

leaving and £7 10s. on entering. However, in order to maintain a decent standard and meet current circumstances, the amount will again have to be increased and that is now in the process of taking place. So, I think it can be claimed that the Department of Child Welfare has carried out its work progressively, has undertaken to maintain and look after in a reasonable way all those who are its responsibility and is a department which infrequently receives, and never really warrants, any severe criticism. So, I have much pleasure in moving its Estimates.

Progress reported.

#### PAPERS—BASSENDEAN MARSHALLING YARDS.

The MINISTER FOR EDUCATION: I have here a plan of the proposed Bassendean marshallings yards and I move—

That the plan be laid on the Table of the House.

Question put and passed.

#### ADJOURNMENT—SPECIAL.

THE PREMIER (Hon. D. R. McLarty—Murray): I move—

That the House at its rising adjourn till 2.15 p.m. tomorrow.

Question put and passed.

*House adjourned at 11.51 p.m.*

## Legislative Council.

Thursday, 30th November, 1950.

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

### QUESTION.

#### STATE TRANSPORT CO-ORDINATION ACT.

*As to Prosecution of Carriers.*

Hon. H. C. STRICKLAND asked the Minister for Transport:

How many charges were laid, and how many successful prosecutions were launched by the State Transport Board

against carriers, temporarily licensed to carry perishables (such as beans) plying between Carnarvon and Perth for—

(1) Transporting bananas as part of their loading past Geraldton along the Great Northern-highway to Perth?

(2) Transporting building materials, plant, fertilisers, fuel or goods other than stores for traders from Perth via the Great Northern-highway through Geraldton to Carnarvon?

(3) Is the McRobertson-Miller Aviation Co. the only service licensed to carry goods between Perth and Carnarvon?

(4) What license was the Transport Board protecting when it prosecuted road transporters for carrying Carnarvon goods along the public highway between Geraldton and Perth?

The MINISTER replied:

(1) One, and this was successful. However, three charges were laid against an unlicensed carrier, who was convicted on each.

(2) None, although charges were laid against two unlicensed carriers, one being convicted of three offences and the other of one.

(3) Yes, although a number of operators are licensed to transport general goods between Geraldton and Carnarvon.

(4) Protection of licenses did not arise. Offenders were prosecuted for persistent and wilful defiance of the provisions of the transport Act.

#### ASSENT TO BILLS.

Message from the Governor received and read notifying assent to the following Bills:—

- 1, Transfer of Land Act Amendment.
- 2, Marketing of Eggs Act Amendment (Continuance).
- 3, Prices Control Act Amendment.
- 4, Medical Act Amendment.
- 5, Country Areas Water Supply Act Amendment.

#### AUDITOR GENERAL'S REPORT.

Section "B", 1950.

The PRESIDENT: I have received from the Auditor General a copy of Section "B" of his report on the Treasurer's statement of Public Accounts for the financial year ended the 30th June, 1950. This will be laid on the Table of the House.

#### LEAVE OF ABSENCE.

On motion by Hon. F. R. Welsh, leave of absence for six consecutive sittings granted to Hon. R. M. Forrest (North) on the ground of ill-health.

#### MOTION—STANDING ORDERS SUSPENSION.

On motion by the Minister for Transport, resolved:

That for the remainder of the session so much of the Standing Orders be suspended as is necessary to enable Bills to be put through all stages at one sitting, and all messages from the Legislative Assembly to be taken into consideration forthwith.

#### MOTION—ADDITIONAL SITTING DAY.

The MINISTER FOR TRANSPORT: I move—

That for the remainder of the session, the House, unless otherwise ordered, shall meet for the despatch of business on Fridays at 3 p.m. in addition to the ordinary sitting days.

Hon. W. J. Mann: That means that the House will meet not only on Fridays but on other sitting days at 3 p.m.?

The MINISTER FOR TRANSPORT: It was my intention to move each night for the House to meet at a time stated which would be governed by the amount of business on the notice paper.

Hon. A. L. LOTON: I do not think that arrangement is going to prove satisfactory. We should decide that the House is going to meet at a set time. If the House does not meet at a set time it may be possible for a member to arrive thinking the House is going to sit at 3.30 p.m. and find that the House had already met at 3 p.m. I think the Minister should state a definite time when the House will meet each day.

The MINISTER FOR TRANSPORT (in reply): This is a matter for the House to decide, but I am quite agreeable to fixing the time for assembling at 3 p.m. each day. I had in mind the possibility of not sitting on Friday, although the Standing Orders empower us to do so if necessary.

Question put and passed.

#### BILL—CONSTITUTION ACTS AMENDMENT (No. 2).

Third Reading.

The MINISTER FOR AGRICULTURE (Hon. G. B. Wood—Central) [4.41]: I move—

That the Bill be now read a third time.

The PRESIDENT: It is necessary for the third reading to be passed by a constitutional majority, so I shall divide the House.

House divided.

The PRESIDENT: As there is no dissentient and the number of ayes is more than necessary for an absolute majority, I declare the question passed in the affirmative.

Question thus passed.

Bill read a third time and *passed*.

### **BILLS (3)—FIRST READING.**

1. Coal Mine Workers (Pensions) Act Amendment.
2. City of Perth (Lathlain Park Reserves).
3. Superannuation and Family Benefits Act Amendment.

Received from the Assembly.

### **BILL—FAUNA PROTECTION.**

#### *Assembly's Request for Conference.*

Message from the Assembly received and read requesting a conference on the amendment insisted on by the Council and notifying that at such conference the Assembly would be represented by three managers.

### **BILLS (3)—THIRD READING.**

1. Lotteries (Control) Act Continuance.
2. City of Perth (Leederville Park Lands).
3. Bankruptcy Act Amendment.

*Passed.*

### **BILL—BUSH FIRES ACT AMENDMENT.**

#### *Assembly's Request for Conference.*

Message from the Assembly requesting a conference on the amendments insisted on by the Council, and notifying that at such conference the Assembly would be represented by three managers now considered.

**THE MINISTER FOR AGRICULTURE:** I move—

That the Assembly's request for a conference be agreed to, that the managers for the Council be the Minister for Agriculture, Hon. E. H. Gray and Hon. A. R. Jones, and that the conference be held in the President's room at 7 p.m.

Question put and passed, and a message accordingly returned to the Assembly.

### **BILL—PHYSIOTHERAPISTS.**

#### *As to Report Stage.*

**THE MINISTER FOR TRANSPORT:** I move—

That the report of the Committee be adopted.

Hon. J. A. DIMMITT: I understand there is some doubt as to the correctness of Dr. Hislop's amendment which inserted the word "lecturers." It is thought by some authorities that it may mean a charge upon the Crown and, as the Bill came into the Assembly with a message from the Governor indicating that it was a financial Bill, I think further consideration might be given to the matter before

we adopt the report, rather than send the Bill, out of order, to the other place. I respectfully suggest to the Minister that he ask for consideration of the report to be postponed to a later stage of the sitting.

**THE MINISTER FOR TRANSPORT:** In view of this information, I ask leave to withdraw the motion.

Motion, by leave, withdrawn.

**THE MINISTER FOR TRANSPORT:** I move—

That consideration of the Committee's report be deferred to a later stage of the sitting.

Question put and passed.

### **BILL—NOXIOUS WEEDS.**

#### *Assembly's Message.*

Message from the Assembly notifying that it had agreed to amendments Nos. 1 to 12, and 15, 16 and 17 made by the Council, and had disagreed to Nos. 13 and 14, now considered.

#### *In Committee.*

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

No. 13. Clause 51—Delete the word "secondary" in line 5.

**THE CHAIRMAN:** The Assembly's reason for disagreeing is—

We contend that the weeds should be correctly described as "secondary" as such description is consistent with the definition in the Act.

**THE MINISTER FOR AGRICULTURE:** There is only one rate for noxious weeds, and it is called the noxious weeds rate. I consulted the Crown Law authorities, and they informed me that the word "secondary" crept into Clauses 51 and 52 inadvertently. Acting on that advice, I put the case to the Committee, and we agreed to the amendment. I do not think the Assembly quite understands the position. I move—

That the amendment be insisted on.

Question put and passed; the Council's amendment insisted on.

No. 14. Clause 52 (1)—Delete the word "secondary" in line 13.

**THE CHAIRMAN:** The same reason applies to this amendment.

**THE MINISTER FOR AGRICULTURE:** For the reasons I have already outlined, I move—

That the amendment be insisted on.

Question put and passed; the Council's amendment insisted on.

Resolutions reported, the report adopted and a message accordingly returned to the Assembly.

# **BILL—MAIN ROADS ACT (FUNDS APPROPRIATION).**

## *Second Reading.*

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

Question put and passed.

Bill read a second time.

## *In Committee, etc.*

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

Bill read a third time and passed.

# **BILL — STATE (WESTERN AUSTRALIAN) ALUNITE INDUSTRY ACT AMENDMENT.**

## *Second Reading.*

Debate resumed from the previous day.

## **THE MINISTER FOR AGRICULTURE**

(Hon. G. B. Wood—Central—in reply) [5.5]: There was not much debate on this Bill. Mr. Gray made a valiant and perhaps a strong speech with very little sound material on which to work. I consider he was in a bad position to offer much opposition to the Bill. One of the principal objections he has to the present set-up is that the Government is getting only 7s. 6d. per ton on the plaster. That 7s. 6d. a ton will, as Mr. Baxter pointed out, bring in between £18,000 and £24,000 per annum.

Surely even that is better than the colossal losses that have been made over the years. As has already been pointed out, those losses amount to at least £500,000 to date. No Government in its right senses would let that sort of thing continue if there was some way out. Mr. Gray said that he was proud of the works up there. Surely he is not proud of the balance sheet?

Hon. H. Hearn: Proud of the losses!

## **THE MINISTER FOR AGRICULTURE:**

I have been to Chandler and on the surface, after seeing the whole set-up—the works and the town—it is something to be proud of—if one does not know what is behind it all. On appearances, it is a fine set-up. I want to make brief reference to Mr. Fernie's position. I am sorry the question crept into the debate. I honestly do not know why he left the employment of the Government but the fact is that he did offer his services in an advisory capacity. That clearly demonstrates that he was not altogether disgruntled with the Government.

I believe this Bill is one which should be passed by Parliament because there is a legal doubt about the question. When there is any legal doubt, there is only one

authority to approach and that is Parliament. We did the same thing on behalf of Sir Charles Latham yesterday. Parliament is the only place to settle these doubts and, as I have said before, lawyers do differ on these questions. As Parliament is supreme, I ask the House to pass the Bill.

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

Ayes	.....	16
Noes	.....	6
Majority for	.....	10

## *Ayes.*

Hon. N. E. Baxter	Hon. H. S. W. Parker
Hon. L. Craig	Hon. C. H. Simpson
Hon. J. Cunningham	Hon. J. M. Thomson
Hon. J. A. Dimmitt	Hon. H. Tuckey
Hon. Sir Frank Gibson	Hon. E. K. Watson
Hon. H. Hearn	Hon. F. R. Welsh
Hon. L. A. Logan	Hon. G. B. Wood
Hon. W. J. Mann	Hon. A. R. Jones

(Teller.)

## *Noes.*

Hon. E. M. Davies	Hon. A. L. Loton
Hon. E. H. Gray	Hon. E. C. Strickland
Hon. E. M. Heenan	Hon. R. J. Boylen

(Teller.)

Question thus passed.

Bill read a second time.

## *In Committee, etc.*

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

Bill read a third time and passed.

# **BILL—RAILWAY (UPPER DARLING RANGE) DISCONTINUANCE.**

## *Second Reading.*

## **THE MINISTER FOR RAILWAYS**

(Hon. C. H. Simpson—Midland) [5.16] in moving the second reading said: As its short Title denotes, this Bill seeks parliamentary authority for the closure of the Upper Darling Range line, which runs from Midland Junction to Karragullen, and which has been closed for traffic since the Australia-wide coal strike in July, 1949.

The total length of the line, including a small section at the Midland Junction end which it is desired to retain, is 20 miles 52 chains. The Midland Junction-Pickering Brook section of the line was purchased from the Canning Jarrah and Timber Company in 1903 and the Pickering Brook to Canning Mills section from Millars' Karri and Jarrah Company in 1910. The remaining section, from Canning Mills to Karragullen, was constructed by the Government and opened for traffic on the 5th August, 1912. The capital cost of the line is £26,443.

The question of closing the line permanently has been considered for some time, and the results of operations for the

year ended the 30th June, 1949, which I will quote, show that the retention of the line would be hard to justify:—

	£
Working Expenses .....	22,640
Interest .....	1,923
	<hr/> 24,563
Earnings .....	1,337
	<hr/> £23,226
Loss .....	

The roundabout nature of the route and the heavy grades encountered have made the working of the line most uneconomical and have resulted in practically the whole of the traffic, both passenger and goods, being lost to road transport. There appears to be no possibility of the line again becoming a paying proposition, and if that portion in the vicinity of Midland Junction which serves the Metropolitan Brickworks siding and the Army Ordnance Depot at Bushmead were retained, the remainder could be closed and any serviceable material recovered and used to advantage elsewhere by the Railways Department.

The Transport Board in pursuance of its powers, under Section 11 of the State Transport Co-ordination Act, has investigated the proposed closure and reported that as road transport can, and does, cater satisfactorily for most loading, the retention of the line would result in the carriage of only 30 tons of bulk wheat per week to Carmel for the Sanitarium Health Food Company and occasional consignments of manure. The board is of the opinion that the retention of the line for this small volume of traffic is not justified, and has recommended that it be closed. I move—

That the Bill be now read a second time.

**HON. N. E. BAXTER** (Central) [5.20]: The railway that is to be discontinued is in my province. I have no objection to the Bill and I trust members will support it. The railway has not been used for 15 months or more and the people in the district concerned are not at all perturbed at the prospect of the line being removed. They are close to the metropolitan area and are adequately served by transport facilities. To continue the railway would be too costly a proposition altogether. There is one point respecting which I would like some enlightenment. In Subclause (2) of Clause 2 reference is made to the cost of the line, as charged to the Government railways capital account, being omitted from the accounts that are prepared under the provisions of the Government Railways Act. From that I assume that the capital cost of the line will be written off the capitalisation account of the railways as a whole.

The Minister for Railways: That is so. Question put and passed.

Bill read a second time.

*In Committee, etc.*

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

Bill read a third time and transmitted to the Assembly.

## BILL—CONSTITUTION ACTS AMENDMENT.

### *Second Reading.*

Debate resumed from the 28th November.

**HON. J. A. DIMMITT** (Suburban) [5.25]: I intend to oppose the Bill for several reasons, one of which is that it seeks to undermine the basic principle of the legislative franchise which, as members well know because it has so often been referred to, is based on the rights of property.

The Constitution at present seeks to give the vote to every adult, male or female, who accepts the full responsibilities of citizenship. That vote is a privilege granted to those who, by their thrift and faith in the State, have established a home. Because they have that stake in the country, they have become entitled to vote for the Legislative Council. It does not matter whether the home is on the basis of ownership, leasehold or rental; it earns for those concerned that particular right. It is quite correct that the person who is prepared to have a stake in the country should have rights and privileges above those who do not accept such a responsibility.

**Hon. G. Bennetts**: Many of them cannot accept it through bad luck.

**Hon. J. A. DIMMITT**: The franchise is extremely wide and, contrary to the views expressed by Mr. Heenan, I believe it is easy of achievement. It affords to the normal average citizen an opportunity for enrolment. As to the provisions of the Bill, the first sets out that the wife of a householder shall be given the vote.

**Hon. E. M. Heenan**: That was the Government's announced policy at the elections.

**Hon. J. A. DIMMITT**: In spite of Mr. Heenan's interjection, that proposal cuts right across the basic principle of the rights of property. Apart from that, I believe that provision seeks to gain for one section a political advantage. I say that because it is well known that from the householder qualification group the supporters of the Bill secure the bulk of their votes. On the other hand, the Bill seeks to deprive the wife of a freeholder from having the vote. It is from the freeholder group that I and those who oppose the Bill obtain the bulk of our support.

Hon. E. M. Heenan: If you will move an amendment to deal with that phase, I shall support you.

Hon. J. A. DIMMITT: I have no intention whatever of moving any such amendment for various reasons. I shall vote against the Bill and if Mr. Heenan is prepared to listen to me, I shall give him further reasons. The second provision in the Bill seeks to give returned servicemen and servicewomen votes for the Legislative Council. That again cuts right across the principle of the rights of property.

If I can be convinced that the granting of a vote for the Legislative Council would play any part in enabling a returned serviceman or servicewoman to rehabilitate himself or herself in civil life, I would be prepared to reconsider my outlook respecting that suggestion. If members who support the Bill can convince me that the vote for the Legislative Council will enable any ex-serviceman or ex-servicewoman to overcome any disability he or she may suffer as a result of war experiences, I will vote for it.

Hon. E. M. Heenan: Do you not consider those people have earned a stake in the country?

Hon. J. A. DIMMITT: For the last nine or ten years I have had very close association with a group of ex-servicemen who have suffered a serious disability as the result of their war services—that of blindness. I have also had close association with many other ex-servicemen and servicewomen, and I would sum up the position by saying that those people have all the inclinations, all the ambitions and urges appropriate to their ages and the times. I am firmly convinced that the desire for a vote for the Legislative Council is not one of those urges.

The third provision in the Bill seeks to delete what is known as plural voting. I think that term is incorrect. I look upon plural voting as the system used in municipal council elections whereby an elector, because of his property qualification, has the right to one, two, three or four votes for a councillor in a ward. Thus he gets four votes for one candidate. The Legislative Council franchise provides that an elector can cast only one vote for a candidate. It is true that a property owner can qualify for a vote in more than one province.

Hon. E. M. Heenan: What does the word "plural" mean?

Hon. J. A. DIMMITT: I do not know. I think it would be difficult to find a better term, but it is less correctly applied here than to plural voting which is indulged in at municipal council elections. I think that if a man has the courage, the ability, the enterprise and the finance—

Hon. E. H. Gray: And the luck!

Hon. J. A. DIMMITT: —to establish a home in one province; a commercial house or an industry in another province; and a farm in a third, he is entitled to a vote in respect of each of those provinces, for the reason that he is very interested, and rightly so, in the type of legislation passed and in the type of legislator who goes into the Legislative Council to look after his interests and the interests of the particular province concerned. For those reasons I believe it is wrong that this Bill should be passed, and I intend to vote against the second reading.

HON. H. S. W. PARKER (Suburban) [5.31]: I rise to explain my position in connection with this Bill. With portion of it I agree, but with another portion of it I disagree. On one occasion I introduced a similar measure and I was a member of a Select Committee which recommended that wives should have a vote. I am in favour of wives having a vote; but when I vote for the second reading of this measure, I do not want people to say that I voted for the other amendments in the Bill. I do not believe that because a man went to the war that gives him the necessary political knowledge to enable him to vote for members of this Chamber.

Hon. R. J. Boylen: Would it give him the necessary political knowledge to vote for members of the other Chamber?

Hon. H. S. W. PARKER: No. But unfortunately we have a law, with which I do not agree, although I voted for it at the time, concerning compulsory enrolment and compulsory voting. I think it is because of that we have had so much trouble in the last few years, because irresponsible people have voted to put members into Parliament. We are very fortunate in this Chamber in being elected by people who take an interest in, and have some knowledge of, politics and who vote only if they so desire.

Hon. R. J. Boylen: You do not believe that!

Hon. H. S. W. PARKER: I not only believe it, but I know it to be correct. I was a member of Parliament before compulsory voting was introduced, and unfortunately I voted in another Chamber for it; but I want to make it perfectly clear that I am not in favour of a man having a vote for this or any other Chamber merely because he went to the war. Whether he went voluntarily or was forced to go does not matter. No man is worth his salt unless he does go to war if he has the opportunity; and I venture to say there are very few who were able to go and did not go to the last war. A great number of men were most anxious to go overseas but were not permitted to do so because they were in reserved occupations. I suppose all of us during the war had people asking us to use our influence to enable them to go away on active service.

All the men who went away and were fortunate enough to come back were able within a few years of returning to acquire the necessary qualification to vote for this Chamber. What is the necessary qualification? It is merely to rent a place and pay 7s. 6d. a week for it. That is all that has to be done. Or a man can be married to a woman who pays the rent. He has to live somewhere; and if the wife pays the rent, he is entitled to a vote.

Hon. H. C. Strickland: Do you suggest that is a way of getting a house?

Hon. H. S. W. PARKER: Sometimes it is difficult to get a house; but a man can rent a room, and there are very few unable to qualify. But because a few are unable at present to obtain homes, are we going to throw this voting power wide open to those who really do not want it, who do not worry about it? There is a tremendous lot of talk about people wanting a vote for this Chamber; but the fact is that many who are on the roll do not vote, because they are not compelled to. Furthermore, before compulsory voting for another Chamber came into operation, the percentage of non-voters was much the same. A big percentage of people vote for members of another Chamber because there is a fine of up to £2 for failing to do so. Here we have true democracy. One can be placed on the roll with a minor qualification and can please himself whether he votes or not. That is pure democracy.

Hon. E. M. Heenan: Do you think that is a healthy state of affairs?

Hon. H. S. W. PARKER: I do, because I think it is our duty to bring matters before people who are entitled to vote and to encourage them to take an interest in politics and to register their votes. I have not heard one person, not one returned soldier, complain that he is unable to get on the roll.

Hon. R. J. Boylen: Did you not receive a communication from the R.S.L.?

Hon. H. S. W. PARKER: I was president of the R.S.L. for some months and was on the executive for some years.

Hon. E. H. Gray: Did you not get a telegram from them?

Hon. H. S. W. PARKER: Yes. I am very glad the hon. member has reminded me of that, because I think it was a scandalous waste of R.S.L. funds; and from what I have heard from members, those who were wavering a little were extremely disgusted at receiving such a telegram. It did not do the cause any good; far from it. Furthermore, I saw in the paper afterwards a statement in which the president of the R.S.L. said the telegram was not authorised. Unfortunately there are certain people—I am not suggesting anyone in this Chamber—who are endeavouring to use the R.S.L. for political purposes.

Hon. E. M. Davies: It has been so used for years.

Hon. H. S. W. PARKER: It was not so used for years. I resigned from the executive because it was my intention to stand for Parliament, and I have always maintained that the organisation should not be used for political purposes. No person with political ambitions should be on the executive or take any active part in the organisation, because the R.S.L., to be of any value, must be entirely apart from politics. Otherwise we do not know where we are.

I did not propose to speak very long but, unfortunately, interjections drag one on. I repeat that I am not in favour of the returned soldier having a vote by reason of the fact that he was with the Armed Forces during the war and perhaps in an area where there was fighting. I do not believe that qualifies a man to exercise a vote. Let it not be forgotten that every returned soldier can exercise his vote for the purpose of putting the Government in or out. What more can he want?

Members of this Chamber have no say as to what party is in power, but the returned soldier has a say. He has exactly the same say as any individual member in that he has one vote. That is quite sufficient until he says that he wants a stake in the country. It has been said that some men cannot get a house, but a man has only to buy a block worth about £50 with a view to erecting a house and he qualifies.

Hon. E. M. Heenan: Did not your Bill include returned soldiers?

Hon. H. S. W. PARKER: I think not, though I could not swear to it. If I did, I did not agree with it; and I do not agree now.

HON. R. J. BOYLEN (South-East) [5.42]: I support the Bill in its entirety. I consider that the Legislative Council franchise at present is definitely undemocratic and leads to sectional legislation. We heard a good deal about sectional legislation a week or a fortnight ago when dealing with another Bill, and I feel certain that those who used the term then were quite sincere in their disapproval of sectional legislation. I believe that in connection with this Bill they will be of the same opinion.

Hon. Sir Charles Latham: What do you mean by sectional legislation?

Hon. R. J. BOYLEN: The Legislative Council franchise makes provision for 30 per cent. of the electors of another House to be electors for this House. Consequently 30 per cent. of the electors for the Legislative Assembly can nullify the wishes of that Chamber when the legislation comes before this House, and we have proof of that because of what has happened to measures that have previously been before this Chamber for liberalising the franchise for the Legislative Council.

This Bill merely seeks to allow the husband or wife of a householder to be enrolled for the Legislative Council. If I

had my way, it would go a good deal further. I would allow the husband or wife of a freeholder or leaseholder to have a vote. A good deal has been said about ex-servicemen and women having the vote. I believe they have a stake in the country which gives them the right to vote. I think other members have received a telegram from the R.S.L., but as there seems to be some doubt I will read mine. It is as follows:—

Returned Servicemen's League strongly urges your support widening Council franchise favour ex-servicemen and women irrespective of property or other qualifications in accordance with legislation in other States.

One phrase there is "irrespective of property or other qualifications." I contend that if it had not been for ex-servicemen and women, the people who have those property and other qualifications would in all probability not now possess them.

I maintain that these people should be given representation in this Chamber and a say in the legislation of the country, because they have as much right to it as those who at present possess the necessary qualifications. Mr. Baxter said there was a great deal of apathy shown about enrolment on the Legislative Council rolls, but I am inclined to believe that that is wishful thinking on his part and that it is the complicated method of enrolment, for this Chamber that is responsible, as many people find it hard to discover whether they have the necessary qualifications. Only 30 per cent. of the electors of Western Australia are on the roll for the Legislative Council, and the result is that only 30 per cent. of the electors have, through their representatives, a say in the fate of legislation that has been passed by another place.

In 1948 the present Government brought down a Bill to liberalise the franchise of this Chamber. I should say rather that the measure was brought down by a Government almost identical with that at present in power, being a coalition of Liberal and Country Party members. The leaders of the Government honoured their pre-election promise, made in 1947, and brought down the Bill, but when it came before this Chamber the supporters of the Government here had apparently not been disciplined to honour the pre-election pledges of their leaders and the measure was laid aside.

As the Bill now before us has passed another place I hope those in this Chamber who are supporters of the Government will, on this occasion, honour the promises their leaders made before the election. There was only one provision left in the Bill of 1948 after this Chamber had cut it to pieces but, owing to the high-handed action of a member who is not here at

present—and whom I consequently shall not name—the measure was laid aside and the electors of Western Australia were denied what is their right. I do not think that by refusing to extend the franchise of the Legislative Council we will increase the prestige of this Chamber.

Hon. N. E. Baxter: What is wrong with it now?

Hon. R. J. BOYLEN: A good deal. I think it was an arrogant display of this Chamber's contempt for the Legislative Assembly and for the electors of the State that this House should throw out a measure that had been passed by the representatives, in another place, of the majority of the electors of this State. It has been said that to give the franchise to the wives or husbands of householders would simply be to duplicate votes as far as this Chamber is concerned but, as the majority of the electors on the Legislative Council roll are men, I consider that that view shows a poor appreciation of the women in our community.

I know many women who are quite as capable of determining what political representation they want for either House as are their husbands, but it seems to me that this Chamber is determined to preserve its privileges. It has powers greater than those of any other Upper House in the British Commonwealth of Nations, because one-third of the electors of the State are able, through this Chamber, to reject legislation passed in another place by representatives of the great majority of electors. I support the second reading.

HON. W. R. HALL (North-East) [5.50]: I support the Bill because I think the franchise of the Legislative Council should be liberalised, for more reasons than one, and believe that the wife of a householder should have a vote.

Hon. H. Hearn: If she owns property.

Hon. W. R. HALL: It is possible now for the wife of the owner of freehold property to vote, if the property is put into her name. Mr. Dimmitt spoke of people having a stake in the country, but this is just the old story which has always been the contention of a certain section of members in this Chamber. Labour members in this House have always tried to liberalise the franchise, and will continue to do so.

Hon. H. Hearn: They have not been unduly worried about it.

Hon. W. R. HALL: We have been worried about the position, because only a very small percentage of those who are entitled to get on the roll actually vote at Legislative Council elections. If candidates and their supporters did not go around, seeing that the people became enrolled, the percentage of qualified persons who would



actually vote at Legislative Council elections would be very small indeed. I think, in fact, that voting for this Chamber should be compulsory, just as it is for another place.

Hon. L. Craig: Why?

Hon. W. R. HALL: Because members would then be elected to this Chamber by a majority of the people who at present, in some cases, have no say at all. That would apply also to servicemen and women. Any person who goes away to fight for the country and protect the property of house-owners in this State should surely be entitled to a vote on his return. In fact, anyone, man or woman, who served the country during the recent war—without any regard to telegrams received by members from the R.S.L.—should be given a vote if of age. Most members of this Chamber have scattered constituencies and find it necessary to spend a great deal of time getting their rolls in order. I feel that if we had compulsory voting we would by that means secure truer representation.

Hon. A. L. Loton: Have you ever advocated compulsory voting at Road Board Association conferences?

Hon. W. R. HALL: No, I have not, and for more reasons than one. We found, at Road Board Association conferences, that those representing Goldfields areas were only two out of about 12, and most of those present knew nothing whatever about Goldfields conditions and cared less. I was pleased to hear Mr. Parker express himself in favour of the wives of householders having votes. It is a step in the right direction by one L.C.L. representative in this Chamber, and I would be pleased to see other members of that party subscribe to the same view. I do not think any great harm would be done by giving the people some liberalisation of the franchise for the Legislative Council.

Hon. W. J. Mann: Do you think there would be some harm in it?

Hon. W. R. HALL: No. We hear very little about the franchise of this Chamber and the qualifications necessary for electors when the House is not in session. Many of the men working in the goldmining industry would find it difficult to gain the necessary qualifications for enrolment for this Chamber. Mr. Parker pointed out that it is necessary only to rent premises at 7s. 6d. per week, but, even so, many men in various goldmining towns would find it difficult to qualify for enrolment. If the franchise were liberalised more interest would be taken in our elections and which would raise the prestige of this Chamber.

HON. G. BENNETTS (South-East) [5.57]: A wonderful speech on this question was made by the most outstanding man I have seen in this Chamber. I refer to Sir Hal Colebatch, who on one

occasion spoke during the debate on a measure similar to this. He was in favour of the franchise being liberalised and of the wife of a householder or leaseholder being given a vote. In 1948 Mr. Parker said he was in favour of the wives of householders having votes.

Hon. H. Hearn: He has just said it.

Hon. G. BENNETTS: Yes, I am glad to see that he sticks to his word.

Hon. H. S. W. Parker: He always does.

Hon. G. BENNETTS: I know that. The hon. member takes this view because he knows the value of his own wife to him, and I think any member of this Chamber, and especially those who are farmers, must feel the same way about it. I know of many farmers who went away to the war and whose wives remained behind and did all the work on the properties. It is a scandalous thing that such women are denied the right to vote. Any woman who is prepared to have a family and slave her life away for them, is entitled to vote at Legislative Council elections.

The Minister for Agriculture: The husband can put the property in her name, and then the wife can vote.

Hon. G. BENNETTS: She should be given a vote for this Chamber, in any event. The woman in the home is entitled to a vote because, if there is any sickness in the family, the husband can put on his hat and get out, but the wife has to remain behind and look after the children. If members do not think she is entitled to a vote, I consider they are not doing justice to the women they took to the altar and vowed to share equal rights with them. I hope that when the members of this Chamber go home tonight after voting against giving equal rights to the wife of a householder, their wives will upbraid them. I have here a cutting from the "Daily News," which always gives a fair and honest opinion. This article refers to the soldier, and is dated Thursday, the 8th December, 1948. It is based on a street quiz of six persons representing various sections of the community. One represents business—

Hon. H. Hearn: Big business?

Hon. G. BENNETTS: Yes, he was a big businessman from Melbourne. In Tasmania, the returned soldier has a vote and in South Australia oversea service alone is a sufficient qualification to enable a soldier to vote, and the R.S.L. in this State resolved that a move be made to give ex-servicemen in this State the necessary qualifications to vote at Legislative Council elections. The five people who were questioned by the "Daily News" reporter were Mrs. Marshall, Mr. Inkpen, Mr. Taylor, Mr. Allen, Mr. Frost, and Mr. White. Mr. Inkpen, a sales manager, was of opinion that ex-servicemen should have a vote, which opinion was shared by the other people questioned.

I heard Mr. Parker say that a soldier should not have a vote for this House. I have three sons, all of whom were soldiers, and two of them were front line men from start to finish of the last war. Those two have the necessary voting qualification, but my third son happened to be young and he stayed in the Forces two years after the cessation of hostilities. When he was discharged, houses were very scarce. As he was a single man at the time, he came to live with us at my home.

He was on the ordinary basic rate of pay, and 12 months ago he married, but is still living with his relations. That lad went to the war and fought in the same way as many other soldiers did, but he was beset with misfortune, and even if he had been able to obtain a home he could not have afforded to buy it. Thus he is debarred from having a vote for the Legislative Council. If he could obtain a home, he would, of course, qualify to vote as a householder. The best way to deal with the problem would be to introduce compulsory voting and provide that the wife should have equal rights with the husband.

Hon. H. Hearn: Why not give her two votes?

Hon. G. BENNETTS: No, she should have only an equal right to vote, the same as her husband. I do not know what members are frightened about. Are they scared of losing their seats? If they did, they could always go out and do a job of work. Compulsory voting should be in force, and members should take that risk. I would not be worried if I lost my seat tomorrow. If the people do not think I am fit for the position, they can vote against me and elect someone else. If I took up another vocation, I would be on a much better wicket than I am as a member of this House. For instance, take the country member who has to travel great distances in the outback. If he does his job efficiently, he has plenty to do.

The more important provision in the Bill is that the wife of the householder or freeholder should have a vote. I hope that every member will give the matter thought and grant to the wife equal rights with the husband. The point we have to consider is that a mother rears a family of sons and daughters. Some of them may be at the battle front today and may not return. Undoubtedly, a mother suffers more from worry over her children than the father or other members of the family, and she is worthy of every consideration, including equal voting rights. I hope what I have said will give food for thought for members.

HON. J. M. A. CUNNINGHAM (South-East) [6.8]: I oppose the whole Bill. I am not concerned about the qualification of the wife of a householder, because under

different circumstances I might consider supporting that provision. However, for various reasons, in this instance I will not support it because I intend to vote against all the provisions in the Bill.

Hon. E. M. Heenan: Why not support that and let the others go? It was recommended by a Select Committee.

Hon. J. M. A. CUNNINGHAM: All right! I will accept the challenge of the hon. member. Firstly, I believe that measures similar to this Bill have been introduced in another place year after year, not to achieve the liberalisation of the franchise but merely to add chips to keep the pot boiling.

Hon. E. M. Heenan: The last time, it was introduced by the Government now in office.

Hon. J. M. A. CUNNINGHAM: That was to fulfil a promise made to the public. For every time it has been introduced in another place by this Government, it has been introduced half-a-dozen times by members of the present Opposition. They know, as well as the members here, that a considerable amount of political feeling is kept up, year after year, by the introduction of a measure such as this. If the legislation is not introduced by our own party, it is introduced by some Opposition member, merely to keep things boiling. That is why I do not intend to support the Bill this time.

The provisions of a Bill for the Council franchise are purely and simply the prerogative of this House. I know what would happen to a similar Bill introduced here to interfere with the franchise of another place, and I suggest that we do the same with this Bill. The second provision relates to returned soldiers. I have opposed this, as an executive member of an R.S.L. branch, and I also opposed it at R.S.L. conferences held in Perth. It cuts right across one of the two original points upon which the R.S.L. was founded—non-political and non-sectarian.

I can remember the proposal as suggested in the Bill being brought up at a branch meeting, and it was not at all seriously debated. In one instance, it was mentioned by one member who was quite enthusiastic about it, but the feeling of the members who assisted in getting the motion passed was, "It does not matter much," and it was thus agreed to. The suggestion was put forward at the R.S.L. conference, and a few people spoke to it, but it was purely the reflection of the opinion of only a few members, and definitely did not reflect the feeling of all members at the conference.

Hon. E. M. Heenan: It is part of its platform now.

Hon. J. M. A. CUNNINGHAM: Yes, but more because of the reason I have just put forward. The telegram that was sent to all members the other day was resented

by me very deeply, as a member of the R.S.L., because I believe it is not, and never has been, the desire of any ordinary member of the R.S.L. to have the Legislative Council franchise. The view they take is that if they get it, it is quite all right because it will do no harm, but it is not going to break their hearts if they do not get a vote; not by a long way. The argument raised by the R.S.L. that the granting of a vote to each of its members would materially assist every member of the R.S.L. I would wholeheartedly support—if such were the truth.

Members of the House will recall that a deputation met several members of this House this week on a matter which will result in helping members of the R.S.L. individually and collectively, but this provision will not. The members of the R.S.L. today who are not qualified would represent about 4 or 5 per cent., and every one of them will ultimately qualify. The main reason why they cannot qualify now is that they are living with their folks and cannot get a house, but they will eventually do so and thus qualify as householders. I strongly resent the action taken by the R.S.L. officer. It seems to me that it is merely using that organisation to attain a political desire of certain groups.

There are numbers of men who went oversea who are not members of the R.S.L., and who never intend to be members of it or any other ex-servicemen's association. The occupier of the house at which I stay when in Perth served very extensively oversea, and I asked his opinion on this matter. He said, "I am qualified to vote, not as an R.S.L. member but as a householder." I said, "I will put you in," and he replied, "I am not interested." When I asked him why, he said, "I am perfectly satisfied with the way things are going now, but if there comes a time when I am not, I will very soon have my say as to what is going on."

Debate adjourned till a later stage of the sitting.

*Sitting suspended from 6.15 to 7.55 p.m.*

### **BILL—BUSH FIRES ACT AMENDMENT.**

*Conference Managers' Report.*

The MINISTER FOR AGRICULTURE: I have to report that the managers have met and have agreed to reinstate the proposed new Section 22A in Clause 13 in the form as embodied in the Bill as transmitted to the Legislative Council. I move—

That the report be adopted.

Question put and passed, and a message accordingly returned to the Assembly.

### **BILL—CONSTITUTION ACTS AMENDMENT.**

*Second Reading.*

Debate resumed from an earlier stage of the sitting.

Hon. J. M. A. CUNNINGHAM: I shall mention a further point and that is the percentage of voters entitled to vote and attending the poll. Several times the assertion has been made that only 30 per cent. of the electors on the Council roll go to the poll. I do not know whether any member has taken the trouble to look up the percentages of electors on the roll and voting for the Legislative Assembly before compulsory voting was instituted. Unfortunately, I have not the figures before me, and am not prepared to quote from memory in case I make an error and it is brought up against me later.

It is enlightening to recall, however, that the percentages for the Assembly at that time were very similar to that recorded for the Council at the recent elections. This percentage is quoted often by members of another place—it has also been quoted by some members of this House—and I think members of another place must be flattering themselves with the thought that it is on account of their popularity that people on the Assembly rolls go to the poll. Certainly they embrace any reason other than the one that, on account of voting for that House being compulsory, electors vote because they desire to avoid the possibility of being faced with a £2 fine.

If we adopted compulsory enrolment and compulsory voting for this House, doubtless more people would go to the poll, but I do not believe that we would get a more sincere or a more enlightened vote. A person who is compelled to do something does not necessarily act with full sincerity. Therefore, I believe that the people who today vote at Council elections give a fairer, more just and more reasoning vote than they would if voting were made compulsory and we thus obtained a higher percentage of voting to enrolments. The word "compulsory" has been used a good deal.

Hon. E. H. Gray: That is not in the Bill.

Hon. J. M. A. CUNNINGHAM: We have compulsory enrolment and compulsory voting for another place, but I do not find the word "compulsory" being used with the same cynicism or enthusiasm when applied to training for the defence of this country. I have already expressed my intention of voting against the Bill, and until this House is left to bring about its own alterations, I intend to oppose such measures sent here from another place.

HON. H. C. STRICKLAND (North) [8.0]: The Bill has been brought down for the liberalising of the Legislative Council franchise.

Hon. H. Hearn: How do you make that out?

Hon. H. C. STRICKLAND: I take it "The West Australian" reflects public opinion. It, perhaps, would have had

something to say had it not been for Sir Charles Latham's suggestion in one of the earlier sittings.

Hon. E. M. Heenan: Both "The West Australian" and the "Daily News" support this.

Hon. H. C. STRICKLAND: After a similar Bill was set aside last year—when the Chamber could not be influenced—"The West Australian" had a leading article on two points contained in the measure, namely, that wives should have a vote, and that there should be no plural voting. This House claims to be a House of review. Well, it certainly gave that Bill a long view.

Hon. W. J. Mann: And short shrift.

Hon. H. C. STRICKLAND: That is so. To claim that this is purely a House of review hardly fits in with the number of Bills that have been introduced this session. The Assembly is reviewing the legislation from this Chamber, so that argument is hardly logical. There is nothing more undemocratic than to say that in a partnership—and no partnership is more sacred than marriage—only one of the partners shall vote. Wives are debarred from voting. Wives and mothers have just as much, if not more, at stake in the country than have husbands. The husband is the breadwinner, certainly, but the wife actually is the householder and keeps the house in order, but she is debarred from voting.

Hon. L. Craig: If she is the householder she can have the house in her name.

Hon. E. H. Gray: She is not the householder.

Hon. E. M. Heenan: She cannot be the householder.

Hon. H. C. STRICKLAND: Only the husband can be enrolled as the occupier of the house. What is democratic about that? I cannot understand those members who face the electors on the Liberal ticket. The meaning of the word "liberal" is—

Hon. H. Hearn: Labour's interpretation of it.

Hon. H. C. STRICKLAND: This is Webster's Dictionary definition, "progressive thinking in principles; open-handed"—

Hon. H. Hearn: That is us.

Hon. H. C. STRICKLAND:—"generous"—

Hon. L. Craig: Webster seems to know something about it.

Hon. H. C. STRICKLAND:—"broad-minded, especially in politics." How can we reconcile the Liberal label with the principle of debarring a married couple from the right to vote? It has been asserted that the Bill has been brought down with a political motive. If members believe that, then it is a political motive of their own which urges them to reject it. It logically follows that if they think they have a political advantage, and that the Bill will

take some of it from them, then politics will count and not the democratic rights of the people.

On the question of the returned servicemen, if a country is worth fighting for, then surely those who do the fighting are entitled to a vote. I do not see why the genuine returned serviceman—not the man who has served at Francis-street—should not be entitled to a vote. The fighting man is entitled to it.

Hon. L. Craig: You will not allow him to join the Lumpers' Union.

Hon. H. C. STRICKLAND: I have nothing to do with the Lumpers' Union.

Hon. L. Craig: Those men are not allowed to join.

Hon. H. C. STRICKLAND: That union is the same as the doctors' union, the dentists' union and so on, but that has nothing to do with the Bill. The service personnel have earned the right to the vote, and there is genuine public opinion that our franchise should be broadened. Instead of that, we have passed legislation restricting it.

Hon. H. Hearn: You are pledged to abolish this House.

Hon. H. C. STRICKLAND: I have not signed any pledges. To say that a husband and not a wife shall have a vote is undemocratic. Plural voting is also outside of democratic principles.

Hon. A. R. Jones: Where do you find plural voting in the Bill?

Hon. H. C. STRICKLAND: It is possible for one person to have 10 votes—one for each province. If that is not plural voting, I do not know what is.

Hon. J. M. A. Cunningham: It is possible for four people to have a vote for one cottage.

Hon. H. C. STRICKLAND: Not for the Legislative Council. Members have said that only the thrifty should be entitled to a vote for this House. One does not have to be thrifty to occupy a house and pay rent; one has to be lucky. A miner with a miner's right can be in receipt of a miner's pension, and he can peg a claim which entitles him to be enrolled and have the vote.

Hon. J. M. A. Cunningham: What is wrong with that?

Hon. H. C. STRICKLAND: That is all right. I make that reference because some members have said that this House should be restricted to the thrifty.

Hon. R. J. Boylen: What they want is only the wealthy.

Hon. H. C. STRICKLAND: Thousands of people on wages can never save enough to buy a house.

Hon. L. Craig: They do not have to buy a house, but only to rent one.

Hon. H. C. STRICKLAND: Anybody who can rent a house, or even get a look at one, is very lucky. I hope members will give full consideration to the unfairness of the husband and wife aspect of the question. Wives should be given an opportunity to say who is going to represent them in this Chamber. I support the Bill.

HON. A. R. JONES (Midland) [8.10]: I oppose the Bill because I think even the manner in which it has been put to us is unfair. The measure proposes that a vote be given to the wife or husband of a householder, but it still means that quite a number of people cannot qualify because they might be the wives or husbands of leaseholders or freeholders, or come within one or two categories.

Hon. E. M. Heenan: That would be a simple amendment to get through.

Hon. R. J. Boylen: You would have a lot of support if you introduced it.

Hon. A. R. JONES: The other reason why I will not support the Bill is because it stipulates that the returned soldier shall have a vote. But it is a fact that quite 50 per cent. of the people who served the country overseas had the right to vote before going away. If we apply the franchise to all those who serve the country we shall penalise half the returned soldiers. As the Bill does not appear to me to be at all fair, I shall oppose it.

HON. L. A. LOGAN (Midland) [8.13]: My attitude to the provisions in the Bill has not altered since the previous measure was introduced. I do not intend to deal with it on a party basis. In my opinion, the question of party does not arise in this House. If we try to work out the franchise on a party basis we will be in strife. Much has been said about democracy and the undemocratic vote for the Legislative Council. Can anybody who looks at the proceedings of this Chamber over the last few years say that the House has been undemocratic? I defy anyone to say that.

Hon. E. M. Heenan: That is not the point.

Hon. L. A. LOGAN: It is a point. We are elected on a property franchise which we must retain at all costs because with a little bit gone here and a little bit there, we might soon be in the same farcical position as the Senate is in today, and once we are we might as well walk out. Can anyone tell me that politics is democratic when we find that when the whips crack, members do exactly as they are told?

Hon. E. M. Heenan: I thought you said it was not party?

Hon. L. A. LOGAN: I am talking of another place. This House deals with legislation apart from party politics. That is where democracy comes in. We can deal

with business and decide on it without party politics entering into the question. I defy any member to say that we have been undemocratic in our attitude to Bills presented to this House—at least that has been so since I have been here. Apparently one would think that the people whom we are asked to put on the roll are not represented in this House. From my point of view, irrespective of who elected me, I will represent them, while I am here, whatever their class or creed.

Hon. R. J. Boylen: Not the way they want to be represented.

Hon. L. A. LOGAN: I will represent them to the best of my ability. Those who are not entitled to be enrolled are represented by me just as are those who are entitled to vote. That is true representation and that is all we can look for.

Hon. E. M. Heenan: And you are the judge of that, I suppose!

Hon. L. A. LOGAN: May be I am, but I ask the hon. member whether he represents only those who vote for him.

Hon. H. L. Roche: He takes that attitude.

Hon. L. A. LOGAN: Does Mr. Heenan represent those who vote for him or does he represent all of the people in his province?

Hon. E. M. Heenan: That is not the question.

Hon. L. A. LOGAN: I want the hon. member to answer me that question.

Hon. E. M. Heenan: We represent only one-sixth of the adult population.

Hon. L. A. LOGAN: Does the hon. member represent them all?

Hon. E. M. Heenan: Yes.

Hon. L. A. LOGAN: Much has been said about what appears in "The West Australian" and the "Daily News." All these leading articles are written by one man.

Hon. R. J. Boylen: They are one man's opinion.

Hon. L. A. LOGAN: Yes, and it does not influence me at all. I am quite prepared to make up my own mind without being dictated to by the Press. Their articles do not worry me one way or the other. If an article appears in the Press the day before a Bill is introduced in this House, it might worry Sir Charles Latham, but it does not worry me. A lot has been said about public opinion and about people wanting to get on the Legislative Council rolls. Not long ago I looked up a Gallup poll, conducted in Australia, on the Budget question, which is something that affects every man, woman and child in Australia. According to the poll 48 per cent. of the population did not even know that a Budget had been introduced.

Hon. R. J. Boylen: That is typical of a Gallup poll.

Hon. L. A. LOGAN: Yet we are told that this Bill is wanted by the people. If they do not take any more notice of politics than that poll indicates, then I do not think giving them a vote in this Chamber will make them any more politically minded. I think Mr. Boylen mentioned something about the dignity of this House but I am not too sure on the point. He said that it was not of a very high standard. If he did not say it, I am sure he implied it. The dignity and integrity of this House has never been higher.

Much has been said about plural voting. To my mind, this Bill will perpetuate plural voting. If we give a vote to a wife and husband, we are giving a plural vote, because in 95 per cent. of the cases a wife will vote the same way as her husband. Other speakers have mentioned about married couples pulling together, which they should do. If that is so, then their political views will be identical.

Hon. G. Bennetts: Do you not think they should have votes?

Hon. L. A. LOGAN: As we try to flinch away from this House the franchise that already exists, and take it away bit by bit, we will get down to the farce which exists in the Senate. We cannot afford to do that.

Hon. R. J. Boylen: You ought to talk about party politics!

Hon. L. A. LOGAN: Party does not come into this question. I am not dictated to by the party.

Hon. R. J. Boylen: Yes, you are.

Hon. L. A. LOGAN: What I have done in this House since I have been here proves my statement. Members have spoken about the returned soldier. To my knowledge ever since the last war ended nearly every Act of Parliament has given protection to the returned soldier and he is not debarred from being placed on the roll for the Legislative Council. Through his own initiative, and through the protection we have afforded him, he is able to get on the roll. What about the man who wanted to go away but was refused? There were a lot of men in khaki with A.I.F. badges on their shoulders who could not get out of the country. There were a lot of others who left the country because they were sent out. When I say that, I am not casting any reflections; but the statement is true.

Hon. E. H. Gray: They did their jobs.

Hon. L. A. LOGAN: It is dangerous to pick and choose like this. They are all just as entitled to it, if we are going to have this sort of thing.

Hon. R. J. Boylen: Which ones would you recommend should be cut out?

Hon. L. A. LOGAN: There are plenty that would not want to take advantage of the provisions contained in this measure.

Hon. E. M. Heenan: No, there are not.

Hon. L. A. LOGAN: We cannot afford to tamper with the franchise of this House, and I oppose the Bill.

HON. E. H. GRAY (West—in reply) [8.21]: I am disappointed at the opposition to this measure but at least we have two recruits in the persons of Mr. Cunningham and Mr. Parker.

Hon. W. J. Mann: Keep going for another 20 years and you will do all right.

Hon. E. H. GRAY: When Mr. Parker, as Chief Secretary, introduced a Bill in this Chamber in 1948, he advocated in that Bill the opportunity to give people living in flats votes for this House. That provision has been agreed to in a private member's Bill introduced a short time ago. In Mr. Parker's Bill in 1948 he advocated the abolition of plural voting. He also made a strong appeal for votes to be granted to women. He had this to say in 1948—

The idea behind the franchise of this Chamber is that the elector should have a stake in the country and it is considered that the wife, who has a vote in the Assembly, and who often does infinitely more work than the husband and works much longer hours should be entitled to a vote. As the one who brings up the family, it is felt that she should be encouraged to vote, in view of the present state of affairs. The wife carries a great responsibility and, as I have said, does a great deal of the work. It is felt that she should therefore, if the wife of a householder, be given a vote. It is true that she does not earn the money to keep the home going but she does, in fact, keep it going.

Those are not the words of a Labour man, but are the words of Mr. Parker who was a Minister in the Liberal-Country Party Government. He also pointed out that the next amendment dealt with the abolition of plural voting.

Hon. L. Craig: He was introducing a Bill on behalf of the Government.

Hon. E. H. GRAY: He stated—

If a man at present has a qualification in various provinces, he may vote in each of those provinces. For many years that has been his right and privilege, but it is felt that the time has now arrived, as the country is more settled, when a man should have only one vote for this Chamber and, if he has previously been qualified to vote in more than one province, should select the province in which he now desires to enrol. The Bill covers the four points I have mentioned.

I congratulate Mr. Parker on his progressive views and in the fact that he is going to vote for that part of the Bill which gives

a wife a vote for this Chamber. A few sittings ago this House passed, with great enthusiasm, a Bill giving flat dwellers votes for this Chamber. Unfortunately, as I pointed out at the time, that Bill will restrict the franchise. Far more arguments could be used in favour of this Bill. The definition of a self-contained flat in that Bill will restrict the right to vote of many hundreds of people who already have the franchise for this House.

Over the years many Bills have been brought forward in this House in an endeavour to widen the franchise. But, in the old days, members had a far greater conception of the reasons for such a restrictive franchise. One of the most outstanding men to speak against widening the franchise was the late Arthur Lovekin. He used to stress repeatedly the real basis of this Chamber. He used to say that the basis of the franchise was the bi-cameral system which made it necessary for some members to retire every two years. He said that sometimes in a wave of enthusiasm a Government, after going to the country, might be returned with an overwhelming majority. The reason for the bi-cameral system was that this House could be a House of review and so prevent any foolish acts of a Government returned with a tremendous majority and without a sense of its responsibilities.

Hon. L. Craig: That is what we are doing now.

Hon. E. H. GRAY: No. The hon. member has forgotten the real object of this House—it is a House of review and therefore I think it is time that the franchise was widened. This House is the most conservatively based Chamber in the British Commonwealth of Nations.

Hon. E. M. Heenan: Look at Sir Hal Colebatch!

Hon. E. H. GRAY: Yes, he tried to liberalise the franchise.

Hon. E. M. Heenan: And the late Mr. Baxter!

Hon. E. H. GRAY: Yes. There are three simple propositions in this Bill. The first deals with returned soldiers, the second with wives of householders and the third with the abolition of plural voting. Might I suggest that members allow the Bill to go into Committee and let us discuss the question there.

Hon. H. Hearn: Do it on the instalment plan!

Hon. E. H. GRAY: Victoria proposes to bring in a Bill for universal franchise for the Upper House.

The Minister for Agriculture: They have done it already.

Hon. E. H. GRAY: Tasmania has granted votes for the Upper House to returned soldiers and so has South Australia.

lia. Therefore, we are not striking new ground. That is why I ask the House to agree to the second reading of the Bill.

The PRESIDENT: As this question requires a constitutional majority, it will be necessary to take a division on the second reading.

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

Ayes	.....	8
Noes	.....	16
Majority against		8

#### Ayes.

Hon. G. Bennetts	Hon. E. M. Heenan
Hon. R. J. Boylen	Hon. E. S. W. Parker
Hon. E. M. Davies	Hon. H. C. Strickland
Hon. E. H. Gray	Hon. W. R. Hall

(Teller.)

#### Noes.

Hon. N. E. Baxter	Hon. W. J. Mann
Hon. L. Craig	Hon. H. L. Roche
Hon. J. Cunningham	Hon. J. M. Thomson
Hon. H. Hearn	Hon. H. Tuckey
Hon. J. G. Hislop	Hon. E. K. Watson
Hon. A. R. Jones	Hon. F. R. Welsh
Hon. L. A. Logan	Hon. G. B. Wood
Hon. A. L. Loton	Hon. J. A. Dimmitt

(Teller.)

Question thus negatived; Bill defeated.

### BILL—NOXIOUS WEEDS.

#### Assembly's Request for Conference.

Message from the Assembly received and read requesting a conference on the amendments insisted on by the Council and notifying that at such conference the Assembly would be represented by three managers.

The MINISTER FOR AGRICULTURE: I move—

That the Assembly's request for a conference be agreed to, that the managers for the Council be the Minister for Agriculture, Hon. J. M. A. Cunningham and Hon. L. A. Logan, and that the conference be held in the President's room at 10.30 a.m. on Friday, the 1st December.

Question put and passed, and a message accordingly returned to the Assembly.

### BILL—FAUNA PROTECTION.

#### Assembly's Request for Conference.

Message from the Assembly received and read requesting a conference on the amendments insisted on by the Council, and notifying that at such conference the Assembly would be represented by three managers.

The MINISTER FOR AGRICULTURE: I move—

That the Assembly's request for a conference be agreed to, that the managers for the Council be the Minister for Agriculture, Hon. N. E.

Baxter and Hon. H. Tuckey, and that the conference be held in the President's room at 6.45 p.m. on Tuesday, the 5th December.

Question put and passed, and a message accordingly returned to the Assembly.

### **BILL—BUSH FIRES ACT AMENDMENT.**

#### *Assembly's Message.*

Message from the Assembly received and read notifying that it had agreed to the conference managers' report.

### **BILL—PHYSIOTHERAPISTS.**

#### *Recommittal.*

On motion by the Minister for Transport, Bill recommitted for the further consideration of Clause 5.

#### **Clause 5—Registration:**

The MINISTER FOR TRANSPORT: I move—

That in line 1 of Subclause (2) the word "lecturers" inserted by a previous Committee be struck out.

I believe that we exceeded our powers by inserting the amendment as it would involve a charge upon the Crown, which this Chamber has no power to do.

Hon. J. G. HISLOP: I cannot help smiling when I remember what the Minister said when the clause was dealt with in Committee. He then said that the clause contained power to deal with this matter.

The Minister for Transport: That power was inserted in an amendment agreed to by another place.

Hon. J. G. HISLOP: That power having been provided, surely we can amend the clause to make the position clear without exceeding our rights. I do not propose to start a debate on the powers of the Council to amend money Bills. When the amendment is agreed to, I intend to move a further amendment that will make the clause unworkable and so emphasise to another place that there is an omission that needs to be rectified. As we cannot amend the Bill, we can make the clause unworkable so as to impress another place with the necessity of making the provision I desire. I have had private advice and I am convinced that, as it stands now, the board will have no power to pay part-time lecturers, and probably will only be able to pay them as examiners. At the outset, the board will have to rely on part-time lecturers.

Amendment put and passed.

Hon. J. G. HISLOP: I move an amendment—

That in line 1 of Subclause (2) the word "examiners" be struck out.

The effect of the amendment will be to make the subclause read that the "remuneration of the Registrar and other officers," etc. I am sure members will agree to a conference, and then another place will probably see fit to provide power to deal with the question of lecturers.

The MINISTER FOR TRANSPORT: It will be remembered that when the word "lecturers" was proposed to be inserted, I was able to inform Dr. Hislop that there was no objection to it from the point of view of the Commissioner of Health. It was only when the technical point was raised as to whether there was power to include a provision which would inevitably entail a charge upon the Crown, that some doubt was expressed. I am happy about the amendment that has now been moved, knowing what the hon. member has in view.

Hon. H. S. W. PARKER: The provision says that examiners and other officers and servants shall be paid out of the funds of the board. Apparently an examiner is not an officer. I do not know whether, in practice, a lecturer would be an examiner. In some occupations strong objection is taken to a teacher being also an examiner; and, similarly, it is sometimes considered that a lecturer is not the right person to be an examiner. If the examiner is a lecturer the difficulty is overcome. I do not know who would be the officers but I should think that lecturers would be officers. The lecturer need not be a servant. There are different types of people who would be paid—the registrar, examiners, other officers and servants. I should think that a lecturer would come under the definition of an officer.

Hon. J. G. HISLOP: I agree—if a man were a whole-time lecturer; and those I consulted say that possibly would be so. Nevertheless, a member of the profession may be called upon to give a short series of lectures in a certain subject or portion of a subject in the training course, and it is held that he would not necessarily be either an officer or a servant. I want to make it clear that this board has no power to carry through a full course of training for physiotherapists.

Amendment put and passed; the clause, as further amended, agreed to.

Bill again reported with further amendments.

### **BILL—INCREASE OF RENT (WAR RESTRICTIONS) ACT AMEND- MENT (No. 2).**

#### *Second Reading.*

Debate resumed from the previous day.

HON. W. J. MANN (South-West) [8.50]: I have no wish to cast a silent vote on this question, because it is one of the



most important we have had before us for a long time. At the outset, I want to indicate that I shall vote for the second reading, not because I am altogether satisfied with the Bill but because I hope that in Committee it will be so amended as to make it very much more worth while. We have had some hours of debate on this matter, so I am not going to weary members with recapitulations. But there are one or two points I want to emphasise.

One is that I would give a very much greater measure of relief to that section of the community which has all down the years been at a disadvantage because of rent-pegging. In a great many instances those people have been shamefully treated. They have been actually robbed; and, instead of being recognised as benefactors, they have been treated by many people with scorn and contempt. We have heard numerous stories of the treatment people have received when they have endeavoured to regain possession of their homes and of the hardships and inconveniences they have had to suffer. They have lived on verandahs and under conditions they should never have been called on to endure, in order that others might benefit, many of them lacking in initiative and having no desire to make any attempt to get homes of their own.

I view the 25 per cent. increase in rent permitted in the Bill as being totally inadequate under present-day conditions. As a matter of fact, with the rise in wages and extra expense in many directions, that 25 per cent. will mean practically nothing. It is just a pitiful gesture, and not much more. When they analyse it, members will agree that it is hardly worth while. An increase of at least 50 per cent. over the standard rent of 1939 would be little enough, and even that figure would leave many deserving house-owners still losers. There is a claim that a 50 per cent. increase would press hardly upon tenants. That could be possible in a very few instances but, in respect of the remainder, I do not think it would apply. I am sure that in many cases of which I have personal knowledge it would not be so. A 50 per cent. increase would leave those people paying much less than current rentals.

The people to whom I referred just now as having made no real attempt to help themselves have known for years that they were enjoying relief at the expense of other people, and they are not a bit concerned. Some of them are not even ashamed of the fact that they are enjoying the amenities that the people who own the buildings, and are in many cases more deserving, have to go without. I have not very much sympathy for them. I would have been very much happier if the Bill had attempted to catch up with them. I do not know whether I can use an adjective strong enough to express my disapproval of such

people. Perhaps the word "despicable" would be somewhere near the mark. I refer to those people who have not scrupled to take advantage of the serious and unfortunate position of their fellow-citizens—people so often referred to in this House as those who, having secured premises at depression rentals have promptly sublet one or two rooms at boom rentals. They are the people with whom I think this Bill should endeavour to deal.

Members have quoted cases almost by the dozen, during this session, of persons who have taken over houses and let one room or two rooms and are making not a reasonable profit on the transaction but 300 or 400 per cent. over what they are paying the owners. It is time we caught up with those people. That type of person has no soul and this Parliament should deal with them in no uncertain way. Another thing I think this Act has done has been to bring about an exposure of the morals of some people. Of those who have shamelessly prevented old and invalid persons from getting back into their homes, what can we say? We can only say that for them we have supreme contempt, and we can only hope that this House will take such action as will let them know what we think of them.

I hope that all those who have been guilty in that direction will be able to read my opinion of them. To say that they were within the law does not deceive me. They have been within the law, but they have not scrupled to do what no decent-minded and fair citizens would do. For those reasons I hope that when the Bill is in Committee, members will agree to amendments which will ensure that those who have been guilty of such practices will have to behave better in the future.

**HON. L. CRAIG (South-West) [9.0]:** A generation ago a man who acquired property was respected in the community and it was the objective of every young man some day to acquire a property of his own. I remember my father telling me that when he was a boy, at the time when the banks first started operating in this country, the man who acquired a piece of land and a bank account used to place his cheque book in his pocket where it could be seen, as it was the mark of a man of substance and gave him some standing in the community.

Today the man of property is a person to be shot at. If he owns more than a little property people look askance at him as one who is taking more from society than he is entitled to. It is time that the man who saves in order to acquire property was restored to his proper place in our society, because he is the basis of all decent government in this country—in spite of what Mr. Gray would say about the Legislative Council. We have a grave responsibility in dealing with this measure. It is easy to make sweeping statements about wiping out all controls and giving all landlords a free go.

We cannot do that, much as we would like to, although only because there are some rapacious landlords and some tenants who are in really dire circumstances and could not under any conditions pay the high rents that would then be demanded of them, or find alternative accommodation. We cannot simply wipe out the controls and give the landlords a free hand. During the last week I have seen two houses that are for sale, neither of them being occupied at present. They are both in good suburbs and the owners have somehow got the tenants out and are holding the houses empty, in order to secure very high prices for them.

I would value one of them at a maximum of £750, as before the war, and the land at about £100, but even allowing £250 for the land, that gives a total of £1,000 for the property, yet the owner is asking £5,000 odd for it. There are some people who must be protected. There are two main principles to be considered in dealing with this measure. The first is this: What increase in rents are we to give to landlords who have tenants in their houses? The other is, what are we to do about permitting landlords to regain possession of their own houses in which they desire to reside? I would grant immediately a blanket increase in the standard rent—not something subject to agreement between landlord and tenant, because it is hard to reach agreement, and anyone would stand in a queue for about 12 months nowadays in order to get before a court. I think we should grant a blanket increase of at least 33 1-3rd per cent. in all rents above the standard rent and then, if either party saw fit he could approach the court. Provision would have to be made for that as in some cases 33 1-3rd per cent. would not be a sufficient increase, and in other cases it might be too much.

The next question deals with the man who owns a house and wishes to regain possession of it. If he and his family desire to live in the house, I would allow him to do so, under any circumstances. Of course, it could not be done in a day or a week. I have no idea how long it would take, but nothing should be allowed to prevent the owner regaining possession of his dwelling if he and his family desire to live in it. I will support any amendment the purpose of which is to allow an owner with a family to occupy his own home, provided it is laid down that he is not to sell it again within a certain time. It is up to this House to do everything possible to re-establish the standing of those who own property.

I have had many decent people come to me and tell me, for instance, that someone else has too much land. Although a man may himself own plenty of land, if his neighbour owns a little more the man concerned probably thinks that neighbour has too much and he himself

wants some of it. I do not think there is any morality in the human breast where money is concerned. When money questions are raised the business morality of otherwise decent people frequently disappears and for personal gain they will do things that in ordinary circumstances would horrify them.

Hon. H. Hearn: That is only a proportion of the people.

Hon. L. CRAIG: It is a very large proportion of them. I am not speaking without knowledge of the subject, and women are the worst offenders.

Hon. E. M. Heenan: That is a sweeping statement.

Hon. L. CRAIG: Perhaps it is. But I have had a great deal of experience and have been shocked at what people have done when it comes to questions of money. I have known close friends become enemies over money matters. The same considerations apply to some of the things tenants have done to landlords. Tenants who had their rents reduced during the depression years have refused to allow those rents to be raised, even up to the present day. I know of some landlords, also, who will demand the last penny—the last drop of blood, as it were—from a tenant if they think they have any hope of getting it. I support the second reading and trust that most of the amendments appearing on the notice paper will be agreed to.

HON. J. A. DIMMITT (Suburban) [9.10]: Like the previous speaker, I do not wish to cast a silent vote. Let us go back to when this legislation was introduced and became law; ever since then a group of people known as landlords have had their incomes pegged. They are perhaps the sole surviving group of people whose incomes remain pegged. Those on salaries and wages have had their incomes adjusted by various tribunals. Those who make profits as a result of business transactions have had their profits adjusted by the price control authorities. Almost everyone, except the landlord, has had his income stepped up to present day monetary values and it is high time that landlords were put in a position where their incomes would be commensurate with the spending value that they should receive from their investments.

Landlords have played an important part in our economy and have given great service to the community in providing habitation for thousands of people who either could not, or would not, provide homes for themselves. That service should be recognised by making it possible for landlords to obtain a reasonable return from their investments. The Legislative Council has a heavy responsibility, which I trust it will discharge honourably. For the past five years, since the cessation of hostilities, a continuance Bill has been presented to

this House annually in connection with rent control legislation. The only opportunity we have had to deal with the matter has been either to agree to the extension of the legislation for a year, or some greater period, or else throw it overboard.

In our wisdom or otherwise, we have consented to a yearly continuation of these controls. Fortunately, on this occasion the Government has given us opportunity of discussing the matter on a broad basis, and it thus becomes the responsibility of members of this House to view the question in that light. I feel that members will discharge honourably the heavy responsibility that now rests on them. Unfortunately, as Chairman of Committees, I am not in a position to take any part in the debate on the amendments when the measure is in Committee, but I sincerely hope that many of the amendments appearing on the notice paper will be agreed to, and that the Bill will emerge from the Committee stage a much more acceptable and just measure than the legislation with which we have dealt annually for the past five years. I support the second reading.

**HON. J. M. THOMSON (South) [9.14]:** I support the second reading because it will enable members to amend the Bill when it is in Committee and thus render great service to the community. I will support any amendment the purpose of which is to enable an owner of a house to occupy his own premises. For too long has he been denied that right. I will also support any amendment the purpose of which is to protect house-owners against exploitation through subletting. We heard last night of exploitation in another direction and we know of many cases where house-owners have been exploited by tenants subletting their premises. I know of one instance where the owner of a house asked if he could rent rooms from his tenant, but was refused. For those reasons I support the second reading, knowing full well that when the Bill is in Committee we will be able to do justice to it.

**THE MINISTER FOR TRANSPORT (Hon. C. H. Simpson—Midland—in reply) [9.15]:** In closing the debate on this measure I will be brief, partly because I covered the subject extremely fully when introducing it and also because I think it is essentially a Committee measure, which can be dealt with more appropriately clause by clause at that stage.

Most members have taken the opportunity to express their views regarding the pros. and cons. of the Bill and a wide variety of opinions has been expressed. Some members have taken the Government to task for not having done more to ease controls than it has already attempted. I can assure them that no Government could have been more active in trying to build a greater number of houses because, by that means alone, we

can avoid the necessity of continuing the imposition of controls. The Government has endeavoured to take a long step forward in easing the difficulties, but many landlords, admittedly, have been suffering grave disabilities.

The point has been raised that rents have not been commensurate with the increased cost of living. That is admitted, but as I think, and as was very properly pointed out by Mr. Strickland and Mr. Logan, the increased values of properties have been some measure of compensation to those landlords who have not been able to get back in rent the amount which they considered was comparable to the valuation of properties with similar accommodation and affording the same measure of comfort to the tenant.

Some members suggested that controls should go overboard. That point was ably dealt with by Mr. Craig. We have had the experience, related to us here, of the profiteering by those persons who have rented houses and then sublet portions of the premises with a resultant tremendous rake-off. That alone has proved the necessity of some form of regulation and control so that that form of profiteering can be kept to the minimum.

In 1947 the Government established a fair rents department in the Supreme Court buildings by means of which persons could, at low cost, have anomalies ironed out and advice tendered to them. As I mentioned in my second reading speech, over 1,000 determinations were made by the fair rents officer and many persons went to him for advice on problems respecting which there was no need to make any determination. It was possible for either of the parties concerned to make an approach to the court against the fair rents officer's decision, but, as far as I know, very few applications were made and in no case did the court vary the decision of the fair rents officer.

It is quite possible, when the many amendments to this measure have been dealt with by the Committee that the Bill will be almost a thing of bits and pieces, and yet I feel sure there is a sincere desire on the part of all members in this Chamber to produce a measure which can be easily understood, easily interpreted and easily administered.

When the time comes for the amendments made here to go to another place—and it is almost certain that some of them will be disagreed with—and when perhaps a conference is finally appointed to sort out the various questions, I have the assurance of the Solicitor General that his services will be available as and when required by the conference managers to produce a workable measure which will be of benefit in the way we desire.

It has been suggested that some of the controls affecting protected persons should go by the board. I would remind the

House of the position in which we find ourselves today, when world affairs seem to be heading for another war. In the very near future we might easily have to deal with the question of soldiers leaving our shores who will expect some protection against their return, because while they are away they have no opportunity of procuring houses for themselves while those who remain behind—and often for quite valid reasons—will be in a position to do so. I think those men would feel happier if that position arises, in the knowledge that we have a sense of responsibility regarding the protection that should be given them and were chary about removing some of those controls which they think—and I agree with them—their services would entitle them to expect.

Question put and passed.

Bill read a second time.

*In Committee.*

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

The CHAIRMAN: Before starting the Committee stage of this Bill, I wish to make a few remarks in that although it only contains 18 clauses there are more than 60 amendments on the notice paper, some of which are considerably involved. The involvement will be pointed out when we arrive at the point of dealing with them in turn. Whilst there is no wish to restrict the debate, it would certainly assist the passage of the measure if members would refrain from making second reading speeches in the Committee stage, and I say that most respectfully to those members who will be speaking to the amendments. Finally, I suggest that those in charge of the amendments should be prepared to deal with them immediately when called on.

Clause 1—agreed to.

Clause 2—Commencement:

Hon. H. K. WATSON: I am inclined to vote against this clause because it says, "This Act shall come into operation on a date to be fixed by proclamation." I suggest that there is no reason why the Bill should not come into operation in the same way as all other Acts generally do, that is, by Royal Assent.

Clause put and passed.

Clause 3—agreed to.

Clause 4—Section 2 amended:

Hon. H. S. W. PARKER: May I suggest that the Minister should move his amendments to this clause and if they are carried my amendment would simply mean an addition of another definition?

The CHAIRMAN: Very well, I will take the Minister's amendment first.

The MINISTER FOR TRANSPORT: I move an amendment—

That paragraphs (a) to (d) be struck out and the following paragraph inserted in lieu:—

"(a) inserting after the word 'premises' where first occurring in line 5 of the definition of 'shared accommodation' the words 'including premises leased with a right or license to the use of other premises or conveniences in the same building or used in connection with the enjoyment of the premises.'"

This proposed amendment has been suggested by the Law Society with a view to clarifying what are considered anomalies in the drafting. The relative note states—

The proposed amendment serves two purposes—

- (a) to remove from the operation of the eviction provisions of the Act premises that are merely let by leave or license without any tenancy and to make it clear by an amendment of Clause 9 of the Bill that premises let merely by leave or license have protection for fair rent but not for eviction proceedings;
- (b) by amending the definition of "shared accommodation" to include premises in respect of which conveniences, kitchens, washhouses and the like are shared but making it clear that an entirely self-contained flat is not to be deemed shared accommodation with other flats. It is thought that if the words "but does not include any premises forming a complete residence in themselves" are deleted from the Act, entirely self-contained flats may be held to be included in the definition of "shared accommodation" if there are other flats built on the same block of land.

Amendment put and passed.

Hon. H. S. W. PARKER: I move an amendment—

That a new paragraph be inserted as follows:—

"(b) 'relative of an owner or a part-owner' shall mean any person who bears to him any of the following relationships, namely, spouse, son, daughter, mother, father, brother or sister."

This is purely a definition to indicate what "relative" means. As it is, the word "relative" could mean anything.

Amendment put and passed; the clause, as amended, agreed to.

Clause 5—Section 4A added:

Hon. H. K. WATSON: With a view to converting the existing provisions of this proposed new section into paragraph (a), I move an amendment—

That in line 1 of proposed new Section 4A, after the word "apply" the brackets and letter "(a)" be inserted.

Hon. H. S. W. PARKER: Might I make a suggestion? Instead of inserting the amendment after the word "apply," it might be better after the word "in" in line 2 of proposed new Section 4A.

Hon. H. K. WATSON: With all respect, I think it will alter the phrasing of the amendments which follow.

Amendment put and passed.

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

That at the end of proposed new Section 4A the following word and paragraphs be added:—

"or

(b) in respect of premises, a lease or tenancy whereof is entered into after the thirty-first day of December, one thousand nine hundred and fifty; or

(c) in respect of premises the lessee whereof is the Crown or any Crown instrumentality."

The Bill already contains provision for exemption against eviction in respect of any tenancy or lease granted after the 31st December, 1950. It is a very excellent provision, but I feel it does not go far enough, and I think the time has arrived for Parliament to say that this Act shall not apply at all to any tenancy or lease entered into after the 31st December, 1950.

The MINISTER FOR TRANSPORT: Perhaps Mr. Watson would accept a small addendum, that is, that after the word "fifty" insert the words "that any person who was not a lessee on that date." There is a distinction there, as an old tenant might automatically carry forward a tenancy after that date whereas a new tenant would enter into a new lease.

Hon. H. K. WATSON: I appreciate the Minister's point, but I would ask the Committee not to agree to the insertion of the words he proposes because while they will cover any complete and fresh tenancy between a landlord and a new lessee after the 31st December, they would not cover, but would expressly exclude, a class of case which I think should be provided for in the Act—that is, the case of the tenant who is there at the moment, particularly in city premises.

Without the words suggested by the Minister, my amendment would make it possible for the landlord and tenant to come

to an agreement. The landlord would be able to secure for himself an adequate rent and the tenant adequate security of tenure. My idea is to bring this into line with the South Australian Act which already has a similar provision. The position in South Australia is such that over a period of years 90 per cent. of the landlords and tenants have solved their own problems—the landlord has obtained a satisfactory rental and the tenant has got his five or ten-year security of tenure.

The MINISTER FOR TRANSPORT: In the circumstances, I am quite prepared not to move an amendment on the amendment.

Hon. E. H. GRAY: Does this mean that a landlord may be able to terminate a tenancy in the case of a small business property?

Hon. H. K. WATSON: No. Unless the landlord and tenant agree to their mutual satisfaction, they carry on as they are doing with the landlord being prohibited from evicting the tenant, but the tenant running the risk of being at the mercy of the landlord if the Act is lifted in 12 months' time.

Hon. H. S. W. PARKER: Is there any need for the amendment? I understand that the Act provides that the Crown is not bound.

Hon. H. K. WATSON: That is so, but if the Crown is a tenant and we provide for an increase of rent up to 33 1/3rd per cent., it is a moot point whether the increase could be imposed. The effect of the amendment would be that this should not apply to a landlord where the Crown is a lessee of the premises.

Hon. H. S. W. PARKER: I think the Act does not apply to the Crown in any event.

Hon. H. K. WATSON: Section 4 provides that the Act shall not bind the Crown. My point is that if the Crown happens to be a tenant, any power given to the landlord with regard to other tenants should be binding on the Crown. Although the landlord could increase the rent to other tenants, he could not increase it to the Crown or a State instrumentality as a tenant. Section 4 is purely a one-way provision to protect the Crown, but we should protect the landlord who happens to have the Crown as a tenant. Then it would be left to the Crown and the landlord to reach a mutual agreement as to the rent.

Amendment put and passed.

Hon. J. M. THOMSON: On behalf of Sir Charles Latham, I move an amendment—

That a new paragraph be inserted as follows:—

"(d) or business premises which do not include a dwelling-house."

A firm might have purchased a building after the tenants had failed to take the opportunity to purchase it for themselves. The firm might desire to extend its business, but the tenants would be protected, although they had not exercised the opportunity to purchase.

Hon. E. M. HEENAN: The amendment goes much further than I am prepared to go. There is no need for me to point out the class of tenancies that could come under the heading "business premises." If, after the measure becomes law, the owners of such premises are excluded, a state of affairs will be created that will cause not only great inconvenience but also great hardship. The proposal is very drastic and far-reaching.

Hon. L. CRAIG: I cannot agree to the amendment, which means that after the proclamation of the measure, business premises that have been acquired will not come under the provisions of the Act. London Court was recently sold, and there are about 120 tenants in the business premises. After the proclamation of the Act, the new owners could immediately give notice and evict every one of them. I am satisfied that the new owners of London Court would not do that, because they are decent people, but we cannot legislate solely for decent people. We have to legislate for others who are not quite so good. I am prepared to make a great concession to property-owners, but I cannot agree that the owners of a large block of premises, if they so desired, could kick all the tenants out. Some of the shops in London Court within the last 12 months have changed hands and as much as £1,000 has been paid for the ingoing.

Hon. H. Hearn: They call it key-money.

Hon. L. CRAIG: Though I have spoken of London Court, my remarks would apply to offices and other places.

Hon. H. HEARN: As I mentioned in my second reading speech, we have become so used to controls that we cannot envisage what liberty is like. Mr. Craig is drawing on a fertile imagination when he suggests that the owners of a large property such as London Court would start evicting tenants.

Hon. L. CRAIG: I object to that remark. I did not use the word "would." I said that the owners of a place like London Court could do so, and I added that the present owners were decent people and I could not imagine their doing it. I know Mr. Hearn will agree that my statement is correct.

Hon. H. HEARN: Suppose the hon. member said that the owners could but no doubt would not do so, I believe that the same position would obtain if such premises were removed from the Act. Mr. Craig also

referred to the money paid for goodwill. I gave examples of that, too. It has been a matter of the owner of the property sitting back and watching his tenants collect the money. I hope the amendment will be agreed to.

Hon. J. M. THOMSON: A property that was put up for sale was purchased by people who were desirous of expanding their business, but because of the present legislation the tenants, who did not exercise their right of purchase, were shielded. It is not fair that a business firm should have to wait until such time as the present law is removed from the statute book before it can exercise its proper rights.

Hon. H. L. ROCHE: The amendment is not such an enormity that it should meet with the hostility that it has. It does not seem to be very unjust to the people who have been collecting key-money and those who have rented premises for years, to say that we have reached the time when the owners of property should have some equity in their own estate. There must be a tapering off of controls, and some of them must be finished with altogether.

Most speakers have said that the sooner we finish with the controls the better it will be for the community. We can make a start in connection with business premises. We should place a period on the key money stunt that has been in operation in respect of premises. People, merely through the good fortune of being in possession of business premises, have been able to trade the key for as much, I believe, as £3,000. As Mr. Craig said, owners could do certain things. They could do those things in 1938. Presumably they acquired premises believing that if they owned them they could do as they liked with them. We should give them that right again now.

The MINISTER FOR TRANSPORT: This is a new amendment, and I did not realise its implications at the start, but I do now, and I hope the Committee will not accept it. It is the intention later to put business premises and dwelling-houses on exactly the same footing by providing for three months' notice to quit, and so on.

Hon. H. K. WATSON: The point just made by the Minister is not quite as simple as he would have us believe, because the provisions in the later part of the Bill relate to the repossession of premises by an owner who requires them for his own purposes. I was surprised at Mr. Craig's remarks. I have always recognised him as a champion of the liberty of the subject. He mentioned that the Commonwealth Government had taken over Airways House, and, without any compunction, had turned out the tenants.

Hon. L. Craig: But it gave them some notice.

Hon. H. K. WATSON: It also took over Furnival Chambers and turned out the tenants. The hon. gentleman then picked on London Court, which was sold last week. It is reasonable to assume that the new owners will not want to turn out the tenants there. Mr. Craig said they could, but this is a remote possibility. Mr. Craig could vote for the abolition of the property franchise, but he would not. Whatever we do here tonight will not necessarily be final because it looks as though the Bill will finish up at a conference. I support the amendment.

Hon. H. C. STRICKLAND: The Bill will affect every lockup shop in the State.

Hon. H. Hearn: Why not?

Hon. H. C. STRICKLAND: This will mean that any foreigner coming into the country can purchase premises and tip out an Australian tenant. Many small business people are in lockup shops. The amendment will not stop the key money practice at all but will only transfer it from the tenant to the owner.

Hon. H. K. Watson: It is not key money.

Hon. H. C. STRICKLAND: Well, it is ingoing. This will not stop what we now term blackmarketing but will merely legalise it. We should not say that on the 1st January next every little shopkeeper in the country must be subject to the risk of being thrown out.

Hon. H. S. W. PARKER: I am rather in favour of the amendment but I am not going to vote for it because I think it is too sudden. There seems to be a wrong impression about the sale of businesses and lockup shops. In former times a person wanting to sell a business would go to his lawyer and the first thing the lawyer would say was "What security of tenure have you got?" If he had only a weekly tenancy, the purchaser would be advised that he had nothing to buy. These people have what is known as a statutory lease and the landlord cannot put them out. A man buys a business on that basis and ignores the landlord entirely. I would like to see an amendment to the effect that certain notice should be given or a certain period prescribed, on the same lines as an amendment to be moved later which will give the right to the owner to obtain possession of premises for himself. It is not right that the landlord should be responsible for the maintenance, etc., of premises, and for the tenant to make money owing to the existing state of the law.

Hon. N. E. BAXTER: The amendment is drastic. It refers merely to business premises. It may not include a warehouse or other types of premises. It might apply to only one section. We have a large number of small business people throughout the State—some have rented premises for 20 or 30 years—who could be put out.

Hon. H. L. Roche: That applies in a free economy.

Hon. N. E. BAXTER: Yes, but we have not got it. Business premises are almost as hard to get as homes. We must give some protection to people in business premises.

Hon. H. TUCKEY: Whatever we do, we will tread on someone's toes. Members have spoken of the injustice that will be done to certain people if some of the controls are lifted. Some of the people who have been mentioned have had a very good time for years past. What about those who have had a raw deal all those years? We must do the fair thing irrespective of whether or not it hurts some business people. Owners of premises should have the right to control and get possession of them.

Hon. A. R. JONES: I cannot support the amendment because it is too drastic. Some reasonable notice should be given to a person renting premises, no matter whether of a business nature or not, so that he will have a certain time in which to look for other premises. I do not know that with business premises it is necessary to have as long a period as for dwelling-houses. I cannot support the amendment unless a reasonable time is allowed.

Hon. G. BENNETTS: I cannot support this amendment. In the country areas which I represent, most of the business houses are conducted on the basis of fortnightly payments. They are not like places such as London Court where the dealings are cash over the counter. Therefore, business people in the country need at least three months' opportunity to find other premises, because accounts have to be finalised. These business people should also be given a chance to go before a fair rents court.

Hon. H. L. ROCHE: I move—

That the amendment be amended by adding after the word "or" in line 3, the words "after the 30th June, 1951."

The MINISTER FOR TRANSPORT: I suggest that this amendment on the amendment be left until a later part of the Bill. If we do that, there will be no misunderstanding. I did intend to oppose Mr. Thomson's amendment and also Mr. Roche's amendment on that amendment, but, I think it would be better to postpone consideration of this clause until later.

Hon. H. L. Roche: I think it would be better to proceed with the matter now.

The MINISTER FOR TRANSPORT: This clause is to exempt certain premises from the provisions of the Act. Mr. Thomson's amendment is quite in order, but I am not certain that Mr. Roche's amendment on the amendment is in order.

The CHAIRMAN: If the clause is postponed, we reopen the proceedings at the place where we close down. Therefore, further consideration could be given to the clause then.

Hon. H. S. W. PARKER: But if we only postpone further consideration of the amendment we cannot do that.

The CHAIRMAN: I contend that we can because we reopen the proceedings on the question of the amendment. Therefore, the clause is not finished.

On motion by the Minister for Transport, clause postponed.

Clause 6—Section 5 amended:

The MINISTER FOR TRANSPORT: I move an amendment—

That in line 5 of paragraph (a) after the word "of" the words "any increase of State" be inserted.

The CHAIRMAN: I think there was an amendment prior to this.

Hon. H. K. WATSON: I did have an amendment to this clause, but the Minister's amendment covers the point which I made about bad drafting in the Bill.

The MINISTER FOR TRANSPORT: The amendment will make it clear that it is an increase in the State land tax.

Amendment put and passed.

Hon. N. E. BAXTER: I move an amendment—

That a new paragraph be inserted as follows:—

(b) adding the following paragraph:—

"(ila) Where the charges for cleaning the premises are payable by the lessor and the standard rent is inclusive of such charge, the standard rent shall be increased by the amount of any increase of cleaning charges since the thirty-first day of August, one thousand nine hundred and thirty-nine."

This will clear up a small anomaly that has not been provided for. Cleaning charges should not be taken to the fair rents court for determination but should be passed on to tenants.

Hon. E. H. GRAY: Will this be retrospective?

Hon. N. E. BAXTER: No.

Hon. H. HEARN: I know of cases where these charges are adjusted from time to time. If the amendment be agreed to, it might be possible to make a second charge.

Hon. H. K. WATSON: This applies essentially to city buildings. In nearly all cases there is a tenancy arrangement un-

der which the rent is fixed and cleaning charges, which are paid by the tenants, are rendered as a separate item at the end of each month. Such charges may vary from month to month. There are a few instances where the landlord charges, say, £15 a week and the cleaning charges and everything else are included in that fixed rent. The amendment would bring cleaning charges into the same category as rates.

Hon. J. G. HISLOP: The amendment would be made much clearer if the increase should be in ratio and not as provided at present.

Hon. H. K. WATSON: The amendment suggested by Dr. Hislop would certainly create an anomaly. If the increase allowed were in ratio to the increase in cleaning charges, it would mean in effect that the increase might be from £5 to £10 so that the man would be entitled to 100 per cent. increase in his rent.

Amendment put and passed.

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

That in line 3 of paragraph (ilia) after the word "landlord" the words "of premises, being premises other than a dwellinghouse" be inserted.

While paragraph (b) contemplates agreement between landlord and tenant and no increase in rent unless there be an agreement, it should be confined to business premises. At a later stage, if the amendment be agreed to, I will move to include a further paragraph relating to residential premises.

The MINISTER FOR TRANSPORT: I hope the Committee will not accept the amendment. An increase of 25 per cent. could be granted by the court on application and the court has power to make such increase as it might consider equitable.

Hon. H. K. WATSON: I do not want unduly to labour the matter particularly in respect of residential properties, but as the increase will be a matter of only 5s. or 6s. a week it is just too silly to contemplate the landlord and the tenant proceeding to court to effect a settlement.

Amendment put and passed.

Hon. N. E. BAXTER: I move an amendment—

That in lines 10 to 13 of proposed new paragraph (ilia) the words "in excess of the standard rent by such sum not exceeding twenty-five per centum of the standard rent as may" be struck out, and the words "equivalent to five per centum on the value of the property, such value to be assessed on the One thousand nine hundred and thirty-nine value plus one hundred and twenty-five per centum to" inserted in lieu.



This may seem a little complicated but my idea is to arrive at what will be a fair rental not only to the landlord but also to the tenant. The 1939 rentals varied with different properties. On two adjacent properties there would be a difference of from 10s. to £1 or more per week. This amendment will obviate such discrepancies.

The **CHAIRMAN**: It is a little unfair to the Committee to submit an involved amendment like this without having put it on the notice paper.

Hon. H. HEARN: I oppose the amendment. My chief objection to legislation of this sort is on account of the delay and cost involved in securing adjustments. If we adopted Mr. Baxter's suggestion I can imagine what sort of a job the valuers in Perth would have and how long it would be before decisions could be reached.

The **MINISTER FOR TRANSPORT**: I oppose the amendment. The percentage basis we have arrived at is easily understood. I agree with Mr. Hearn that if we had to rely upon a valuation considerable delay would be involved.

Hon. N. E. BAXTER: There is no suggestion in my amendment of a valuator.

Hon. H. Hearn: How would you arrive at a valuation then?

Hon. N. E. BAXTER: Upon the known valuation of the property to the landlord and if there was not an agreement upon the rental between the landlord and the tenant, they could go to the court for a settlement.

Amendment put and negatived.

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

That in line 6 of proposed new paragraph (iii) the words "twenty-five" be struck out and the words "thirty-five" inserted in lieu.

This is for business premises only. I submit that inasmuch as this agreement has to be arrived at between the landlord and the tenant, 35 per cent. is a reasonable maximum figure. I have been authoritatively informed that the average application made to the fair rents court and granted by the magistrate is a little over 30 per cent. of the standard rent and the amount granted is not infrequently up to 50 per cent.

The **MINISTER FOR TRANSPORT**: I oppose the amendment. If the parties are not satisfied with 25 per cent. they can appeal to the court, which can assess a fair rent which may be any sum exceeding 25 per cent. There is no limitation in the provision as it stands.

Hon. H. K. WATSON: I thought I made it clear that we do not want parties running to the court unnecessarily. If they

are going to try to come to an agreement, let us insert a figure to which they can reasonably be expected to agree.

Hon. H. HEARN: I support the amendment. I want to keep visits to the court down to as few as possible, because I can imagine that the cost and delay involved in such cases would offset any increase likely to be given by the court for the first few months of the new agreement. We should make the figure 35 per cent.; and if the people concerned are not satisfied, the matter can be resolved by the court. In the meantime, immediate and general relief will be given.

Hon. E. M. HEENAN: I oppose the amendment. It is obvious that some members are dealing with this measure as though its application will be confined to the city of Perth, which is quite erroneous. In 1939 we were enjoying prosperous times on the Goldfields and rents were high. The obvious effect of this provision will be that unless the parties agree, the landlord will say, "We must come to an agreement about 25 per cent. and, unless we do, I am approaching the court."

Hon. H. K. Watson: Do you say all your Kalgoorlie landlords will do that?

Hon. E. M. HEENAN: I do not say anything of the sort.

Hon. H. K. Watson: Are you suggesting they will?

Hon. E. M. HEENAN: Let the hon. member follow my remarks! What I did say about Kalgoorlie was that in 1939 we were enjoying very prosperous times and business premises were paying high rentals, much higher than at present. But leaving the Goldfields out of it, what will happen is that the landlord will say, "Unless there is an agreement, unless you agree to 25 per cent., I will go to the court".

Hon. H. Hearn: And properly so!

Hon. E. M. HEENAN: "Properly so" says Mr. Hearn who, a minute ago, was pleading that we should simplify this matter so that people will not have to go to court!

Hon. H. Hearn: They will get relief without having to.

Hon. E. M. HEENAN: If the 25 per cent. increase is not reasonable, an approach to the court may result in the figure being increased to 50 per cent. We are trying to cushion the effect of this state of affairs and we want to do things gradually. Inside of about nine months, people will be able to settle things on their own, and in the meantime we need to exercise the utmost care.

Hon. L. CRAIG: I support the amendment. I realise that this Bill is not confined to the metropolitan area, where land values have been doubled.

Hon. E. M. Davies: Not in every case.

Hon. L. CRAIG: No, but the country districts have never before been so prosperous. The turnover of businesses in such areas has increased tremendously in both value and volume. A 35 per cent. increase for business premises is very modest. Most offices have already agreed to a 25 per cent. increase, which has operated for some time. Building costs in the country are much higher than in the city, though I cannot speak of the Goldfields as I have not much experience of that area. I do know that business premises are hard to buy in Kalgoorlie.

Hon. E. M. Heenan: You do not know much about the Goldfields.

Hon. L. CRAIG: I know that much about the position there. I do not know whether rents in Kalgoorlie were high in 1939 and should not be so high now, but if that were so, Goldfields landlords would not be able to increase rents by 35 per cent. or they would lose their tenants.

Hon. E. M. DAVIES: I ask your ruling, Mr. Chairman, as to whether this amendment is in order, in view of the fact that Mr. Baxter's amendment was to strike out words including the word "twenty-five."

The CHAIRMAN: I rule that it is in order.

Hon. G. BENNETTS: I oppose the amendment for the same reasons as Mr. Heenan put forward. Business in Kalgoorlie is at a low ebb and many business premises there could easily be bought. The situation there is different from that in certain country centres where owners can obtain almost any price for their premises.

Hon. L. A. LOGAN: We need not worry about any particular part of the State, as the amendment would simply give a wider margin on which the tenant and landlord could negotiate. If the position on the Goldfields is such as Mr. Heenan said it is, the tenant need not agree to the 25 per cent. increase and the court might award only 5 per cent.

Hon. E. M. Heenan: Will not some of them be bluffed into it?

Hon. L. A. LOGAN: It is only a basis on which the landlord and tenant may barter.

Hon. E. M. DAVIES: I oppose the amendment. If the landlord and tenant do not agree, they can approach the court, which will give a decision as to what increase it thinks fit. Rents in the business section of Fremantle were exceptionally high in 1939. Alterations to premises necessary under the black-out regulations caused tenants to be charged an extra 6 per cent. When the regulations ceased to apply and windows and so on had to be replaced, tenants were charged a further 6 per cent. on their rent to cover the cost of replacements.

Amendment put, and a division taken with the following result:—

Ayes	.....	13
Noes	.....	12
Majority for	.....	1

Ayes.

Hon. N. E. Baxter	Hon. H. S. W. Parker
Hon. L. Craig	Hon. H. L. Roche
Hon. H. Hearn	Hon. J. M. Thomson
Hon. J. G. Hislop	Hon. H. Tuckey
Hon. A. R. Jones	Hon. H. K. Watson
Hon. A. L. Loton	Hon. L. A. Logan
Hon. W. J. Mann	(Teller.)

Noes.

Hon. G. Bennetts	Hon. E. M. Heenan
Hon. R. J. Boylen	Hon. C. H. Simpson
Hon. E. M. Davies	Hon. H. C. Strickland
Hon. Sir Frank Gibson	Hon. F. R. Welsh
Hon. E. H. Gray	Hon. G. B. Wood
Hon. W. R. Hall	Hon. J. Cunningham
	(Teller.)

Pair.

Aye.	No.
Hon. R. M. Forrest	Hon. G. Fraser

Amendment thus passed.

*Sitting suspended from 11.12 to 11.30 p.m.*

The MINISTER FOR TRANSPORT: I move an amendment—

That in line 9 of proposed new paragraph (iia) after the word "by" the words "the lessor and" be inserted.

The reason that the Law Society has given in favour of the amendment is that unless both the landlord and tenant sign in writing agreeing to an increase in rent there will be doubt as to whether the landlord has agreed. Furthermore, if the tenant should write to the landlord saying that he agrees to pay the 35 per cent., as it now is, increase in the standard rent, there is doubt as to whether the landlord could then apply for the determination of a fair rent. Ambiguities will be avoided if the amendment is agreed to.

Amendment put and passed.

The MINISTER FOR TRANSPORT: I move an amendment—

That in lines 15 to 17 of proposed new paragraph (iia) the words "as if the premises had first been leased after the thirty-first day of August, 1939," be struck out.

The words serve no useful purpose and give rise to ambiguity. If the words are struck out, it will make it clear that the court has jurisdiction to determine a fair rent without regard to the qualifications mentioned in Section 7 of the principal Act.

Amendment put and passed.

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

That a new paragraph be inserted after paragraph (b) as follows:—

"(iib) as from the date of the commencement of the Increase of Rent (War Restrictions) Act Amendment Act, 1950, the rent

of all premises, being dwelling-houses or premises used or occupied for the purpose of residence then let and first leased prior to the 1st day of January, 1948, shall be increased by twenty-five per centum of the amount of the standard rent of such premises, provided, however, that in respect of premises first let as aforesaid but for which an increase on the standard rent has been made prior to the commencement of this Act by order of the court or otherwise, the increase of rent provided for in this section shall be inclusive of and not additional to the increase already made."

Although I will move the addition of the two new paragraphs separately, I will briefly explain the objects of both of them. Proposed new paragraph (iib) is to provide that the standard rent shall automatically be increased by 25 per cent. for those premises which are re-leased by the 1st January, 1948, but if an application has already been made to the court in respect of those premises or if by any other means there has been some increase made on the standard rent since 1939, then that increase shall be included in the 25 per cent. and not in addition to it.

In other words, the 25 per cent. increase will be the maximum statutory increase on the 1939 standard rent. The 1st January, 1948, is purely an arbitrary date. It is reasonable to assume that anyone who has let premises since 1948 has been sufficiently aware of his rights to obtain a reasonable rent for his premises. In 99 cases out of 100 the landlord or the tenant would have had a fair rent determined by the fair rents court. That is why I have suggested the 1st January, 1948, as a starting point. The insertion of the amendment will make it clear that the increase not only applies to dwellinghouses, but also to flats and the like.

**THE MINISTER FOR TRANSPORT:** I must oppose the amendment. The previous paragraph which was accepted gives the right of the tenant and the landlord to agree upon a rent not exceeding 35 per cent. increase on the standard rent, which gives a margin to meet the merits of the case. But this paragraph states that the rent shall be increased by 25 per cent., no matter how agreeable the two parties may have been on the amount suggested. Because it stipulates that the rent shall be increased by 25 per cent. it does not allow a margin to work on and to my mind it is contradictory to the previous paragraph already agreed to.

**Hon. H. K. WATSON:** The paragraphs are not contradictory; they deal with two entirely different classes of premises. The

amendment we have just passed deals with business premises which might be let at a rental of from £5 to £1,000 a week.

**The Minister for Transport:** We are trying to apply the one rule if possible.

**Hon. H. K. WATSON:** It is not practicable to find a rule of thumb which we can apply with any degree of accuracy to business premises on the one hand and residential premises on the other. It is hardly fair to expect a landlord who has waited so long for a small increase to have to struggle with his tenant to obtain an increase of 5s. or 6s. a week or, failing that, take him to court.

I know of a case of a landlord who has a most unsatisfactory tenant who has told him that he is not going to pay an increased rent or look after the place because he wants the landlord to obtain an eviction order so that he may get a Commonwealth-State rental home. That may be typical of many cases. Having regard to the small amount of weekly rent paid, the sensible way to deal with an increase of rent is to provide that there shall be a statutory 25 per cent. increase subject to a right of appeal, and the magistrate can increase or reduce that amount at his discretion.

**Hon. L. A. LOGAN:** I am not sure that we would be justified in passing the amendment as it stands, because it says the landlord "shall" increase the rent by 25 per cent. I do not think we should tell the landlord that he must increase the rent by 25 per cent. We should leave it to his discretion. I do not like the word "shall" and I must vote against the amendment.

**Hon. E. M. HEENAN:** I think this clause is a very good example of what we must be careful not to do. Mr. Watson has inserted the year 1948 and says it is just a year he has decided on. This makes it mandatory for a 25 per cent. increase regarding all dwellings that are let, the assumption being that rents charged in 1939 were much lower than they should be today. That is entirely a wrong assumption. In 1939 the Goldfields experienced prosperous times. Business premises and houses were hard to come by and the rents were very high. If we depart from the practice of permitting the magistrate to decide on the merits or demerits of a case after hearing evidence adduced, we shall cause a number of people a good deal of trouble. Mr. Watson's assumption that 1939 rents judged by present-day standards were much lower would be erroneous to work on and it would react very unfairly on the Goldfields people.

**Hon. H. HEARN:** I support the amendment. If we are to get immediate relief we must adopt a principle which is automatic. The time has arrived when we should have some automatic increase while at the same time leaving the opportunity to go to the court.

Hon. H. K. WATSON: I appreciate the point raised by Mr. Logan and I would like to add words to the amendment I have just moved.

The CHAIRMAN: Does the hon. member wish to add them after the word "made" at the end of his amendment?

Hon. H. K. WATSON: Yes. The words I wish to add are—

"Provided that the lessor may at his discretion forgo the whole or any part of such increase."

The CHAIRMAN: Very well. The hon. member may add those words to the amendment he moved.

Hon. E. H. GRAY: I support the Minister in opposing this amendment because I think it would be a grave injustice to a number of people and would be dangerous. Instead of adding the words he wishes to, Mr. Watson should strike out the word "shall" and insert the word "may."

Hon. E. M. HEENAN: I hope the Committee will not agree to the amendment because of this proviso that has been inserted. We hear a lot about solicitors disagreeing, but if we read this amendment, I do not think we could place an intelligent interpretation on it. All that it means is that the rent shall be automatically increased from £4 to £5. The landlord may have a very good tenant and may not want to take advantage of the statutory increase, but may wish to let his tenant continue on at £4 a week. Is the proviso required?

Hon. N. E. BAXTER: I think Mr. Watson might well give the matter further consideration. The proviso does not mean anything more than could be accomplished by striking out the word "shall" and inserting the word "may."

Hon. H. K. WATSON: Had the paragraph been inserted as I moved it, it would not have been mandatory for the landlord to increase the rent, and it is quite certain that the tenant would not have approached the court. To make assurance double sure, I have included the proviso. While this may not ensure equity and justice, it will accomplish the best possible in the circumstances.

Hon. A. R. JONES: In view of the differences of opinion, I think we would be wise to insert the word "may" instead of the word "shall." Then the landlord would have the right to increase the rent at his discretion.

Amendment (as amended) put and a division taken with the following result:—

Ayes	....	....	....	11
Noes	....	....	....	10
Majority for	....	....	....	1

Ayes.

Hon. N. E. Baxter	Hon. J. M. Thomson
Hon. H. Hearn	Hon. H. Tuckey
Hon. L. A. Logan	Hon. H. K. Watson
Hon. A. L. Lotton	Hon. F. R. Welsh
Hon. H. S. W. Parker	Hon. L. Craig
Hon. E. L. Roche	(Teller.)

Noes.

Hon. G. Bennetts	Hon. E. M. Heenan
Hon. J. Cunningham	Hon. A. R. Jones
Hon. E. M. Davies	Hon. C. H. Simpson
Hon. Sir Frank Gibson	Hon. H. C. Strickland
Hon. E. H. Gray	Hon. R. J. Boylen
	(Teller.)

Pair.

No.

Aye.	No.
Hon. W. J. Mann	Hon. G. B. Wood

Amendment thus passed.

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

That the following paragraph be inserted:—

"(i)(ic) any lessor or lessee who is dissatisfied with the percentage increase fixed by paragraph (i)(ib) of this section may at any time make an application to the court for a variation of such percentage increase and the court shall have jurisdiction to hear the application and to fix such other percentage increase, being not less than ten per centum and not more than fifty per centum of the standard rent, as the court thinks fit; or alternatively the court, at its discretion, may determine the fair rent of the premises as if the premises had first been leased after the thirty-first day of August, 1939."

Hon. L. A. LOGAN: Is it necessary for the last three lines of this paragraph to be included, seeing that we have already taken them out of one clause?

Hon. H. K. WATSON: For the purpose of uniformity and having regard to the fact that these words have been deleted from the previous clause I am agreeable to their being struck out of this subparagraph.

Hon. L. A. LOGAN: I move—

That the amendment be amended by striking out the words "as if the premises had first been leased after the thirty-first day of August, 1939."

Amendment on amendment put and passed; amendment, as amended, agreed to.

Hon. H. K. WATSON: I wish to move an amendment that the word "two" in paragraph (c) be struck out and the word "four" inserted in lieu. This is purely a drafting amendment.

The CHAIRMAN: I think we had better leave it as a consequential amendment.

Hon. H. K. WATSON: Very well.

The MINISTER FOR TRANSPORT: To correct a printing error, I move an amendment—

That in line 8 of paragraph (d) the letter in brackets "(e)" be struck out and the letter in brackets "(c)" inserted in lieu.

Amendment put and passed; the clause, as amended, agreed to.

Clause 7—Section 11 repealed and re-enacted:

The MINISTER FOR TRANSPORT: I move an amendment—

That a new paragraph be inserted as follows:—

"(a) the sum which the Court considers to represent the fair capital value of the premises. In computing this value, the court is not to be bound by any evidence as to the market price of the premises or of comparable land."

This is another Law Society amendment. Unless a reference is made to the capital value of the premises our courts may feel bound to follow the decision of the South Australian Full Court. Furthermore, it is a fact that capital values of premises are at present inflated if vacant possession can be given, and it is considered unwise that the court should have to fix a fair rent on an inflated capital value.

Hon. H. K. WATSON: I suggest to the Minister that he might consider the deletion of the words "is not to" and the insertion in lieu of the words "shall not necessarily."

The MINISTER FOR TRANSPORT: I am agreeable to that.

Hon. H. K. WATSON: I move—

That the amendment be amended by striking out the words "is not to" in line 4 and inserting the words "shall not necessarily" in lieu.

Amendment on amendment put and passed; amendment, as amended, agreed to.

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

That in line 1 of paragraph (d) after the word "premises" the words "(including Commonwealth-State rental homes)" be inserted.

Hon. H. S. W. PARKER: The rents of comparable premises are the fixed rents, and they are the ones that we consider too low. I think the paragraph should come out.

Hon. E. H. Gray: The rents will have been raised.

Hon. H. S. W. PARKER: No, where are we going to start? The first comparison will be made before they are raised.

Hon. L. Craig: The court will take into account the fact that they are going to be raised.

Hon. H. S. W. PARKER: It does not say that.

Hon. H. K. WATSON: I think there is quite a bit in what Mr. Parker says. I do not think it would matter if the paragraph were deleted. I would like to withdraw my amendment.

Amendment, by leave, withdrawn.

Hon. H. S. W. PARKER: I move an amendment—

That paragraph (d) be struck out.

The MINISTER FOR TRANSPORT: These guides are laid down for the magistrate to determine the rent, and I think he would be glad to have some standards of comparison. There can be no harm in leaving the paragraph in, but there might be by striking it out. I oppose the amendment.

Hon. H. K. WATSON: These rules have been taken almost in globo from the Commonwealth regulations which were passed in 1939. There was some sense in having regard to the rents in the surrounding locality at that time, but now we have had eleven years of fixed rents, and comparable rents do not mean a thing because they are all pegged.

Hon. H. S. W. PARKER: The amendment will not prevent a court from taking these matters into consideration. It can, if it so desires, consider the rents round about. What I am objecting to is that it shall take them into consideration.

Hon. E. M. HEENAN: The court will want some basis of comparison. This paragraph means that thought shall be given to comparable rents in the locality. The court is not bound to form an opinion one way or the other.

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

Ayes	.....	14
Noes	.....	8
Majority for	.....	6

Ayes.	
Hon. N. E. Baxter	Hon. H. S. W. Parker
Hon. J. Cunningham	Hon. H. L. Roche
Hon. H. Hearn	Hon. J. M. Thomson
Hon. J. G. Hislop	Hon. H. Tuckey
Hon. A. E. Jones	Hon. H. K. Watson
Hon. L. A. Logan	Hon. F. R. Welsh
Hon. A. L. Loton	Hon. L. Craig
(Teller.)	
Noes.	
Hon. R. J. Boylen	Hon. E. M. Heenan
Hon. E. M. Davies	Hon. C. H. Simpson
Hon. Sir Frank Gibson	Hon. H. C. Strickland
Hon. E. H. Gray	Hon. G. Bennetts
(Teller.)	

Pairs.	
Ayes.	Noes.
Hon. W. J. Mann	Hon. G. B. Wood
Hon. R. M. Forrest	Hon. G. Fraser

Amendment thus passed.

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

That in line 2 of paragraph (g), after the word "made", the words "or authorised to be made" be inserted.

The purpose of the amendment, together with others I shall move, is to provide that the court in fixing the rent shall have regard to any increases made pursuant to the various paragraphs dealt with tonight.

Amendment put and passed.

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

That in line 2 of paragraph (g), after the word "lessor", the words "or by the Court" be inserted.

Amendment put and passed.

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

That in line 4 of paragraph (g) the word "and" be struck out.

Amendment put and passed.

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

That in line 4 of paragraph (g) after the letter and the figures "(iia)" the letters and figures "(iib) or (iic)" be inserted.

Amendment put and passed; the clause, as amended, agreed to.

Clause 8—agreed to.

Clause 9—Section 12A amended.

The MINISTER FOR TRANSPORT: I move an amendment—

That at the end of paragraph (a) of proposed new Subsection (4), the following words be added: "or any premises in respect of which leave or license is granted to any person (other than a boarder) for use or occupation for the purpose of residence."

This is consequential to the amendment to Clause 4.

Hon. H. S. W. PARKER: The amendment is necessary as people have got round the legislation by granting licenses instead of leases.

Amendment put and passed.

Hon. H. S. W. PARKER: Can the Minister tell me what paragraph (c) means?

The MINISTER FOR TRANSPORT: I should say that it would give the right to tell a person to get out, if it were so desired. That is my interpretation of it.

Clause, as amended, agreed to.

Clause 10—Sections 12C, 12D, 12E and 12F added:

Hon. H. K. WATSON: I do not feel too happy about proposed new Section 12C. There may be some proceedings still before the court which it may nullify. If there are proceedings before the court, the rights of the appellant should be protected; that is customary in a Bill of this nature which overrides a court decision.

Hon. H. S. W. PARKER: There is a considerable amount of confusion as to when a person ceases to become a lodger and becomes a tenant and vice versa. It is difficult to work out, in some instances, where the rent inspector has given a decision on shared accommodation and fixed the rent. Some people have abided by that and let it go, but others have taken the matter to court. What this purports to do is to fix the matter as it stands today. If there is an appeal pending, that carries on. But, if the person has not appealed, then that stands. The idea of the proposed new section is to provide that the decisions of the rent inspector that have not been appealed against shall be law, and those that have been appealed against successfully, shall be law and the appeals in hand will continue.

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

That in line 1 of proposed new Section 12D before the word "where" the words: "a lessor or lessee of any premises may at any time and from time to time make application to the court for a determination of a fair rent of such premises: Provided that" be inserted.

This is the section providing that after a fair rent has been determined, a person shall not make any application until after a period of six months. My amendment will clear up a certain amount of confusion so that if a tenant or landlord has been to the court for the fixing of a fair rent within recent years, there is nothing to preclude either the tenant or the landlord from going to the court again if either of them feels so disposed.

Amendment put and passed.

The MINISTER FOR TRANSPORT: I move an amendment—

That in line 4 of proposed new Section 12F, after the word "of" the word "State" be inserted.

This is a consequential amendment.

Amendment put and passed; the clause, as amended, agreed to.

Clause 11, Section 15—amended:

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

That in line 1 of paragraph (a) after the figure (2) the following words be added:—

"and re-enacting the following subsection in lieu thereof:—

(2) The provisions of this section shall not apply in respect of premises being premises which are shared accommodation within the meaning of this Act."

Section 15 of the principal Act is the one dealing with evictions, and my object is to give the landlord or landlady of shared premises the right to evict undesirable tenants.

Hon. A. L. Loton: Long overdue.

Hon. H. K. WATSON: Like Mr. Loton, I agree that this amendment is long overdue.

Hon. L. Craig: It is dealing entirely with shared accommodation?

Hon. H. K. WATSON: Yes. Sir Charles mentioned one case last night and other cases have come to my notice.

Hon. E. H. GRAY: I support the intention behind the amendment, but does not this clause propose to repeal Section 15 of the Act?

Hon. H. K. WATSON: At the moment Section 15 consists of three subsections. The Bill as it stands now proposes to delete Subsection (2) and insert in lieu the subsection which I am dealing with.

Amendment put and passed.

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

That paragraph (c) be struck out.

This paragraph becomes unnecessary because the Committee has determined in Clause 4 that premises, for which a lease has been granted after the 31st December, 1950, shall not be governed by the Act at all. In other words, we transfer this paragraph from Clause 11 to Clause 4.

Amendment put and passed.

The MINISTER FOR TRANSPORT: I move an amendment—

That a new paragraph be inserted as follows:—

"(d) The provisions of this section shall not apply as between the principal lessor and his lessee in respect of premises where such lessee has sublet the same either wholly or in part to sublessees or lodgers or has granted lease or license to any person to use the same either wholly or in part."

Hon. H. K. WATSON: There appears to be some misunderstanding among members. It may be remembered that earlier we struck out paragraph (b) from my proposed amendment and I then indicated that the Minister would be moving a similar amendment to Clause 11 which he has now submitted, and which is, in substance the wording set forth on the notice paper. The only difference is we put it in Clause 11 instead of in Clause 5.

Amendment put and passed; the clause, as amended, agreed to.

Clause 12—New Section 15A inserted:

Hon. H. S. W. PARKER: The hour is rather late, and with a view to having a certain amount of accuracy in our deliberations, might I suggest to the Minister that he report progress and meet again at 3 p.m. later in the day?

The MINISTER FOR TRANSPORT: I was rather hoping that I could continue, but if we are going to get bogged down, I had better report progress.

Progress reported.

## BILL—AGRICULTURE PROTECTION BOARD.

### *Assembly's Request for Conference.*

Message from the Assembly received and read requesting a conference on the amendments insisted on by the Council, and notifying that at such conference the Assembly would be represented by three managers.

The MINISTER FOR AGRICULTURE: I move—

That the Assembly's request for a conference be agreed to, that the managers for the Council be the Minister for Agriculture, Hon. L. Craig and Hon. A. L. Loton, and that the conference be held in the Speaker's room at 11.30 a.m. on Tuesday, the 5th December, 1950.

Question put and passed, and a message accordingly returned to the Assembly.

## MINISTERIAL STATEMENT.

### *Welshpool-Bassendean Railway Bill and Bassendean Marshalling Yards Bill.*

The MINISTER FOR TRANSPORT: Tomorrow morning, at 11 o'clock, in the Committee room at the Assembly end of the building, the Chief Commissioner of Railways, the Assistant Commissioner, Mr. Raynor, and the Chief Civil Engineer, Mr. McCulloch, are coming along to explain the proposed Welshpool-Bassendean chord line. They will be willing to answer questions which members may desire to put to them. Members of the Legislative Assembly are attending and it is desired that members of the Legislative Council should attend as well.

## ADJOURNMENT—SPECIAL.

The MINISTER FOR TRANSPORT (Hon. C. H. Simpson—Midland): I move—

That the House at its rising adjourn till 3 p.m. today.

*House adjourned at 1.3 a.m. (Friday).*