

Legislative Council

Tuesday, 27th July, 1954.

CONTENTS.

	Page
Questions : Railways, (a) as to staff, payrolls, tonnages, etc.	678
(b) as to passenger train earnings and Government's attitude	678
Motor-vehicle bodies, as to numbers railed, exports and freight	678
Industrial elays, as to survey of metropolitan area	679
Legislative Council, as to earlier Thursday sittings	679
Discharge of Order	679
Bills : Rents and Tenancies Emergency Provisions Act Amendment, Com.	679
Police Act Amendment, 1r.	685

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

QUESTIONS.

RAILWAYS.

(a) *As to Staff, Payrolls, Tonnages, etc.*

Hon. J. J. GARRIGAN asked the Chief Secretary:

(1) How many staff were employed during the year ended the 30th June, 1954, by the Railway Department at—

- (a) Merredin;
- (b) Narrogin?

(2) How many foremen are employed in the marshallng yards at—

- (a) Merredin;
- (b) Narrogin?

(3) What was the average monthly payroll for each depot during the last financial year?

(4) What were the gross monthly tonnages handled in the respective marshallng yards during the same period?

(5) What was the largest monthly tonnage and when was it handled at—

- (a) Merredin;
- (b) Narrogin?

(6) What was the average number of trains handled during the year ended the 30th June, 1954, at—

- (a) Merredin;
- (b) Narrogin?

(7) What was the largest number of trains handled in each depot in one month?

The CHIEF SECRETARY replied:

- (1) (a) Merredin, 293.
- (b) Narrogin, 370.

(2) (a) Nil.

(b) One regular day shift foreman and one afternoon shift foreman for about five months during the last superphosphate season.

(3) (a) £19,830.

(b) £23,700.

(4) to (7) This information is not recorded, and to extract specially would entail considerable expense in overtime.

(b) *As to Passenger Train Earnings and Government's Attitude.*

Hon. A. R. JONES asked the Chief Secretary:

In view of the fact that the Railways Commission report to the 30th June, 1953, discloses that the average earnings per passenger mile of country trains was almost double the city trains average earnings per passenger mile, can the Minister inform the House—

(a) when the Government will show in a practical way its expressed desire to help country people on freights, and impose a higher charge for passenger fares in the metropolitan area;

(b) if it is the intention of the Government not to increase passenger fares for the metropolitan area, why is this so, and how is such action justified?

The CHIEF SECRETARY replied:

(a) Suburban fares have been increased substantially, and any further increase would not enable country fares and freights to be reduced.

(b) Suburban fares only were increased by 20 per cent. in 1952, with a resultant falling off of suburban patronage. The present schedule of fares is on a comparable basis with those applying on private road buses. By the introduction of modern transport in the way of diesel railcars in the suburban area, it is hoped to effect considerable economies in operating costs.

MOTOR-VEHICLE BODIES.

As to Numbers Railed, Exports and Freight.

Hon. J. J. GARRIGAN asked the Chief Secretary:

(1) How many motor-vehicle bodies were railed from Kalgoorlie to the metropolitan area during the year ended the 30th June, 1954?

(2) How many motor bodies were exported from the State during the year ended the 30th June, 1954?

(3) What is the freight on each vehicle body from Kalgoorlie to the metropolitan area?

The CHIEF SECRETARY replied:

(1) 7,547.

(2) As far as is known—nil.

(3) Freights vary according to the make of vehicle, typical examples being—

	£	s.	d.
Bedford cab	4	10	11
Holden sedan	9	1	3
Chevrolet sedan	9	2	0

INDUSTRIAL CLAYS.

As to Survey of Metropolitan Area.

Hon. C. W. D. BARKER asked the Chief Secretary:

(1) Has a geological survey of the metropolitan area been made with a view to locating and assessing the extent of—

- (a) brickmaking clays;
- (b) finer clays for the manufacture of pottery;
- (c) other pigments such as moulding sands?

(2) If such a survey has been made, could the Minister table a plan showing the various deposits?

The CHIEF SECRETARY replied:

- (1) Yes.
- (2) Plans have been accordingly tabled.

LEGISLATIVE COUNCIL.

As to Earlier Thursday Sitzings.

Hon. A F. GRIFFITH (without notice) asked the Chief Secretary:

Will he, as Leader of the House, give consideration to sitting on Thursday afternoons at 2.30 p.m. and adjourning at 6.15 p.m., in lieu of the present sittings from 4.30 p.m., sometimes continuing after tea?

The CHIEF SECRETARY replied:

Although it would cause considerable discomfort to Ministers, I will, nevertheless, give consideration to the hon. member's request, more particularly in view of the fact that a large number of members have approached me in connection with this matter.

DISCHARGE OF ORDER.

On the motion by Hon. L. C. Diver (for Hon. J. McI. Thomson), motion to disallow overwidth vehicles and loads regulations made under the Traffic Act, was discharged from the notice paper.

BILL—RENTS AND TENANCIES EMERGENCY PROVISIONS ACT AMENDMENT.

In Committee.

Resumed from the 22nd July. Hon. W. R. Hall in the Chair; the Chief Secretary in charge of the Bill.

The CHAIRMAN: Progress was reported after Clause 12 had been agreed to.

Clause 13—agreed to.

On motion by the Chief Secretary, Clauses 14 to 17 were postponed.

Clause 18—Sections 20A and 20B repealed:

Hon. H. K. WATSON: It will be recalled that these two sections were inserted in the Act in December last. The effect of Section 20A is that, on the 30th

April, 1954, the provisions of Sections 17, 18, 19, and 20 of this Act cease to operate, and the provisions of Section 20B operate in their stead on and after the 1st May, 1954, and during the operation of this Act. Therefore, Section 20A set down that Sections 17 to 20 which, up to December had related to evictions and contained many complicated provisions, should cease to operate on the 30th April, and that on and after the 1st May, 1954, evictions would be dealt with under Section 20B.

This latter section consisted of one simple clause to this effect: that on and after the 1st May, 1954, the lessor of premises should not commence eviction proceedings unless he had given the lessee at least 28 days' notice to quit. So, on the 1st April, and after four months' notice, the whole of the provisions relating to evictions on and after the 1st May, were to be set forth under Section 20B of the Act. On a question of drafting, I submit that if and in so far as the provisions of Section 20B require a certain amount of restriction or modification, the proper place to achieve that is under Section 20B. I feel that very little modification or restriction of Section 20B is necessary.

However, it will be observed from the notice paper that I propose to move an amendment to substitute another Section 20B for the existing one. Subsection (1) of my proposed Section 20B is virtually the same as the existing subsection. Subsection (2) goes a step further, and provides that if a tenant applies to the fair rents court for a rent determination, he shall not be served with an eviction notice while his case is before the court. That will overcome completely the objection raised previously; namely, that if a tenant went to the court to have his rent determined he would be given 28 days' notice by his landlord and would be evicted from the premises before the application could be heard. That is quite impossible under this proposed Subsection (2), because no landlord could give a tenant notice after the tenant had applied to the court for the rent to be determined.

Subsection (3) is a further modification of Section 20B. Under the Act as it stands, 28 days' notice to quit is issued, and another month probably goes by before the summons is issued. After the court has heard the summons, it makes an order for recovery of the premises. Proposed Subsection (3) is designed to give the court discretion in cases of severe hardship to suspend the operation of an eviction order for such period, not exceeding three months from the date of hearing, as the court may determine. With those two modifications I suggest that the position will be cleared up. The amendment will protect any possible weakness which existed in Section 20B, or which left the old provisions of that section open to abuse.

This is all that is necessary to make the Act workable and to preserve protection for the tenant while at the same time giving the owner of premises reasonable control over his property, which Parliament decided in December last he should have. It is only fair to mention that there is nothing in Subsections (2) and (3) which the Government could not have inserted in the principal Act at the special session in April, had it been so minded.

A further point of my amendment is that Subsections (2) and (3) shall continue until the 31st of August, 1955. By this, the tenant is given 12 months' breathing space, to cover him while he is applying for a determination of the rental; and, also, the court is given a discretion to suspend the judgment for an eviction order for a period up to three months. I submit that after 12 months this precautionary and transitional measure will no longer be necessary, and therefore it is provided that these provisions shall cease to operate as from the 1st September, 1955. Before I move for the adoption of proposed Section 20B there are one or two mechanical items that require attention. The clause reads—

Sections twenty A and twenty B of the principal Act are repealed.

I desire to amend the clause to read—

Section twenty B of the principal Act is repealed and re-enacted as follows—

In order to do that we have to delete a few words to make the drafting clear. The substance of amendments (i) and (ii) standing in my name are to permit of amendment to Section 20B as set forth in my amendment (iii). I would urge upon the Committee that even if some other proposals are to be accepted, the modification of Section 20B should be retained in that section. It would be wrong to repeal Section 20B—Parliament having decided that that section shall cover evictions—and revive something else that has been dead. I move an amendment—

That the words "Sections twenty A and" in line 27, page 8, be struck out and the word "Section" inserted in lieu.

The CHIEF SECRETARY: I hope the Committee will not agree to the amendment. This is a vital matter to the public. Amendments which have been carried dealing with rents are bad enough, but can be overcome. However, if this amendment is carried, many people will face up to the stark reality of being evicted and having nowhere else to go. I ask members to give this matter very serious consideration. Evictions have increased so alarmingly that even if the Bill were carried to-night and put into effect, I do not know whether it would not be too late to save the situation.

Hon. G. Bennetts: A Press statement this morning tells us that.

The CHIEF SECRETARY: I do not have to wait for Press statements to be aware of the actual position. It has been suggested that this Chamber should not resurrect legislation, but I am asking members to effect a resurrection. It is nothing new. Merely because a provision has been dead for less than two months, members should not refuse to resurrect it. Members were perhaps a bit hasty last year in discontinuing this provision. I do not say they made a mistake, but their consciences probably moved them to do what they did.

Hon. H. Hearn: They were not guilty then?

The CHIEF SECRETARY: Very often, through ignorance, one can be adjudged guilty. Members made a mistake in coming to that decision last year. I do not ask members to believe me alone. They have only to read what is going on in the courts at present to realise the truth of my remarks. I have read out the number of cases listed during the past few weeks, and those listed for the next few weeks. It was remarked that those cases were only listed. I can give the figures of cases where eviction orders have been granted; and I shall ask members after they have heard them not to persist in their attitude. If they do, I shall ask them to offer suggestions in order to overcome the difficulty caused by evictions. It is quite easy to be destructive, but it is another thing to be constructive. If members stick to the same attitude they adopted in the last few days, they should come forward with some constructive ideas of how to overcome the crisis. To many of the people in this State the threat of eviction is their biggest crisis.

I originally went back to the weeks ended the 5th June and the 12th June when there were nine and ten cases respectively before the court; but that was before the full impact was felt. I intend now to start with the week ended the 19th June, approximately five weeks ago, and show what has happened in that time. The actual eviction orders granted have been as follows:—

Week ended	
19th June	13
26th June	17
3rd July	30
10th July	25
17th July	39
23rd July	41

That is a total of 177. The figures for last week were 41, and we expect them to be on that basis for some time.

Hon. H. Hearn: How many homes is the Housing Commission building a week?

The CHIEF SECRETARY: Apart from war service, State, and various other homes, the commission is building about 17 a week under the Commonwealth-State rental homes agreement. These are the only homes available for evictees. From

that total of 165 must be deducted, some for medical cases such as t.b. sufferers. Consequently, if the whole of the production of the Housing Commission were made available to evictees, there would be only about 14 per week. When I was moving the second reading, I stated that the commission could accommodate only about 15, so that I was not far out.

Hon. N. E. Baxter: How many evictions have there been from Commonwealth-State rental homes?

The CHIEF SECRETARY: To my knowledge, none.

Hon. H. Hearn: Would not any of those evictees be eligible for war service or soldier settler homes?

The CHIEF SECRETARY: Some would be eventually, but some are people for whom war service homes have not yet been built.

Hon. A. F. Griffith: The figures you gave total 165.

The CHIEF SECRETARY: Yes, but 177 from the 5th June.

Hon. A. F. Griffith: What has happened to the 165 houses from which those people have been evicted?

The CHIEF SECRETARY: I have no information of that. I think it would be impossible to get it.

Hon. A. F. Griffith: It would be fair to assume that those homes are now being occupied by other people.

The CHIEF SECRETARY: Not necessarily; it may be that the owners themselves are occupying them.

Hon. A. F. Griffith: They would be occupied by somebody else.

The CHIEF SECRETARY: I assume they would be, but that does not affect the number for whom accommodation has to be found. During the last few weeks, the commission has been able to accommodate the number of evictees only by pushing back people who have been living under difficult conditions, some of them since 1949. So the position is that in the last few weeks 165 court orders have been issued for eviction.

Hon. L. Craig: Some of those people might have asked for eviction orders so as to get a house from the commission.

The CHIEF SECRETARY: Possibly a few of them have done so; but people are not likely to ask for eviction orders when the Press has plainly told the public that the commission will not be able to accommodate the number of evictees.

Hon. L. Craig: Because an eviction order has been granted by the court, it does not necessarily follow that the landlord will take out a distress warrant.

The CHIEF SECRETARY: From experience we know that most landlords will do so.

Hon. H. K. Watson: Of the number you mentioned, how many distress warrants have been issued?

The CHIEF SECRETARY: I do not know.

Hon. H. K. Watson: Not one.

Hon. A. F. Griffith: Have you any idea of the bailiff's activities since the 19th June?

The CHIEF SECRETARY: No. If the hon. member wishes to break down my case he should find out.

Hon. A. F. Griffith: I am not trying to break down your case. As a matter of fact, I have found out.

The CHIEF SECRETARY: The hon. member must know that since the 19th June, very few cases would have reached the stage where a distress warrant would be issued. In most cases there was a lag of a few weeks, so the figures dealing with distress warrants would apply only to the earlier stages when there were six, nine, 10, or 13 orders a week. It is impossible at this stage to obtain figures to show the true position regarding distress warrants. Mr. Griffith should keep that point in mind if he supplies figures of distress warrants.

This is the important part of the Bill. People are placed in a position in which they cannot help themselves. Whatever happens under other provisions of the Bill—and there may be some way to overcome the difficulty no matter how awkward it may be—under this section they are faced with stark reality, as the houses are not available to accommodate them. There are not sufficient private houses and the commission cannot fill the gap.

Hon. J. G. Hislop: Will you tell us in plain language what this really means?

The CHIEF SECRETARY: It means that Mr. Watson is attempting to get back to what applied before the 30th April.

Hon. J. G. Hislop: Does this include rents?

The CHIEF SECRETARY: We are now dealing with evictions only. We want to revert to what prevailed previously, since 1951. I am not asking members to resurrect something that has been dead for years.

Hon. Sir Frank Gibson: This will have no effect on rents?

The CHIEF SECRETARY: No, it deals with evictions only; and, as I pointed out, the position of evictees is hopeless because there are not sufficient houses to accommodate them. Consequently, I appeal to members to give us a chance to keep these evictees off the streets.

Hon. Sir Frank Gibson: For how long?

The CHIEF SECRETARY: Much depends upon what happens.

Hon. Sir Frank Gibson: What are you asking for?

The CHIEF SECRETARY: The measure is designed to operate till December, 1955, but the court will be able to say how long must elapse before an owner can obtain possession of his premises.

I have studied the Bill very carefully, and I say that if there is any tinkering with the measure, it will make the Government's position extremely difficult. Very drastic provision is being made simply because it is time drastic action was taken. Our proposal goes so far as to say that a court order shall be made. We realise the seriousness of what we are proposing. Nevertheless, this is the only way to meet the position. I am hoping that members will give us an opportunity to provide a remedy and do it as quickly as possible, but not to set us a task we cannot possibly carry out.

Hon. F. R. H. LAVERY: I support the remarks of the Chief Secretary. According to my study of the position, the early eviction orders issued by the court have been such that the commission has been in a position to accommodate only a certain number of evictees; but each week the court has been increasing the period allowed for evictees to quit the premises.

In tonight's issue of the "Daily News" there appears a report which states that in the Perth Court this morning 17 orders for eviction were made for families to quit their premises within the next three months. The Housing Commission has been doing everything possible for evictees, but the position is becoming worse because it has not sufficient houses to cope with the problem. Consequently the court has been forced to lengthen the period.

Several cases are to come up in the Fremantle Court tomorrow morning, and when I saw the Housing Commission this afternoon, I was told that nothing could be done for the four cases in which I am interested—at least not for three weeks. From my observations, it appears obvious that the Housing Commission and the court are working together; and as the commission is not able to supply sufficient homes, the period is gradually becoming longer. It increased from seven days to 14 days and, according to the paper, is now up to three months. I venture to suggest that these cases in Fremantle tomorrow will be allowed three weeks to enable the commission—which alone can supply the homes—to provide accommodation.

Hon. L. Craig: Is not that the sensible way to handle the position?

Hon. F. R. H. LAVERY: I agree; that is what the Government wants. It asks for the measure to be passed so that the evictions can be spread over a period.

Hon. C. W. D. BARKER: I wish to support the Chief Secretary's remarks. I attended the court this morning as an observer, and it was pitiful to see what was happening to some of these people. The magistrate was as sympathetic as possible; and, in a number of cases, the landlords did their best to co-operate. However, I do not think anyone received three months' grace, irrespective of what the paper says. Most of them were given two weeks, three weeks, or maybe four weeks, according to the circumstances. I heard 29 cases this morning, and only a few of the tenants were permitted to remain in occupation of the premises; they were extreme cases, and the landlords agreed.

Hon. H. Hearn: The paper reports that 17 cases were given three months' notice, so you must have been asleep.

Hon. C. W. D. BARKER: I listened attentively.

Hon. A. R. Jones: What were the main reasons for the eviction notices?

Hon. C. W. D. BARKER: In lots of cases the landlords said they wanted the premises to carry out renovations. In other cases foreigners had bought the houses and wanted to live in them.

Hon. Sir Charles Latham: You mean new Australians?

Hon. C. W. D. BARKER: Yes. Lots of them could not speak English.

Hon. H. Hearn: There is nothing wrong with that.

Hon. C. W. D. BARKER: I have nothing against these people who buy houses. After all, they are Australians, and they have every right to buy houses in which to live. The magistrate asked these people where they were living, and in most cases they were staying with friends or relations, or in rooms. If these landlords occupy their own premises it does not mean that they will be making other houses available; consequently the position is not relieved. I would say that of the 17 people who are to be evicted, not one would be able to occupy premises vacated by the 17 landlords. The position is acute; and had members been with me this morning, they would have agreed with me that there is a crisis and that something must be done. I do not want to put over a sob story, but the people are suffering. Women were weeping because they had nowhere to go.

Hon. A. R. JONES: I have always said that there would be a transitional period, and that for three months after the Act lapsed people would be shifting about finding accommodation. I believe that in that period some people will suffer; but for members to get up and say that the Housing Commission can find only 17 homes a week is all bunkum. We were told the other day that the Housing Commission is building 67 homes a week and, on the basis of the private builder erecting 45 per cent. of the total homes built, 50 houses

would be built each week by private enterprise. That means a total of 120 new houses each week.

The Chief Secretary: How many new homes are being built for rental purposes? How many have been built in the last 20 years?

Hon. Sir Charles Latham: They will not be built while this legislation remains in force.

The Chief Secretary: They were not being built in the years before this legislation was introduced.

Hon. A. R. JONES: If 120 homes are becoming available each week, some accommodation must be made available, because not all the people who occupy those homes are living in rooms. When the Chief Secretary says that the commission can find only 17 homes a week, he is making an untrue statement.

The Chief Secretary: I will reduce that to 14.

Hon. G. Bennetts: Some houses accommodate three families.

Hon. A. R. JONES: If that is so, it shows a great weakness in the Government's policy. If the Government had used the £500,000 it set aside for the Subiaco flats for the erection of small homes to house the people, it would have done a better job. If the Government knew that there was to be such a crisis within the next two or three months, it should have used the money to build single houses. To my way of thinking the Government has blundered very badly.

The Chief Secretary: How long does it take to build a house?

Hon. A. R. JONES: I do not believe the Chief Secretary's story, and I do not believe there is a crisis now. I consider that some people will suffer, and those people are the ones who deserve to suffer because they are the bad tenants.

The Chief Secretary: You can always deal with them.

Hon. A. R. JONES: They are the only ones who will suffer. The landlord will not make a good tenant suffer because, if he wants three months to make arrangements, he will be able to get it. According to the Chief Secretary, Mr. Barker, and the paper, the magistrates are granting three months in certain cases; and I believe that, as magistrates see the position, they will extend the period to four months, and five months if necessary. I do not believe we should pass this legislation, because, if we do, we will stifle private enterprise in the building of homes.

Hon. F. R. H. Lavery: Private people are not building any homes at present.

Hon. A. R. JONES: And I know why they are not building them. Does the hon. member think that a person will put his money into bricks and mortar if he cannot get a decent return? Of course he will not!

I do not think the private investor will build homes for rental purposes unless he can get a return of at least 5 per cent. or 6 per cent.; and until we get some competition, we will never reduce the price of home building. At present the Housing Commission is building without competition because the private investor will not put his money into projects where he cannot get a reasonable return. As a result the cost remains high. I oppose the clause and I support the amendment.

Hon. A. F. GRIFFITH: How can members become anything but confused in their minds when they listen to the story that the Chief Secretary has just told us, and then look at page 4 of the Governor's Speech. The Governor, in reading the Speech prepared for him by the Government, said—

The number of homes erected during 1953 was 7,642, of which 3,218 were provided under the various schemes administered by the State Housing Commission.

I understood the Chief Secretary to say that the Housing Commission could make available only 14 homes each week. If we multiply 52 by 14 the result is considerably less than 3,218.

Hon. F. R. H. Lavery: He said Commonwealth-State rental homes only and not war service homes too.

Hon. A. F. GRIFFITH: I admit that the figure would include war service homes; but let us assume that 50 per cent. of the number were war service homes. Even then the figure is greatly in excess of the 14 per week mentioned by the Chief Secretary.

Hon. F. R. H. Lavery: The Housing Commission says that that is the number it has available for evictees. The others must be allotted according to priorities.

Hon. A. F. GRIFFITH: The figures are on a basis of about 127 or 128 a week. What is happening to the other 114 built each week? No wonder private members get confused!

The Minister for the North-West: If they want to be.

Hon. A. F. GRIFFITH: When the Minister for Housing talks at various meetings he makes the story look good, if he is addressing Labour supporters; but when talking to the Opposition, he makes it look as bad as possible.

Hon. H. Hearn: The truth is somewhere between the two.

Hon. A. F. GRIFFITH: That is so. If we strike a line between the two, the story looks fairly good to me; but perhaps the Chief Secretary can explain it.

The CHIEF SECRETARY: The other night I gave the full figures, and I am astounded that members should say that they do not believe the story. I gave the total number of houses built by the State

Housing Commission. I had to borrow the figures from Mr. Watson; and if he has them with him, I would like to borrow them again.

Hon. H. Hearn: Analyse those figures.

Hon. H. K. Watson: I am afraid they have gone to the same place that your statement went the other night!

The CHIEF SECRETARY: The figures are in "Hansard." There were so many thousand war service homes; so many hundred State Housing Commission homes; and a number of evictee homes. There were also a large number of homes built in the country; homes were built in 53 towns in the country.

Hon. N. E. Baxter: There were only 400 homes.

The CHIEF SECRETARY: There were 600 built in the country.

Hon. N. E. Baxter: A proportion of them were built at Kwinana.

The CHIEF SECRETARY: There were 112 built at Kwinana, and that cannot be called the metropolitan area.

Hon. N. E. Baxter: Which means that there were only about 400 in the country.

The CHIEF SECRETARY: After deducting those I mentioned, we had a figure of 17 built under the Commonwealth-State rental scheme. The figure I mentioned was 14. Only this afternoon I said that for t.b. sufferers and other such cases there were 160-odd emergency homes. That reduces the figures to approximately 14 a week.

Hon. A. F. Griffith: So the Minister agrees that, in connection with housing, the Governor's Speech is not nearly as good as it seems.

The CHIEF SECRETARY: Of course it is! The same figures were given and the same schedule arrived at by this Government as by the previous Government as to the number of houses built per year by the State Housing Commission.

Hon. H. Hearn: So in an emergency, you can only make 14 homes a week available.

The CHIEF SECRETARY: Yes.

Hon. H. Hearn: Then there is something wrong.

The CHIEF SECRETARY: Would the hon. member show me where? I have given the figures, and they are in "Hansard."

Hon. H. Hearn: You have not quoted them tonight.

The CHIEF SECRETARY: The hon. member does not want me to repeat them. I will try to produce them after tea. I did not bring them with me.

Hon. H. Hearn: You did not have them at the beginning.

The CHIEF SECRETARY: I did. I supplied a copy to Mr. Watson. I have nothing to hide at all. I gave the information to the hon. member who I knew would be the most bitter on this Bill. It should not be necessary to produce figures once they have been given. They will appear in "Hansard," and the hon. member will have an opportunity to break them down. The number of evictees have been so many in recent months that very few Commonwealth-State rental homes have gone to people whose names have been on the list since 1949. I am astounded at Mr. Jones.

Hon. F. R. H. Lavery: So am I.

The CHIEF SECRETARY: I cannot understand his saying that there is no crisis in relation to homes.

Hon. G. Bennetts: Not so far as they are concerned.

Hon. A. R. Jones: You have not shown or proved that there is a crisis.

The CHIEF SECRETARY: The hon. member has only to look at the figures.

Hon. A. R. Jones: The Minister himself said he could do anything with figures.

The CHIEF SECRETARY: That is so; but not with figures that have been given to the court.

Hon. H. K. Watson: You do not call that a crisis.

The CHIEF SECRETARY: I call 156 evictions in a week a crisis.

Hon. H. K. Watson: We expected some movement; and it is not much, having regard to the circumstances.

The CHIEF SECRETARY: We expect that Parliament will help us to solve the crisis.

Hon. A. R. Jones: You admit you made a blunder, and you want us to help you cover up.

The CHIEF SECRETARY: I admit to no blunder. Is it a blunder for a Government to build the greatest number of homes that have been built? Is it a blunder to build a block of flats at £1,000 per unit cheaper than they can be built by others? I know who created the blunder, and the hon. member knows it. His party made the blunder.

Hon. N. E. Baxter: No, it did not.

The CHIEF SECRETARY: By now the flats would have been months under way, and Maniana would have been occupied. Under the contract Maniana was to have been completed by the 30th June. Who blundered there?

Hon. N. E. Baxter: Go on! Say it!

The CHIEF SECRETARY: How can the Government complete this work when representatives and members opposite go to the Eastern States and stop the money coming in?

Hon. L. C. Diver: You have not answered your question.

The CHIEF SECRETARY: That cannot be contradicted.

Hon. N. E. Baxter: Do you accuse anyone in the Country Party of doing that?

The CHAIRMAN: Order!

The CHIEF SECRETARY: I would say the colleagues of the hon. member.

Hon. R. F. Hutchison: They are all culpable.

The CHIEF SECRETARY: I am astounded that Mr. Jones should have talked about the Government making a blunder. I do not know how the hon. member can say there is no crisis.

Hon. A. F. Griffith: Is it the intention of the Government to put evictee families in the Subiaco flats?

The CHIEF SECRETARY: I do not know who will go into the flats. I assume they will be available for those who need them.

Hon. A. F. Griffith: Why tell us it was to avoid a crisis?

The CHIEF SECRETARY: Of course it was! There are so many three-unit families being evicted that the building of the Subiaco flats was brought forward to accommodate them.

Hon. A. F. Griffith: When will you finish the Subiaco flats?

The CHIEF SECRETARY: In 18 months.

Hon. A. F. Griffith: How would they avoid a crisis?

The CHIEF SECRETARY: Any building completed by the Government would help avoid a crisis. The flats were not being built to meet the immediate crisis, but because it was a quick way to accommodate a large number of people at less cost. Maniana was the main project for that purpose.

Hon. A. F. Griffith: I understood that two-unit families were to be put in the Subiaco flats.

The CHIEF SECRETARY: Two-unit and three-unit families are to be accommodated. That has been made public. I suggest members should get on firmer ground before they make accusations.

Hon. A. R. JONES: I cannot permit the Chief Secretary to get away with this boisterous outburst. We all know that only a certain amount of money was made available by the Commonwealth Government for homes of all types handled by the State Housing Commission. Whether they were flats, single-unit homes, or homes to accommodate families does not matter. For the Chief Secretary to say that we, as the Opposition party, stopped money being made available is not true.

The Chief Secretary: Yes, it is.

Hon. A. R. JONES: I do not know what the figures are; but I would say that if £3,000,000 were available for building homes, the State would have got that amount. The money was made available. If the Government is going to build flats to meet the crisis, it has blundered, because they will not be ready for 18 months. Money should have been put into single-unit homes.

The Chief Secretary: Do you know anything about Maniana?

Hon. A. R. JONES: It is a serious accusation to say that we stopped the State Government from getting money.

Hon. Sir CHARLES LATHAM: I have listened attentively, and have not interjected. I regret I was not here last week to help straighten this matter out. The only chance I can see to satisfy everybody is the appointment of a select committee, and by getting tenants and house-owners to show us how much truth there is in the stories we hear. Mr. Griffith mentioned that 7,642 houses were built last year, and that works out at roughly 147 per week. That would be surely sufficient to provide for the natural increase of marriageable people and of new Australians. Not as many of the latter are coming here as was the case a little while ago, though there are some who have been here for some time and who are looking for homes.

Hon. F. R. H. Lavery: And buying them, too.

Hon. Sir CHARLES LATHAM: I have been told by people who have come to see me here that they have wanted to get out of the houses they occupy and have been to see the Housing Commission. The commission has said, "We can do nothing for you. Have you had an eviction order?" What does that mean? That is an invitation to them to go to the court; to say to the owner of the house, "I cannot get out of here until you evict me. Will you make an application at once to give me a chance of getting a home of my own?" Is it not? I think it is the desire of everybody to have a house of his own if he is a decent citizen.

The Chief Secretary: To go into the Melville Camp or Naval Base?

Hon. Sir CHARLES LATHAM: There are not so many going there as was the case years ago.

The Chief Secretary: They are all full.

Hon. Sir CHARLES LATHAM: Of course, they will be! I know something of the inside of this scheme. Do not forget that there are some people for whom it would be impossible to provide homes. Even the Government does not want them; and the Minister knows that is correct. He knows that inspectors of his own department will tell him that they go into some places and do not know what to do for the families concerned.

The Chief Secretary: That is quite true.

Hon. Sir CHARLES LATHAM: They are the big problem.

The Chief Secretary: No.

Hon. Sir CHARLES LATHAM: I happen to know something about this. It is not easy for members of this House to determine, on statements made here, what is the right thing to do. I know we have a wonderful socialistic system in Western Australia, as well as in the rest of Australia! Nobody with any commonsense at all, or with any desire to try to protect securities gained by the expenditure of their money is going to build houses, as was done in the old days.

The Minister for the North-West: Why are they building flats, then?

Hon. Sir CHARLES LATHAM: Now and again companies invest money in that way, but they are complaining bitterly.

The Minister for the North-West: They are building all they can.

Hon. Sir CHARLES LATHAM: Certainly some are building them, but they are talking of selling them. Does the hon. member know that?

The Minister for the North-West: No.

Hon. Sir CHARLES LATHAM: I think the Minister should know it. They cost from £2,000 to £4,000. What will be the security, I know not. It must be pretty problematical to ascertain how to distribute costs on the land and the title they can get for it. Those people may provide some small solution of the difficulty, but I do not know how it will help very much.

Builders are still erecting houses, but not for renting. There are plenty of builders working in South Perth and other places. I have looked around thoroughly to see what is being done. A person pays £2,000 as a deposit, and the bank, or some other institution, is called upon to find the balance of the money. These people are building very rapidly and that would provide some solution of the problem.

When people are evicted, other people will go into the houses vacated. The only way to meet this difficulty is to ascertain the problems of those applying to the court, and those of the other side, and try to reach a solution on the evidence. I venture to suggest that even the Minister's officers have not done that. I dare say that if I were with the State Housing Commission, a young fellow with the prospect of having a job there in perpetuity, I might want to remain there. The sooner the Government hands back the erection of houses to people normally responsible for it, the better it will be for everybody. I am satisfied that under present conditions they cannot do that.

The Chief Secretary: Why not?

Hon. Sir CHARLES LATHAM: Who is going to build houses for letting with this legislation on the statute book? A few have

been built, but hardly any are being erected today by private people. I have asked many why they do not invest in house-building, and they have said, "With the State over me, and with a restrictive Act like this one? Not on your life!"

The Chief Secretary: That was the answer long before this legislation was introduced.

Hon. Sir CHARLES LATHAM: No.

The Chief Secretary: Of course it was!

Hon. Sir CHARLES LATHAM: I know many people made a fortune by building houses when the hon. member was a young man, which is not so very long ago; but this type of legislation is preventing that being done.

The Chief Secretary: That is all bunkum!

Hon. Sir CHARLES LATHAM: No wonder there is plenty of money available for oil shares! If one wants to speculate, one has a sporting chance by purchasing oil shares. But immediately one puts money into a house, it is tied up.

The Minister for the North-West: Farmers are doing so.

Hon. Sir CHARLES LATHAM: In order to provide homes for themselves.

The Minister for the North-West: No; as a speculation.

Hon. Sir CHARLES LATHAM: I do not know where they are. Does the hon. member say they are letting them?

The Minister for the North-West: Yes.

Hon. Sir CHARLES LATHAM: I would like the Minister to give me the names of three farmers who are doing that.

The Minister for the North-West: There are two such houses in Harper-st., West Perth. I do not know the man's name, but he is a retired farmer from Korrellocking, if that is any help.

Hon. Sir CHARLES LATHAM: These men have probably bought the homes to live in.

The Minister for the North-West: No, for renting.

Hon. Sir CHARLES LATHAM: I would like to meet them. I must ask my friend who represents that province to find out about it.

The Minister for the North-West: I will make further inquiries.

Hon. Sir CHARLES LATHAM: I think the Minister should do so and I fancy he will find that the man to whom he referred is not as silly as the Minister thinks he is. If he has done what the Minister says, he has not the brains that I attribute to farmers. He has probably bought an old place and is turning it into flats.

The Minister for the North-West: No; these are two nice homes.

Hon. Sir CHARLES LATHAM: Once he secures a tenant, the tenant can, with this legislation in existence, knock the place about as much as he likes, and the owner cannot evict him.

The Chief Secretary: Do not say that!

Hon. Sir CHARLES LATHAM: Of course that is what is done! I went into a house the other day, and the owner showed me where the tenant had bored holes through the doors to run wires through them in order to have a wireless playing in the bedroom at night. I have seen that sort of thing done, and back doors knocked off their hinges. I would not put a shilling into a house today, and I would not advise my worst enemy to do so.

The Minister for the North-West: There are always some people like that.

Hon. Sir CHARLES LATHAM: The problem is not easy to solve, but it has been greatly exaggerated by the Chief Secretary.

The Chief Secretary: I have never exaggerated a case in my life.

Hon. Sir CHARLES LATHAM: I know that the Minister can put up a case either way. I am amazed that he himself believes some of the things he says. When he was on this side of the House, he almost convinced me on one or two occasions.

The Chief Secretary: That will be the day!

Hon. Sir CHARLES LATHAM: I believe that in the long run he has great difficulty in convincing himself.

Hon. C. W. D. Barker: I did not exaggerate what I saw in the court this morning.

Hon. Sir CHARLES LATHAM: The hon. member is not given to exaggeration, so I accept his word.

Hon. C. W. D. Barker: We all know that.

Hon. Sir CHARLES LATHAM: I do not know that everybody does. I have heard some speak differently about the hon. member. I would not endorse what they told me about his early connections.

Hon. C. W. D. Barker: I saw what happened in the court this morning.

The CHAIRMAN: Order! I ask the hon. member to address the Chair.

Hon. Sir CHARLES LATHAM: I dare say the hon. member went down to the court. I have been to courts and have seen one lawyer get up and say something, and the other lawyer get up and say something else, and then a decision was made. It would not be possible to get through all the cases if every one was fully investigated.

Hon. C. W. D. Barker: I saw enough to satisfy me.

Hon. Sir CHARLES LATHAM: I dare say that 17 cases were heard in an hour. I have not been convinced that it would not be right to agree to the amendment moved by Mr. Watson. I would hate to think I was doing an injustice to some of these people.

Hon. F. R. H. Lavery: You are.

Hon. Sir CHARLES LATHAM: But I cannot make myself believe that there are not homes available for these people.

The Minister for the North-West: They are entitled to the benefit of the doubt.

Hon. Sir CHARLES LATHAM: I have travelled around the suburbs a good deal and seen empty houses and flats. Three weeks ago I saw five flats in some buildings at Cottesloe, and they were untenanted. Of course, the rents might have been too high.

The Minister for the North-West: The farmer's house I was mentioning has been untenanted for 12 months.

Hon. Sir CHARLES LATHAM: It is empty, is it?

The Minister for the North-West: One of them is.

Hon. Sir CHARLES LATHAM: And that is a house that a farmer has bought as an investment! That is the way he is to make money; by letting it remain empty! Let us be serious about this matter.

The Minister for the North-West: That is a fact. He will only let it on a long lease at a certain rental.

Hon. Sir CHARLES LATHAM: He might be able to get a good figure for it. I think it would be a very poor investment for any man to put money into bricks and mortar, as was done in the old days when homes were found for people by private investors. The position today seems to me to be worse than during the depression. I spent three years in an official capacity at that time, but I did not hear the stories I have heard today.

The Minister for the North-West: It is worse now.

Hon. Sir CHARLES LATHAM: I know that some people are making more money out of houses than they should, and particularly from the letting of rooms; and any assistance I can give to prevent people from obtaining £3 and £4 per week for a room will be afforded. But when it comes to the owner of a house receiving a fair deal, that is a different matter.

Hon. N. E. BAXTER: During the past three years, to the end of June, 1954, it is estimated that 23,000 houses were built in this State. That works out to at least one for every 30 of our population, including men, women and children. It therefore seems ridiculous for the Chief Secretary to put up such a story as he told this afternoon. He said earlier that he

intended, if possible, to make this legislation as drastic as he could, and particularly this clause. He said he would like to see that made most drastic.

The Chief Secretary: I did not say that at all.

Hon. N. E. BAXTER: That is the inference I drew from the speech that the Minister made. He admitted that the clause was drastic, and intimated that he wanted it to be drastic. I do not think the Chief Secretary will deny that.

The Chief Secretary: I do not deny anything that I say.

Hon. N. E. BAXTER: Thank you. We have had drastic legislation since the end of the war, and the person who has suffered under it has been not the tenant, but the landlord—the person, who, over the years, saved money and put it into bricks and mortar. The amendment provides for something that is not quite as drastic as the Chief Secretary wants, and he intends to oppose it. It will give tenants almost up to six months before they can be evicted.

Hon. H. K. Watson: And six months is a long period for a man to get into a home.

Hon. N. E. BAXTER: It should be enough for any person to find a home. Houses are available if the people will go out and look for them.

The Chief Secretary: You would change your tune if you had to look for one.

Hon. N. E. BAXTER: I was looking for a home in 1946 when the position was much more drastic than it is today, and I found one. I lived for three months, with my family, at Safety Bay in a beach cottage.

The Chief Secretary: Can you live there and work in Perth?

Hon. N. E. BAXTER: Some people do, and have done so for years. I do not say it is the best or most economical way to live, but in a crisis we have to take what is offering; or perhaps we could get a cheap flat at eight guineas to ten guineas. If the Chief Secretary feels so badly about that, I suggest that his Government should subsidise some of the tenants who cannot pay high rentals, and for whom he has so much pity. I am not asking that people should pay extortionate rents but fair rents. The Government seems to believe there should be a socialistic set-up in which the landlord must subsidise the tenant. I support the amendment because it gives a fair deal to the landlord, and a particularly fair deal to the tenant by providing that he shall get practically six months' notice to quit.

The CHIEF SECRETARY: I want to read the figures I gave the other evening. Altogether, 3,564 houses were built by the State Housing Commission last year. Of these, 1,105 were war service homes in the metropolitan area, and a total altogether in the State of 1,214. Under the

State Housing Act—members might recognise it better as the Workers' Homes Act—60 houses were built in the metropolitan area out of a total of 263 throughout the State, so that 203 were built in the country areas. Eight McNess homes were built in the metropolitan area and none in the country. There were five evictee huts, and at Kwinana there were 494 houses built under the Commonwealth-State rental homes agreement. Out of the total of 1,500 Commonwealth-State rental homes built throughout the State, 890 were erected in the metropolitan area.

Hon. N. E. Baxter: You are excluding Kwinana from the metropolitan area.

The CHIEF SECRETARY: It is not in the metropolitan area. I have excluded it.

Hon. A. F. GRIFFITH: When the Government is preparing a speech that it wants to present to the public, it gets as much publicity out of it as it can. Here we have the bald statement that 7,642 houses have been built.

The Chief Secretary: We did not say we had built 7,642 houses.

Hon. A. F. GRIFFITH: In the Governor's Speech we find this sentence, "The number of homes erected during 1953 was 7,642."

The Chief Secretary: Not by us.

Hon. A. F. GRIFFITH: I could say that the Government was guilty of subterfuge: that it was trying to lead the people to believe that it built these houses whereas it did not. Where a member of Parliament has a communication from a person who is in housing difficulties the practice is for him to get on to the parliamentary liaison officer at the Housing Commission and let him know the number of the file or name and address of the person concerned. Usually the officer says he will have a look at the file and let the member know the position. He then rings the member and says, "Has this applicant received a notice to quit?" The member says, "No." The liaison officer then tells the member that the commission can do nothing about the matter until the man has received a notice to quit.

The member says, "What advice shall I give the man?" The only advice that can be given him is that the Housing Commission cannot recognise him as an emergent case unless he has a notice to quit or an eviction order. I suggest that that practice is simply aggravating the situation. When the man is told the position he says, "Do you advise me to have a notice to quit served on me?" It does not require much intelligence for the man to know that the next and only step he can take if he wants to get before the Housing Commission is to encourage the landlord to give him notice to quit.

The Chief Secretary: No; he has to get a court order.

Hon. A. F. GRIFFITH: He has to get a notice to quit before he can get a court order.

The Chief Secretary: The Housing Commission only registers him when he has the notice to quit.

Hon. A. F. GRIFFITH: That is so. The point is that no notice is taken of him until he has a notice to quit, and then he is registered; and when eviction proceedings are taken against him, the commission endeavours to do something for him. I am not blaming the present Government for this practice, because I believe my own party instigated it; but it is encouraging people to go to the Housing Commission and say that they are in difficulties.

The Chief Secretary: You are not suggesting that a person would get an eviction order from the court in order to get to Melville or Naval Base or one of those places?

Hon. A. F. GRIFFITH: I am not suggesting it, but am telling the Chief Secretary that that is the case.

The Minister for the North-West: That is what happens!

Hon. A. F. GRIFFITH: That is what happens. I do not say that it is the height of the desire of the tenant to go to Melville or one of those places where the housing is, one might say, substandard, because it is not. I had a case, before the change of Government, of a couple who were being evicted. The Housing Commission gave them one of the small evictee houses. My advice to this particular couple was that they should keep the premises in the best condition they could. Because they did look after the premises in the proper manner, it was not very long before the Housing Commission moved them into a Commonwealth-State rental home. The evictee houses that the previous Administration built were erected as transitory dwellings for these people. I agree with other members who have said that the practice of telling people that they must have proceedings taken against them before they can be recognised is undoubtedly aggravating the situation.

The Chief Secretary: That is the only thing they can be told.

Hon. A. F. GRIFFITH: Perhaps it is; but I believe there would not be as many proceedings as there are if they were not encouraged to do that.

The Chief Secretary: They are not encouraged, but merely told they cannot get consideration.

Hon. C. H. SIMPSON: I was glad that Mr. Baxter brought us to earth by reminding us that the proposed amendments are in reality a modification of the provisions which they seek to amend. I would be

happier if the Chief Secretary, when speaking, had dealt with Mr. Watson's amendments one by one, and had indicated some willingness to split the difference, if that could be done, in order to adopt a middle line between what the Government wants, according to the Bill, and what Mr. Watson has, in effect, offered.

The Chief Secretary: You cannot halve nothing.

Hon. C. H. SIMPSON: Yes, we can. As the Bill is somewhat involved, it is possible that members have not understood the purport of Mr. Watson's amendments or the clauses which those amendments seek to alter. In order that they may understand them properly, I refer members to the first few words of the amendments we are now discussing, and those of Clause 18. If the amendments are agreed to, the clause will read, "Section twenty B of the principal Act is repealed."

Sections 20A and 20B were put into the Act as a result of the long conference we had in December last. Section 20A provided that the agreements then arrived at would expire on the 30th April, after which time there would be an obligation on the lessor to give 28 days' notice to quit. Section 20B was the effective section which laid the obligation on the landlord to give 28 days' notice to quit. That has been operative since the 30th April.

We had a special session to try to work out something which would cover the situation that arose as a result of portions of the Act expiring on the 30th April, but unfortunately we did not arrive at any conclusion. The Bill was lost. We have now, as a result of the session being called earlier than usual, to consider these proposals. It seems to me that the effective clause, which the amendments seek to deal with, is Clause 17.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. C. H. SIMPSON: Before tea I was reminding members of what are, in essence, the aims of the amendment. The Bill seeks to repeal Sections 20A and 20B of the Act, and the amendment would retain them. Section 20B of the principal Act is repealed and re-enacted. Section 20A simply sets a term on the agreement arrived at in the conference to continue the conditions agreed upon until the 30th April, at which time they would cease to operate; and 20B merely sets out that on the 1st May and afterwards the landlord will have the right to give 28 days' notice. In the Bill, under the provisions of Clause 17, when application is made to the court for an eviction order, the court may suspend the operation of that order from time to time, for a period of four months at any one time.

In effect, that could really apply a number of times at the discretion of the court.

Hon. H. K. Watson: A Kathleen Mavourneen!

Hon. C. H. SIMPSON: That is so. The amendment sets out in Section 20B, which is re-enacted, that the 28 days' notice shall still apply and that when the application is heard the court has discretion, in case of hardship, to suspend judgment up till three months. As has already been explained, by the time application is made to the court, and it has been listed for hearing, and the judge or magistrate then actually makes the order, it may have extended to a period of up to six months. No doubt in cases of hardship the magistrate would exercise his discretion to the limit in favour of the person to be evicted.

Subsection (3) sets out that the notice to quit is not to issue until a determination is made or at the end of three months, whichever is the sooner, and that is to cover cases where for any reason the application to the court may be delayed for an unreasonable time. Subsection (4) provides that the provisions shall continue to the 31st August next year and no longer. These amendments indicate our desire to return as quickly as possible to normal conditions because we believe that in that way only can the present position be remedied.

As Dr. Hislop told us, there is a horrible example in France of what can happen when controls are continued indefinitely. There the owner of a home in some cases tries desperately to give it away, but cannot, because people know the upkeep costs more than is received in rents; while the tenant, on the other hand, can sell his lease for up to 1,500 dollars per room, although the actual rent in some cases is only a dollar a month for the whole house. That is the ridiculous position which the weak French Government has not been able to correct, although it has examined it from time to time with a view to rectifying what is recognised as a tremendous injustice.

The Minister for the North-West: That is a long way from here.

Hon. C. H. SIMPSON: It is an instance of how controls operate. I have explained that owing to the intake of migrants in the years 1951 and 1952—the biggest additions that have been made to our population during our history—there was a period more acute than the present—

The Chief Secretary: No.

Hon. C. H. SIMPSON: Yes, and the demand for schools, public buildings and dwelling-houses was such that the necessity for controls here was greater than in

any other State. However, we realise what a continuation of controls could mean. According to the 1947 census, there were 3.73 persons per dwelling in Western Australia. I cannot give the present-day figures, but I know they indicate that there are today more houses for the people, relatively, than there were in 1939. It is not a question of not enough houses being available, but of maldistribution of the population, resulting in many houses not being adequately filled. We contend they will never be filled while controls operate and people have not the right to say who shall live in their houses.

Hon. F. R. H. Lavery: Rental houses or private houses?

Hon. C. H. SIMPSON: Private houses. The Chief Secretary said there had been no private building since 1929—

The Chief Secretary: Not for rental purposes.

Hon. C. H. SIMPSON: In the depth of the depression, in 1933, I was around Perth quite a bit; and I know that there were houses and rooms empty all over the place, and that almost every second house exhibited a card showing rooms to let, or "Vacancies within."

Hon. F. R. H. Lavery: That is because so many people were working in the country.

Hon. C. H. SIMPSON: There was so much accommodation available that there was no need for people to build houses for accommodation. The demand was not there. That continued until the outbreak of war in 1939, and during the war. Those are the reasons why private builders have not been erecting homes; but if the old system of building by private enterprise had been maintained, with a removal of controls, there would have been builders willing to provide homes for people because the demand would have been there.

The Chief Secretary: For sale, yes, but not for renting.

Hon. C. H. SIMPSON: I think so. That has always been the answer, over the years.

The Chief Secretary: Not for the last 20 years.

Hon. C. H. SIMPSON: The amendments moved by Mr. Watson are, in substance, a modification of the proposals contained in the Bill, and I support them.

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

Ayes	....	....	....	....	13
Noes	....	....	....	....	10
Majority for	....	....	....	....	3

Ayes.

Hon. N. E. Baxter	Hon. A. R. Jones
Hon. L. Craig	Hon. Sir Chas. Latham
Hon. L. C. Diver	Hon. J. Murray
Hon. Sir Frank Gibson	Hon. C. H. Simpson
Hon. H. Hearn	Hon. H. K. Watson
Hon. C. H. Henning	Hon. A. F. Griffith
Hon. J. G. Hialop	(Teller.)

Noes.

Hon. C. W. D. Barker	Hon. F. R. H. Lavery
Hon. G. Bennetts	Hon. H. C. Strickland
Hon. G. Fraser	Hon. J. D. Teahan
Hon. J. J. Garrigan	Hon. W. F. Willesee
Hon. R. F. Hutchison	Hon. R. J. Boylen
	(Teller.)

Pairs.

Ayes.	Noes.
Hon. L. A. Logan	Hon. E. M. Davies
Hon. J. McI. Thomson	Hon. E. M. Keenan

Amendment thus passed.

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

That the word "are" in line 28, page 8, be struck out and the word "is" inserted in lieu.

Amendment put and passed.

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

That after the word "repealed" in line 28, page 8, the following words be added:—"and re-enacted as follows:—

20B. (1) On and after the first day of May, one thousand nine hundred and fifty-four, the lessor of premises (other than premises in respect of which there subsists a lease entered into after the thirty-first day of December, one thousand nine hundred and fifty) shall not during the operation of this Act commence proceedings to recover possession of, or eject the lessee from, premises unless he has given to the lessee notice to quit of at least twenty-eight days or such longer period as that to which the lessee is entitled at law.

(2) Upon the hearing of any summons for the recovery of possession of premises (other than premises in respect of which there subsists a lease entered into after the thirty-first day of December, one thousand nine hundred and fifty) the Court hearing such summons may at its discretion, on account of any special reason of severe hardship which may be proved by the lessee, suspend the operation of any judgment or order thereon for such period not exceeding three months from the date of the hearing as the Court may determine.

(3) Upon any application pursuant to the provisions of section thirteen of this Act being lodged by a lessee (other than a lessee under notice to quit or to terminate the tenancy of premises)

with the Court or an inspector (as the case may be) for the amount of the rent of the premises to be determined, a notice to quit or terminate the tenancy shall not thereafter be issued in respect of those premises until after such application has been determined by the Court or the inspector (as the case may be) or the expiration of a period of three months from the date of the lodgment of such application whichever is the sooner.

(4) The provisions of subsections (2) and (3) of this section shall continue in force until the thirty-first day of August, one thousand nine hundred and fifty-five and no longer.

This is the effective part of the amendment which has been debated by the Committee since earlier this afternoon. I wish to emphasise that while the committee of managers, including the Chief Secretary and the Minister for Housing, agreed in December that Section 20B should stand as it is at the moment in the Act; and while Parliament approved of that recommendation; and this Chamber in April last was still of the opinion that 20B as it stands at present was adequate to meet the position, this amendment does offer a more than reasonable compromise on the Government's desire for some other control.

Hon. C. H. Simpson: You mean, Section 20B.

Hon. H. K. WATSON: Yes. The effect of the amendment will be, on the one hand, to give the court a discretion in issuing its eviction orders; and, on the other, to provide that, so long as a tenant has an application before the court for the determination of a fair rent he shall not be issued with an eviction notice.

The CHIEF SECRETARY: It is very difficult to determine how a suitable amendment could be made to the provision contained in Mr. Watson's amendment. Members should not fool themselves by thinking that this will right the position, because there is nothing in the amendment that will free us from the trouble we are in today. The amendment even ties the court down. No matter what hardship is proved by the tenant, the limit the court can give is three months. Have members no faith in the court to allow it to dictate its own terms? Members sit here in judgment without any knowledge of the circumstances of a case that may be presented before the court. By this amendment they propose to say, "The court can give no longer than three months." No member can justly defend that principle.

Hon. N. E. Baxter: There must be a limiting period somewhere.

The CHIEF SECRETARY: Why not leave it to the court to decide what the period should be? Members talk about interfering with the processes of law; but what are they doing with this amendment? They are handcuffing the court irrespective of the circumstances that may be presented before it. No matter what the human suffering may be, all that seems to be paramount with members is propriety!

Hon. N. E. Baxter: If the Chief Secretary is so serious, why not let us have the Trades Hall for accommodation purposes?

The CHIEF SECRETARY: Notwithstanding what they have been told by myself and other speakers as to the number of eviction cases the Government can handle, members apparently want to accept this amendment and just brush the facts aside. I ask Mr. Griffith—who now gets among his electors a little bit—this question: Does he not think there is a crisis?

Hon. A. F. Griffith: What do you mean by, "who gets among his electors a little bit"?

The CHIEF SECRETARY: Well, the hon. member gets around a little more than some of the other members. I move around my electors, and I know their ills and suffering.

Hon. A. R. Jones: They have no ulcers.

The CHIEF SECRETARY: No; but the hon. member gives me ulcers. I ask Mr. Griffith: Does he believe there is a crisis? There is nothing in the amendment that will assist in relieving the situation. In fact, we will not get any further than we did in April last. We were forced to agree to this provision then so that we might get something.

Hon. L. C. Diver: What steps were taken to rectify the position between December and April?

The CHIEF SECRETARY: Every step humanly possible.

Hon. L. C. Diver: Give us the figures!

The CHIEF SECRETARY: I have given members the figures. During the last 12 months the Housing Commission has built more homes than ever before.

Hon. L. C. Diver: All I can say is that they are insufficient.

The CHIEF SECRETARY: And that was regardless of the fact that that record was tarnished by our opponents.

Hon. N. E. Baxter: In spite of that statement, there were 88 more houses built the previous year.

The CHIEF SECRETARY: I am quoting facts and figures which cannot be disproved. A more realistic effort to relieve the position has been made by the Housing Commission than apparently is to be made

here tonight. In a few months members will see the proof of my words when I say they will achieve nothing if they agree to this amendment. This is the second time this year an attempt has been made to convince members how serious the position will become; but apparently my words fall on stony ground. Unfortunately there is no way the amendment can be amended, and I merely wish to repeat that it is valueless as a means of relieving the situation.

Hon. J. G. HISLOP: I do not know what the Chief Secretary is trying to convey to us; but to me these provisions seem to do all that is necessary from the moment they come into operation. Does the Chief Secretary still want to negative all the eviction orders that have been implemented as from the 30th April to date? Is that his worry? If it is, we might be prepared to discuss that question and consider what those evictions really require. Once these provisions are in force they will do a great deal to mete out justice to both parties. However, if the Chief Secretary is of the opinion that his Government cannot handle the number of evictions that might take place or have already taken place, that is a matter for the Committee to discuss.

The first thing that astonished me during the remarks made by the Chief Secretary the other night was the statement made by him that a landlord should only charge rent on the amount of money that was spent to build flats 20 years ago. If that is the attitude held by the people who are responsible for this Bill, I cannot subscribe to it, because it is a very false attitude to adopt towards the present situation. In the early part of the discussion on the Bill, I said I would be prepared to do something about evictions. I know that in the past individuals have asked their landlords to evict them so they could get accommodation from the State Housing Commission. I do not know how many of those cases exist under present conditions.

Hon. A. F. Griffith: The Housing Commission has insisted on that.

Hon. J. G. HISLOP: That is a bad policy and it should be altered. On closer examination, half of the 165 eviction cases quoted by the Chief Secretary might disappear. If houses are available to them, such cases should not be included in the 165.

Hon. F. R. H. Lavery: They were actual orders of the court.

Hon. J. G. HISLOP: I do not mind if they were. Those people have to be evicted to meet the requirements of the State Housing Commission. If the Chief Secretary wants an extension of time, we might discuss that question, but I cannot agree to this provision for an unlimited period. If it causes severe hardship to a landlord, surely the State Housing Commission

should take action and not leave the burden of hardship on the owner. Is it the intention of the Government to ask for unlimited power for the court to hold up evictions for ever? If so, I cannot agree. Or does the Government feel that it cannot handle the evictions which have taken place and that it wants some help?

The Minister for the North-West: That is what you have been told time and time again.

Hon. J. G. HISLOP: Then I would like the intention explained to me. Numbers mean little unless the conditions under which they occur are examined. How many of the cases under eviction have found accommodation, and how many still require protection? It is not the intention of any member of this House to be obstructive. If it is necessary for eviction notices to be held up, we might even discuss that aspect. I would be prepared to do that; but I am not prepared to impose a life sentence on the owners of properties, and ask them to carry their tenants merely because the tenants suffer hardship.

The CHIEF SECRETARY: I would like to reply on the point raised by Dr. Hislop. He said I based a return on a valuation of a property made 20 years ago. What happened was that Mr. Watson quoted a particular case and said that the owner was getting a return of 4 per cent.

Hon. H. K. Watson: On the present-day capital value.

The CHIEF SECRETARY: No mention was made of that. I merely revealed the facts of the case. I showed how much the owner paid for the property, and I stated that he received 25 per cent. per annum on his investment. The Government does not base the return on properties on valuations made in past years. The Bill itself says "present-day values," so why would I bolster up a case of a return on a property based on its value 20 years previously?

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

Clause 19—Section 20C added:

Hon. H. K. WATSON: The substance of this clause is included in the amendments which have been accepted by the Committee. Therefore it becomes redundant. I invite the Committee to vote against it.

The CHIEF SECRETARY: Would the hon. member not agree that the proviso is suitable?

Hon. H. K. WATSON: If that is the case, the proper place to insert the proviso would be after the word "sooner" at the end of Subsection (2) of my proposed Section 20B. The substance of proposed Section 20C is clearly set out. We cannot retain Clause 19 when the substance is already in Clause 18.

The CHIEF SECRETARY: We will have a look at this clause before recommitment.

Clause put and negatived.

Clause 20—Section 22 amended:

Hon. H. K. WATSON: This is really consequential on Clause 13, which has been adopted by the Committee. In view of the alterations made in proposed Section 20B, I am not at all sure whether Clauses 13 and 20 are necessary. I ask the Chief Secretary to look at this before recommitment. Inasmuch as the Committee has adopted Clause 13, I think it might adopt Clause 20, with the reservation that it may be necessary to look at it again on recommitment.

Clause put and passed.

Clause 21—Section 23 repealed and re-enacted:

Hon. H. K. WATSON: I oppose this clause and ask the Committee to vote solidly against it. It proposes to cancel all notices to quit, all proceedings relating to recovery of premises, all judgments and all writs, unless they have actually been completely executed. In other words, this clause proposes to play fast and loose with the first principles of law. I trust the Committee will not agree to it. It seems absurd to cancel notices of proceedings, writs, etc., and start them off again the very next day. Similarly, the clause provides that all payments made in respect of rent in good faith and under the Act as passed in December of last year can be reassessed; and all agreements, even those which have proved satisfactory to both parties, are to be null and void, unless reaffirmed in writing. I can see no virtue in this clause, and there is every reason to vote against it.

The CHIEF SECRETARY: This is a vital part of the Bill. It must be passed if we are to cope with the situation. I mentioned earlier that there were some drastic parts in the Bill, and no doubt this is one. We believe this is the only way the present-day position can be grappled with. We have gone to the extent of cancelling everything up to the stage of the warrant being executed, but we ask members to vote for this clause. We do not recommend it lightly. We recommend it because we believe this is the only way the position can be covered.

I quoted 165 cases of eviction orders already granted. How can the Government grapple with the situation if next week another 30 or 40 cases crop up, and the following week a further 30 or 40 cases? This clause will allow a stay of proceedings. The only way the position can be met is by cancelling all action that has been taken in connection with eviction proceedings. I admit that it is only a temporary lull; but quite a large number of eviction orders which have been issued were issued for different reasons.

I believe that when the new notices are sent out many of those would be missing because the persons concerned could go to the court and ask for a fair rental. Mr. Watson said that a number of these agreements have proved satisfactory to both parties. They have not been satisfactory to all parties. A number of agreements were entered into because the people had no option; there was the threat of 28 days' notice over their heads. So a number of agreements were signed under those conditions. This clause will give such people an opportunity of applying to the court for a fair rental. A person who is satisfied with his rent will not bother about going to the court.

I would like to hear debate from members on this clause, because it is really a drastic provision. As a Government, we can see no other way to handle the position. This is a clause on which we can compromise. All the giving so far has been one-sided. I think a little advance from the other side will not go amiss on this occasion. I repeat that unless something on these lines is agreed to, I do not know how the situation will be met.

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

Ayes	10
Noes	13
Majority against	3

Ayes.

Hon. C. W. D. Barker	Hon. F. R. H. Lavery
Hon. G. Bennetts	Hon. H. C. Strickland
Hon. G. Fraser	Hon. J. D. Teahan
Hon. J. J. Garrigan	Hon. W. F. Willesee
Hon. R. F. Hutchison	Hon. R. J. Boylen

(Teller.)

Noes.

Hon. N. E. Baxter	Hon. A. R. Jones
Hon. L. Craig	Hon. Sir Chas. Latham
Hon. L. C. Diver	Hon. J. Murray
Hon. Sir Frank Gibson	Hon. G. H. Simpson
Hon. H. Hearn	Hon. H. K. Watson
Hon. C. H. Henning	Hon. A. F. Griffith
Hon. J. G. Hislop	

(Teller.)

Patrs.

Ayes.

Hon. E. M. Davies	Hon. L. A. Logan
Hon. E. M. Heenan	Hon. J. McI. Thomson

Noes.

Clause thus negatived.

Clauses 22 and 23—agreed to.

Postponed Clause 3—agreed to.

Postponed Clause 4—Section 5 amended:

Hon. C. H. SIMPSON: I move an amendment—

That after the word "amended" in line 6, page 2, the following be inserted:—

- (a) by inserting after paragraph (b) of Subsection (1) the following paragraph:—

- (da) premises which, whether for the first time or otherwise, are after the

first day of August, one thousand nine hundred and fifty-four, leased for a fixed term of not less than three years; and

(b)

The intention is to remove from the Act leases for three years and over. This would save the court a considerable amount of time, would deal with cases by agreement between lessor and lessee, and would assure the tenant of a fixed term of tenancy and give him a feeling of security. A similar provision has been in operation in South Australia, I think since 1950, and it has worked well there.

Hon. A. F. Griffith: Was not this the clause in which the Chief Secretary suggested that the term should be two years?

Hon. H. K. Watson: No.

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

Postponed Clause 12—Section 15 amended:

Hon. H. K. WATSON: The Chief Secretary should have a look at paragraph (e), which seems to be loading up the Act with unnecessary verbiage to deal with imaginary cases. It might lead to giving a tenant of premises in respect of which the court may have determined the rent during the months of March and April—

The Chief Secretary: Earlier than that.

Hon. H. K. WATSON: No, the six months would have expired. I suggest that thought has not been given to this proposal because its effect would be limited to those imaginary cases of which I suggest there is none. Where the court has determined the rent of premises during the months of March and April, ordinarily there could be no further determination until September and October—six months later. The idea of this provision is to give a tenant the right to go to the court during the month of August. That would unnecessarily confuse the issue for a class of case that I suggest does not exist.

Members might think this would apply to a period earlier than the months of March and April, but it would not, because anyone whose rent was determined by the court in January or February would be entitled to approach the court again, the six months having expired. It refers to cases which occurred in March and April and which should be heard by the court in September and October, and we are now on the verge of August.

The CHIEF SECRETARY: The draftsman is very keen on retaining this provision, and his reason satisfied me of the necessity for it. We do not know how many cases might be involved. Where the rent has been fixed and an agreement made afterwards, it is the reverse of what would happen under the amended

Act. A tenant could not approach the court in less than six months if the provision were not retained. The hon. member said there are few such cases, but we do not know how many there are.

Hon. J. G. Hislop: They would be held up for only 30 days.

The CHIEF SECRETARY: Not necessarily; they might be held up until October, and that would be the best part of three months. This is a form of protection that is required.

Clause put and passed.

Postponed Clause 14—Section 17 amended:

Hon. H. K. WATSON: In view of the Committee's decision on Clause 18, we need to defeat this clause.

The Chief Secretary: That is so.

Hon. H. K. WATSON: That applies to Clauses 16 and 17 also.

Clause put and negatived.

Postponed Clauses 15 to 17—disagreed to. Title—agreed to.

Bill reported with amendments.

BILL—POLICE ACT AMENDMENT.

Received from the Assembly and read a first time.

House adjourned at 8.35 p.m.

CONTENTS—continued.

	Page
Bills : Police Act Amendment, 3r.	697
Inquiry Agents Licensing, report	697
Companies Act Amendment, 2r.	697
Criminal Code Amendment, 2r.	698
Industrial Arbitration Act Amendment, Message, 2r.	700
State Government Insurance Office Act Amendment, 2r., Com., report	702
Matrimonial Causes and Personal Status Code Amendment, Com., report	721

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

QUESTIONS.

OIL, CRUDE.

As to State and Commonwealth Governments' Percentages.

Mr. NORTON asked the Minister for Mines:

(1) Will he inform the House what percentage the State Government will receive on crude oils if, and when, such are produced in Western Australia —

(a) reward wells;

(b) other wells?

(2) Will he state the percentage which the Commonwealth Government will receive on such crude oil—

(a) reward wells;

(b) other wells?

The MINISTER replied:

(1) Royalty provided under the Petroleum Act for the State is not less than 5 per cent or more than 10 per cent, of the gross value as from time to time, at intervals of not less than 12 months, agreed upon by the Minister and the lessee, of all crude petroleum, casinghead petroleum and natural gas produced.

(a) the royalty on producing leases located by the original discoverer within five years of the first one has been fixed at 5 per cent. for the first fifteen years: thereafter not to exceed 10 per cent.

(b) royalty on others will be within the royalty range provided, viz., 5 per cent to 10 per cent.

(2) As far as I can ascertain, the Commonwealth Government will collect income tax from the producing companies at the rate of 30 per cent. on the first £A5,000 per annum, and 35 per cent on the remainder. There is, I understand, a special provision in the Commonwealth Income Tax Act relative to income from oil producing operations, which provides that no

Legislative Assembly

Tuesday, 27th July, 1954.

CONTENTS.

	Page
Questions : Oil, crude, as to State and Commonwealth Governments' percentages	695
Sewage disposal, as to existing system and future requirements	696
City waste, as to composting	696
Bus services, as to Newcastle-st. route	696
Education, as to teachers' allowances	696
Housing, (a) as to evictees accommodated	696
(b) as to appointment of chairman	697