doubt he did so to ascertain how the numbers were on the Government side of the House. So this

question was to be decided on numbers by the Attorney General; not on rights or wrongs and not on the merits of the case. That is a fine stand for the Attorney General to take.

Mr. Graham: A fine stand for the Attorney General!

The Attorney General: You do not want to arrive at false assumptions.

Hon. J. T. Tonkin: I am not making any assumption at all; I am stating a fact.

Hon. F. J. S. Wise: The Whip was over on this side.

The Minister for Lands: Did you ever send for your Whip?

Hon. J. T. Tonkin: That is not the question. Without giving the slightest consideration to the subject and without waiting to hear the argument, the Attorney General immediately wanted to know what the numbers were. Are we to determine such a question in that way? When I raised the question here on a previous occasion, some members on this side of the House violently disagreed with me and would have voted against me. Of that there is not the slightest doubt; they were not prepared to make it a Party matter, but would have crossed the floor and voted against me. Knowing that the numbers were against me, I accepted the ruling, although I did not agree with it. I mention this to show that members on this side of the House decide such a question on the merits of the case, and that is how this question will be decided, too.

Mr. Hoar: What does the Premier think about it?

Hon. J. T. Tonkin: If the Government will be in difficulty in the event of my motion being upheld, it will be unfortunate, but that cannot be my fault and I do not think it should be considered as an argument in dealing with the question on its merits. What we, as reasonable members, are bound to consider is—What does the Standing Order mean? What does the Interpretation Act mean? What is the proper way to proceed under these rules? If we are to ride roughshod over them because it does not suit our purpose to obey them, what sort of example shall we be setting to other people? We ought to talk about members of organisations not obeying rules if we as a deliberate Assembly are not prepared to obey our own rules.

I submit with all due humility that, if your ruling is allowed to stand in this case, we might as well scrap the Standing Orders because they will have been reduced to a nullity. Let me read Standing Order 180 again—

No question shall be proposed which is the same in substance as any question which, during the same session, has been resolved in the affirmative or the negative.

"No question shall be proposed." What is the question that the Minister is proposing?

Hon. F. J. S. Wise: The Minister for Works thinks he has found something in Section 44 of the Interpretation Act.

Hon. J. T. Tonkin: The question now proposed is that the year "forty-nine" be deleted and something else substituted, but during this session that very same question was negatived. Can we agree to do it now? I submit that, on your own ruling earlier this session, Mr. Speaker, this Bill is definitely out of order. You will observe that I am making no reference to "May" or to the procedure of the House of Commons. That is a point you used previously. I am relying wholly upon our own Standing Order and our Interpretation Act.

Common sense would determine that a member shall not time and again in the one session bring up for consideration a question that was the same in substance as one already determined. Have not we had example after example of Bills having been brought forward and lost and of attempts being made by using different verbiage to re-submit the same proposition in the same session and have not they been ruled out of order on the ground provided in Standing Order 180? So how can we, in connection with this Bill, decide that we can proceed and provide for something that we have already voted against in the same session?

Earlier this session the Leader of the Opposition sought to extend the life of this legislation beyond 1949. His words were—

I think it is necessary for the clause to be amended to provide for a later time.

In order to provide for a later time, he moved to amend the clause by striking out the word "forty-nine," and the Committee in effect said, "No, 'forty-nine' shall stand." Having determined that, we are asked to say that "forty-nine" shall not stand but

shall be deleted and something else substituted. If your ruling be upheld on this occasion, Mr. Speaker, it will be a very bad precedent, because it will leave the way open to a terrific waste of the time of this Assembly. We would have the same questions submitted over and over again. If a member sustained an adverse vote early in the session, he could introduce the same matter again and have it discussed and could keep on doing so as long as the session lasted. Obviously that was never intended. It is something that would be most undesirable, something that should be prevented, but it cannot be prevented if your ruling is allowed to stand. Much as I regret having to move in this direction, I feel that, in the interests of proper discussion and the proper conduct of our business, I must disagree with your ruling.

The Attorney General: I have listened with a good deal of attention to the very interesting argument of the member for North-East Fremantle. If this were a debating society, no doubt his remarks would carry a good deal of weight but this is not a debating society. What we have to deal with is the substance of the law. What law is operating in existing circumstances?

Hon. J. B. Sleeman: We do not want the law of the jungle.

The Attorney General: First we must realise that this House is subject to the law of Parliament. We are not Parliament itself; we are only one of the two Houses of Parliament, and so we must start from the absolute proposition that this House is subject to the law of Parliament—the law of the land. Then, only subject to such law can this House make orders for the conduct of its business. It would not be suggested for a moment that this House, by a Standing Order, could deprive a member of Parliament of any right he had under the law of the country. Consequently, any Standing Order must be within the law of the land and, if it is not, then that law is ultra vires and could be so declared by any court of competent jurisdiction. But before I deal with that point, perhaps I may say one or two words on the suggestion put forward. It is suggested that this is the same question as that previously put to the House, but it does not even concern

the same Bill. This is a different Bill altogether, so how can it be said that it is the same question?

Hon. A. H. Panton: It is the same Act.

The Attorney General: That is not what the Standing Order says. I am now quoting from the same Parliamentary Debates as were quoted on the last occasion by the hon. member when discussing this point, Vol. 132, page 2208.

Mr. May: That was not the authority on the last occasion.

The Attorney General: It is not now but, for the purpose of the debate, let us have it. The question then was that an Act—the Defence of the Realm Act—which enabled orders to be made had been extended to a certain date. Certain regulations had been made under the Act, so the operation of those regulations lasted as long as the Act. Then the Government decided that it would pass an Act further extending the provisions of those regulations. That was the question before the House. A Mr. Palmer said that as the date for the operation of the regulations had been provided, it was not within the power of the House to decide that question again and decide another date. It is from this decision that the hon. member quoted, but he did not quote much of it; because when the point was put by Mr. Palmer he said—

My point is this, that this House, having come to the decision early in the year to enact these regulations only until the 31st August, or peace time, whichever came the sooner, this House is not competent to act on that decision, and by a Bill of this kind to extend the regulations with regard to shops for another 18 months; that it is a rule of this House that the House having come to a decision, cannot reverse, alter or over-ride that decision within the same session.

This is the Speaker's ruling —

I do not think that can be strictly applied in a case of this sort, for, even assuming the House had in its mind that these regulations in the first instance should continue only until the 31st December, it was quite open to the House to reconsider the matter, and to extend that period. It might have done it by an amending Bill in the same session. There is nothing to prevent that.

Therefore, even on the hon. member's argument, even basing it on the supposition that he raised, his point has no substance in it. But I do not in any way rely on that. I rely on an Act of Parliament. I say that

no Standing Order of this House can deprive a member of his right to vote on a Bill which can be promptly heard and considered in this House. That is the whole question. The Interpretation Act, which has been frequently quoted and is well known to members and is absolutely clear, provides by Section 44—

Any Act may be altered, amended, or repealed in the session of Parliament in which it was passed.

Nothing could be plainer or clearer than that. We are dealing with an Act of Parliament which it is admitted was passed during this session. The Interpretation Act gives specific power to Parliament—not to this House but to the whole Parliament, because the Interpretation Act applies to both Houses—to alter, amend or repeal that Act in the session of Parliament in which it was passed. It is therefore perfectly clear, whatever the Standing Order says, that it cannot over-ride the Interpretation Act. Admittedly we have certain rights to make rules for the procedure of our business; but we cannot over-ride Parliament nor can we over-ride the rights of members, who get those rights under an Act of Parliament. If there were an attempt to do so, a member would have a remedy in the courts of the land.

Hon. J. T. Tonkin: Suppose this Bill is defeated, can you bring it in again next week?

The Attorney General: I am not making that suggestion. That is not the suggestion at all, because that might or might not be a question.

Hon. A. H. Panton: If your argument is right, you can.

The Attorney General: We can bring in an Act to amend an Act passed in the same session.

Hon. J. T. Tonkin: Suppose this very question you are now submitting to us is defeated, can you bring it in the following week and have another shot at it?

The Attorney General: I suggest we cannot over-ride an Act of Parliament. I am not prepared to argue the point raised at the moment. It is not the question. As a matter of fact, we are dealing with an entirely different Bill and any question put by the Speaker must be a different question for that reason. How can it be said that it is

the same question when it relates to a different Bill? It is quite clear, therefore, that under the law of the land this Bill to amend an Act that was passed during this session is quite in order.

Hon. A. H. Panton: There is no doubt that one lives and learns. I have been a member of Parliament for 25 years. I served nine years as Deputy Chairman, five years as Speaker, and nine years as Minister, and some time in Opposition. I have heard many rulings given and have myself given many rulings. I think the Minister for Education will remember some of them, particularly one relating to the Agricultural Bank Act.

The Minister for Education: Some of them were damn bad ones, too!

Hon. A. H. Panton: But this House agreed with them; that is the main point, and I think that is what will happen today. There is more involved in this point than even the Interpretation Act. There is the custom of this House. The custom of this House right up to the present time has never been, justifiably so, to invoke Section 44 of the Interpretation Act to try to defeat Standing Order 180.

The Attorney General: You cannot suggest that the custom of the House over-rides the law.

Hon. A. H. Panton: The Attorney General quoted "May," but if he reads Standing Order No. 1 he will find that that is provided for. Standing Order No. 1 provides—

In all cases not provided for herein-after, or by sessional or other orders, resort shall be had to the rules, forms and practice of the Commons House

Standing Order No. 1 was inserted for the sole purpose of providing that, where our Standing Orders were silent, we could have resort to the Standing Orders of the House of Commons, or as they are interpreted by "May."

The Attorney General: Our Standing Orders are not silent on this question.

Hon. A. H. Panton: I know they are not; they are very noisy on the point. Standing Order 180, which I do not propose to quote again, provides definitely what we can do. Why go to "May" or Bill or Matilda or anyone else when our own Standing Orders say definitely what can and what cannot be

done? If the Interpretation Act is to override our Standing Orders for the sake of expediency, let us wipe them out and work under the Interpretation Act.

The Attorney General: Certainly, if necessary.

Hon. A. H. Panton: Never mind about "if necessary." It is necessary now, evidently. For reasons of expediency, it is very necessary. The Attorney General said something about a debating society. What else is this House for but to debate? All our questions are decided by debate. We endeavour to convince one another—I admit we are not successful very often but we endeavour to do it—by debate. You yourself, Sir, on many occasions have stood up in your seat as a private member and put up some very good arguments, particularly on Wednesday afternoons, and have often convinced us. And we did not raise the question of the Interpretation Act either. We have a reputation throughout Australia for decorum and for carrying out our Standing Orders properly, but if we are going to set aside our Standing Orders for the sake of expediency, decorum and everything else will go by the board in this Chamber. I hope members will adhere to their Standing Orders, which are what govern this House.

Once we lose the right of those Standing Orders to govern the House, we lose all decorum. Bad and all as it is to have to disagree with your ruling, I feel that it must be done. Let me say with all humility that you are not the only Speaker whose ruling has been disagreed with. Highly important Speakers have had the same experience. Indeed, we do not consider a man a Speaker until there has been disagreement with his ruling. I am sure that disagreement on this occasion will not hurt you and the House will not vote from that point of view. I hope members will uphold the Standing Orders. Alternatively, let us be fair and wipe them out altogether and say we do not want them. Let us have the law of the jungle and carry on just as the Government wants us to carry on—whatever Government it happens to be. If we do that, we will have a lovely House!

Mr. Marshall: I did not propose to take any part in this debate until the Minister rose to explain his view. I admit quite frankly that I was one of those who were prepared to vote against the member for North-East Fremantle on the last occasion on which he moved to disagree with your ruling, because I felt he was definitely wrong. I would vote against him on this occasion if I thought he was wrong and will vote against any ruling or any motion upon a question of procedure when I know it to be wrong or when I feel it is wrong. I want to clear up one or two points only, one of them being in reference to your statement when you gave your ruling. Before I do so, may I tell the Minister that the Interpretation Act may be supreme over the constitutional procedure of this Chamber, but that it does not apply in this case. If the Minister, after having been trained to interpret the law, had read closely what it says, he would never have used it.

What the Interpretation Act applies to—and this is why I would not support the member for North-East Fremantle on the last occasion—is the amending of an Act passed this session—not a Bill, but an Act that was originally a Bill. A Bill came to this Chamber, received sanction here, passed through the Legislative Council and obtained the Governor's assent and so became law. Then the Government introduced another Bill to amend it. That was in order and the Interpretation Act says that can be done.

The Minister for Education: Is that not what is happening in this case?

Mr. Marshall: The Interpretation Act provides that we can amend an Act, not a Bill—an Act passed this session—which is just what we have done. It does not provide for the amending of a Bill which has not become law. There is no argument about that.

The Attorney General: I did not suggest that.

Mr. Marshall: Of course not! But the Minister said the Interpretation Act took precedence over our Standing Orders. It does not apply to this case. There is a difference in my attitude towards the member for North-East Fremantle on this occasion from the last occasion when he

raised a similar point in this Chamber. I had a very heated argument with the hon. member before he raised the point.

Hon. A. R. G. Hawke: Last time.

Mr. Marshall: I told him distinctly that my support would never be forthcoming on the grounds on which he proposed to move to disagree; but that was a different question from this one. That Bill had passed this Chamber and the Legislative Council, had received assent, and was the law. Therefore the Interpretation Act applied, and it was possible to amend that Act the same session. But nowhere can we find in the Interpretation Act authority to amend a Bill similar to one passing through the Chamber and becoming an Act. That cannot be done. The Minister said the Interpretation Act must apply, but it does not apply to this case.

The Minister for Education: Why not?

Mr. Marshall: I suppose I will have to quote from the Standing Orders. On page 218 is Section 44 of the Interpretation Act, which reads—

Any Act—

Get that! Do not let me pass that. It says, any "Act" not "Bill."

The Minister for Education: Go on.

Mr. Marshall: I think I could have put up a better case than some of the lawyers in this Chamber. It says not a "Bill" but an "Act."

The Attorney General: That is what we are talking about, are we not?

Mr. Marshall: It says—

Any Act may be altered, amended, or repealed in the session of Parliament in which it was passed.

When a Bill has been passed and become an Act, only then can a Bill be introduced in the same session to amend it. But when there are two Bills—which is a different thing altogether—it does not apply. I say the Interpretation Act does not apply to this point at all. It is completely governed by Standing Order 180. You, Sir, referred to the fact that during the early part of this session, when the Leader of the Opposition moved an amendment to strike out the words "forty-nine" the intent was then to extend the time. Those were the words you used. The purpose of the Leader of the Opposition this session when the present

Act—which was then a Bill—was before us was to delete the words "forty-nine" and the intent then was to extend the time. If that were so, and this Parliament said, "We will not extend the time," then we have a Bill now before us for the purpose of doing something we said previously we would not do. This is to extend the time.

The Leader of the Opposition this session moved to delete the words "forty-nine." Never mind what the intent was at that time. This Chamber refused to strike out those words. What is the purport of this measure? It is to strike out the very words which, a few months ago, we refused to allow; not that I sanctioned it but this Chamber did. That is precisely what the Bill seeks to do now. Its whole intent is to delete the word "forty-nine" and, further, to make it more objectionable, the intent of the Government, by the Bill, is to extend the time. Now, we are coming to a sorry pass if we are going to carry on business in this fashion. They are the only two points concerned. The Interpretation Act does not apply here. There can be no doubt about Standing Order 180 which was included for the express purpose, as enunciated by the member for North-East Fremantle, of stopping tedious repetition, and the continual introduction of one subject or question which is the same in substance.

Is not this Bill the same in substance as that on which we took a vote earlier this session? It is exactly the same and has for its purpose the very same intention the Leader of the Opposition had when he moved to delete certain words and the Chamber refused to allow him to do it, and to extend the time, which is what this Bill seeks to do. How stupid it is for the Government to look to the Interpretation Act to find a solution of a difficulty in which it finds itself because it was not cautious enough to see what it was doing prior to introducing the Bill! Quite definitely I shall vote for the member for North-East Fremantle on this occasion, because he is just as right this time as he was wrong previously.

The Minister for Education: I did not intend to take any part in this argument but for the extraordinary interpretation placed on Section 44 of the Interpretation Act by the member for Murehison. He appears to

me not to appreciate the fact—he may have overlooked it and that may be the cause of my difficulty with him—that the Act we are now seeking to amend was passed for the first time in 1948. There was no Prices Control Act prior to that time. Therefore, the Act with which we are dealing is the Prices Control Act of 1948. If the hon. member is going to persist in the assertion that Section 44 of the Interpretation Act has no bearing on this subject, then he purports to nullify a section of a statute of this country which provides that an Act may be amended, altered or repealed in the same session as that in which it was passed. Now, the Prices Control Act of 1948 was passed for the first time in 1948. It never existed prior to that year. This is the same session; therefore, Section 44 of the Interpretation Act must apply or else be nullified completely, and, certainly, this House cannot nullify that or any other section of that Act.

The Act was passed in 1948. It may be amended, altered or repealed in the same session in which it was passed. This is the same session; therefore, it may be amended, altered or repealed, and all the Bill proposes to do is to amend it. In consequence, it is as clear as the sun in the sky at noon that Section 44 of the Interpretation Act does apply to this statute and to the Bill which is to amend it. Therefore, the provisions of the Standing Orders, which I would in the normal way be prepared to support, if they were not over-ridden by statute, obviously in this case can have no effect at all. As a result, it must be clear to the hon. member, as it is to anyone else who considers the matter in a factual way, that the Bill is to amend an Act which was passed and, I repeat, passed for the first time in this session of Parliament, in the year 1948. Therefore it is competent for it to be repealed, altered or amended in the same session by this Parliament.

Mr. Rodoreda: After listening to the Deputy Premier, I have at last got an understanding of what the Attorney General was trying to convey when he was on his feet talking about the law of the country over-riding Parliament, and all the rest of it. I am in agreement with the Deputy Premier in regard to his statement that we are now being asked to amend an Act—a different interpretation altogether from what the member for Murchison gave us.

I would state that in my opinion Section 44 of the Interpretation Act would apply to practically any amendment that might be moved to this Act other than the one we are dealing with. I maintain that Standing Order 180 endeavours, if I may say so, to interpret Section 44 of the Interpretation Act. I would read them in conjunction with each other and say that any Act may be altered, amended or repealed in the session of Parliament in which it was passed, provided no question shall be proposed which is the same in substance as any question which, during the same session, has been resolved in the affirmative or the negative.

I would say the Government would be quite in order if it brought down a Bill to amend Sections 3, 4, 10, or 15, or any other section of the Prices Control Act, except the one upon which we as a House of Parliament, have already given a decision this session. I would like you, Mr. Speaker, to give some thought to that angle. It is quite evident that Standing Order No. 180 has been included for the purpose of preventing this sort of thing. If the Government endeavoured to repeal the Act, or to amend any section of it other than the one concerning the question with which this House has already dealt, I would say it would be in order. I certainly think the mover of the motion is putting the correct interpretation on the Standing Order. His argument is far more logical than that of the Attorney General who said that "Standing Orders do not count so long as you have the numbers."

Hon. J. B. Sleeman: I hope, Mr. Speaker, the House will vote against your ruling, much as I dislike saying so. Like the member for Murchison, I informed the member for North-East Fremantle some few weeks ago that I could not possibly support him on the motion he moved then. But I think you, Sir, have now erred in your judgment. I do not think we need go away from our Standing Orders at all. The Standing Orders must rule, if they can. Where they are silent or do not affect the position, then we must go somewhere else. If we go somewhere else we find, on this occasion, that it is also against us. On the 25th August last, the Leader of the Opposition moved to strike out the word "forty-nine." He may have decided to put in the word "fifty" or "fifty-one," or perhaps to put in nothing at all. It may have been a move on his part to kill the Bill. Anyhow, the only question before the House then was

that the word "forty-nine" be struck out, and the House, by a majority of one, including the vote of Mr. Speaker, decided that it would not strike out the word.

Hon. F. J. S. Wise: Including the vote of the Speaker?

Hon. J. S. Sleeman: Yes. He was entitled to vote. He was within his rights in voting. That shows how close the voting was—21 to 20. By that vote the House decided that the words "forty nine" should stand in the Bill. If we look for other examples of how to decide the question we find that the first Standing Order says—

In all cases not provided for hereinafter, or by Sessional or other Orders, resort shall be had to the rules, forms and practice of the Commons House of the Imperial Parliament of Great Britain and Northern Ireland, which shall be followed as far as they can be applied to the proceedings of this House.

I do not think we can go past our own Standing Orders, which are there for our guidance, but if they do not provide something for us we go further. "May" also refers to the House of Commons, but I submit that we do not have to go to that authority. He says, "As a rule in both Houses it is essential for the due performance of their duties that no question or Bill shall be offered as is substantially the same as one on which judgment has already been expressed in the current session." Do you, Sir, rule that this is not a question or Bill substantially the same as that introduced on the 25th of August last? I say that the question, the Bill, the words and everything else are the same. I think you have erred in your ruling and I hope the House will reverse your decision. I appeal to members not to make this a Party question. Only a few weeks ago there were several members on this side of the House who told the member for North-East Fremantle that under no circumstances would they support him. That shows clearly that we, on this side of the House, did not make a Party question of it on that occasion.

Mr. Speaker: I desire to say a few words in explanation of my ruling. I did not at the time anticipate a long debate. The actual wording of Standing Order 180 would appear to me to be fulfilled in this case if the Bill now before the House were defeated, and then, in a month or so, the Attorney

General brought it down again. We would then have the same question, which would be entirely out of order.

Mr. Graham: In this House or in Parliament?

Mr. Speaker: In this House. But if we have a case, as I understand was put before the House by the member for North-East Fremantle, where a Bill which is now an Act was before the Chamber during the same session and it was the wish of an hon. member to amend that Bill, not in the way this Bill is now before us tonight precisely, but in that direction, the question we must ask ourselves is whether this is the same question; namely, whether to move to amend the Bill, which afterwards became an Act, in the same direction, is the same thing as bringing down a new Bill on that question. That is the point that made me determine that it is not the same. Then I go to the Interpretation Act for confirmation, this is how I see it.

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

Ayes	22
Noes	24
Majority against				2

AYES.	
Mr. Brady	Mr. Needham
Mr. Coverley	Mr. Nulsen
Mr. Fox	Mr. Oliver
Mr. Graham	Mr. Panton
Mr. Hawke	Mr. Reynolds
Mr. Hegney	Mr. Sleeman
Mr. Hoar	Mr. Styants
Mr. Kelly	Mr. Tonkin
Mr. Marshall	Mr. Triant
Mr. May	Mr. Wise
Mr. McCulloch	Mr. Rodoreda
(Teller.)	
NOES.	
Mr. Abbott	Mr. McLarty
Mr. Ackland	Mr. Murray
Mr. Bovell	Mr. Nolder
Mr. Brand	Mr. Nimmo
Mrs. Cardell-Oliver	Mr. Perkins
Mr. Cornell	Mr. Read
Mr. Doney	Mr. Shearn
Mr. Hall	Mr. Thorn
Mr. Hill	Mr. Watts
Mr. Leslie	Mr. Wild
Mr. Mann	Mr. Yates
Mr. McDonald	Mr. Grayden
(Teller.)	

AYE.	PAIR.	NO.
Mr. Smith		Sir N. Keenan.

Question thus negatived,

Debate Resumed.

On motion by Hon. A. R. G. Hawke, debate adjourned.

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

Second Reading.

Debate resumed from the 21st July.

MR. STYANTS (Kalgoorlie) [8.30]: This Bill is to continue the operations of the Increase of Rent (War Restrictions) Act, and there is an additional provision to incorporate the Commonwealth Moratorium Regulations which were until recently administered by the Commonwealth Government under the Defence (Transitional Provisions) Act. The principal Act deals with evictions and the control of rents. The Act was passed in 1939 as a war measure and I am sure that it is disappointing to many of us to find that necessity exists for the continuance of this class of legislation. While most of us realise the necessity for some features of it to continue, we also realise that some very grave injustices are being done to a certain section of the community and to certain individuals of the community as well. Most of us are afraid that if the measure is discontinued the impact that the lifting of rent controls will have on our national economy will be so severe as probably to create something in the nature of chaos.

That, I think, would be substantially correct, but instead of the whole community having to suffer disabilities in that connection, we are now calling upon one section of the community to carry the whole of the load. That section is composed of the owners of property. While the Minister stated, when introducing the Bill, that we had to see that no unfairness was done as far as tenants are concerned, I think we also have an obligation to see that no unjust treatment is being meted out to property owners. I do not think it can be gainsaid that the measure in its continuance, in the form that it was introduced in 1939, does other than inflict a great hardship on a certain class of people.

It must not be considered that the owner of land or property is of necessity wealthy and in an independent position. I would like to give an example of a case which would make my point clear. I know of a man who had worked hard and had deprived himself and his family of many amenities.

That family had no luxuries in the early portion of its life when to accept Social Service benefits was looked upon as something in the nature of charity. The husband at the outset decided to become independent of it. He was not bequeathed any property but by strenuous endeavour and hardship, as well as physical labour and a certain amount of luck in some investments, he acquired, besides the modest home that he had, four other houses which returned him pre-war a clear income of £6 per week. Both he and his wife were getting well on in years and were able to live quite comfortably on £6 per week. That, however, is impossible today. I saw him only recently and he told me that he was living under conditions bordering on poverty because of the continued operation of this Act. He pointed out to me that not only has the purchasing power of £6 per week been reduced to something in the vicinity of £3 10s. per week, but also to keep his houses in order renovations are now costing him anything up to 250 per cent. or 300 per cent. more than the pre-war figure. The cost of labour which he has to employ, and of paints, timber and all building materials have gone up so enormously that he found the only way to keep going was to dispose of one of his houses. In other words, he has had to eat into his capital and I do not think that represents a case of justice at all.

In such instances distinct hardship is being inflicted upon a section of the community and I do not consider that one section should be asked to carry the whole burden. It would be difficult to mention any other section of the community that is pegged down to an income the same as that received in 1939. I do not know of any other commodity that is available to the people at the same price as it was in 1939. It will, of course, be said that if the controls are removed rents will skyrocket. That is substantially correct, if all controls are removed. However, I think that the House should give consideration to some easement of the position. I know that it will have the effect of increasing the basic wage to the extent that rents are increased and to the extent that rents are a portion of the regimen upon which the basic wage is fixed.

Why should the property-owner be called upon to carry the whole burden in order to prevent any rise in the basic wage?

Other sections of the community have not been called upon to do that. Even the Government itself did not give any consideration to, or was not deterred from, increasing railway freights, and increasing the cost of electricity and gas. The Prices Control Branch permitted an increase in the cost of meat and other commodities and it did not take into consideration the effect that would have on the basic wage. The department took into consideration the claims that were put up to it by representatives who made application for increased prices on their commodities and where, in the department's opinion, they were justified, an increase was granted.

I am not concerned about the effect that it would have upon the worker because if the rent is raised an average of 3s. or 4s. per week it will be recouped to him by an increase in the basic wage. Of course we know that continual increases in the basic wage are of no advantage either to the country or to the worker himself. Nevertheless I consider it wrong to say that a rise in the basic wage should be prevented at the expense of one section of the community. It closely approaches sectional taxation, and the Government should give some consideration to an easement of the rigid conditions imposed on people who have struggled for a lifetime to get some sort of a living from the rents of properties that they have been able to acquire. It is placing them in a much worse position than those who are in receipt of social service benefits in the shape of old age pensions.

Dealing with evictions, I believe that tenants at all times should have protection from eviction by either vindictive or rapacious landlords. This provision was brought in as a wartime measure but it is one that I would like to see retained. Whilst a tenant proves himself to be worthy he should enjoy protection and security of tenure to which he is entitled by virtue of the fact that he carries out the provisions of the Act, pays his rent, is not a nuisance to his neighbours and looks after the property in a reasonable manner, allowing for ordinary wear and tear. This portion of the legislation also, in individual cases, inflicts great hardship on the owner of premises who has only one particular residence which is occupied by a tenant. Almost every member of this House knows of the great injustice

and hardship that are being inflicted under this particular section. In many instances a person has battled hard, saved and struggled and denied himself to obtain a home, and under certain circumstances during the war period found it necessary to vacate his home, travel to another portion of the State or of Australia and whilst away place a tenant in it. On his return he found he could not get possession of the home.

I believe that our Statute should not contain any law which prevents a person who is the owner of only one dwelling from getting possession of it if he requires to live in it himself. It should be struck off our statute book. If a person has three or four homes quite a different set of circumstances surrounds him, but I know of many people who have had to follow their occupation from the metropolitan area to the country for a period of three years and then, on being transferred back to the metropolitan area, were unable to get possession of the only home they possessed. Some of them are living in rooms in extremely adverse circumstances and others have been fortunate enough to obtain a house for £2 a week. However, whilst their own homes of equal values and standards have been let for only 30s. a week, which amount is included as part of their income for taxation purposes, the £2 a week they have to pay for the house which they occupy is not taken into account.

So I do appeal to the Government to see that the law is altered to provide that where a person owns only one residence that person shall have the right to regain possession in order that he may reside in it. As to the protection given to the ex-Servicemen, I think the general principle will be endorsed by everyone. It is only fair that a man who has been away from his home for a certain period as a result of enlistment in the Army should have some protection. His home may have been broken up by his wife going to live with his or her mother or, because they may have had a small family or no family at all, they may have found it was not economical to continue occupying a house entirely for themselves and therefore went to live with others. I think that on his return he should be given every assistance to obtain possession of a house in order that he may rehabilitate himself in civilian life.

In addition, I think there are certain men, who were not in the Army, who are entitled to just as much protection as the ex-Servicemen. I know of several ex-Servicemen who did not leave Australia. However, they left their home for a sufficiently long period to qualify them for protection under this measure. I also know of many men who were called into the Civil Construction Corps, an ancillary organisation to that of the Army, and were taken away from their homes for a long period to work in other portions of the Commonwealth, and those men received no protection at all. There were also men taken away from the Goldfields to work in other portions of the State and other portions of Australia for the mining of strategic minerals. They also broke up their homes and, if it came to a question of actual justice being meted out, they were just as much entitled to protection under legislation as the ex-Servicemen who, although in the Armed Forces, never left the shores of Australia. I would like to instance a case, of which the Minister is well aware, as to how, under these desirable protective measures for ex-Servicemen, some grave injustices can be done to other people.

I had a case before the Minister of a man who had been working in the mines on the Eastern Goldfields. He first developed silicosis and then, unfortunately, contracted tuberculosis on top of it and he has been entirely prohibited from working in or around a mine. At the outset he was only a working man but by much endeavour he had been able to accumulate sufficient money to buy a home for himself in Belmont. However, at the moment there is an ex-Serviceman occupying that home. He became a tenant whilst this man was working in the mines prior to his prohibition. Unfortunately, records show that the average life of a miner who is silicotic and tuberculous, is from four to five years. This man was a patient in Wooroloo Sanatorium, and the superintendent told him that, if he could get possession of his own home at Belmont, he was in a fit state to be let out and he could continue treatment in his own home. The man, however, with his wife and family, is living in one room upstairs at an address in Maylands, which the doctor said was very detrimental to the man's health when out on a few days' leave on account of his having to climb stairs. Because of the protection afforded to the

tenant, a man with a wife and one child, an ex-Serviceman—I do not know whether he served oversea or was fortunate enough to be retained in Australia—the T.B. miner is unable to obtain possession of his own home.

It seems a deplorable state of affairs that, when a man has a home of his own and at most has four or five years to live, he is not able to get possession of the house he worked so hard to acquire, but must live in one room because somebody protected by the law is in possession of his home. Some of these cases should receive consideration. While I consider that continuance of the Act is necessary, the Government should have given some consideration to providing for these cases of hardship which have been and are occurring, and will occur in future unless amendments are provided to overcome such injustices. With a certain amount of reservation, because I believe the measure should have contained amendments to meet cases of hardship, I propose to support the second reading.

MR. GRAHAM (East Perth) [8.53]: This Bill deals with a most difficult and vexed question. Though we disagree with the manner in which the Act has applied, and can see anomalies, some of which, as mentioned by the member for Kalgoorlie, are most blatant, if we do not pass the measure it will mean that ultimately the only persons left without accommodation will be those who have been at an economic disadvantage probably all their lives, in other words, have been kicked from pillar to post and have not been in a position to acquire homes of their own. Some people own quite a number of properties and obviously would not require all of them, but there is no gainsaying the fact that there are insufficient homes by many thousands to accommodate the people.

Some 12 months ago I had a conversation with the Minister for Housing, who is in charge of the Bill, and gathered the impression that he felt there was need to make some easement of the legislation because of unfairness to property owners, owing to the fact that their rents are pegged as at the 31st August, 1939. Just what that means can be envisaged when I point out that the basic wage for the metropolitan area at that time was £4 2s. 2d. a week,

whereas at present it is £6 13s. 2d., an increase of 62 per cent. in the 10 years. If we assume that the basic wage is a rough measure of the trend of prices, costs or the value of money, then surely it is obvious that in order to mete out equitable treatment to owners of houses for letting, some upward movement is necessary.

With regard to land prices, which were pegged at the 1942 level, it is possible to increase the price approximately one-third. In February, 1942, the basic wage was £4 10s. 5d. and a one-third increase would bring it to approximately £6, which means that permissible land prices do approximate the change in the basic wage, although the Act is faulty, as has been pointed out by many speakers. Therefore, one section of the community is suffering extreme hardship.

I realise that if steps were taken to remove controls, some of the effects would be most disadvantageous to the general public, particularly to those on the lower economic strata. At the same time, I feel that something should be done. There should be a move to permit rentals to reach a figure more in conformity with the present-day value of money. Because nothing has been done in this direction, situations are arising that are having a bad effect upon the people in that the law is being evaded to the definite advantage of certain sections of the community.

In pre-war days houses of a fair average type were let for 25s. to 30s. a week. Under this legislation, those houses must still be let for the same rentals. On the other hand, houses that were not let in 1939, but have since been made available to tenants, are being charged for at £3, £4 and £5 a week. Every member is aware of that. Therefore the only persons being penalised are those who had houses occupied by tenants at the time of the outbreak of the war. Between the two classes of landlords, we have the two extremes—the ridiculously low rentals of those who made their premises available prior to the war and the extortionate rentals being charged by others. There is a fair figure somewhere between those two amounts.

The fact that a standard figure is inequitable is apparent when one finds that the State Housing Commission, which had houses available at approximately 27s. 6d. a week, is charging £2 a week for identical houses

because of changed circumstances, apart altogether from the increased cost of erecting those houses. There are many persons in my electorate who live in Hay-street, God-erich-street and other streets and who were fortunate enough to secure their houses at very moderate rents, perhaps 25s. or 30s. a week. Rooms in those houses have been let at rentals far in excess of the rental paid by the landlady for the whole house. It is well known that extortionate rents are being charged for accommodation in premises usually referred to as apartment houses and that the conditions in which some of the unfortunate sub-tenants are living are absolutely intolerable.

I shall have a few words to say as to the difficulty of overcoming that situation with legislation as it is at present. To my mind, there is a weakness in the Bill now before us which, from memory, was based to some extent either on the parent Act or regulations made under it. I refer to the owner of a house having to find alternative accommodation. If a person who is the owner of premises requires them for his own use, then, provided he is able to find reasonable accommodation for his tenant, that should be sufficient. But it is laid down that the rent of the proposed accommodation shall not exceed that being paid by the tenant, that the floor area shall not be less and that the accommodation shall not be less congenial, the conditions generally not inferior. Every endeavour should be made to facilitate an owner gaining possession of his home. He should not be required to find accommodation at least equal to that about to be vacated by the tenant whom he seeks to evict. Far too many people are unaware of the provisions of this legislation and of the existence of a most efficient Government sub-department, if I may so call it. I refer to the rent inspector, Mr. Stewart, and his exceedingly small staff.

Mr. McCulloch: Where are the offices?

Mr. GRAHAM: In Murray-street, adjoining the Chief Secretary's office. I have nothing but praise for that officer and his staff, who are most willing and cooperative when an inspection and report are required or in any matter pertaining to their duties. Just as the Commonwealth Government publicises and advertises the fact that there is a legal bureau for the assistance of ex-Servicemen—

Mr. Needham: Of the last war.

Mr. GRAHAM: Yes, so the public generally might be informed that there is an office to which they can go for advice and assistance. In many cases people could receive reductions of more than 50 per cent. in the rentals they are paying at present. But the people are unaware that there is anybody to whom they can turn for relief from the burdens imposed upon them. On many occasions, both when my Party was in power and since it has been in Opposition, I have emphasised, and now repeat, the necessity for increasing the staff of that department until such time as a regular and systematic check can be made of the premises to which I have referred. Until then we cannot even pretend that we have any effective control over rents in Western Australia. The rent inspector now becomes aware of overcharges only when a complaint is lodged, and somebody must lodge it. It could only be made by a tenant which at once means a vendetta between him and the landlady. Then all sorts of irritations are indulged in until the life of the tenant becomes so unbearable that he must perforce leave, even if it means living in a tent or on the front or back verandah of the house of some relative or friend.

If a few more inspectors were appointed a systematic check could be made and I suggest that what would be discovered would be revealing. There would be many hundreds of cases of charges many pounds per week in excess of what is a reasonable figure. Not too many yards from this building there is a house rented by a person at 25s. a week. That person has let two rooms at 35s. per week. The owner has to pay the rates and taxes and accept responsibility for maintenance of the building and so on. That position perhaps could be rectified by the tenant approaching the rent inspector.

Mr. Marshall: Do you know that premises cannot be sublet under the Act?

Mr. GRAHAM: They can be.

Mr. Marshall: They cannot, but I know they are.

Mr. GRAHAM: The member for Murchison and I disagree on that point. The sub-tenant could approach the rent inspector requesting that an assessment be made. He would have to pay a small fee, but I suggest that the tenant who is paying 25s.

per week for the whole house would have to reduce the sub-tenant's rent to perhaps 15s. a week.

Mr. McCulloch: Unfurnished?

Mr. GRAHAM: Yes; if furnished, possibly an additional 5s. a week could be charged. At any rate, the amount payable would be far less than it is at present. I repeat that such a state of affairs as exists in the case I have quoted could be found repeated in hundreds of instances and certainly by the score in my electorate. That state of affairs could be rectified only if there were more inspectors who could undertake a regular and systematic canvass of premises. Under those circumstances it would be done at the behest of no-one, but in the ordinary course of the officers' duties they would call at houses, inspect rent books, interview both parties concerned, point out the legal position and indicate the rights of the tenant or sub-tenant. Thus they could make it possible for appropriate and corrective action to be taken. Whilst that position does not obtain, it is ridiculous in the extreme for us to attempt to delude ourselves by thinking we are controlling rentals that the people are required to pay for accommodation.

Then again the rent inspector and his very small staff suffer, I understand, another disability. I was astounded to learn that there is no motor vehicle attached to the office. When an inspector is required to proceed from one suburb to another, he must adopt the long and arduous method of catching a tram or walking to a bus, step into another vehicle at the junction and so forth. During the course of the day, he probably spends far more time travelling than he does in attending to the many calls that are made upon his time. I feel that is something requiring attention because of the fact that the control of monetary matters—in other words, prices—is an exceedingly difficult task.

If the law is not to be a laughing matter in the eyes of the public, we should ensure that all steps are taken to enforce its provisions. Otherwise some unfortunates who are honest will continue to be severely penalised in a monetary sense, while other people less scrupulous will be making fabulous sums out of the misfortunes of their

fellow-men. I make these suggestions regarding an increase in staff, regular inspections and better means of transport, but I believe that at the same time action should be taken to publicise the activities of this very helpful little department.

There is one final observation I wish to make. No opportunity is forthcoming to secure amendments to the Act that I would like to see adopted. Unfortunately, we are asked to extend the application of the legislation to September, 1950, and we cannot even move any minor amendments to its provisions. It is regrettable that these continuance measures are placed before us in the form adopted. I know that this is not peculiar to the present Government but, with respect to all legislation that has been operative for some time, while it might be generally acceptable, experience may have shown that it should be altered to some extent to make it more equitable. I feel very definitely that such is the case with regard to this particular enactment. Briefly my attitude to it is that I feel we are unable to do anything but pass the Bill.

I regret that something is not being done to make rentals more equitable and, incidentally, from the worker's point of view, to overcome the anomalous position in which that section of the community finds itself. A working man can be living in a house at present for 25s. a week, that being the figure fixed in August, 1939. The owner of the premises may seek possession of the house in order to live in it himself. After a protracted effort he may succeed through the court and regain possession of his property. In the meantime, the tenant may be fortunate enough to obtain for himself a Commonwealth-State rental home. He immediately finds there is an additional draw on the family budget of £1 to 25s. a week, despite the fact that the home he then possesses is no better than that which he has vacated.

When we have a situation indicating these two extremes in rentals, it proves to us immediately that there is something faulty with the law. Having overheard a conversation a few moments ago, I may mention that what I have instanced applies also in respect of very many houses other than Commonwealth-State rental homes. For

instance, there may be a house not previously let. There would be no difficulty in securing for it a rental of £2, £3 or even more per week. Thus the occupant, whilst gaining for himself no better accommodation than he formerly enjoyed, finds himself confronted with additional expense of £1 or more per week. Once again I repeat that we cannot do anything regarding these particular matters because the measure under discussion is purely a continuance Bill, with the exception that it includes some provisions designed to deal with the situation created by the upsetting of the Commonwealth regulations that provided a form of protection for ex-Servicemen for a period of four years after their discharge. I support the second reading of the Bill.

MR. NEEDHAM (Perth) [9.19]: In supporting the second reading of this measure, I do so, like my colleagues who have spoken, with certain reservations. I recognise the necessity for the introduction of the Bill to continue the protection afforded ex-Servicemen. But I think the whole question of rentals requires greater revision than is provided for in this legislation. I was hoping that if any Bill were introduced to deal with the subject this session, it would go further in that regard than the measure we are discussing. On the 19th July I asked the Minister for Housing the following questions:—

(1) Is he aware that exorbitant rents are being charged for furnished houses let for occupation since September, 1939?

(2) That many people paying exorbitant rents for furnished or unfurnished houses are unable to approach the Court to fix a fair rent because of the expense incurred?

(3) Will he bring down amending legislation empowering the Rent Inspector to fix a fair rent for furnished or unfurnished houses as well as fixing a fair rent for shared accommodation?

(4) In view of the changed economic conditions, will he favourably consider amending legislation enabling owners of property who were in receipt of rentals prior to September 1939 to apply to the court for the fixation of a fair rent?

The replies to those questions were as follows:—

(1) There is evidence in some cases of such rents being charged in excess of a fair rent.

(2) In the case of shorter tenancies in particular the cost of court proceedings is a factor influencing tenants.

(3) and (4) These matters of policy are being kept under consideration.

It is a well-known fact that exorbitant rents are being charged for furnished and unfurnished houses and it is also well-known that tenants do not care to approach the Fair Rents Court, for two reasons. One is the expense incurred and the unavoidable delay that takes place in the hearing of cases; the other, and very serious, reason why tenants do not avail themselves of an application to the Fair Rents Court is that they are very much afraid that the tenancy they have will be shortened by the landlord if proceedings are instituted.

I understand that the rent inspector is in a better position to approach the question of rent than is the Fair Rents Court. What I mean is that there is less time occupied and less cost to the applicant; but there again, the activities of the rent inspector under existing legislation are limited to shared accommodation. Any person occupying shared accommodation who thinks that the rent charged is not fair can apply to the inspector, who can immediately take action to fix what he considers to be a fair rent. I was hoping, that amending legislation would be introduced under which the inspector would be empowered to deal with the question of rent for a house whether shared or not and whether furnished or unfurnished. If that were done, a considerable amount of hardship would be removed from people and rents would be fixed somewhat more equitably than at present.

Members are well aware of the fact that houses—which because they have a few sticks of furniture in them are called furnished houses—are let at rents of from £4 to £5 a week; and they are houses with only two or three rooms. If a person paying such a rent makes an application to the Fair Rents Court he is afraid that he will soon get notice to quit. We can understand quite easily that when a house is properly furnished the rent will always be greater than that of an unfurnished house. But in one instance within my own knowledge the only furniture in the house consisted of curtains and a little linoleum on the floor. For that place, from £3 10s. to

£4 a week was charged. I think, therefore, that the time is very ripe for amending legislation to be introduced to remedy that evil.

I agree with the member for East Perth that an injustice is being done to many people under the existing law in regard to rentals fixed in 1939. I have heard it said that if any alteration is made in the law in that regard it may tend to increase the inflationary cycle. I do not agree with that. Many people who have property have sacrificed a great deal to obtain it and are dependent largely, if not entirely, on the income from it and they should have an opportunity to go to the Fair Rents Court and ask for a fair rent to be fixed. As has already been pointed out, we can find identical houses for one of which the tenant is paying 30s. a week, while the other is bringing £3 or £4 a week, because of the fact that a lower rent was charged for the first house before 1939. Those are the two points I wanted to bring before the House; and I again express the hope that, before the session ends, these matters will be rectified.

There is another phase of rent fixation which was not referred to by other members. In many instances a tenant who has sub-let the house in which he is living is receiving more rent per week than the owner of the premises. I know of several such cases. In one the house is let for 30s. a week and the tenant is getting something in the neighbourhood of £3 10s. as the result of sub-letting. So altogether, while this Bill is necessary and it is quite in accordance with the fitness of things that our ex-Servicemen should be protected, I think there are other people in the community requiring legislation to help them get a fair deal and a fair return for the money they have expended in the building of their homes, and in their maintenance. Whilst I have every sympathy with the measure, I commend the suggestions that have been made, and I hope, before the session ends, that the position will be rectified.

MR. LESLIE (Mt. Marshall) [9.30]: The portion of the Bill in which I am particularly interested is that which adopts almost all of the War Service Moratorium Regulations that were recently disallowed by the High Court. While I commend the Government for deciding to include those regulations in the State law, I would feel

much happier if they had been placed before the House, passed through both Chambers and actually been in effect today, because I know, as a result of my contact with so many ex-Servicemen, that already there are many suffering hardship because landlords are taking advantage of the lapse of time between the ending of the Commonwealth regulations and the beginning of our own statute.

I agree with those members who have said that these particular regulations, and the restrictions, generally, on rents and landlords, do mean hardship to some people. But almost all laws and regulations do that. We cannot, much as we would like to, take into consideration the circumstances of every individual so as to ensure that the laws we make will not create hardship in any particular case. We can only consider what effect our laws will have on most of the people. In this particular case we have to determine how this measure will affect ex-members of the Forces. I have said before in this place, that a uniform has never made a saint out of a sinner. The fact that a man wears an ex-Serviceman's badge does not in any way atone for anything he does wrong as a civilian. But I do think that the number not deserving of consideration by virtue of the services they have rendered, is very small indeed, and it would be wrong to see the majority suffer because of the few offenders, or undeserving cases.

During the war we made no qualifications whatsoever when we promised these fellows that they would come back to a new order and a better set of circumstances than when they went away, and that their interests would be guarded while they were serving in the Forces. We did not then say that the good or deserving man would be looked after, and that the other fellow was going to be out. We made no qualifications; we made an overall promise and gave an overall undertaking. Not only that, but we did not at any time say that for some specific period after the war we would look after the men and women who were compelled to make sacrifices and to lose opportunities because of their war service. I do not remember anybody saying that we were going to protect them so that they would have a roof over their heads for four years after being discharged. We entered the war in 1939, and from then until 1945 I did not hear anybody say anything like

that to the men in the field; and I did not hear anyone say that for five years after the war there was going to be preference in employment.

I regret very much that the State has seen fit to include in this Bill a provision, although it was in the regulations we are adopting, that excludes a man from protection, under the War Service Moratorium Regulations, after a period of four years has elapsed from the date of his discharge, because I say—and I defy anybody to deny it—that at no time was any such qualification or restriction placed on the promises made to these men. The promises were that they would be re-established in civilian life.

Hon. E. H. H. Hall: Whose duty is it to see that the promise is kept?

Mr. LESLIE: It is the duty of the Parliament and the Government.

Hon. E. H. H. Hall: You are putting it on to private individuals.

Mr. LESLIE: I do not remember any private individual saying, "I am prepared to contribute for a limited period after the war." No man qualified his promises. We were all dead scared for our skins, and were prepared to answer the call.

Hon. A. H. Panton: No-one said that in the 1914-18 war.

Mr. LESLIE: I agree, and I did not expect to see the same thing happening this time as occurred after the previous war, because so often during the war we heard references to the fact that the promises made during the 1914-18 war were broken, but would not be on this occasion. So we hoped that there was something on which we could hang our faith. I agree with the member for Kalgoorlie who said that there were men and women who left their employment to do other work demanded of them by the Manpower Office, and by the circumstances of the war. Those people are probably suffering hardship today, but I point out that they were on the spot and could avail themselves of whatever opportunities there were.

Hon. A. H. Panton: What do you mean when you say they were on the spot?

Mr. LESLIE: They were right here.

Hon. A. H. Panton: Some Kalgoorlie fellows were working in the north of Queensland.

Mr. LESLIE: I agree, but they were, nevertheless, in touch with current affairs and knew what was going on in their own home town or over there. I have every sympathy for them, but they, as ordinary civilians, had the opportunity of going about their business in the usual way. But the man who was in the Forces did not have that chance, and it was not suggested then that for a matter of four years after his discharge he would get that opportunity. I put this to members; A four-year period is wrong to those men who are today doing a course of training under the training scheme.

The provisions of the training scheme in Western Australia are different from those in the other States inasmuch as we are tied—and I quite agree with this—to the apprenticeship conditions in Western Australia. The unions have generously allowed a curtailment of the normal period required for training apprentices so that in most trades the time is four years instead of five. These young men have entered training and are going through their apprenticeship period. They have been placed with employers and are in the process of re-establishment. Some may be in permanent employment but many are in jobs and homes of a temporary nature. When they have finished their training they will seek permanent employment and dwellings. They may be fortunate enough to find houses but such a man might a month or so later be turned out of the home if the landlord could put a sufficiently good case to the court. Men in that position will not be protected although their actual period of re-establishment has only then commenced. Such cases are not provided for, and they are most important. Many ex-Service men and women are today reaching the end of the four-year period. This Act will continue in operation only until 1950, when Parliament will again have opportunity to continue it, and by then the four-year period will have cut most of these men out from the protection that they are afforded by the regulations.

Hon. A. H. Panfon: Have you any idea what is the proportion that will be cut out by the four-year limitation next September 12 months?

Mr. LESLIE: I cannot give the hon. member the figures offhand, but can ascertain them for him. I have the figures of the rate of discharge at periods from 1945 onwards, but the majority would be cut out in another year's time because the heaviest discharges took place in 1946. Many such men who today are in temporary accommodation are hoping to obtain something of a more permanent nature, though for years to come they will not be in a position to acquire homes of their own. They will be able to be put out of their houses at any time if their landlords can find sufficiently good excuses.

I feel that the retention of the four-year period is entirely wrong. I had hoped that it would be extended under the Commonwealth regulations and I know representations for an extension of the period were being made in the different States, though I do not know how much progress was made. Unfortunately, the regulations were found to be ultra vires. One Commonwealth regulation that has not been adopted in the Bill is that which gave the ex-Serviceman the right to claim priority to occupy a vacant dwelling. However, I do not know that I am keen to see it continued, but I think provision should be made for the current ex-Serviceman to be able to obtain possession of vacant premises, the owner of which does not intend to occupy them; premises that are kept purely for letting, speculative or income-producing purposes by the landlord. In such cases the ex-Serviceman, within a limited period after his discharge, should have the right to obtain possession.

I do not desire to see excluded from his home anyone who was obliged temporarily to relinquish it or let it during the war period, and who now wishes to move into it. I do not wish to place such people under any hardship but, when premises do become vacant, many trainees and other ex-Servicemen know nothing about it until it is too late. Those men have some claim in the light of the promises about re-establishment that were made to them during the war. There is provision in the Bill to afford protection to an ex-Serviceman for life, simply because he is receiving a pension from the Government, and that is something that I think could be modified, except

in circumstances where the pension is payable for substantial injuries. In that case, he should receive primary consideration.

If we can protect the ex-Serviceman, with a 10 per cent. pension and suffering from a negligible disability, for life, we can also protect the ordinary ex-Serviceman for a period longer than four years in this regard. I feel that the inclusion of every pensioner, regardless of the extent or nature of his disability or pension, may in some circumstances prove anomalous or unjust in providing hardship to civilians. I support the Bill and do not propose to move any amendment to it, but I hope that when it is re-introduced, as it will have to be, provision will be made to include the ex-Serviceman who suffers an injustice through the four year limitation. When the legislation is again due for consideration next year, most of these men will have just about reached that stage. I hope members of the Government will bear that in mind and that Parliament will realise the necessity of living up to the promises that were made without qualification, limitation or restriction during the war period.

MR. REYNOLDS (Forrest) [9.50]: I wish to thank the Minister for introducing the Bill because it has saved me a good deal of work. It is on all fours with a Bill the second reading of which I intended to move as soon as my turn on the notice paper had been reached. Provisions in this Bill have been taken *holus bolus* from the Victorian Act. Only today I received a letter from a friend asking me if I would do my utmost to assist him to get a home. It appears that he wrote to the Minister for Housing on the 24th June, as follows:—

Dear Sir: I regret the necessity of again having to worry you regarding my application for a rental home.

The position now, sir, is that after being summoned to attend the court on the 8th instant, my wife and self were notified by Magistrate McMillan that we must vacate the above house by August 9th, this notwithstanding that we had previously given the magistrate our willingness to share the house, and to which the magistrate remarked was a very fair offer.

This is the second time we have suffered an eviction, and considering my family have rendered good services to their country, I really think we should be given every consideration.

My wife is now under the doctor this being in the main, due to this second eviction, and the uncertainty of not even having a shelter

to go to. We have tried every avenue to secure even a reasonable home and even if rooms were available we have a house of furniture which we will have to take care of.

We have had an application in for nearly three years, portion of this being for a two-unit house, but even if the small-unit home is not available we would be prepared to pay the rent for a larger house.

Further to this, sir, we would be prepared to pay six or twelve months' rent in advance on a house if necessary.

He then went on to say that he was attaching a letter he had received from the Housing Commission which had reference to an interview with Mr. Butler in the event of an eviction taking place. I would stress that this is the second eviction. In cases such as this, where a man has served in His Majesty's Forces and his country, special consideration should be given. That is the reason why I had intended to introduce a Bill on similar lines.

Some four or five weeks ago, I received a 'phone message, asking me if I would call at a certain home. I did so and the lady told me of a most unpleasant interview she had had with the son of the owner of her present home. This lady has lived in this home for almost 13 years, and her two sons served oversea. Unfortunately, one of these sons was killed in operations over Germany but he had risen to a high rank in the R.A.A.F. When the owner's son called at this home, he stated he would like to look over it. The lady showed him through the house, and when he entered the kitchen he said, "I notice that you have a new stove." The lady answered, "Yes," and this man went on to say, "I didn't know father had given you a new stove." The lady replied, "No, the old stove is in the back yard and I have put in this new stove myself." Later on, they went into the bathroom, and he said, "I see you have a new bath-heater." He followed that up with the same remark, and then said, "When will you be leaving this home?" The lady replied, "As far as I know, I will not be leaving. I want to buy the home and I have asked your father on a number of occasions to name a price but he has evaded the issue." The man replied, "Has not the agent notified you that you are to leave this place in a fortnight's time?"

The lady informed him that she had not been told, and that she was certainly not going to leave. She then mentioned the fact that she had lost one of her sons over Germany and this callous, brutal individual, said,

"Madam, dead soldiers no longer count in this State." This broke the lady up, as members can imagine, and it is to cases of this nature that this Bill will give immediate relief. Hundreds of people are extremely worried because of the High Court decision and that is one of the reasons why I was endeavouring to push my Bill through as quickly as possible. It gives me a great deal of pleasure to support the second reading of this measure, and I thank the Minister once again for introducing it, because it has saved me a good deal of work.

THE MINISTER FOR HOUSING (Hon. R. R. McDonald—West Perth—in reply) [9.55]: I am indebted to members for their survey of legislation which is important and which involves a number of difficulties. It can be amended in certain ways which will aid some people but at the same time will bring disabilities to other people. That feature of this legislation has presented a difficulty to successive Parliaments, and the type of legislation which is at present under consideration presents difficulties rather more than any other forms of legislation.

Hon. F. J. S. Wise: It is very hard to adjust.

The MINISTER FOR HOUSING: Very! I was not aware that the member for Forrest had in view a Bill of a similar nature to that which has now been brought down until after I had introduced this Bill. I was not endeavouring to anticipate him in any way and—

Mr. Reynolds: I realise that.

The MINISTER FOR HOUSING:—I am prepared to agree with him to some extent that the amount of work involved, to be conversant with these regulations, is not inconsiderable. I would not have been altogether displeased to see him have the task of refreshing his memory as to exactly what those regulations represent. This Bill is to pick up the regulations which previously protected ex-Servicemen under the Commonwealth moratorium regulations and to continue the parent Act. It is a Bill with these two objects only because it is the type of legislation which, if it is to be adopted, would need to be considered and accepted by the House at the earliest possible moment.

It is a matter of some anxiety, as the member for Forrest has said, to many ex-Servicemen that the danger, or added danger, of eviction with which they are now faced should be resolved as soon as Parliament is able to do so. Some reference has been made to features of the parent legislation and its operation. However, as this measure does not cover such aspects, I do not propose to spend too much time dealing with them. In a number of speeches reference was made to the impact of this legislation in instances of particular classes and individuals. The case of a man who desires to get back his own home to live in is always difficult. In general, I believe, that the man who desires to do that gets possession, not at once because the tenant must be allowed some latitude to find new accommodation, but without waiting too long. He can do that through the magistrate's court and, although the period of waiting is not very great, some of them feel that it is longer than it should be.

There are many cases where the house is occupied by an ex-Serviceman, or the dependant of an ex-Serviceman, who has the protection afforded by the moratorium regulations with which we have been dealing. Those are the cases, and that is why I referred, when introducing this Bill, to some of the difficulties which these particular regulations involve, to the fact that in the case of some owners who desire to regain possession of their houses the restrictive effects of these regulations deprive them of the opportunity of getting back into the houses they own. Therefore, it is a matter for Parliament's consideration that this special protection should not be unduly prolonged.

As I said, whilst an ex-Serviceman may be allowed a breathing space to enable him to look around and get alternative accommodation, this extremely special and preferential legislation must, I think, have a period to it; at all events, in relation to soldiers who are fit and well, if not to the people who are under pensions, and are, perhaps, in a different category. Some six or seven months ago the State regulations made under our own Act were amended to deal with the man who desired to get back into his own house and in the meantime suffered disability by paying income tax on the rent he received on his own house of which

he was unable to regain possession. By amendments made last session I think that factor was specifically inserted as one of the aspects of the case which the magistrate should take into account and a consideration which the owner should receive when seeking the repossession of his house. So that, to some extent, is at present provided for.

The member for Leederville raised a very pertinent question at the time I was speaking previously on this Bill, but I did not feel justified in giving him a specific answer because at the time my ideas were only rather general. He desired to know how many ex-Servicemen would experience the expiration of their protection between now and the end of September next year, the period for which these particular provisions are supposed to operate. I thought that an exceedingly large number of ex-Servicemen would lose their protection by the 30th September next year or the period of four years from their discharge. I rang the R.S.L. and although it was not very exact as to the position it thought that during the next 12 months two-thirds of the ex-Servicemen would have passed beyond the four year period from the date of their discharge.

In view of the hon. member's question I also contacted the Commonwealth Legal Service Bureau which assists returned men and was informed by it that, speaking recently, discharges commenced about September, 1945. Between November, 1945, and March, 1946, was the most intense period for discharges, that is, when Servicemen were discharged in the greatest numbers, and the general volume of discharges concluded about the end of June, 1946. Of course, quite a number remained who were serving in distant places or who were engaged on records or jobs involved in the discharge of the Forces, but from the information I gained it would seem that a large number of ex-Servicemen would lose their protection, so far as the four-year period was concerned, in the first half of next year.

Hon. A. H. Panton: Of course, men with pensions will comprise a great deal of that number.

The MINISTER FOR HOUSING: That is so. I think it is very true that one has to subtract from that total number those

who, as ex-Servicemen or the dependants of ex-Servicemen, will continue to enjoy this protection by reason of the receipt of pensions. The various aspects of the effect of the legislation which members have raised tonight I will discuss with the Chief Secretary, who is in charge of the department under which the rental inspector operates and under whose jurisdiction this Act of Parliament comes. As to the Committee stage, there are two or three amendments which will appear on the notice paper for the information of members. One is to carry out what was the intention of the Bill, namely, that the regulations which are incorporated in this measure shall have operation until the 30th September of next year. At the end of that period the special protection will expire unless it is continued wholly or partly by the Parliament assembled in this State next year.

It has been thought that a continuation of this Bill for 12 months for special protection would be a reasonable period for ex-Servicemen to make arrangements for other accommodation, but the 30th September would still be of such a date that if conditions should then make it desirable that the legislation should continue, Parliament would have the opportunity of effecting the continuance of it. There will also be placed on the notice paper an amendment to eliminate one clause in the Bill which, on examination, I consider does not afford any protection, but which has been carried forward from another part of the legislation which really has no application to the intentions of the regulations that are incorporated in this measure.

Question put and passed.

Bill read a second time.

BILL—SUPERANNUATION, SICK, DEATH, INSURANCE, GUARANTEE AND ENDOWMENT (LOCAL GOVERNING BODIES' EMPLOYEES) FUNDS ACT AMENDMENT.

Second Reading.

Debate resumed from the 21st July.

HON. A. H. PANTON (Leederville) [10.10]: This is a very small measure that has been brought down particularly at the request of the King's Park Board, of which I happen to be a member. There are not

a great many men working for the board, but it is desirous of obtaining for its employees the benefits of superannuation. The matter was first discussed in 1939, but, owing to the outbreak of war, had to be deferred. In 1945 the question was taken up with Mr. Bromfield, who considered that the board's employees could come under the measure then before Parliament dealing with the superannuation scheme for employees of local governing bodies:

The Local Government Association was not prepared to have a provision inserted to cover the employees of the King's Park Board and so the matter was further held up. The Crown Law Department decided that the board had no authority to expend its funds on superannuation, and suggested that the best course to adopt would be to secure an amendment of the definition of "corporation" in Section 2 of the Act, which this Bill proposes to amend. That was put up in 1947 and Cabinet agreed to introduce a Bill, but the elections intervened and there was a change of Government.

I understand that the Minister said the Bill was prepared at the beginning of the session and was deferred until later. Though the measure deals only with the King's Park Board, any other board in similar circumstances may avail itself of this legislation, but this is the only way in which the King's Park Board can assist its employees and we are pleased to take the opportunity of doing so. 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 10.15 p.m.

Legislative Council.

Wednesday, 27th July, 1949.

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

QUESTION.

RAILWAYS.

As to Haulage of Water.

Hon. W. J. MANN asked the Chief Secretary:

(1) What was the cost of railway haulage incurred by the Government for water required for stock and domestic purposes in the agricultural districts for the year ended the 30th June, 1949?

(2) What amount was received by the Government from the sale of water so hauled in the same period?

The CHIEF SECRETARY replied:

(1) £1,962 6s. 2d.

(2) £11 2s.

MOTION—TRAFFIC ACT.

To Disallow Tare Display Regulation.

Debate resumed from the previous day on the following motion by Hon. A. L. Loton:—

That Regulation No. 143B made under the Traffic Act, 1919-1947, as published in the "Government Gazette" of the 14th January, 1949, and laid on the Table of the House on the 15th June, 1949, be and is hereby disallowed.