Legislative Assembly.

Tuesday, 14th November, 1950.

CONTENTS.

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

QUESTIONS.

PUBLIC WORKS DEPARTMENT.

(a) As to Amenities, East Perth Workshops.

Mr. GRAHAM asked the Minister for Works:

(1) Have representations been made to him in connection with improved amenities at the P.W.D. workshops at Wittenoom-street, East Perth?

(2) If so—

(a) has any decision been made;

(b) what is its nature;

(c) when will the work be done?

The MINISTER replied:

(1) Yes.

(2) (a), (b) and (c) A proposal for removal of the workshops to an entirely new site owing to inadequacy of the existing area is now being actively investigated.

It would be most uneconomical to provide for approved amenities on the existing site with the possibility of removal of the workshops in mind.

(b) As to Amenities, Fremantle Architectural Branch.

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

(1) Is he aware that complaints have been made to the Under Secretary for Works re the lunch and change rooms in the Architectural Branch of the Works Department, Fremantle?

(2) If so, are improvements going to be made to these rooms?

(3) If not, why not?

The MINISTER replied:

(1) Complaints have been received from employees concerning lack of amenities at the Fremantle Maintenance Workshops.

Proposals have been advocated for the construction of a new maintenance workshop on land at North Fremantle specially set apart for the purpose or, alternatively, on part of the Old Women's Home site.

Realising that the present building and site are most unsatisfactory, I have instructed that immediate action be taken toward provision of other premises, taking into full account amenity requirements.

(2) and (3) Answered by (1).

WATER SUPPLY DEPARTMENT.

(a) As to Labour Shortage at Fremantle.

Mr. FOX asked the Minister for Water Supply:

(1) Is he aware that urgent work is being held up at the Fremantle Water Supply Department due to the difficulty of getting labour?

(2) That such additional labour engaged is retained only for a day or two owing to better wages being available from other employers?

(3) Will he endeavour to make wages and conditions more attractive in order to enable his department to retain labour engaged and thus perform the urgent services required by residents of Fremantle?

The MINISTER replied:

(1) No urgent work is held up, but there is delay in the laying of some water main extensions owing to shortage of pipes.

A certain amount of difficulty is experienced in obtaining labour, but the department is able to carry on with main laying as pipes become available.

(2) Men engaged on laying water mains are mostly labourers on the basic wage, and there is a considerable turnover in men.

(3) Wages are paid in accordance with the award, and all workers on margins received approximately a 50 per cent. increase in their margins in December, 1948.

(b) As to Yarloop Town Scheme.

Mr. MANNING asked the Minister for Water Supply:

What action is being taken to overcome the delay in having the improved town water scheme for Yarloop installed?

The MINISTER replied:

Design of scheme is now nearing completion.

RAILWAYS.

As to Transport of Stock.

Mr. YATES (without notice) asked the Minister representing the Minister for Transport—

(1) Is he aware that a number of horses left Meekatharra by rail and arrived in Perth in a critical condition a couple of days ago?

(2) If so, will he have investigations made to ensure that the railway authorities do not accept horses or cattle for shipment unless adequate feed and water are made available for the journey?

The MINISTER FOR EDUCATION replied—

(1) and (2) I have seen the reports in the Press, and I shall make inquiries of the Minister for Transport and advise the hon. member.

PRICES.

(a) As to Suggested Reversion to Commonwealth Control.

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

(1) Did he support the proposal of the State Ministers for Prices that the Commonwealth should take over prices control in Australia?

(2) Will he make a statement to the House about the work done at the recent conference of Ministers for Prices?

The ATTORNEY GENERAL replied:

(1) and (2) No request was made by the Ministers for Prices that the Commonwealth should take over prices control. There was a request, which all Ministers supported, that the Federal Government should arrange for a Commonwealth Minister to take part in the deliberations of these conferences. This request, as the hon. member knows, was refused.

(b) As to Statement on Conference Proceedings.

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

The Minister did not answer the second portion of my question as to whether he is prepared to make a statement to the House on the work of the recent conference of Ministers for Prices.

The ATTORNEY GENERAL replied:

I take it that the hon. member is referring to the conference with the Prime Minister.

Mr. J. Hegney: No, to the whole conference, a report from you as representative of this State.

The ATTORNEY GENERAL: The conference proceedings have been rather fully reported. If there is any particular information the hon. member desires I shall be pleased to furnish it, but it is not intended to make a statement to the Chamber, apart from the statement that will be made on the Estimates.

(c) As to Statement by Prime Minister.

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

Is he aware that the Prime Minister is asking leave to make a statement on the question to the House of Representatives this afternoon?

The ATTORNEY GENERAL: replied:

No, I am not aware of it.

EMUS.

As to Damage in North-Eastern Wheatbelt.

Mr. CORNELL (without notice) asked the Minister for Lands:

In view of the damage being done to crops by emus in the north-eastern wheatbelt, will he endeavour to secure immediate and adequate supplies of .301 and .310 ammunition for use in destroying this vermin?

The MINISTER FOR LANDS replied:

I will bring the matter under the notice of the Minister for Agriculture.

BILL—GAS UNDERTAKINGS ACT AMENDMENT.

Read a third time and transmitted to the Council.

BILL—PARLIAMENTARY SUPERANNUATION ACT AMENDMENT.

Second Reading.

THE PREMIER (Hon. D. R. McLarty—Murray) [4.42] in moving the second reading said: The purpose of the Bill is to clarify two sections of the Act with retrospective effect. Section 11, Subsection (2), paragraph (a), is obscure in its present wording and conflicts to some degree with Subsection (2) paragraph (b). The intention of paragraph (a) of Subsection (1) is to provide a pension of £5 a week for 10 years, with a reduced pension of £2 10s. for a further 10 years if the ex-member has been a member of Parliament for not less than 14 years, and a contributor under the repealed Member of Parliament Fund Act and the present Act for a period of between seven and 14 years.

Section 11, Subsection (2), paragraph (b) covers the pension entitlement of an ex-member who has contributed to the fund for less than seven years, and has been a member of Parliament for more than seven years. The present wording of Section 11, Subsection (2), paragraph (a) would qualify a member with less than seven years as a contributor to receive the initial pension under either paragraph (a) or paragraph (b)—that is a pension of £5 a week under paragraph (a) and/or £2 10s. a week under paragraph (b). The proposed amendment will rectify any misunderstanding. A case in point is that of a member who has been a member of Parliament for over 14 years, and a contributor for less than seven years. He would qualify under both paragraphs (a) and (b) for two different benefits.

The other proposed amendment is to Section 12, which will allow a member, who is not entitled to pension benefits, on ceasing to be a member, or resigning from Parliament of his own volition, to receive a refund of his contributions made under the Act, regardless of whether or not the trustees consider him entitled to pension benefits. As Section 12 is, if the trustees are not satisfied with the reasons for which a member resigns before his term of office expires, or does not stand for re-election at the expiration of his term, he is not entitled to any payment apart from his vested rights under the repealed Members of Parliament Fund Act. So it is considered only fair that a person who contributes to the fund, and ceases to be a member, should be entitled at least to a return of his contributions.

Suggestions have been made to me that the Bill should be further amended in certain directions, and I agree that it should, but the actuary who deals with the Act and the civil service superannuation scheme generally, is a Mr. O. G. Gawler, of Victoria. He anticipates visiting Perth early in 1951, and it is proposed to ask him then to investigate the Parliamentary Superannuation Fund, and to give us a report on it. The trustees of the fund, who are representative of both Houses, have also been giving some attention to the matter, and they will be making certain recommendations. So it is likely that in the next session of Parliament further amendments will be made to the Act. I move—

That the Bill be now read a second time.

MR. GRAHAM (East Perth) [4.46]: I have no desire to delay the passage of the Bill. As indicated by the Premier, it contains only three principles, and they have been discussed at various times by the trustees, who are representative of all parties in both Houses of this Parliament. In addition, I assume that reports of the proceedings at the meetings of trustees have from time to time been made to the respective parties. Accordingly, members should be reasonably familiar with the proposals embodied in the measure. They became necessary to a great extent owing to the fact, as members will recall, that when the legislation was first introduced in 1948, the Bill was drafted most hurriedly —less, I think, than 48 hours before its submission to the Legislative Assembly. As a result, and because of the complicated nature of the measure compared with superannuation schemes operating in other States, it is only natural that there should have been certain omissions from it, and, in other respects, certain sections which required clarification.

It does seem on the surface wrong in principle that a person who has been contributing to a fund for a period of years should, upon ceasing to be a member of Parliament, not receive even the contributions he has made, let alone any benefit. So it is proposed to make provision, from the inception of the Act, so that a member who retires of his own volition but who is not qualified for a pension, shall have returned to him his contributions, together with some small measure of interest to be determined by the trustees; and which, at present, I would say from memory, is 3 per cent. Clause 3 of the Bill, as indicated by the Premier, merely seeks to clarify Section 11 of the Act, because as it stands it is capable of two interpretations. These are the only comments I have to make on the measure, but I do look forward with eager anticipation, as I dare say do other members, to the more substantial amendments which it is hoped will be introduced next year.

The Western Australian superannuation scheme for members of Parliament is, to my mind, classical so far as the world is concerned because it is the only one, of which at least I am aware, where the employer makes no contribution whatever. All the funds are contributed by the beneficiaries under the scheme. In addition, to the Bill next year to provide for some contribution by the Government, several amendments which our short experience has shown to be necessary will be moved so that the Act may be more equitable than it is at the moment. I commend the Bill to the House and it should not be a stranger to members generally.

Question put and passed.

Bill read a second time.

In Committee.

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

BILL—BUILDING OPERATIONS AND BUILDING MATERIALS CONTROL ACT AMENDMENT AND CONTINUANCE.

Returned from the Council with amendments.

BILL—WAR SERVICE LAND SETTLEMENT AGREEMENT (LAND ACT APPLICATION) ACT AMENDMENT.

Second Reading.

THE MINISTER FOR LANDS (Hon. L. Thorn—Toodyay) [4.54] in moving the second reading said: The Bill deals with mineral rights in their relationship to war service land settlement, and its purpose is to provide machinery to overcome a legal difficulty which has arisen in connection with titles to lands purchased for war service land settlement purposes, as these lands are subject to certain mineral reservations in favour of the Midland Railway Company of W.A., Ltd.

Before the Land Act was passed in 1898, Crown grants reserved to the Crown only gold, silver and precious metals, and the Midland Railway Company's grants were issued accordingly. When the company sells its land it reserves to itself the rights in the lesser minerals, such as coal, mineral oil, phosphatic rock, etc. Therefore, the purchaser's title becomes subject to this condition. A number of desirable properties subject to this reservation have been purchased for the War Service Land Settlement Scheme. However, owing to the restriction on the certificate of title, the lands cannot be revested in His Majesty as of his former estate and removed from the operation of the Transfer of Land Act to be dealt with as ordinary Crown lands for disposal under perpetual leases.

To overcome these legal difficulties, this Bill provides for the revesting of the Midland Railway Company's mineral rights in His Majesty, by operation of law, upon the transfer of the land to the Crown, and thereby the titles will be cleared. The Bill also provides for the issue of a new Crown grant to the company, which will automatically reinstate the mineral rights. The subsequent perpetual leases will be issued reserving gold, silver and precious metals to the Crown, and the lesser minerals, etc. to the company. I move—

That the Bill be now read a second time.

On motion by Mr. Marshall, debate adjourned.

BILL—COAL MINING INDUSTRY LONG SERVICE LEAVE.

Second Reading.

THE MINISTER FOR HOUSING (Hon. G. P. Wild—Dale) [4.56] in moving the second reading said: This Bill has been drafted at the request of the Commonwealth Government and is for the purpose of implementing in this State, the legislation passed, and the award issued by the Coal Industry Tribunal under the Commonwealth Coal Industry Act, 1946, for certain long service leave to employees in the coal mining industry. The award has application from the 19th June, 1949, and it provides for cash in lieu of leave, in certain circumstances, prior to the 1st January, 1954. These circumstances will include death or retirement from the industry, otherwise long service leave will not be taken before the 1st January, 1954.

Long service leave is normally the responsibility of the employer, but it is felt by the Commonwealth Government that in the coalmining industry there are certain things that must be taken into consideration as it is extremely difficult to provide an award applicable to everybody. Particularly, in this regard, one must consider the smaller mines which probably employ only a few men, and also the reemployment in the industry of a man who has been employed by another one of the coalmine owners and who, by virtue of taking him into his employment, would be liable for that man's long service leave.

In the circumstances, and to spread the cost over the whole industry, the Commonwealth Government decided that if the States would accept reimbursement for certain payments made the Commonwealth would agree, through the Customs Department, to charge an excise of sixpence per ton on all coal produced. The Commonwealth would reimburse, from that fund, the sums paid out by the various States in implementing this scheme. Accordingly the Commonwealth Government passed three Acts, Nos. 80, 81 and 82 of 1949, providing for the making of grants to the States and the imposition, collection and application of an excise on coal produced. Similar legislation has already been introduced in New South Wales and it is understood that it will be introduced in all other States producing coal, namely, South Australia, Queensland and Victoria. Under the legislation the State accepts liability for the reimbursement of the payments made by employers under the existing award and provides the necessary administrative machinery.

The legislation also covers the establishment of a trust fund to be known as the Coal Mining Industry Long Service Leave Trust Fund, the appointment of a person to administer the fund and the provision of the necessary staff. It is intended that the head of this fund will be a permanent officer of the State Public Service. The legislation also covers the authorising of payments from the fund, (1) to an employer to meet the entitlements of long-service leave of employees entitled thereto; and (2) the cost of administering the Act.

The Bill further provides for the payment into the fund of all amounts received by the States from the Commonwealth; the responsibilities of the administrator; and such provision as is necessary and is within the State's competence to settle any doubts about the validity of this particular award. I understand the Com-

monwealth itself has expressed some doubt about the validity of this award. It is finally intended by this legislation that the administration of the trust fund will be undertaken by the staff attached to the Miners' Pension Fund. I commend this measure to the House as one long overdue and move—

That the Bill be now read a second time.

On motion by Mr. May, debate adjourned.

BILL—INDUSTRIAL ARBITRATION ACT AMENDMENT (No. 2).

Standing Orders Suspension.

THE PREMIER (Hon. D. R. McLarty—Murray) [5.2]: I move—

> That so much of the Standing Orders be suspended as is necessary to enable the Industrial Arbitration Act Amendment Bill (No. 2) to be passed through all its stages at one sitting.

The reason I am moving this is that, as members know, the new Commonwealth basic wage, which also has an automatic application in some States, will operate from the 1st December. Our State court cannot declare a wage with retrospective effect. If, therefore, the State court's finding is to operate from the same time, it must be made by that date. However, the State court has power to declare the basic wage only on a needs basis. The Commonwealth court has made no alteration to the needs basis but adds special loadings. Therefore it is necessary to amend the State Act, giving the court additional powers, and those powers will be explained by the Attorney General when he is introducing the Bill. At this stage it is necessary to point out that unless the Bill becomes law immediately the State court will not have time to conduct its inquiry and issue its findings before the 1st December, hence the necessity for immediate action by Parliament. I understand that all sections of industry have agreed to the necessity of getting this Bill through Parliament as speedily as possible. I hope the House will agree to the suspension of Standing Orders.

HON. F. J. S. WISE (Gascoyne) [5.5]: I have no objection to the suspension of Standing Orders for this purpose, but will reserve an opinion on the Bill after hearing the case submitted by the Attorney General, after which I would seriously suggest to the Premier that he allow me to adjourn the debate to a later stage so that it will not be necessary to deal with the Bill straight away. I support the motion.

Question put and passed.

Second Reading.

THE ATTORNEY GENERAL (Hon. A. V. R. Abbott—Mt. Lawley) [5.7] in moving the second reading said: The principal object of this Bill is to amend Section 123 of the Industrial Arbitration Act which deals with the providing of a State basic wage. Section 123 (2) of the Western Australian Industrial Arbitration Act defines "basic wage" as "a sum sufficient to enable the average worker to whom it applies to live in reasonable comfort having regard to any domestic obligation to which such average worker would be ordinarily subject." This is commonly accepted as defining what is known as a "needs" basic wage. When the definition was introduced in 1925, the "needs" basis was ordinarily accepted by industrial tribunals throughout Australia.

Under Section 25 of the Commonwealth Conciliation and Industrial Arbitration Act the court may for the purpose of preventing or settling an industrial dispute make an order or award altering (a) the standard hours of work in the industry; (b) the basic wage of adult males, that is to say, that wage or that part of a wage which is just and reasonable for an adult male without regard to any circumstances pertaining to the work upon which or the industry in which he is employed, or the principle on which it is computed; (c) the period which shall be granted as annual leave with pay; (d) the basic wage of adult females, that is to say, that wage or that part of a wage which is just and reasonable for an adult female without regard to any circumstances pertaining to the work upon which or the industry in which she is employed or the principles upon which it is computed.

The Commonwealth Arbitration Court has accepted an additional basis for consideration when fixing the basic wage, namely, that the court should have regard not only to the "needs" basis but also to the national income, productivity, general prosperity or otherwise existing in Australia, in determining the basic wage which might well be an amount in excess of a strict "needs" basic wage. This additional allowance to the Commonwealth basic wage is commonly referred to as the "economic capacity" basis. In the recent basic wage decision of the Commonwealth court whereby an increase of £1 per week was agreed to by a majority of the judges, the "economic capacity" basis was the one on which the increase was held to be justified. The judges considered that the "needs" basis was adequately catered for by previous wage declarations as varied from time to time in accordance with the changes in the cost of living, but as I said a majority of the judges declared that there was a general prosperity in Australia at the present time which warranted an increase in the basic wage beyond mere "needs" and that the increase of £1 would be within Australia's economic capacity.

As I have pointed out, the provisions of the Western Australian Industrial Arbitration Act require that the basic wage should

be based solely on the needs basis of the average worker without making any allowance for the economic capacity of Western Australia to afford the granting of any higher allowance. This position was pointed out to the Government by Mr. Justice Jackson, the President of the Arbitration Court, who stated that in view of the provisions of the State Act it was his opinion that it would not be possible to increase the State basic wage, based as it was solely on the "needs" basis, without a very lengthy inquiry. Further, that as the Commonwealth court had now definitely decided that its basic wage was not to be fixed solely on the "needs" basis but also on the "economic capacity" basis, it was wrong that the State court should be restricted to the "needs" factor alone, and that the Government should give consideration to amending the Act with a view to widening the powers of the State Arbitration Court when dealing with the basic wage to enable it to take into consideration in addition to the "needs" basis, the "economic capacity" of industry and other matters which the court might deem relevant and advisable.

The Government, after giving the matter careful consideration, accepted the view of the President and this Bill has been prepared in accordance with those views. I have been informed by the President that the provisions of the Bill have been discussed by him with representatives of interested parties, namely representatives of the industrial union of workers and of the employers, and that the terms of it have met with their approval. The Act at present provides that there shall be an annual inquiry and determination of the basic wage. It was considered by the President that it was no longer necessary that there should be an automatic annual determination, but that power should be given to the court to hold an inquiry and make a determination when thought fit, and further, that such an inquiry and determination should be made when required either by a majority of the industrial unions of workers or the Employers' Federation, but not more than once in each year. I am informed that this proposal also has the approval of all interested parties. There are some further minor amendments to the Act, some consequential as a result of the main amendment and these can be more appropriately discussed, if necessary, when in Committee. I move—

That the Bill be now read a second time.

On motion by Hon. F. J. S. Wise, debate adjourned.

BILL—LEGAL PRACTITIONERS ACT AMENDMENT.

Second Reading.

THE ATTORNEY GENERAL (Hon. A. V. R. Abbott—Mt. Lawley) [5.15] in moving the second reading said: The Bill proposes to effect two amendments to the Legal Practitioners Act. In 1926 the then Attorney General, the late Mr. T. A. L. Davy, introduced a Bill providing for a contribution of £500 per annum to the University for the purpose of assisting in establishing a law school. That contribution was to be raised by means of a levy imposed on practising solicitors. The Act was amended to provide that the Barristers' Board should issue a practising certificate to each solicitor who desired to practise, the fee for the certificate to be a sum of not less than £5 or more than £10. Out of the money raised by that means there was to be contributed to the University annually a sum of £500 for the purpose I have mentioned.

Any surplus, after holding in hand £100, could be utilised by the Barristers' Board in providing for the law library. The Barristers' Board has for many years maintained that library, which is used for the administration of justice within the State. It has been availed of by Supreme Court judges, magistrates, judges of the High Court and, of course, legal practitioners as well. It is the largest and best library available for that purpose and is absolutely essential if the law is to be properly administered within the State. Prior to 1926 small contributions were made from time to time from the State Treasury, but during the depression years the grant was cut off and has not since been re-instituted. Thus the whole expense of maintaining the library has fallen upon the board, which now finds itself without sufficient funds to enable it to maintain the library in proper condition.

As members are aware, the expense attached to acquiring law reports has been constantly rising of late years, as likewise has the cost of text books. In consequence, the board finds itself short of funds for these purposes. It might be suggested that in view of the fact that the library is the only one available for the use of judges and other persons charged with the administration of the law, the responsibility for its maintenance should fall upon the Treasury. There has been no contribution from that source since 1931. That being the position, the Barristers' Board wrote to the Senate of the University informing that body that the board should no longer be required to contribute annually £500 towards the expense of the law school. When in 1926 Mr. Davy moved the second reading of the Bill to amend the Legal Practitioners Act—I quote from the 1926 "Hansard," page 2267—he said—

> If the good intentions of the lawyers of the community, expressed in concrete form in this Bill, are given full expression, I see no reason why other sections of the community should not do similar things. I may inform members that there is a move on behalf of the merchants in the town to finance

a chair or diploma of commerce. That would be of great value to the State; it would be more or less ancillary to a chair of law. If we establish a chair of law with the revenue found partly by one body, there is a reasonable prospect of getting a diploma of commerce financed by another body. Once we start in this way and make it popular, I see no reason why every section of the community that has any organisation should not regard it as its duty to come to the aid of the University and make that institution as complete an instrument for the improvement of education as it possibly can be.

Mr. Bovell: Did I understand you to say that Mr. Davy was the then Attorney General when he introduced the Bill?

The ATTORNEY GENERAL:: Yes, in 1926.

Mr. Bovell:: I do not think he was Attorney General at that time.

Mr. Marshall: No, he was not.

The Premier: He was Attorney General from 1930 to 1933.

The ATTORNEY GENERAL: Then I was mistaken in my statement. I understood he was Attorney General when the legislation was introduced.

Mr. Bovell: I did not want a wrong statement on your part to go through "Hansard" unchallenged.

The ATTORNEY GENERAL: I have to thank the hon. member for checking my statement. When informed by the Barristers' Board as I have indicated, the University authorities appreciated the situation and realised it was only just and fair that the contribution should cease and, as a matter of fact, for the purposes of this year's budget it deleted the amount.

Mr. Marshall: You took great credit for this over the years and now you have changed your mind.

The ATTORNEY GENERAL: I realise that.

Hon. F. J. S. Wise: It keeps your mind clear if you can change it occasionally.

The ATTORNEY GENERAL: There is something in that. At any rate, no other organisation has made any direct contribution to the University for the maintenance of any particular chair.

Hon. E. Nulsen: Did the whole of that amount of £500 go to the University?

The ATTORNEY GENERAL: Yes, the whole of it. During the period that has intervened, the legal profession has contributed £11,500, which is a not inconsiderable amount.

Hon. J. T. Tonkin: Has there not been some contribution to the University in respect of the chair of agriculture?

The ATTORNEY GENERAL: If that is so, it may have been made by some firm, but I know of no professional body that has made any such contribution.

Hon. F. J. S. Wise: There was some from Millars and a few others.

The ATTORNEY GENERAL: I think it reasonable, apart from any other aspects, that this particular contribution by one section of the community should now cease. Furthermore, there is the other phase that the profession has to find the money necessary for the maintenance of the law library. The Bill contains a second amendment under which additional authority will be given to the Barristers' Board to order the payment of money arising out of a complaint by any individual, as a result of which the board finds a lawyer guilty of unprofessional conduct.

Hon. J. B. Sleeman: The board asked for that power but will not use it.

The ATTORNEY GENERAL: The board has not that power.

Hon. J. B. Sleeman: It has it already.

Mr. SPEAKER: Order!

The ATTORNEY GENERAL: The member for Fremantle is incorrect in his statement.

Hon. J. B. Sleeman: The board has power to deal with legal practitioners but will not act accordingly.

Mr. SPEAKER: Order! The Minister will proceed.

The ATTORNEY GENERAL: The Barristers' Board has power now to fine any legal practitioner found guilty of misconduct. It can punish the guilty party not only by a fine but can suspend the practitioner or reprimand him, but it has not been given any power under the Act to enable it to order a lawyer to repay money.

Hon. J. B. Sleeman: How many practitioners has it punished since the board had that power?

The ATTORNEY GENERAL: It has received a good many complaints. The amendment embodied in the Bill will give the board authority to order any legal practitioner found guilty of misconduct to repay any money ascertained upon inquiry to be owing to a complainant. That provision will be of advantage to the community generally and I certainly think the additional power should be vested in the board. It will tend to shorten the proceedings under which at present it is necessary, even although the practitioner has been found guilty of misconduct, for them to be taken in the ordinary course through the courts in order to obtain the moneys due to the complainant. I move—

That the Bill be now read a second time.

On motion by Hon. J. B. Sleeman, debate adjourned.

BILL—PHYSIOTHERAPISTS.

Second Reading.

THE MINISTER FOR HEALTH (Hon. A. F. G. Cardell-Oliver—Subiaco) [5.30] in moving the second reading said: The Government has seen fit to bring down this Bill for a number of very sound reasons. The practice of physiotherapy is now internationally recognised as an ancillary medical service. It is widely regarded as a profession calling for skilled and highly trained operators. It has, indeed, emerged as a profession in its own right. With the developments of medicine and surgery that are taking place every year, it is found necessary to employ the services of physiotherapists more and more in fields which a few years ago were thought to be outside their ken.

The physiotherapist has thus become a partner of the doctor in the treatment of his cases. Physiotherapists must know the nature of the diseases, injuries and complaints which they are called upon to aid in treating. Otherwise more harm than good would be done to patients. The idea can no longer be held that the physiotherapist is merely a rubber or masseur. Such is very far from being the case. Today there is a world-wide shortage of physiotherapists.

The 1948 poliomyelitis epidemic will be distressingly fresh in the minds of all members. One of the most difficult problems we had then to solve was the provision of an adequately trained number of physiotherapists to minister to our stricken population. Such epidemics are unpredictable, and the Government and Parliament would be failing in their duty if they did not adopt all possible measures to provide for the future. Another instance that comes to mind is the plight of our spastic children. The Education Department has made a laudable effort in commencing a spastic centre at the Thomas-street State school. That centre, however, provides only scholastic training. If the Education and Public Health Departments are to proceed with plans for the education and rehabilitation of spastics to enable them to take part in community and economic life, more physiotherapists will be necessary.

An increase in these services will also be necessary to cope with the growing demands consequent upon fractures and other injuries resulting from accidents, general surgical cases, surgery of the chest, brain and nervous system, and the need for muscle education in pregnant women—thereby reducing maternal illness and death as well as still-birth—and the numerous other roles which physiotherapy plays in medical treatment.

There are only seven qualified physiotherapists in practice in the metropolitan area and none in country districts. No country hospital has the benefit of this service. With the development of the Government's hospital policy and the completion of regional hospitals, for which plans are now being drawn, the establishment of physiotherapy services in country areas will become even more urgent than at present. By painful experience in Western Australia it has been found that the shortage can be met only by training suitable persons in this State. For those reasons the Bill provides that a board to be known as the physiotherapists registration board shall be set up.

One of the functions of the board will be to conduct a course of training for suitable persons, and it will also prescribe the standards of the practice of physiotherapy in Western Australia. Some highly trained persons are practising as physiotherapists in Perth and it is only right that the public should be able to tell who those people are. The Bill therefore provides that before a person may practise physiotherapy he must be registered with the board. Initially it will be necessary to register a number of people who have been earning their living by the practice of physiotherapy, but who have not received the full scientific training and have not the qualifications to be laid down by the board, because there has not previously been a course in physiotherapy in this State.

All persons who can establish that they have bona fide been engaged in the practice of physiotherapy as defined in the Bill as a means of livelihood for a substantial part of recent years will be registered when the Act becomes law. Thereafter only persons who can show that they have had adequate professional training will be registered. A further reason for the introduction of the Bill is that New Zealand and all States on the Australian mainland except Western Australia have provided for the registration of physiotherapists. If this State fails to provide similar standards, it is likely that partly trained or untrained persons will migrate to this State to the detriment of patients.

Physiotherapists provide a service which, under medical direction, can be of extreme benefit in the alleviation or cure of many ailments. The demand for such services and the extent to which they are utilised by hospitals and doctors are increasing, and qualified persons are difficult to secure. An indication of the shortage existing throughout Australia is the frequency with which Eastern States authorities advertise through the Australian Press for physiotherapists, and also in Great Britain, where standards are set out such as are contained in this Bill.

Those who wish to become physiotherapists at present have to go for training to cities in the Eastern States at their own expense. Many of them never return to Western Australia and thus the community never has the value of the services of its own citizens. An indication of the wide use made of physiotherapy is to be

found in figures supplied by metropolitan hospitals. At Princess Margaret Hospital nearly 60 children are treated daily. These include children disabled by poliomyelitis, those suffering from injuries received in accidents and those requiring special treatment following major surgery. At Fremantle Hospital 25 in-patients and a number of out-patients are treated by physiotherapy. The staff of the Royal Perth Hospital is caring for 66 in-patients, including 36 from the Infectious Diseases Branch.

Hon. E. Nulsen: Are there any physiotherapists in the country, such as at Kalgoorlie?

The MINISTER FOR HEALTH: There are no physiotherapists practising outside the metropolitan area today. The figure I now propose to give is very illuminating. The attendances at the physiotherapy outpatients' clinic total 12,500 per year. In all, 16 physiotherapists are employed in hospitals in Western Australia. This number, however, is insufficient to cope with the demand. It is a matter for regret that approximately 200 spastic children in need of physiotherapy cannot receive attention because of the shortage of physiotherapists. That is but one factor which emphasises the acute shortage which this State shares with the rest of the world, and points to the need to establish our own machinery for training persons as physiotherapists. The Bill includes certain definitions necessary for efficient administration. Notable amongst these is the definition of physiotherapy.

Hon. F. J. S. Wise: Does the B.M.A. support the proposal?

The MINISTER FOR HEALTH: Definitely. The definition of physiotherapy in the Bill conforms to the accepted meaning given to the term by other bodies in other States and countries concerned with the registration of people who follow the profession. I might say in further answer to the interjection by the Leader of the Opposition that right throughout Australia, New Zealand and Great Britain it is supported by the medical profession entirely and wholeheartedly. The board to be set up under the Bill includes the Commissioner of Public Health who will be chairman. This gives the necessary liaison bebetween the board, the Government and the practising medical profession and medical services.

The other members of the board will include a medical practitioner. This member—and this might be regarded as a further answer to the interjection by the Leader of the Opposition—will be appointed by the Governor and will serve as a direct link between the two practising professions. There will also be two physiotherapists on the board, for obvious reasons; and, finally, a member nominated by the Senate of the University. This latter appointment is necessary because training must be undertaken at a standard approaching university level, and also because much of the training will be carried out at the University by its staff.

The operations of the board will be financed by fees collected and, if necessary, Government grants. The board will be empowered to make rules covering the conduct of its meetings, prescribing the qualifications which must be held by persons seeking registration, and the method of keeping the register. It may also fix the fees to be paid for examination and registration. All physiotherapists licensed by the board to practise would be recorded in an official register which which must be kept by the registrar. A record of students will also be maintained. Every person who has completed the course to be conducted, and who is over 21 years of age and of good character, will be entitled to registration. It is anticipated that reciprocal agreements will be concluded with recognised authorities of other States and countries, thus admitting to registration persons holding satisfactory qualifications obtained elsewhere.

Hon. E. Nulsen: Has similar legislation been enacted in the other States?

The MINISTER FOR HEALTH: All the other States have it. For some years it has functioned through the universities in South Australia and Queensland, and through a board in Victoria and New South Wales. We have adopted the board system here, but there is very little difference in the manner of obtaining the qualifications; it is all through the universities and hospitals. Provision is made for the registration of persons resident in Western Australia who, whilst holding no recognised qualifications, have been bona fide engaged in the practise of physiotherapy in this State for not less than 24 months out of the preceding three years. It would be unfair to exclude such persons who, having acquired a sufficiently high degree of skill, practise physiotherapy as a means of livelihood. After the measure comes into operation, only persons registered by the board will be entitled to practise physiotherapy and to use the title "physiotherapist."

It is realised that there are a number of callings which utilise one or more of the procedures included in the definition of "physiotherapist." Examples are chiropodists, chiropracters and osteopathists. Those people fill a useful role, and it is not proposed in this Bill to interfere with or control their operations. They have, therefore, been specifically excluded from the operation of the Bill. Other persons who apply massage and heat for purposes not connected with the treatment of abnormal conditions are also excluded. These include trainers of athletes, turkish bathkeepers and beauty parlour proprietors. Medical practitioners and dentists will not

be affected by this Bill. Provision is made for scientific progress in that the definition of "physiotherapy" may be qualified by proclaiming further methods which may be employed by physiotherapists, should the necessity arise. Persons who commit breaches of this Act or of the regulations under it may be fined a sum not exceeding £25.

The final provision empowers the Governor to make regulations necessary for the board to carry out its functions. This includes the setting up of a course of training in physiotherapy. To this end, the Government has decided to appoint a suitably qualified person as director of physiotherapy. The director, in conjunction with various departments of the University of Western Australia and the metropolitan hospitals, will be responsible to the board for the training of students. The course will extend over three years, and successful students will be issued with a certificate entitling them to registration. The standard of the course will not be lower than those conducted in other States and countries with which the board will negotiate to conclude reciprocal agreements regarding registration. I move—

That the Bill be now read a second time.

On motion by Hon. E. Nulsen, debate adjourned.

BILL—INCREASE OF RENT (WAR RESTRICTIONS) ACT AMENDMENT (No. 2).

Second Reading.

Debate resumed from the 7th November.

HON. A. R. G. HAWKE (Northam) [5.50]: This Bill proposes to do two main things. It proposes, first of all, to allow of the standard of rent which was fixed by the parent Act in respect of premises occupied by lessees or tenants prior to the 31st August, 1939, to be raised. In the second place, it proposes to give to lessors or landlords greater opportunity than they have previously had to gain possession of the premises that they own. On that point, and in addition, it proposes to give to all lessors or landlords the right, after a period of time—the maximum being nine months—to gain repossession of any premises which they own. The problem or problems with which this Bill seeks to deal is or are exceedingly difficult. They are made difficult because of the continuing and even increasing shortage of houses within the State.

When explaining to the House the provisions of the Bill, the Minister for Local Government rather gave members to understand that these problems could reasonably be overcome, provided that there was to be exhibited by all members of this Chamber sufficient of the spirit of give and take. I only wish the problem or problems were as easy as that of solution. Unfortunately, they are much more complicated, because there is such a deep clash of interest in so many cases as between the landlord on the one hand and the tenant on the other hand. In many instances, the degree of hardship being imposed on each party, landlord and tenant, is about equal, and consequently it is extremely difficult even for magistrates, who hear applications from landlords for repossession, to decide between the landlord and the tenant. More often than not, the magistrate decides in favour of the tenant and his family as against the landlord and his family.

If magistrates, who have the parties to these applications and disputes personally before them and who take evidence from each of the parties, find so many of these cases extremely difficult finally to decide, how much more difficult will it be for members of this Legislature to try to decide them! Let us take the provisions of this Bill that aim to give landlords the right to repossess their premises; we, as legislators, are asked to deal with that problem on the face. No attempt is made in the Bill to segregate what might be deserving sections from the non-deserving sections of those concerned. We are asked to approve the appropriate provisions of the Bill to give to all lessors and landlords certain absolute rights with regard to regaining possession of land, and the premises erected thereon, owned by them. I wish the problem were sufficiently easy for us conscientiously to be able to do that.

I realise that in point of pure principle, any person who owns a house, a shop, a warehouse, a factory or any other building that comes under the parent Act, should have the right, upon giving reasonable notice, to repossess the land and the premises concerned. Until the outbreak of the recent war and the introduction of the parent Act, that, indeed was the position in this State. Prior to the war, however, the housing situation in Western Australia was not serious and was certainly not acute, and it was therefore quite easy to put into operation, in a legal way, the pure principle of the right of ownership or the supremacy of ownership, to which I have referred. Unfortunately, we are today in an entirely different situation.

We have not now to decide the problem on the basis of pure principle in regard to the supremacy of ownership, but rather on the basis of the measure of hardship that is being inflicted on each of the disputing parties—the landlord on the one hand, the tenant on the other. I submit that we cannot conscientiously or reasonably tackle this problem by taking it on the face and dealing with all concerned as though the case and needs of each individual were the same. I would have been

much more inclined to support this principal portion of the Bill if it had made some attempt to specify particular classes of landlords—

The Premier: Do you mean as to the degree of hardship?

Hon. A. R. G. HAWKE: I mean that this Bill should not have tried to tackle the problem on the face by regarding the situation of every person as being the same as that of everyone else, but should have attempted to do so on the basis of giving some much greater relief than is at present available to what I might describe as the weaker or most deserving section of landlords. For instance, those I have in mind are pensioners, landlords on small fixed incomes, landlords who, for some reason or another, leased their homes before the parent Act was introduced and went to live, perhaps, with relations and who now find themselves in urgent—and maybe even desperate—need of the dwelling houses which they leased some seven, eight, nine or ten years ago. I believe that an extremely strong case could be made out to justify Parliament giving special consideration to landlords who would fall into those classes, and those who would also fall into other classes which could be referred to by other members.

I am sure that almost every member of the House knows of a particular group of landlords who have been suffering very great hardship over the last few or several years, because of their inability to convince a magistrate of the greater need they themselves have as against the need of their respective tenants. Because the appropriate provisions in this Bill seek to treat everyone alike in regard to repossession and eviction, I find myself in considerable doubt as to whether Parliament would be justified in passing the provisions in their present form. It is most unfortunate that this legislation should have come before us so late in the session. I doubt whether any member of this House will have a reasonable opportunity of giving the problem the consideration it needs before we would be justified in passing legislation, of which we could have any degree of confidence as to the results it would produce if it were put into operation.

The Premier: Do you not think members have heard more about this particular matter than anything else? I do not mean the Bill itself but the general difficulties involved.

Hon. A. R. G. HAWKE: The Bill is the vital factor to be considered now.

The Premier: It is.

Hon. A. R. G. HAWKE: Members have not had very much opportunity of studying it. They have had extremely little opportunity of trying to measure the effect the Bill is likely to have if it is passed in this form, and if it is applied in the face in respect of every landlord and tenant without any consideration at all being given to the measure of hardship which is upon one side and up the other.

The Attorney General: It does not apply to every landlord, but only to those who require to live in their own homes.

Hon. A. R. G. HAWKE: As the Attorney General says, it does not apply to every landlord in the State, but it does apply to every landlord of a dwelling house who wishes to occupy it himself. However, although that is what the Bill provides in black and white, it is my opinion that its execution in its present form would cause it, within a short period of time, to become very widespread in its application. I say that because it is easy today to receive fantastic prices for dwelling houses, especially where the would-be seller is able to guarantee vacant possession to the would-be purchaser. If this Bill becomes law, in respect of the provisions in it for the repossession of dwelling houses I feel certain in my own mind that it will start a movement among landlords for the repossession of houses from tenants which will be greatly accelerated as the weeks and months go by.

For example, say I am the owner of two houses. I occupy one of them myself. The other is let to a tenant. I am anxious to take advantage of the extremely high prices ruling for houses with vacant possession. So I make arrangements, in the first place, when this Bill becomes law, for someone else to occupy the house I am now occupying and I take up accommodation elsewhere. As soon as time will permit I then serve a notice on the tenant of the other house, calling upon him to vacate it. If he does not do so within the three months period provided in this Bill I approach the court, and go through the necessary procedure for the purpose of calling upon the court to determine whether the tenant in question shall remain in the house for an extra month over the term or, for an extra two, three, four or five months, or, at the maximum, an extra six months, at the end of which time the tenant has no alternative but to vacate the premises. If he does not vacate the house at the end of the total period of nine months then I take action through the court to have him thrown out, and the Bill gives me that right without any question.

It is true that the Bill makes provision for landlords to gain repossession, as it were, under false pretences. It provides that after a landlord gains possession of a dwelling house in accordance with the law, he or she must remain in it for a period of at least 12 months. In other words, the landlord, after gaining repossession, is not entitled to lease or part with the dwelling house until 12 months have elapsed unless he or she first approaches the court, and shows good cause

why it should grant to the landlord the right to lease the premises or sell them before the 12 months have elapsed. I do not know whether the Minister has much faith in that particular provision in this Bill.

The Chief Secretary: You certainly disclose a minute weakness which I had not thought of before, but it is one which could be rectified by a simple amendment.

Hon. A. R. G. HAWKE: I very much doubt whether it can be made right by a simple or a series of complicated amendments.

The Chief Secretary: May we say that it can be improved upon?

Hon. A. R. G. HAWKE: Maybe it can. I will see whether it can when the Minister is replying to the debate or dealing with the Bill in Committee. We have to realise when dealing with this repossession on the face and treating alike all landlords who desire to gain repossession of dwelling houses in order to occupy them themselves, that we are dealing not only with deserving landlords but also, perhaps, with hundreds and thousands of other landlords who will be anxious to gain repossession of the dwelling houses which they own, not for the bona fide purpose of residing therein with their families—

The Premier: There would not be thousands of landlords, would there?

Hon. A. R. G. HAWKE: —but for the purpose of selling the houses they own during this present period of exceptionally and even fantastically high prices which obtain.

Mr. Griffith: There is nothing to prevent them selling their houses now.

Hon. A. R. G. HAWKE: Is there not? I think there is quite a lot to prevent landlords selling dwelling houses which they own.

Mr. Griffith: Can you tell me any one thing that prevents a landlord from disposing of his property if he so wishes?

Hon. A. R. G. HAWKE: I can tell the member for Canning a most vital reason why landlords do not sell on the present high market. The reason is that they cannot guarantee vacant possession to the person who would buy. They cannot do that because the tenant and his family, in any approach made on the initiative of the landlord to the court for repossession, are able to prove to the court that a far greater degree of hardship would be imposed upon them if the house were repossessed by the landlord, than the degree of hardship which would be imposed on him because he is not able to regain possession.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. A. R. G. HAWKE: I was dealing with the provisions of the Bill that propose to give landlords the right to repossess dwellings where they claim to require them for their own occupation. As I pointed out, I think the provisions contain a serious weakness inasmuch as it is proposed to treat all cases on the same basis, and I suggested that it would have been a better approach had the Bill sought to specify deserving groups of landlords, who would be entitled to receive the benefits of these provisions or even possibly more generous provisions than are in the Bill regarding repossession of dwellings. Holding those views, I suggest that the Minister give serious consideration to the question of having those provisions redrafted on that basis.

Every member is anxious to try to meet the difficult situation of those landlords, who urgently and even desperately require dwellings, which they have let for some reason or other, in order that they themselves might occupy them. I think there would be complete approval of suitable provisions, if they could be drafted, to give such landlords the right to regain their houses at the earliest practicable date.

The proposal drastically to ease the standard rent provisions of the Act are such as, in my opinion, will bring about a very solid upsurge in the average rents for dwellings in this State. The first proposal lays down that an increase of 25 per cent. shall take place in the standard rent of dwellings where the individual landlord and individual tenant agree upon that increase. Some members think that not even one such agreement would ever be made, because no tenant would be willing to sign an agreement providing for the payment of an increased rental. Upon a superficial consideration of what is involved, that might appear to be a logical conclusion at which to arrive. On the surface, it would appear unlikely that any tenant would sign an agreement with his landlord when the only result could be to make it obligatory on the tenant to pay 25 per cent. more rent each week. If the reasoning of people who think that way is correct, then that part of the Bill is valueless.

My opinion is that quite a large number of such agreements might be signed if this part of the Bill becomes law. There are many varieties of tenants, just as there are many varieties of landlords. If this provision became law, some landlords of a quite undesirable type would use a considerable amount of pressure upon tenants to persuade or force them to sign the agreement. I am fairly certain that every member has had tenants, and especially the wives of tenants, approaching him at different times, almost on the brink of a nervous breakdown, complaining that the landlord has been adopting all sorts of irritation tactics, all sorts of persuasion and all possible methods of indirect force to worry the tenant and the family out of the house, even though the landlord in a prior approach to the court was not able to obtain from the magistrate an order for repossession.

That type of landlord, in my opinion, would take up this provision and use it very effectively and successfully for the purpose of obtaining the maximum increase in rent which the Bill proposes to establish, namely, an increase of 25 per cent, on the existing standard rent. Therefore, I think many tenants would sign agreements with landlords to pay the increase of 25 per cent., but nearly everyone would sign under direct or indirect duress of some sort or other.

Mr. Yates: Do you think there would be many of them?

Hon. A. R. G. HAWKE: I think there would be a great number. There are other factors to be taken into consideration. The average person in the community has a feeling of very great uncertainty, if not of fear, regarding law court proceedings. The average person would be so doubtful and so fearful in his mind about going into court to have this proposition argued that he might easily think he would be choosing the lesser of two evils by signing the agreement and thus committing himself to the payment of an increase of 25 per cent. in his weekly rental, if it were rental payable every week.

In addition, if a tenant refused to sign such an agreement, he would have to face the prospect of engaging legal aid to place his case properly before the court. The average person in the community is very scared, and justifiably scared, of lawyers, because he feels that when he places himself in the hands of a lawyer, he does not know when he will be able to pull himself out, and he does not know what the cost to him will be before he finally frees himself from legal and court proceedings. Another compelling factor which might easily lead a large number of tenants to sign the agreement would be the fear that failure to sign would land them in the court and that the landlord's application for an increase might bring about an increase of more than 25 per cent. The court might grant an increase of 33 per cent., 50 per cent. or even more. Therefore, it can be seen that the first impression that no tenant would be likely to sign the agreement to have his rent increased by 25 per cent. might, in practice, prove to be altogether wrong. A large number of tenants might sign the agreement because of one or other of the reasons I have given.

A question I ask in regard to the proposed 25 per cent. increase by way of agreement is whether we as legislators should become rent-fixers. The provision in the Bill for a 25 per cent. increase in the rent does, in fact, make us, or attempt to make us, rent-fixers.

Mr. Ackland: Did not the original legislation do that?

Hon. A. R. G. HAWKE: The original legislation pegged rents as they then existed as at the 31st August, 1939. I should like to make it clear that the economic developments that have taken place since the 31st August, 1939, have been such as to justify some adjustment of rentals where those rentals are still at the same figure as existed at that date. I can quote my own example in support of that. I have a dwellinghouse in the Claremont-Nedlands district leased at a depression rental. The amount has not been changed from what was then fixed, so that the depression rental has continued right through and is still in operation. At the same time, I am paying 8s. 6d. per week more for the house I rent at Northam, though it is not as good as the one I own in the Claremont-Nedlands district. No doubt there are hundreds of similar cases. There need be no doubt, therefore, about my appreciation of the difficulties and the injustices of the situation.

The point I am concerned about in connection with the attempt the Bill makes to deal with the problem is that we lay down that landlords and tenants shall be entitled to enter into an agreement to increase rents by 25 per cent. When the Minister was explaining the Bill in his second reading speech several members asked him to explain how the 25 per cent. came to be decided upon and subsequently included in the measure. The Minister was in a hurry at the time because of the lateness of the hour, but he promised to give members a full explanation when the Bill was being considered in Committee. I look forward with considerable interest to hearing the explanation because unless the Minister and the Government can logically relate the proposed 25 per cent. increase to the changes which have taken place in the economic field between the 31st August, 1939, and the present date, it will be difficult for members to support this particular portion of the Bill, which, I understand, is applicable to all premises, and not only dwellinghouses.

I believe the Bill will apply to retail shops, warehouses, factories, hospitals and all other types of premises except those licensed for the sale of alcoholic and spirituous liquors. If my interpretation of that part of the Bill is correct, and it becomes law, we can foresee, without much stretching of the imagination, a great upsurge in rents in Western Australia during the next year. The measure sets out the principles which the court is to take into consideration when dealing with an application for an increase in rent. Those principles are several in number and wide in scope. The court, if it were so inclined, could increase rents by 50 per cent., and under these provisions it could increase them in some instances by as much as 100 per cent. If, after the proposed provision—if it becomes law—has been in operation for 12 months, the rentals for dwellinghouses are increased, that increase could easily have the result of forcing the basic wage up at

least another 5s. per week. In addition, if the owners of retail shops, warehouses, factories and the like were to take advantage of the proposed legislation, there would come about quite a material increase in the prices of the goods which those business firms or men, manufacture, process, wholesale or retail, and that, in turn, would force the cost of living up again which would necessitate upward quarterly adjustments to the basic wage.

In the circumstances our economy which has already gone, or has been allowed to go, berserk to a large extent, would be pushed even further in that direction, and we would be another substantial distance nearer to the precipice of economic destruction towards which Australia is heading, and which she is certain to reach unless some stern and effective measures are taken to bring about a move in the opposite direction. It is comparatively easy to criticise any proposals put forward by the Government, or anyone else, to deal with these extremely difficult problems, and, on the other hand, it is extremely difficult to put forward constructive suggestions of an acceptable character in connection with them.

The Minister seemed to think that if members, during the second reading debate and the Committee stage of the Bill, were to give and take sufficiently they could mould a successful measure which, in operation, would be effective and give an even-handed measure of justice to all concerned. I wish it were within our power to be able to do that. I am afraid that the problems with which the Bill seeks to deal are too complex and many sided to enable us, no matter how much we give and take, to achieve that objective.

The Chief Secretary: You will admit that some give and take would be a big help.

Hon. A. R. G. HAWKE: I think the measure of success which would be achieved by give and take on the part of everyone of us would depend on who gave and who took. I am afraid we cannot solve the problem, or even help, by indulging in generalities about give and take. Any large measure of success to be gained in this matter will have to await, in my opinion, a solution of the existing acute housing problem.

Mr. Totterdell: That is a Kathleen Mavourneen proposition.

Hon. A. R. G. HAWKE: I am glad the member for West Perth confirms my opinion that a complete, or even substantial solution, of the present acute housing shortage will be of a Kathleen Mavourneen nature so long as the present Government remains in office.

The Premier: Or any other Government, with thousands of people coming into the country.

Hon. A. R. G. HAWKE: It is very satisfying to me, even though somewhat saddening, to find that the Premier has benefited from his four and a half years practical experience in office. I say that, because four and a half years ago he gave the people of this State to understand that the shortage of houses in Western Australia was a problem of no magnitude at all, but that the acute housing shortage existing early in 1947 could be overcome with reasonable expedition if only capable, energetic and vigorous men were elected to govern Western Australia.

Hon. J. B. Sleeman: He also told them "Vote 'no'. We will control prices."

Hon. A. R. G. HAWKE: In conclusion, I wish to say that I shall, to the limit of whatever ability, knowledge and experience I may have in connection with this problem, be pleased to assist the Minister and other members when the Bill is in Committee in order to make the best possible measure out of it in these difficult circumstances.

MR. NEEDHAM (North Perth) [7.55]: In common with the member for Northam, I regret that the Government has introduced the Bill at such a late hour of the session. In view of the fact that the Government had such a severe lesson taught it in the rejection by the Legislative Council of a portion of the existing legislation giving protection to returned Servicemen, which expired on the 30th September last, I thought it would have brought this measure down much earlier. I do not know of any legislation that could be more important than the Bill before us. It has been awaited with considerable anxiety by many people. They have been wondering when the Government would make up its mind to introduce legislation that would bring about a more equitable relationship between landlord and tenant. I venture to say that after having heard the speech of the Attorney General, when moving the second reading, they, as well as many members in this Chamber, are considerably disappointed.

Mr. J. Hegney: It was the Chief Secretary who introduced the Bill, not the Attorney General.

Mr. NEEDHAM: Well, it does not make much difference whether it was the Attorney General or the Chief Secretary. I thought the Government would have given more serious and detailed consideration to the measure. One would think from a perusal of the Bill that we were living in normal times and that the relationship between landlord and tenant was normal, but, of course, it is nothing of the kind. As was mentioned by the member for Northam, the housing position has been acute for many years, and the State Housing Commission has allotted the houses that were available on the all-important principle of hardship. That has been, and still is, the first and paramount consideration

when applicants are endeavouring to secure houses in which to live and one would have thought, in a measure of this nature, that the approach would have been on similar grounds, particularly in that part of the proposed legislation which deals with the increase of the standard rents. So far as the Bill is concerned, in all its phases, it is neither fish, flesh nor good red herring. I quite agree with the member for Northam that it would be better to delay the measure in order to see if we could not get something which, in its operation, would deal more equitably between the parties concerned.

In saying this, I realise the difficulties facing the Government in drafting legislation of this nature. I also realise that if there is any more delay many people in the State will have to suffer continued hardships. So, I presume we will have to do the best we can with the Bill as presented. That part of the Bill which gives permission to the landlord to increase rent up to 25 per cent.—

The Attorney General: Only by agreement, of course.

Mr. NEEDHAM: That part of the Bill, is to my mind, the most important part of the legislation, and in that section it might have been better to have approached the question in the same way as the State Housing Commission has approached the allotment of homes. The landlord who, as a result of his or her savings, managed to get property and let it out at a rental, looking forward to the rental to keep him in the evening of his life, has been having a bad time in recent years. To that section of landlords, who are dependent almost entirely on the rental they receive from their properties, serious consideration should be given and I do not think an increase of 25 per cent. in the standard rent would be too much.

As the member for Northam has emphasised, there are other landlords who have other incomes besides the properties which they rent, and there might be considerable hardship on the occupants of those houses if they have to pay increased rents which would be allowable if this legislation is enacted. Therefore, in that regard it might be better, when we reach the Committee stage, for the Minister in charge of the Bill, and the Government of which he is a member, to have another look at that portion with a view to seeing whether something can be done to consider the position from the economic point of view of the landlord. I venture to say that there are many different classes of landlords, so far as their economic positions are concerned.

Another part of the Bill deals with shared accommodation and, if the amendment is accepted, it will clear up a lot of confusion. On a previous occasion I attempted to have an amendment passed with a view to allowing people who occupy shared accommodation to have their rentals determined by the rent inspector without going to the Fair Rents Court. But that suggestion was not accepted. If my memory serves me rightly, under the existing legislation the rent inspector cannot adjudicate in the rent of shared accommodation but he can for every other type of accommodation. People occupying shared accommodation have had to pay all the costs of going to the court but, if the matter could have been determined by the rent inspector, not only would money have been saved but also a considerable amount of time. So I think that this portion of the Bill will do some good, if it is passed.

The measure also sets out that rent can be increased as a result of an agreement between the landlord and tenant. That might be all right in normal times but in view of the position of housing today there is a certain amount of danger attached to it. I have a case before me where a landlord submitted an agreement to his tenants to increase their rents by amounts from 12s. 6d. to £1 a week. If they fail to agree to that increase then he will go to the court. Some of these tenants were afraid that if they did not agree to that arbitrary decision by the landlord they would find themselves looking for accommodation in some other place. Therefore, some of them are inclined to sign the agreement under duress, as it were.

In normal times, when houses were plentiful, there was no necessity to go to the Fair Rents Court because the agreement was entered into between the landlord and tenants. I am glad to say there are not many such landlords, but there are some, who endeavour to increase rents to the extent I have already mentioned and the tenants are afraid that if they refuse they will have to seek accommodation elsewhere. So, that feature of the legislation has to be watched carefully as to whether or not the landlord should be free to make an agreement with the tenant. It may be better to have the rent fixed entirely by the court.

After all, if the tenant is a working man he has to go to the Arbitration Court or the Conciliation Commissioner to have his wages fixed and the union, of which he is a member, has to go to considerable expense in order to get that case before the court so that the industrial tribunal can take evidence from both employer and employee to determine the weekly wage. All that tenant has to sell is his labour—that is the only thing he has for sale and he has to go through this procedure of the Arbitration Court before he can obtain an increase. Therefore, it is only right, if a landlord has a property for rental, for him to go to the Fair Rents Court so that evidence can be taken from both sides and a magistrate determine what the fair rent shall be.

I notice also that the land tax and rates can be passed on to the tenant. That is a continuation of the old system where everything is passed on to the worker. An increase in wages is passed on to the food and clothing that the worker uses, and now the landlord is to be entitled to pass on the land tax and the rates of the local authorities. Every way we look at the Bill there seems little of it which is equitable and, if there was more time in this session, I would like to see it either postponed for some considerable period, with a view to giving it further consideration or having it referred to a Select Committee. I say this because I am not at all satisfied with the Bill in its present shape.

The measure also provides that when fixing a fair rent comparisons can be made with premises in the locality adjacent to the house for which the rent is to be fixed. I can see a danger there. We might find in the locality a house recently built which, of course, has cost considerably more than a similar house built 15 or 20 years ago. If that comparison is made between a house newly built, at an increased cost, and a house built years ago at a lesser cost, then the rent determination will not be equitable.

The Chief Secretary: You must make allowance for the valuer. You must take that into account.

Mr. NEEDHAM: That may be so but it would not be equitable in fixing the rent. If Brown owns a house which cost say £2,000 today, and there is a tenant in occupation; and Smith owns the house next door, the capital cost being in the vicinity of £800—

The Chief Secretary: I think you are looking at it in the wrong way. That will be taken into consideration.

Mr. NEEDHAM: We will discuss that point in Committee because the Minister may have a different interpretation. In connection with the all-important and vexed question of lessors gaining possession of their homes, I notice that nine months may have to elapse before a person can get possession of his home. I am glad to say that the member for Murchison has an amendment on the notice paper which, if agreed to, will reduce that period considerably. It would be wrong if people who have made applications time and time again for repossession of their homes have to start de novo from the time this legislation becomes law, and add another nine months waiting to the period that has already elapsed. I do not see anything fair about that. After waiting many years, it is still doubtful whether the owner can get possession of his home after nine months.

I am sure every member of this House has had considerable experience of that phase of the housing question. We have all known people trying, without success, to get possession of their homes. If this Government is faithful to its promises made on the hustings in 1947 and this year, surely the housing position will be less acute in the next few months than it is today, in view of the added population and the additional labour available. Surely the Government will be able, even at this twelfth hour, to honour its promises in this matter! If that is so, there should be a better chance for people to regain possession of their homes, and I certainly will support in Committee the amendment foreshadowed by the member for Murchison to reduce the time of waiting from nine months to three.

The Bill purports to give protection to returned Servicemen. I cannot see where there is much protection under its provisions—not to returned Servicemen in general. Whatever little protection was left them was disposed of summarily by the Legislative Council a few weeks ago when they rejected the Bill sent to them to continue the protection under the principal Act until the end of this year. This Bill proposes to re-enact the protection to returned Servicemen. So far as I can read the Bill, the returned Serviceman will have to be totally and completely incapacitated before he can get protection so far as this measure is concerned. We realise, of course, that there are quite a number of returned Servicemen in good health and in complete possession of their faculties who are not satisfied with the alleged protection this Bill purports to give. There is nothing more I have to say on the second reading except that if the Government intends to proceed with the Bill, I will support the second reading in the faint hope that as a result of its being considered in Committee a better Bill may emerge.

MR. TOTTERDELL (West Perth) [8.19]: I was rather hoping that someone would move that this Bill be abolished altogether. I think I am speaking for the property-owners of this State when I say there has never been a more long suffering community than the property-owner over the last 11 years. He is a person who has taken the little crumbs from the plate and given away the good food because of the effect of legislation that should have been repealed long ago. When the rent restrictions Acts were introduced we were in depression times, and the landlord has waited patiently to have some relief from his sufferings.

Mr. J. Hegney: It was a wartime measure.

Mr. TOTTERDELL: Perhaps he is a man who in his younger years worked hard and saved his money and invested in property, in the hope that in the autumn of his life he would be able to sit back and enjoy life and not be a burden on the community, and because of that he now finds he cannot exist on the investment he has made.

Mr. May: Are you sure they are all in that category?

Mr. TOTTERDELL: Most of them; I am one myself. Everything has increased in price beyond all reasonable bounds during the last few years. If a man wants a fly-wire door put on, he has to pay three times the value for it to be done; if he wants a new copper, again he pays three times the value. But the only person who is not getting any help is the landlord because he cannot increase his rent.

Mr. Fox: If he wants to sell his house, he will get three times the value.

Mr. TOTTERDELL:: I own a block of flats in West Perth, and during the war years they were tenanted by young men who joined up. These men came to me and said they would like their families to remain in the flats, and asked whether I could see my way to giving them some relief in regard to their rentals. I reduced their rent by £1. The boys went out and since then I have not been permitted to increase the rent. I hope the House will treat this Bill reasonably, because of the fact that landlords do need some relief. I would rather have the whole Bill thrown out than leave it open, because we have been in a state of suggested peace for six years and these things should not be in existence. With the member for Northam, I hope that something better will be done than is in the Bill as presented by the Chief Secretary. I do not think it is good enough. I do not like the idea of having to go to court with an application for an increase in rent. I think it is ridiculous, but I feel we could perhaps amend this Bill, so that by some agreement we could have a reasonable increase in rent.

There is no working man in this State, I am sure, at present paying £1 a week rental, who would object to his rent being increased to 25s. because of the fact that his wages have increased since that £1 rental was fixed. I know of an instance in East Perth where a landlord is receiving 16s. a week for a house into which £24 a week is coming. It is very unfair. Rates and taxes have gone up and landlord's repairs have gone up; in fact, everything has gone up, and yet the landlord cannot get a reasonable rent for his property. I hope proposed new Subsection (3) in Clause 12 of the Bill will be struck out altogether because I do not want to object to any man who wants to get rid of a tenant if he is undesirable. I hope the House will treat this matter reasonably. I am sure that if a landlord cannot get anything better, he will be satisfied to accept 25 per cent. increase, because we are a long-suffering crowd, and we would do so in the hope that in the next few months we might perhaps get a further increase if the Premier should think it necessary. This was promised by every member of the House when we were on the hustings, and it is now November before the Bill is brought before the House. It is long overdue and I think the House should approve of the second reading, and perhaps, after the Bill has been through the Committee stages, we might get something better.

MR. FOX (South Fremantle) [8.25]: It is very refreshing, even at this late hour, to hear the Minister, when introducing the Bill, state, in effect, that his predecessors were not responsible for the acute shortage of houses. The Minister said there is a tremendous shortage of houses for our people and, as members will admit, it is due to the great effort made in the conduct of the war. This shortage of homes is the inevitable result of that war effort. It is a pity the hon. member did not say that in 1947. The Premier can well laugh! He can afford to laugh now, because he succeeded in winning the election, due to the tripe he put up at that time. But truth catches up with him. I am wondering whether the member for West Perth, who is so vitally interested in this Bill, should be eligible to vote on it. I am very doubtful of that, and perhaps you, Mr. Speaker, could give a ruling on that later on, though I am not going to ask for it now. As far as evictions are concerned, I would prefer to leave the present law as it stands. I think it is going to be very hard on tenants if it is made mandatory on a magistrate to evict them, say, at the end of nine months or perhaps earlier. I think it should be left to the magistrate, who would have all the evidence before him, and could judge the matter of hardship alone. We all know that the State Housing Commission is very reluctant to allocate a home to anyone who has not been evicted by order of the court. The magistrate takes that into consideration when dealing with a claim.

Mr. J. Hegney: Not many of those evicted get homes, either!

Mr. FOX: There have been a number evicted, of course. But until a person is evicted—this applies in Fremantle, at any rate—he has no chance of getting an allocation for a home. After he is evicted, he then gets accommodation only in a military camp. After he has served some time there, and when a house is available, he is allocated one of these cottages. I would prefer that the law should remain as it is rather than inflict hardship on a tenant who, if he is thrown out, will have no place at all to go to. The magistrate will be able to judge between landlord and tenant. The matter of landlord and tenant agreeing to a 25 per cent. rise in rent does not make any difference in the Bill, provided they agree to it, because in the old Act, Section 7 (5), the landlord can approach the court at the present time. I would rather see Clause 7 struck out altogether.

As I said before, when the Bill was introduced I think it was generally understood by members that that section re-

ferred to houses let after the 31st August, 1939. While Clause 7 remains in the Bill, I think the tenants are going to suffer great hardship. On another occasion I quoted some cases where landlords had taken tenants to court and where the cost of the house in, say, 1935, was £535 and the landlord had the rent raised from 26s. a week to 40s. a week. Since then, I know of a case of a pensioner who was taken to court and his rent was increased from 22s. 6d. to 50s. While these provisions remain in the legislation, the tenants will be given no relief. It is all right for the landlord who gets the benefit of increased rents on the basis of inflated values of today. The member for West Perth talks about the hardships experienced by landlords.

Mr. Totterdell: Do they not suffer hardship?

Mr. FOX: The object of the landlords in trying to get rid of their tenants is, in many instances, to secure the premises and make them available with vacant possession. When they are in that position, they can charge three times their value when selling.

Mr. May: That is the point.

Mr. FOX: It cuts both ways. I know of an instance where a house was bought between 1911 and 1914 for £600 and was sold the other day for £2,400. The landlord has it all his own way in that respect. While this provision remains in the legislation there is grave danger, as the figures the Minister produced clearly showed, of rentals being unduly inflated with the basic wage going still higher in consequence. I certainly think the Minister should give the matter some consideration when dealing with Clause 7 at the Committee stage.

The fixation of rents should be divorced altogether from the courts. It should be left in the hands of the Fair Rents Department under the control of Mr. Stewart and his staff. They are in a better position than anyone else to deal fairly as between landlords and tenants. That procedure would be far less costly. When a verdict is given in court, as in the instance I mentioned when the rental was increased over 100 per cent., it is altogether too costly for the tenant to approach the Supreme Court by way of appeal to have the decision reviewed. On the other hand, the landlord is in a position enabling him to bear that expense. I certainly would prefer that the matter should be left in the hands of Mr. Stewart and his staff. Then again I hope the Minister will give some consideration to amending Section 7 of the principal Act which embodies a very objectionable paragraph that reads—

> The existence of special circumstances which in the opinion of the court make it just and reasonable that the rent shall be in excess of or less than the standard rent.

What are the special circumstances that would cause the value of a house to rise? The landlord has done nothing in that direction. He has stood idly by and has reaped the unearned increment in the shape of increased values created by the additional population.

Mr. Yates: Would not the value of money have something to do with it?

Mr. FOX: He is able to gain that unearned increment because of the shortage of houses. People, especially those who have come here from oversea, have plenty of money and our own people are exploiting them. As a matter of fact, such people should not be able to purchase houses until they have been here for six months or more.

Mr. Grayden: What about the depreciation in the value of rentals?

Mr. FOX: That is in accordance with the value of the properties and has to be taken into consideration. That provision was not made in the original Act. The only provision for increased rentals was in relation to structural alterations. Houses have to be kept in order otherwise they would be condemned.

Mr. Griffith: It costs more to do that today than formerly.

Mr. FOX: I think the fair rents people should be able to fix a fair rental for a house or any part of it. They have done good work in the past and should be given an opportunity to continue along those lines. I have no great love for the Bill at all. I realise that people who own houses have a right to get possession of them if they want them, but, in view of all the circumstances, I would rather leave it to the court to say when a tenant should vacate the premises he occupies rather than to make it mandatory in nine months time.

MR. YATES (South Perth) [8.36]: I have listened with a great deal of attention to the debate from the opening words by the Minister down to the concluding phrases by the member for South Fremantle. I had hoped to hear something of importance to the landlord as well as to the tenant in connection with the proposed alterations to the principal Act. I was disappointed in that respect. One member said that the main cause of today's problem was due to the war. To that I subscribe. I am not interested in party election squabbles and campaigns—

Mr. Styants: Not much!

Mr. YATES: It is for the House to decide what is the best decision to be arrived at regarding these matters, and I think members generally will agree with that. We are not talking propaganda now; we are here to decide whether this legislation will be of benefit to the community as a whole, not merely to the people who reside in the metropolitan area. The idea seems

to be held by some members that the metropolitan area only is concerned in this matter. The legislation affects the whole State and many people in more distant parts are unable to place their position before us. If we have regard to the people in the gallery this evening, I should say that they are mostly landlords. People who own homes have come here to listen to the debate to see if anything useful will emanate from our utterances.

Mr. J. Hegney: Are there any South Perth people there?

Hon. J. B. Sleeman: They came a bit late, otherwise they would have heard a good speech.

Mr. YATES: They are probably waiting for the member for Fremantle to follow me. I feel great concern for the landlords.

Mr. Totterdell: Hear, hear!

Mr. YATES: I feel we should interest ourselves on behalf of the tenants. That places us in a very awkward position. Are we to support the case for the landlords because so many are listening to us in the galleries tonight, or are we to support the interests of the tenants?

Mr. Graham: Have five bob each way!

Mr. YATES: We must analyse the position in the light of circumstances existing today. The member for East Perth made a very witty interjection about having five bob each way. He was very much concerned about the housing problem a year or two ago, at which time he would have taken umbrage at an interjection of such a type when he was debating the subject. This is too important a matter for such levity to be introduced into the debate. In 1939 legislation was passed in the various States of the Commonwealth by which certain powers were given to both States and Commonwealth to control rents and tenancies. The landlords did not have very much say with regard to their properties when that legislation became law. If they wanted to change their tenants they had to go before the court—a very difficult and costly procedure. I was interested in hearing the comments by the member for Northam concerning his experience with regard to the property he owns. What he stated was applicable to hundreds of cases today where we find the genuine landlords have assisted tenants by keeping rents down very low. Probably on account of the man having had trouble regarding employment or sickness, the landlord has come to his rescue.

The war came upon us and legislation was passed, as a result of which many landlords who were genuinely assisting their tenants found themselves awkwardly situated. How many tenants responded in like manner, but rather hid behind the protective legislation? Not only did they remain in possession of the landlords' properties for many years, but in many instances they abused the privilege. They used to laugh at the landlord when he came for his rent and when he asked them please to look after his property a little better. The tenant of the day not only laughed at the landlord but he knew the power he had and he abused it. We could go into many districts and by looking at the type of house know what its condition really was. We know of houses that had been in a splendid condition a few years previously. They had neatly cut lawns and hedges, and the whole surroundings were trim and tidy. After three years of occupancy by the tenants, the premises were neglected and in a state of disrepair. The deterioration of such premises was rapid.

Then again there was the type of tenant who occupied a large home which enabled him to sublet portions of the dwelling. I mentioned a case when I spoke on the subject in the House a couple of years ago. It referred to an old couple in my electorate who had a large home which they let and went abroad to England. When the war broke out they were caught oversea and had to remain there. On their return after the cessation of hostilities, they found their property in a bad state of repair. The tenant was paying the small rental of 25s. a week but he had subdivided the house and was receiving a return of £22 10s. a week by letting rooms, the garage and even the shed. That individual was taken to court but it was a long time before the owners were able to have the others evicted. When that elderly couple arrived back from oversea, they had practically nothing at all, whereas the tenant who paid them such a small rental was living in the lap of luxury. The old couple were living in misery in one room for which they had to pay more than they were receiving from the tenant who was occupying their home. Was that fair to the landlord? Was it fair to the legislation that we passed?

Mr. Marshall: And I suppose the owner paid property tax on the rent he received.

Mr. J. Hegney: Was the tenant a protected person?

Mr. YATES: All those who were in occupation were protected. From what I have seen of the actions of the court, I would say that a greater percentage of the magistrates' decisions are in favour of the tenants, which is only natural because they are the ones who have to be housed, and it is the magistrate who has to decide whether the landlord will regain the right of control of his property or whether the tenant will stay a few months longer. It is a very difficult situation, and the magistrate must have a hard time in deciding the issue. I would say that many who go into the court do not always submit true evidence. Many a time the wool must have

been pulled over the eyes of the magistrate by tenants who have told deliberate lies in order to evade an eviction order.

Hon. J. T. Tonkin: The lies are not always on the one side.

Mr. YATES: No; I am trying to be fair. I am endeavouring to see the issue as it affects the landlord, and I have on occassions brought in the tenant. I have nothing against the original Act. It has done a great amount of good. But is it going to continue doing good, especially since we have left the war behind us, for some six years, devastating as it was? This measure became law 11 years ago. Many people would get behind it and obtain immunity for the next 20 years if they could have its protection. There is only one way to remove them from the properties they occupy and that is for them to know that a time limit has been placed by law on their occupancy. This is very important only if the landlord desires to regain occupation of the house for his own use. Large as it appears to be, the Bill has not very much in it to commend it. The matter is more important than one would realise from reading the measure. I would like to see a Select Committee appointed from both sides of this House to investigate the position further as it affects not only the landlord, but the tenant.

Mr. J. Hegney: When would it report—next session?

Mr. YATES: A Select Committee could obtain the point of view of all concerned. Members from both sides in the past have tried to defend a measure or pick it to pieces, and they have asked for a Select Committee because it would give them a greater range of inquiry and a more balanced understanding of the proceedings when the report was finally submitted to the House. A Select Committee to inquire into this legislation would be of greater benefit than our, willy-nilly, altering the Bill in Committee.

The Minister for Works: A Select Committee would not secure any more evidence than we have before us now.

Hon. J. T. Tonkin: The Government does not like Select Committees.

Mr. YATES: It agreed to one only a week ago.

Hon. J. T. Tonkin: It turned one down, too!

Mr. YATES: I believe that in this instance a Select Committee would be of great value to the future of the parent Act and the landlords and tenants whom it affects.

The Chief Secretary: I do not think there is much new that you could learn either through a Select Committee or from anywhere else. All the major facts are apparent to us.

Mr. YATES: The recommendations of a Select Committee would bear greater fruit than would the efforts of an individual member trying to force amendments through as they might affect his own particular electorate. I think that a more balanced view of the House would emanate from a Select Committee and its findings would be thought of more highly by the majority of members. We would get better legislation. However, that is only a suggestion. I do not intend to move for a Select Committee. I would like the Minister to give the matter considerable thought and, when he sums up, if he thinks a Select Committee advisable I will take pleasure in assisting him in that regard.

Hon. A. R. G. Hawke: That is a fair enough offer.

Mr. YATES: Like other members, I have received quite a lot of correspondence recently in connection with this measure. I am not going to read it all, but would like to quote points from one or two letters. One concerns a gentleman in South Perth who owns four shops in Canning-highway. He is evidently the type of landlord who does not believe in charging a great amount for rent. During the depression, when the standard rent was brought into being, he had one mixed business—a shop and residence—let at a rental of 30s. per week. He had another lock-up shop let at 12s. 6d., a third at 12s. 6d., and another large shop and residence at 30s. Those rents were very reasonable.

After the lapse of 20 years, the rents of those same properties, which have been kept in good repair, have increased by 2s. 9d. in the case of the 30s. a week business and 3s. 8d. in the case of the lock-up shop. The other lock-up shop has increased from 12s. 6d. to 14s. 3d., and the rent of the large shop and residence from 30s. to 32s. 9d. Those increases have been brought about by increases in road board rates, increases in water and sewerage rates and costs incurred in the installation of sewerage for the premises. It will thus be seen that the landlord has not received any benefit from the increased rentals at all during that period. He is having a most difficult job to maintain the properties in a reasonable condition. He does not want to go into any of them because they were established for rental purposes; and in any case, even if he did want a home, he could live in only one of those properties. What he does want is a fair rental to be placed upon them. Would the 25 per cent. increase proposed by this Bill be of any value in connection with the place that is let at 14s. 3d.?

I think that this is the type at which the member for South Fremantle was hinting a while ago. He was trying to explain the matter, but could not get around to the subject fully. It is a case where the decision of the magistrate to permit a greater percentage than 25 per cent. would be applicable. I would say that that shop would be worth at least 25s. a week, and would be very cheap at that. But it is bringing in only 14s. 3d. There are many

similar instances where landlords cannot get back a reasonable amount to enable them to pay rates and taxes and maintain their properties in good condition. This man says that wages and materials and the cost of renovations went up over 200 per cent., and he is not allowed to pass the cost on to the tenants. The lights went wrong recently in one shop and expensive wiring had to be undertaken at a cost of £5 13s. 4d., which is not recoverable. It would require a good many payments of 14s. 3d. to recover that £5 13s. 4d. and return a certain amount of money on the investment.

There is another landlord who owns a house and wants to regain possession. He has a wife and three children aged 10, 7 and 5 respectively, with another one expected. His family is split up. His wife and two children are in the country. One child is boarding at a local high school and the man himself is living with in-laws. He purchased the house from his father-in-law, who bought it for him in 1940. They had no hope of evicting the tenants in the intervening years and the members of the family had to go wherever they could. In 1948 the son-in-law applied to the court for an eviction order. He was unsuccessful. The case was adjourned sine die in 1949. The tenant has been protected as a war pensioner. The house is a large one and is tenanted by two people, yet the owner is not able to regain possession for the benefit of himself, his wife and family. The house has been occupied for 10 years and if something is not done the present tenant will probably remain in possession for many years to come.

Mr. J. Hegney: Is the protection given to the tenant due to his having had war service?

Mr. YATES: He is a war pensioner. He may have received protection through being totally and permanently disabled. I do not know. It is not stated clearly in the letter but he receives protection because he is a 1914-18 war pensioner. Other members have received letters from landlords and tenants in their electorates and are faced with the same problem as I am in having to decide whether to support this Bill or to move amendments to it. I myself would like the 25 per cent. increase to be made automatic. I do not think 25 per cent. would be out of the way for any individual.

Mr. Marshall: You do not seem to have much sympathy for those on small incomes.

Mr. YATES: Can the hon. member tell me of any, with the exception of pensioners? The majority who receive pensions must have lived some 40 years or more in the State and should either have their own homes or have been fixed up with houses long before now. I know that there are exceptional cases where circumstances were such that the people concerned were not able to obtain homes.

Mr. Brady: What about those who were unemployed from 1930 to 1939?

Mr. YATES: Are we going to keep rents as they are for the protection of a handful of people? We have to decide whether to give this benefit to a large number or to protect a few and deny relief to the many.

Mr. McCulloch: Would landlords be the greater number?

Mr. YATES: I am not thinking of the people who are landlords, but of those who are house owners and want their homes back. I am not speaking of people like the member for West Perth, who owns properties.

Mr. Marshall: How are you going to discriminate?

Mr. YATES: That is why we have reached a stalemate.

The Chief Secretary: That is what the member for Northam quite properly pointed out.

Mr. YATES: We have this Bill before us with very little meat in it except the provision of a 25 per cent. increase in rent provided both parties are agreeable. If not, they can go before the court. That provision should be amended to make the 25 per cent. increase automatic with the approach to the court eliminated. If the tenant will not pay what is asked, what happens? He is taken to the court. In those circumstances he would have to supply a lawyer and get time off from work to put his case. It would cost him £7 or £8 for an appearance in court, and then there might be an adjournment and he would have to go again. He will eventually find out that the difference between what is paid and the 25 per cent. would keep him going another two or three years at the same rent. Is it worth while to test it in court? Intimidation was mentioned tonight and that could occur in some cases where the tenant, not desiring to fall out with the landlord, would agree to pay the increase. It is difficult to decide the best method of arranging for the increase. I think the fairest way would be to legislate for an automatic increase of 25 per cent. all round, with the proviso that if the rent at present being charged is above the figure for the average house in that locality an approach can be made by the tenant to the court.

Mr. Needham: Would the basic wage be automatically adjusted accordingly?

Mr. YATES: I do not know about that. That would be for the Arbitration Court to decide.

Mr. Needham: But if the rent is increased automatically the basic wage should be increased automatically.

Mr. YATES: If the 25 per cent. increase in rent is granted it will be by Act of Parliament, and people will have to go to the Arbitration Court to decide whether there is to be an increase accordingly in the basic wage. If we decide to alter this provision of the Bill I think we will be doing a service all round by eliminating a lot of lawyers' fees and court work. I feel that the 25 per cent. increase is justified and that in some cases an even greater percentage increase is required where landlords have been generous to their tenants, or where they were caught up by the sudden approach of war in 1939 and have since been denied the right of obtaining a reasonable rental. I think such cases merit special consideration so as to bring them into line with landlords who have received an equitable rent for their properties. At page 10 of the Bill there is a provision dealing with protection for returned soldiers—

Hon. A. R. G. Hawke: Returned Servicemen.

Mr. YATES: Yes, "returned Servicemen" covers both returned men and women. This clause defines a protected person, but there would be very few people in this State who would need protection under that provision. I do not think there would be more than one or two, at the most.

Mr. Marshall: I think you are a long way out, there.

Mr. YATES: I do not think so.

The Chief Secretary: How did you arrive at that figure?

Mr. YATES: Totally and permanently disabled returned Servicemen have never been neglected by the R.S.L. or by the State Housing Commission. The totally and permanently disabled man receives a No. 1 priority for a home, and is given special consideration by the War Service Homes Commission in selecting the home best suited to him with regard to any particular work or trade he may be able to engage in.

Hon. J. B. Sleeman: I have dozens of No. 1 priority people who have no homes.

Mr. YATES: I am not talking about them, but about the totally and permanently disabled soldier. Do not attempt to confuse the issue! These are men who have priority over other people and who received their disabilities anything up to eight or 10 years ago, and not later than 1945. They would all be housed by today as they have the protection of other Acts. under which they are provided with homes. A widow of a person killed during war service if and when she has any child of his under the age of 21 years dependent upon and residing with her, and while she remains his widow, is covered under the clause of the proposed new section. The Legacy Club looks after war widows and has a strong committee to attend to their housing needs. Even if they are in financial difficulties the Legacy Club sees to it that the deposit is found so that they may acquire a home. I do not think there would be many people who would need the protection of this provision.

Mr. Oliver: Are you talking about the recent war or the Boer War?

Mr. YATES: I am referring to the 1914-1918 Repatriation Act.

Mr. J. Hegney: You said there was only one totally incapacitated person to your knowledge requiring a home, and so there is no need for this.

Mr. YATES: I said, "Not more than one or two." I will come to the need. We are at present fighting a war in Korea and there is no provision in this measure for serving members of the Forces.

The Chief Secretary: It will be on the notice paper tomorrow morning.

Mr. YATES: There is no provision in the Bill for men serving at present. What about the soldier today fighting in Korea who needs protection for his family?

The Chief Secretary: That protection will be given.

Mr. YATES: If that man comes home minus a leg he comes within the group I mentioned in regard to Clause (a) and so it is right for such people to be included. Protection might be needed for them in the future.

Mr. Marshall: We are not at war with Korea.

Mr. YATES: Yes we are. Our soldiers are fighting there.

Mr. Graham: There is a legal doubt about it mentioned in the Press.

Mr. YATES: No matter whether there is a legal, moral or any other doubt, the fact is our men are fighting in Korea and they need protection. Their wives and families may be living in rented homes and they require the protection that was given to men serving during World War II. That was why I think another clause should be added to the Bill, giving them the protection they require.

Mr. Oliver: Does the Bill give protection to the 1914-1918 men?

Mr. YATES: No.

The Chief Secretary: You are at liberty to move to amend the measure.

Mr. YATES: Unfortunately for the returned soldier, any protection he had was wiped out recently in another place. I would have liked to see something added to this Bill to restore that protection. The protection being afforded to these other two groups could have been extended to include the returned man who has some

disability but who is not in receipt of a full war pension. There is a number of groups of men receiving war pensions. There are some who received war injuries and are not capable of doing heavy work. In some cases they have to live close to a certain area in order to receive medical attention, but they do not come under the provisions of any Act as they are not totally and permanently disabled.

A number of disabilities come under the Fourth Schedule of the Repatriation Act. There are 16 disabilities mentioned under which a man gets a 100 per cent. pension, and quite a few under which he receives an 80 per cent. pension. Under the Fifth Schedule we have the total disabilities where, under the Repatriation Act, the soldier losing both arms has a certain allowance plus an attendant. They are also protected by the War Service Homes Act, with regard to housing, and so there will not be anyone in that group—having suffered the amputation of arms and legs—without a home. We come next to the returned man who suffers from a nervous disorder and is not capable of doing heavy work. He might be in receipt of a 50 per cent. war pension, but he receives no protection under this Act. What protection he did have expired when the measure to extend it for a further 12 months was defeated in another place. There are a number of disabilities from which such men suffer. Some have black-outs and many still suffer from malaria. A lot of these men have their complaints aggravated if extra worry is forced on them through their being evicted from their homes, or something of that sort. That has been proved by doctors of the Repatriation Commission when approaches have been made to pension tribunals for pension increases for such men. The matter has been discussed at various conferences of the R.S.L. which I and others in this Chamber have attended. The soldier suffering from a nervous disorder, who has further worry thrust upon him, becomes worse instead of better in his outlook on life. I personally think the protection afforded such men was ended much too soon.

There are not too many who went through the thick of things and who have fully recovered even yet. They require a lot of assistance, not necessarily financial assistance, but with regard to housing, rehabilitation and the care and attention of their families. As a member of the State Executive of the R.S.L. I take a keen interest in the affairs of the League and, the protection given to returned Servicemen and women having lapsed, I think I would be failing in my duty if I did not make some comment at this stage, especially as the Bill before us makes provision for two of the groups mentioned in the Repatriation Act.

I suggest that before the Bill goes into Committee the Minister should confer with me in this matter to see whether a further clause can be added for this purpose.

Mr. J. Hegney: I think you had better move that the Bill go before a Select Committee.

Mr. YATES: Very little has been said about the rentals being paid by tenants in Commonwealth-State rental homes. Members are always talking about the high rentals being paid by pensioners and others in difficult circumstances, but quite a number of people are paying £2 a week rent for Commonwealth-State homes.

Mr. J. Hegney: They have no alternative.

Mr. YATES: That is quite true. They have no opportunity of obtaining a house elsewhere any cheaper.

Mr. May: There should be a different method used to fix the rent.

Hon. A. R. G. Hawke: The House passed a special motion as to that only a few weeks ago.

Mr. YATES: The amount fixed would be an average rent.

Mr. May: The rent could be based on the average income coming into the home.

Mr. YATES: So it should be.

Mr. J. Hegney: There are plenty paying 38s. 6d. a week.

Mr. YATES: I am speaking of the houses being tenanted today. The increases would be gradual. They were not on a fixed rental because no rent was previously obtained for the house. If one wishes to let a house today one could charge £5 a week for it, yet a similar house next door, built of bricks and mortar, might be returning to the landlord only 25s. a week.

Mr. J. Hegney: It is a great system!

Mr. YATES: Yes.

Mr. Graham: They can both approach the court.

Mr. YATES: Yes, but often a person has not the money to approach the court. To bring my point home I want to say that persons entering Commonwealth-State rental homes today would be only average workers. That would apply to about 90 per cent. of such tenants. I wonder what would be the difference in rental paid by the average person occupying a private landlord's home and the rentals paid by those persons in new Commonwealth-State rental homes? The difference would be much more than the 25 per cent. increase mooted in this Bill. Yet there is no outcry against the rents charged under the Commonwealth-State rental agreement.

Mr. Brady: There is an outcry but nothing effective is done.

Mr. YATES: That is so and I do not think the hon. member could do anything about it if he were on this side of the House. I have covered an extremely wide field and spoken more fully than I intended, but I desired to add my quota to the remarks made during this debate this evening. I am interested in the housing problem and the rights of landlord and tenant and I was extremely interested this evening in the many comments that were passed, most of which were quite helpful. It shows that the interest on the Opposition side is much the same as on this side of the House. We should arrive at an important and good decision. We should not treat this Bill as a Committee measure without the necessary amendments which will be of benefit to the community as a whole being made to it. Although we are getting close to the end of the session and time might be catching up with us, I would like to see a Select Committee appointed.

The Chief Secretary: I explained the difficulties which arose with the printing and the drafting of the Bill.

Mr. YATES: That is the usual cry when a Bill is brought down late in the session.

The Chief Secretary: Nevertheless, it is true.

Mr. YATES: It could be true but notwithstanding that excuse, we have a very short time between now and the end of the year to appoint a Select Committee and allowed it to deliberate. The Leader of the Opposition was extremely fortunate in being able to squeeze in his Select Committee. Time might catch up with him, too.

Hon. A. A. M. Coverley: He had the courage to move for its appointment.

Mr. YATES: I would have the courage to move for the appointment of a Select Committee on this question, but I believe we would not have the time.

Hon. F. J. S. Wise: It would mean an awful lot of work if you did move it.

Hon. A. A. M. Coverley: You have plenty of time; the House does not close until the 7th December.

Mr. YATES: I know that members would not vote a Select Committee out if they desired me to move it.

Hon. F. J. S. Wise: There is no need for the House to rise on the 7th December.

Mr. YATES: If this question were brought before a Select Committee it would be in the best interests of all concerned.

MR. GRAYDEN (Nedlands) [9.20]: Unlike the member for West Perth I believe it is necessary for some restrictions on the rents of houses to be continued. I think that no member, except perhaps the member for South Fremantle, could disagree with the two main intentions of this Bill, which are, firstly, to allow a reasonable increase of rent for rented homes and, secondly, to allow a reasonable right of repossession to owners of homes who wish to obtain them for their own use. I totally disagree with the suggestion for the appointment of a Select Committee on this question. I think every member of this Chamber has exercised his mind upon it at some length and knows of all the problems associated with it. A Select Committee would merely delay the passage of the Bill and perhaps render the parent Act null and void because it expires at the end of this year.

To move for the appointment of a Select Committee at this stage of the proceedings would be disastrous. The Bill provides, firstly, for an increase in rent of 25 per cent. by agreement between the landlord and tenant, and a further increase if, in the opinion of the court, such increase is warranted. That means that there can be any increase up to 200 or 500 per cent. if the court thinks that by such increase the proper rent is fixed. The increase is restricted to 25 per cent. by agreement between the two parties. I think the majority of tenants will be reasonable and agree to the increase where warranted. If not, the case could then be taken to the court for decision. Secondly, the Bill establishes the procedure by which a fair rental for rooms and other shared accommodation can be determined. I think that is a very necessary provision in the Bill. At present it has not been effective because of a court decision, but this portion of the Bill will allow the fair rents inspector to fix the rent for rooms.

I know there are many members who do not agree with the principle of having a fair rents inspector fixing the rents of any accommodation, but I think that that is the only practicable way to fix the rental for rooms and other shared accommodation. Thousands of rooms throughout the metropolitan area are let at exorbitant rates. Thirdly, the Bill provides that landlords or owners of homes should be given reasonable rights to repossess their properties. If they have owned a house for six months they can give the tenant three months' notice to quit, and when that time expires the tenant can be evicted if he has not applied to the court for an extension. Subsection (3) of proposed new Section 15A reads as follows:—

> At any time during the period of three months referred to in subsection (1) of this section, the lessee may apply to the court in manner prescribed for an order that the date of expiry of the notice shall be extended, and the court may, subject to such conditions, if any, as the court thinks fit and on proof that, unless the order is made, substantial hardship will be caused to the lessee or some other person, order that the date of expiry of the notice shall be extended for such period not exceeding six months as the court thinks fit.

Fourthly, the Bill provides for protection for war widows with dependent children and permanently and totally incapacitated soldiers. All members will remember the fate of the Bill to extend the time of the protection to ex-Servicemen. In view of that, I think it is quite a reasonable proposal to extend protection by this Bill and I hope it will be agreed to in another place. If, as suggested by some members opposite, the court or fair rents inspector were given the sole right to determine the rents, insuperable problems would arise. In principle I could quite agree with their ideas, but I think it impossible for the court or fair rents inspector to deal with more than a dozen cases a day at the outside.

When this legislation becomes effective, there will be something like 3,000 applications for an increase in rent. There will be such a rush on the court, or fair rents inspector, as the case may be, that it would be years before all the applications were cleaned up, and circumstances might have altered completely by that time. The six months' extension by the court may seem either severe or lenient, depending upon one's viewpoint. However, if we provided for a three months' arbitrary eviction of a tenant, it would mean that the day after this legislation becomes law there would be many hundreds of notices to quit being handed to tenants almost on the same day, and in three months, if there were no provision by which some staggering of the evictions could be effected, there would be a few hundred people put out on the street on the one day, unless they were able to obtain accommodation before then. But if this Bill provided that the most deserving tenants should be left in possession, there would be some staggering of evictions.

I think everyone will see the need for fixing the rentals of rooms, because it is evident from advertisements appearing in the Press today that there are people willing to batten on the housing shortage to obtain extortionate rents. Rooms are let for about £4 10s. a week each in a house for which perhaps the landlord paid only about £1,400. This should be stopped, and I am wholeheartedly in accord with fixing a fair rent for rooms. As to repossession of homes, I think every member realises that there are many home-owners who today cannot gain possession of their houses. They are living in rooms, or in other rented houses, paying rents usually in excess of what they are obtaining for their own homes, and are deprived of the enjoyment of occupying their own property. I know of one case where a man is letting a house for 20s. a week and is renting a room from his tenant for 30s. a week, so he is giving the people the use of the rest of the house, plus 10s. for the privilege of living in one room of his own house. That sort of thing must be stopped.

Reasonable rights for repossession are provided for in the Bill. I would like to see the breaking of a contract entered into by the home-owner who is permitted to move into his own house, which he must occupy for 12 months. I think that a fine of £500 should be imposed in such an instance, as a further deterrent to the home-owner breaking that regulation. If anything, the Bill errs on the side of leniency towards the tenant. I think it is wrong in principle for members opposite to say that we should consider raising the rent of homes owned by poorer landlords and giving them reasonable rights of repossession and not extending the same consideration to landlords who are better off. That surely would be an injustice to the tenant of a poor landlord as compared with a tenant of a rich landlord, and justice should demand equal treatment for all. I consider that the Government should not ask landlords to subsidise rents but, if it desires to keep rents down to bedrock, the Government should subsidise them itself. The Bill approaches a reasonable compromise, if anything erring on the side of the tenant, and I support the second reading.

MR. BRADY (Guildford-Midland) [9.31]: I did not intend to speak on the Bill, but in view of some of the remarks from the Government side of the House, I think I should put the views of workers in my electorate, some of whom have had to pay these high rents and some of whom have been evicted. Round about 1940 and 1942, people were almost giving houses away. In some instances, houses were let for 1s. a week, the owners being prepared to accept small rentals in order to have them occupied, and some of the landlords cashed in on the extraordinary prices of homes and will make quite substantial profits from the increase in rents.

At that time we had reached the stage in the war where the Japanese had bombed Broome, and many owners of houses were glad to have tenants in order to look after the properties. Houses that were then bought for £500 or £600 today are bringing as much as £2,000 or £3,000. Consequently, while crocodile tears are being shed for the landlords, we should bear in mind that some of them bought houses for very low prices and can well afford to wait for an increase in rent.

There are some people who are entitled to an increase of rent. There are also some people who are entitled to repossession of their own homes. I am all for those people. However, the tribunal to deal with these cases should be a fair rents tribunal not necessarily called a court. During the years of the depression, I had to take scores of cases before Mr. Moseley, who sat in Chambers to consider applications for the eviction of tenants who could not pay their rent, and he dealt

with up to 20 cases a day, and dealt with them very expeditiously. Many people do not relish going into a law court. If they could deal with a rent inspector or with some tribunal such as I have indicated, they would be much happier, because they would feel that they were receiving consideration and were not besmirching themselves by going to court.

The workers are much involved in this proposal to increase rentals. I wish to inform the House that 40,000 workers in this State are allowed, under the basic wage, only £1 0s. 6d. for rent. To the extent that they have to pay more than that amount, they have to deny themselves and their families the reasonable amenities of life, or make sacrifices in the matter of the education of their children. Therefore, we should not lightly pass the Bill without considering all the aspects. That is the reason why I am ventilating the point of view of the workers. Whilst the workers are allowed only £1 0s. 6d. for rent, they are actually being called upon, as mentioned by the member for Canning, to pay as much as 37s. 6d. to 45s.

Mr. Griffith: I did not say that.

Mr. BRADY: Well, it was mentioned. I personally have approached the Housing Commission, which informed me that nothing could be done. Married men with young families have told me that they cannot afford to pay 30s. a week. Boilermakers' tradesmen have told me that they were getting out of their houses, and some actually did so because they could not afford to pay the rents of 35s. or 42s. 6d. a week.

Let us consider what happens in the case of eviction. I have known landlords to put up the argument that they wanted to get back into their own homes. Yet, immediately the tenants have left, they either sold the house or let it for a higher rental. That is one direction in which a safeguard is needed. Quite a lot of people are suffering hardship as a result of having been evicted from their homes. Quite a lot of people evicted from their homes some years ago are not in occupation of decent homes even yet, and I am opposed to anything likely to perpetuate that state of affairs.

I had a case of a couple who had lived in the one house for 25 years. The house was sold within the last 18 months and the tenants had to leave, and they had to go to a flat at South Guildford. Those people are never likely to get a decent house again, following on their eviction from a home which they had occupied for 25 years and which somebody had purchased. Another family, to whom I made reference last year, were evicted on a wet day in July, and when they tried to get a house from the Housing Commission, they were told that none was available. They have not obtained a house up to this day. The Housing Commission did supply them with seven tons of cement, which they were told to use to build a house for themselves. I mention these difficulties confronting evicted tenants so that members will not lightly deal with the Bill, but will endeavour to get suitable amendments made in Committee.

To provide for a flat rate of 25 per cent. increase in rentals would be unfair. I think that any increase should be on a graduated scale, somewhat similar to the graduation applying to income taxation. If we started at 25 per cent. increase for rentals of over £3, we should make it 20 per cent. for rentals of £2 10s., 15 per cent. for rentals of £2, 10 per cent. for rentals of £1 10s., and 5 per cent. for rentals of £1. Then we should be approaching something reasonable. Like the member for Northam, I can speak as a landlord. I happen to own property, and the rent I am collecting is the amount that was ruling in 1939. If I received 5 per cent. or 7½ per cent. increase, I should consider that I was doing quite well, taking everything into consideration. As I have mentioned, people purchased house property in the years 1940 to 1942 at very low prices, and such property today could command anything up to 100 per cent. increase.

The Chief Secretary: You need not charge 25 per cent. in your case. You could ask for an increase on the basis of 5 per cent. or 7½ per cent.

Mr. BRADY: If we indicated to people that they should do something like that, it would be a good idea. I should like the Minister to consider it.

The Chief Secretary: You misunderstood me.

Mr. BRADY: People on superannuation or pensions are entitled to consideration. We should not pass the Bill in its present form unless protection is provided for those people. Some of them will probably rush in and agree to an increase of 25 per cent. when there is no need for them to do so. The Minister should agree to amend the Bill to afford protection for old-age pensioners and people on fixed rates of superannuation. I am not opposed to the Bill *in toto*. Those people who want to repossess their homes should be given some opportunity to get them, but we should not give landlords holus bolus an increase of 25 per cent. in their rentals.

MR. GRIFFITH (Canning) [9.40]: I have listened with great interest to the debate, and so far speakers have embarked largely upon a lengthy criticism of the Bill but, apart from the member for Guildford-Midland, have offered very little in the way of constructive criticism. The member for Guildford-Midland made a suggestion with which I do not agree, and

I noticed that one person in the public gallery did not agree, either, because he nearly jumped over the balustrade at the mention of it. The House should be grateful to the member for Nedlands who, in the limited space of ten minutes, gave what I consider was a very lucid description of the Bill. It was very pleasing to hear its provisions explained so clearly in so short a space of time, especially as other speakers had occupied four or five hours. Since the member for Nedlands has pointed out the salient features of the measure, I do not intend to carry the matter further, but I do wish to make one or two comments.

In considering this legislation, we are concerned with particular types of individuals. We are concerned with the landlord who desires to earn an income from his invested capital. The other type of landlord with whom we are concerned is the one who desires to regain possession of his home. As has been said, I think that there are probably a lot of those people in the gallery tonight. I do not wish to convey the impression that I am interested in the affairs of the landlord alone; quite the contrary. I am interested, and I think that, if every member searched his conscience, he would admit that he was interested in the same thing, and that is an attempt to frame legislation that will be fair to both landlord and tenant.

I suggest that this measure represents a conscientious effort to bring down legislation that will afford relief to the landlord because, in principle, I believe he is entitled to relief, without imposing too heavy a burden on the tenant. By the same token, whilst we have an interest in landlords, we have to bear in mind that there are two types of tenants. There is the tenant who will readily agree to an increase in rent and, apart from the suggestion put forward by the member for Northam, there will be a great number of landlords and tenants who will be able to agree upon a rent and will take advantage of this opportunity to come to an agreement. The member for South Perth said the Bill had no meat in it. With great respect to him, he took a long time to tell us that was so. I think it has a great deal of meat in it, and whether it takes ten minutes or two hours to explain it does not alter the fact that the Bill, if it is properly applied, can be beneficial to all sections of the community.

Mr. W. Hegney: Meat for Canning.

Mr. GRIFFITH: Once again, members on the other side of the House consider the Bill of such a frivolous nature that they can interject in that way. We can ignore the remark.

Hon. A. R. G. Hawke: Another Hasluck come to judgment.

Mr. GRIFFITH: And also that one! I agree with the member for South Perth that Clause 16 should be amended to provide protection for those members of our Armed Forces who are at present serving in the United Nations organisation. I understand that such an amendment is to be put on the notice paper. I ask the House to accept the legislation in the manner in which I consider it is brought down. I repeat that it is a conscientious effort to arrive at some settlement between the landlord and the tenant. Before I conclude, I might say that it seems foremost in the minds of members who have spoken to try to promote the idea that the landlord, the tenant or someone else should make an application either to the court, a rent assessor or some other judicial authority. Why that should be so I do not know. I would ask members this: What took place before we had this legislation? What took place before the war? Was it not a fact that a landlord and a tenant would agree on the rent? Did we have legislation which told them they should agree?

Mr. Yates: There were enough houses then.

Mr. GRIFFITH: Arrangements were entered into by the landlord and tenant and they agreed upon a rent.

Mr. Yates: There was a fair rents Act in those days.

Mr. GRIFFITH: Surely this is a conscientious effort to give the landlord and the tenant an opportunity once again to enter into such an agreement. I support the Bill.

MR. HUTCHINSON (Cottesloe) [9.48]: I would like to comment on some of the provisions of the Bill. I feel, as the member for Canning does, that the measure is endeavouring to cater for two sections of the community in that it is seeking to strike a balance of power between the landlords on the one hand and the tenants on the other. It seems to me that of recent years the scales have been definitely loaded in favour of the tenant. I am not speaking as an interested party because I happen to be a tenant myself, I do feel that under the pegged 1939 rentals landlords have suffered quite a number of disabilities. The Bill is a genuine attempt to find a solution of the problem. It contains many points which are debatable because they are highly contentious. But an attempt is made here to do something, and it is to be hoped that members will not merely view the Bill on one side only.

I noted with interest the remarks of the member for Guildford-Midland whose contribution was, I thought, a valuable one insofar as it concerned the tenants of his electorate, but it was a rather one-sided picture except that towards the closing stages he said he felt that some landlords should be given the opportunity to regain possession of their homes. There has been

this anomalous position that the scales have been loaded in favour of the tenants. The Bill has been brought forward with some idea of reaching a balance. It has not entirely succeeded but the attempt is there, and it is to be hoped that the Bill will eventually become law because it will then give some measure of protection not only to the tenants but to the landlords who have deserved it for some time.

The provision in regard to raising rentals is that an increase not exceeding 25 per cent. may be made by consent between the landlord and the tenant. It is agreed by all, I think, that some increase is necessary. The Government found difficulty in hitting upon a figure, and so it was considered that a consent clause would fill the bill. An increase in rent is essential because, firstly, of the increase in cost of repairs and maintenance, and secondly because of the devaluation of the pegged rentals as at 1939. Clause 6 (b) endeavours to rectify the anomalies in this matter. Clause 12 deals with the repossession rights of the landlord by giving him the opportunity of regaining possession of his house, provided he has owned his home for a period of not less than six months.

The Bill provides for a period, with respect to notice to quit, of three months which the landlord may give the tenant provided he wants to use the house himself, and a period of six months which the magistrate may grant to a tenant who would suffer what is known as substantial hardship if he were evicted. These matters are highly debatable, and criticism has already been levelled at the periods of time. Some say they are too short and others that they are too long. Here again the Minister is entitled to strike a medium in order to get a balance. It is hoped the landlords will view the periods with a certain amount of latitude having regard to the possible evictions that may take place in a short space of time. It is impossible to avoid criticism on this point, and so I say once again that members should endeavour to realise that a balance must be struck somewhere along the line.

I was going to bring up the matter raised by the member for South Perth with respect to protection for our fighting men. As the hon. member pointed out, two sections of people are referred to in the Act, one, the totally incapacitated returned man, and the other, the widow with dependent children. I did feel that it was the least a grateful country could do to protect the man who was fighting oversea for our protection.

Mr. Graham: Do you want the country or a certain landlord to show the gratitude?

Mr. HUTCHINSON: I believe the provision must be placed in the Act. No responsible landlord would say otherwise. I am pleased to know that the Minister has given an assurance that such a provision will be included in Clause 16. Once again I ask members, and all sections of the community, to view the Bill not only from their own personal standpoints, but from all sides. If they do that, and show a little more tolerance, quite a lot of good may come out of the measure. With these remarks I conclude my comments on the Bill and support the second reading.

MR. HEARMAN (Blackwood) [9.58]: There is one point to which so far this evening I have not heard anyone refer, and it has to do with the man who is an employer of labour and who, in an endeavour to overcome labour shortages, has become a landlord. Quite a number of farmers and other employers of labour in my electorate have been very much up against the labour problem, and in an effort to overcome it, have built houses on their properties in some instances, and in others in the towns, to provide accommodation for their employees. I do not think any member will quarrel with the idea of an employer providing good accommodation for his employees. He should be given every incentive to do so.

Some employers have put up cottages quite suitable for married couples. In some instances the man concerned has, in a short time, left his employer and gone to another job, but has not got out of the house, and he is protected under the Act. If the landlord goes to the court he cannot secure an eviction order. That is the case where the job includes accommodation. If the man loses the job he should lose the accommodation because the landlord is only going to put someone else there. It is not as though the house will become vacant.

Mr. Marshall: He does not want to sell it.

Mr. HEARMAN: If it is on his own property it would be most unlikely that he could sell it. My next door neighbour put up a cottage at a cost of about £1,000. He is a dairy farmer working seven days a week, and there is a timber mill half a mile away working 40 hours a week. So far this position has not arisen with him, but probably it is only a month or so before it will. I think the chap working for him is hoping to get the sack, but I do not believe he has any idea of getting out of the house.

We should give protection to the employer who is attempting to provide accommodation for his employees. If an employer employs a single man he gives him a room and, if he sacks him and puts him on the road, nobody worries, whereas if a married man is provided with a house he becomes a tenant and has all the protection that a tenant is entitled to under the Act. Having taken the job on the assumption that he gets the house, he then, in some cases, does not bother about doing the job. He has the house and that is all he really wants. So, he seeks other

employment. I do not think it is a case of hardship caused by a malicious landlord, looking for a good return for his money. There are local authorities in my electorate who have made offers to provide housing for employees. But they have no protection at all and if the employees like to go to other jobs these local authorities are just left and they cannot get their own houses back so that they can obtain other employees.

If people cannot provide accommodation in the country they simply cannot get anybody to work for them. That happens in most cases and is particularly important, because we talk and give a certain amount of lip service to the idea of decentralisation of industry. If we are successfully to decentralise industry, we must provide accommodation for employees, and that, in most instances, means extra houses because it is the most satisfactory method of providing accommodation. If firms are prepared to go into the country and provide accommodation by way of houses, surely they should be able to retain control of those premises so that they may be used exclusively for their own employees. If they cannot do that, there is no encouragement for them to provide houses.

There is a case of a timber mill which has been set up close to a town, with the idea that better provision can be made in the way of accommodation and it will get away from the old "hut in the bush" idea that is so often provided for mill employees. But, under the present set-up, the owner of that mill is reluctant to provide the houses himself because he will not have any control over them if employees should get into those houses and subsequently leave and work for somebody else. In view of those circumstances, I hope to be able to move an amendment, at the appropriate stage, when the Bill is in Committee. But, I would like members to give some consideration to the employer who is trying to do the right thing by his employees and providing decent accommodation for them. He is only doing that in order to get men to work in the country, and if he is not given some control over that accommodation then there is very little incentive for him to make the effort —because it is an effort these days—to provide that housing.

MR. GRAHAM (East Perth) [10.3]: This is probably the most difficult and vexed measure that this Parliament has had to deal with for a considerable number of years. It is one in which I think a certain amount of courage is required, and I appreciate the temperate approach, and the reasoned thought, behind the address given by the member for Cottesloe. This Bill is exceedingly difficult because whilst there are many cases of all types which will be affected by the legislation, whatever be its form ultimately, each one is a separate and distinct problem in itself. Accordingly, when it becomes necessary to pass legislation to deal with this question it is almost impossible to apply a common rule. For that reason some approach to an independent authority to investigate the circumstances of each case becomes absolutely essential.

According to the type of electorates we represent there are courses that we could follow in order to receive the plaudits of what might constitute a majority of our electors. But, I think all of us who have given thought to this problem, and surely there is no member who has not, must be of opinion that ultimately there will have to be a considerable relaxation of the existing controls. It is merely a question, after 11 long years of their operation, just how far it is wise and prudent, and ethical, to provide some relaxation at present. As I have already said, we have many types of cases confronting us. They range from the tenant who is paying an insignificant sum for the place he rents, who has no care or concern whatever for the well-being of the premises he occupies and who one might say puts his thumb to his nose at the owner of the property. On the other hand there are tenants who would suffer a most grievous hardship if their tenancy were interfered with in any respect.

We have cases, too, of where most trying and difficult circumstances are imposed upon unfortunate people who happen to own property, not only those who desire premises for their own use, but also others whose livelihoods depend upon the amount of earnings, or the total of their receipts from these properties. At the other end of the scale there is the type of landlord who would exact the last penny possible from anybody occupying his premises. So, between those extremes of the opposing parties—if I might express it that way—there are many thousands of cases, and unfortunately our legislation must be drafted and considered in a general way because it is impossible to legislate for each case separately.

Fortunately there is what I believe to be a large number of people occupying the centre position. They are landlords who are fair and reasonable, who attend to the wants and requirements of their tenants and want nothing more than a fair and reasonable return for their investments. On the other hand, there are people who are good tenants in every respect, pay their rent regularly, and properly safeguard, protect and improve the buildings that they occupy, and they are prepared, as I know from experience in many directions, to pay something more than they are paying at the moment. I realise that there are certain processes which might be set in motion under the existing Act but the number of cases that are dealt with under that particular heading are infinitesimal.

As I have already indicated, in common with other members, I have been worried and concerned with the over-all picture

and have given considerable thought and attention to the many problems and anomalies that exist at the moment. The thought has occurred to me—and I have discussed it with other people—that perhaps no great harm would be done if the rent restrictions were entirely removed, with the proviso that any tenant who felt aggrieved at having been charged an excess rent would have access to a court which would determine a fair and equitable rent. There is a grave shortage of houses, as everybody knows, but at the same time there are many thousands of homes and there surely would be a limit, an upward limit, to the amount landlords could charge, or would endeavour to charge.

At present a landlord has to approach the court himself for any increase in rent. The normal state of affairs was, as has been indicated by other speakers, for rents to find their own level. But, in view of the exceptional circumstances of today, surely it would not be too much to expect a tenant to approach the court in his own interests. I know that that costs money but at the same time if any tenant is paying 20s. a week at present, and his landlord, purely and simply on account of the shortage existing at the moment, raises his rent to say £3, or some other such fantastic sum, then the tenant would be making a good investment by spending the £6 to £10 that might be involved for the purpose of having a fair rent declared and established. I submit that suggestion because in the first instance I do not feel that any untoward hardship, or burden, would be imposed. We could conceivably have a safeguard that the increased rental would not apply if, within a stated period, the tenant gave notice of his intention to appeal for a fair assessment.

The Attorney General: Is that not virtually what the Bill does provide?

Mr. GRAHAM: No, it does not.

The Attorney General: Very nearly.

Mr. GRAHAM: From my reading of the Bill I should say, without going into minute detail, that that statement is very different from what appears in the Bill.

The Attorney General: The parties can agree if they like.

Mr. GRAHAM: The parties can agree up to a maximum of 25 per cent.—

The Attorney General: That is so.

Mr. GRAHAM: —based on the rental figure at August, 1939.

The Attorney General: No, they can agree on any rent they like up to 25 per cent.

Mr. GRAHAM: There are cases where a lesser increase would suffice.

The Attorney General: Yes.

Mr. GRAHAM: There are others, of course, where a considerably greater increase than 25 per cent. should be made. What I am suggesting is, to a very great extent, that the ordinary influences be allowed to work, subject to the safeguard that an aggrieved person should have the right of appeal to a court. At present, I think it operates, to a great extent, the wrong way round.

This evening I was informed—of course I have not had an opportunity to check the facts—that a well-known identity in this city, who incidentally happens to be a City Councillor, owns quite a number of properties in which he took a pride to the extent that he let them at as cheap a rental as possible and in the main attended to the repairs and maintenance himself. Today, that man is practically penniless. It is impossible for him, on account of age, to attend to the repair work on these houses and his rents are the same as they were 11 years ago. I am reliably informed that that man has scarcely a penny with which to bless himself. There we have a case of one who is represented to me as being a fair, decent type of landlord and yet he is placed in this position of penury one might say, although he owns several houses, some of them in my own electorate, because of the anomalies of the existing Act and processes involved as they apply to this public citizen and public spirited man.

With regard to proposals for repossession of houses I have a natural sympathy for the person who desires to obtain a home for his own use. I am pleased to see that there is to be a period of 12 months after that person has secured possession of his home during when some sort of police action can be taken against him. It was with pleasure that I saw on the notice paper this evening that the member for Murchison proposes to make some adjustment in that regard. After all, if after the passage of this Bill somebody gives three months' notice, which must have effect—unless the court decides on a period of up to six months in excess of that—surely he is enjoying a more advantageous position as compared with the man who perhaps for two, five or 10 years has repeatedly been giving notice and has on many occasions gone before the court without being able to obtain his own home.

Some consideration might well be given to these people who have already been waiting, not three months as is envisaged in future cases, but in many instances for quite a number of years. Perhaps, too, the period of six months, to which I am not irrevocably wedded, could receive some adjustment by working on what one might term a points system, by granting a certain amount of credit which would result in a reduced period for an owner of a home

who has been making attempts to secure occupation of his own house over a number of years.

Mr. Hutchinson: Would not the magistrate take that into consideration?

Mr. GRAHAM: He probably would but, at the same time, in accordance with the Bill as it is before us, it is still necessary for the man to give three months' notice and his case would, I take it, go before the court at the expiration of that three months and the person occupying the bench would hardly give a decision to become effective immediately, but would give some period to provide a reasonable opportunity for the person about to be displaced to find other accommodation for himself. There are other points, too, but in the main they have been dealt with by previous speakers. I realise that a considerable percentage of my constituents who are renting premises will be directly affected by the shape of this legislation after it passes through both Houses. But it seems to me that there are so many cases where persons in all walks of life have been suffering untold hardship which they should not be compelled to endure for ever and a day.

I believe the time has come for some relaxation and, with every year, for that relaxation to be extended. In a period such as this—five years after cessation of hostilities—for persons still to be denied their homes, while other more fortunate people are able to secure a home for a mere peppercorn rental to the detriment of the landlord is, to my mind, absurd. Not that I have any particular regard for landlords as such! There are many ordinary citizens and hardworking people who have struggled and saved in order to acquire a house. On some occasions with a bit of luck and good fortune they have been able perhaps to secure two or three houses, but on account of low rentals received today, and the tremendously increased cost of renovating and maintaining them in a reasonable state of repair, there is no alternative for these people but to see their valuable assets decay and crumble, and fall into a grievous state of disrepair before their very eyes.

In certain cases, to my knowledge, the cost of renovations has increased in excess of 500 per cent. in the last few years. Where else, and in what other sphere of our activities, do we commandeer the property of a person to the value of thousands of pounds and tell him what he can receive for it, and deny him the use of his own premises in certain circumstances? I realise the problem is wrapped up in the shortage of houses and we can only hope that the new Minister for Housing, who has displayed commendable enterprise and activity, will be correct in his estimate of the increase which the building rate will achieve. There is not, and there never should be, any party politics about this question of housing, because it affects so fundamentally the lives and the welfare of the people who elect us to this Parliament to represent them.

Might I suggest to the Minister that he give consideration to a proposition to treat on an entirely different basis all premises that are let at from 1st January next—that is when this Bill eventually leaves Parliament and comes into operation in whatever form it might take. I suggest that henceforth restrictions imposed upon landlords should not apply.

The Chief Secretary: Do you realise that the rents of people living in shacks and shanties and so forth will inevitably be increased?

Mr. GRAHAM: I realise nothing of the sort.

The Chief Secretary: I do.

Mr. SPEAKER: Order!

Mr. GRAHAM: The person who admits a tenant sometime next year would do so as prior to the outbreak of war. The tenant would enter those premises knowing he could be evicted with perhaps a fortnight or month's notice depending on the arrangement when he entered the premises. I am submitting this proposition because I am aware of numerous premises which are idle and vacant at the present moment. The owner of them will not allow anybody in his houses on account of the difficulty he will have in getting rid of him. I do not want to be misunderstood. I do not mean there are houses which in themselves are vacant. But I will give a concrete example.

There is a person who owns a very fine home in Nedlands. That man lives in that large furnished house entirely by himself. In conversation with me the other day he informed me that he would not allow any family in that house under any circumstances, because if he disagreed with them and any form of bickering broke out, or if later he sought the whole of the house for his own requirements he would probably be faced with many long months, even years, before he could have that family removed. I am quoting that one case, but I can assure the Minister I know of many such instances. I am confident that numerous people will be prepared to share accommodation, and make available portion of the house they occupy, if they felt that when certain circumstances affected them they would be able to regain possession of their homes entirely. I suggest it is something to which the Minister might give very serious consideration.

We now come to what was probably the tenor of his protest when the Minister interjected a few moments ago. Surely it is obvious that no present tenant could be affected by the suggestion I have made. In the great majority of cases the people who would not have the protection I suggest

would be entirely new tenants of entirely new premises. At least there would be additional premises for people who today are unable to find shelter. Even if a landlord were unable to agree with the tenant he had admitted, the tenant would be evicted and could go elsewhere, and that landlord would probably have a try with somebody else. At least it would provide some form of relief and, I repeat, that I know of a number of cases which I could give in detail to the Minister if he had any doubt—which I have not—that there would be accommodation found for families if he would allow those going into living accommodation in the future to be exempt from the operations of this Act.

The only other comment I desire to make is somewhat akin to remarks made by the member for Northam. I do so because of representations that have been made to me. It has been pointed out to me—and newspaper reports support the statement—that the magistrate, with the best intentions in the world, is granting eviction orders both in respect of living quarters and business premises against a section of the community whom one might regard as providing essential services. I refer largely to doctors, dentists, chemists, opticians, nurses and so forth. This feature has particular application in the country. Take a small country town which has perhaps only one chemist occupying a shop with living quarters attached. Possibly the doctor calls one day each week, and so the services of the chemist are absolutely indispensable to the community when nursing mothers and sick people seek his aid.

Because somebody comes into the town and wishes to sell fish and chips, action is taken to have the chemist evicted. Accordingly the town is denied a service that is absolutely essential to the wellbeing of its people. In Perth there are several dentists and chemists who have received notice of eviction. One of them will appear before the court tomorrow. For people in that category, especially dentists, it is impossible to obtain a suite of professional rooms. Surely it is more essential to the general wellbeing of the public, irrespective of whether the landlord or a new purchaser is adversely affected, that people who are providing these essential services should receive consideration rather than those engaged in the other type of business I have mentioned!

That is my contribution to the debate. To a great extent one might regard this Bill as a measure for consideration in Committee, but I appeal to members to realise the plight of people on both sides. It is difficult to find an equitable solution, and I am afraid we shall have to make political enemies irrespective of the type of constituency we represent. Eleven years have elapsed since the Act came into operation; only minor amendments have been made in the intervening years, and it will be 12 years by the time the proposals we are discussing have ceased to have effect. However distasteful it may be, we must shape up to the problem and realise that whether a man has only one house, or whether he derives his total income from his investment in property or whether his investment is something that returns him a few thousand pounds over the thousand he receives, it is his money and his property. These things must be borne in mind, so we must apologise to the people affected and say, "It may be unfair but, because of circumstances, over 23,000 people are still on the waiting list of the State Housing Commission owing to this terrible housing shortage, and so we have to retain some form of control. This measure is a gesture of our sincerity and we hope by progressive stages to afford you relief, with perhaps a qualification for the prevention of exploitation by the overcharging of rent, and thus leave you to do with your property as you think fit."

MR. ACKLAND (Moore) [10.36]: There are two or three matters which I hope the Minister will clear up when he replies to the debate. I cannot view with an enthusiasm at all the provision in the Bill for a great number of people in the community who, for many years, have been waiting for the repossession of their houses. Some of these people have been waiting for more than 10 or 11 years and they are denied the right to regain possession of their premises. I have a good deal of sympathy with the Minister who introduced the Bill because I do not think it at all possible for anyone to frame a measure to suit everybody or one that will be fair to everybody. There must be some injustice, no matter what form our legislation takes.

The first question I should like the Minister to reply to is: Whose responsibility will it be to take the initiative in court proceedings in the event of the tenant and the landlord not being able to reach an amicable agreement with regard to the 25 per cent. increase in the rent?

Mr. Grayden: Either of them; it is in the Bill.

Mr. ACKLAND: It seems to me that it would be most unjust if either one of the two parties were held entirely responsible in that matter.

Mr. Styants: The tenant would not want to go to court.

Mr. ACKLAND: No, but the question of whose responsibility it is should be cleared up. The people I am most concerned about are those who have only one home and who are not able to gain possession of it. The three months provided in the Bill could easily be extended to nine months, and I feel a great deal of sympathy for people so situated. Then there are the owners of large houses which have been let for a very small rental and portions of which are being sub-let at black market prices to less fortunate people. In common with practically all members of this House,

many people have approached me and many have written me letters. I should like to read an extract from one to show the unfortunate position in which these people find themselves. The extract is as follows:—

> They save hard to make the down payments on a house. Then besides having to meet the quarterly payments on the mortgage they have to pay high rates and taxes and increased costs of repairs—but they still haven't a home for themselves and family because our politicians have given the right to live in it to someone else who hasn't had the initiative and the gumption to work and save for the same independency.
>
> I represent my mother and father, aged 76 and 83 respectively, who are both too old and deaf to fight any longer for the repossession of their property they have owned for 37 years —correction—until 11 years ago when the controls were introduced.
>
> My mother is a sufferer from high blood pressure and her last court appearance so impaired her health that it could easily cause a stroke if she had to go through the ordeal of a court case again. She cannot take further proceedings, so it would appear that our tenant may remain in possession for as long as he chooses.
>
> My mother's tenant never went to the war, yet my two brothers each had more than five years' service in the A.I.F. The elder commanded a battalion in the early New Guinea campaigns. The younger has returned broken in health. We thought we fought the war for freedom, yet five years later, where is our freedom?

I should like, on behalf of that case, to find out whose responsibility it is, if it is impossible to come to an arrangement regarding an increase in rent or to get an eviction order under the nine months' period provided for in the measure.

The second case to which I want to refer is that of a retired farmer from Dowerin who invested some of his savings in a house in John-street, Cottesloe. For 10 years the tenant has paid £2 10s. per week for the premises, yet I am informed that the rooms are sub-let for up to £5 a room and the house is returning £32 per week to the tenant. I believe that provision is made in the Bill for a case such as that and a fair rent can be obtained by an approach to the court. But the position is very bad when one considers that this tenant has been protected for so many years by legislation and has been able to obtain the return I mentioned and when one considers that, according to what I am told, the house needs £600 to be spent on it in repairs and renovations because of the neglect to which it has been subjected.

Mr. Marshall: Do you know that the sub-letting of premises is a ground for eviction?

Mr. ACKLAND: The owner of the premises is himself living on a closed-in verandah. I wish it were possible to remove all controls entirely now rather than do it by progressive stages. But there is no gainsaying the fact that there are landlords who, if given the opportunity, would exploit the people in their premises. In fact, in front of me I have a statement by one such, who admits that his premises cost him £6,000 in 1939 and who wants his rents based today on a £16,000 valuation with interest and depreciation and all the rest. While there are instances such as that, there must be some measure of control; but I do hope that the Minister will agree to an amendment which will allow hard cases, where the owners have nowhere to live, to be able to gain possession of their premises in a much shorter period than the nine months possible under the Act. I hope that amendments will be framed that will make it easier to evict persons who have sub-let properties as in the case I mentioned. I support the second reading.

HON. J. T. TONKIN (Melville) [10.45]: This is a subject with which we will all find it somewhat difficult to deal. I believe we would have had a better opportunity to do so if the Government had sought the opinions of those in the best position to know. I am only guessing in this regard; but I believe, from an examination of the Bill, that not much expert advice has been tendered to the Government in connection with it. I should think that the men in the best position to know what to do in the present circumstances would be the magistrates who have been handling these cases over the years and have seen the matter from both sides.

The Chief Secretary: That source has been tapped for information.

Hon. J. T. TONKIN: Tapped?

The Chief Secretary: You know what I mean.

Hon. J. T. TONKIN: Has it been tapped to any large extent?

The Chief Secretary: Yes.

Hon. J. T. TONKIN: I am glad to hear that. There does not appear to be much evidence of it in the Bill.

The Chief Secretary: That may be so, but I have contacted the magistrates.

Hon. J. T. TONKIN: Some magistrates seem to lean very decidedly on the side of the landlord and others seem to lean on the side of the tenant. The Minister knows that I recently asked for a return concerning a certain police court in the State to find out just how the magistrate there reacted to applications for increases in rent under existing legislation. It is somewhat

remarkable that in all those cases which went before the court in the last three months, very substantial increases in rent were granted and in only one instance was there a decrease. In almost every instance the increase in rent exceeded 50 per cent., and in some cases 100 per cent.

The Chief Secretary: In the metropolitan area?

Hon. J. T. TONKIN: In Fremantle. I think that most of these are business premises, though there is nothing to indicate it. But the results are really astounding in view of what we thought about the effectiveness of the legislation. I might mention that this return shows that the increase in rent in a number of instances was the result of consent. However, we have had some experience of what that means, because a tenant, rather than go to the court, agrees to the request of the landlord, although he believes the rent being asked for is excessive. I tested this out in several cases, and I found that to be so. I happened to see the name of one person in this return whom I know very well and I asked him how it came about that he consented to such a substantial increase. He said that considerable pressure was put on him to do so, and he felt it would have been against his interests to refrain from agreeing. Therefore, although he felt the rent being asked was much in excess of what it ought to be, he gave his consent.

I think that is what will happen under the Bill if it becomes law. The result will be an immediate 25 per cent. increase all round in rents, because very few tenants will take the risk of refusal, and being forced to court. It is almost as certain as night follows day that if a tenant refuses to agree to the 25 per cent. increase, the landlord will make an application to the court; and it is equally certain that he will get an increase of at least 25 per cent., if we take the experience of recent months. So, any tenant who declines to take advantage of that provision, and give consent to an increase would, in my view, be a foolish person. I think we will find in practice that the upshot of this will be an all-round increase of 25 per cent. in rents. Where tenants are prepared to test the position in court the increase will, I fear, be much more in view of the matters that can be taken into consideration by the magistrate when fixing the rent.

I propose to quote some figures to indicate what the magistrate of the Fremantle court has thought about the rents that are being paid. In the first case I have here the standard rent was £7 15s. and it was increased to £8. There is nothing very substantial in that. In the next case the rent was £6 1s. 5d. and it was increased to £11—a substantial rise. Here is one where the standard rent was £1 6s. It was a contested case, and the magistrate increased it to £2 a week. In the next case the standard rent was £2 5s. and it was increased to £4 by consent. The next one had a standard rent of £3 10s. which was increased to £6 10s. by consent.

The next one was £3 4s. which was increased by the court to £7 10s. That is well over 100 per cent. There is nothing here to indicate what the circumstances were. In this case the standard rent might have been fixed upon a rental which was a carry-over from the depression period, in which case a substantial increase was justified. But on the bare figures, a lift from £3 4s. to £7 10s. is a bit disquieting to tenants who may believe that by throwing themselves on the mercy of the court they would be able to get away with less than the increase of 25 per cent. proposed in the Bill. There is a case where the standard rent was £1 17s. 11d., and the court fixed it at £5 3s. 9d. In the next case the rent went from £1 10s. to £3 5s., the next from £1 5s. to £2 10s., the next from £1 6s. to £2 15s., and the next from £1 4s. to £3. Some of those are considerably in excess of 100 per cent. increase. Further down there is a case where the standard rent was £2 16s. 1d., and it was increased to £5 3s. 6d. The next one, obviously business premises, was £6 3s., increased to £14 5s., the next £3 9s. 1d. to £6 8s. 6d., and here is one of £3 10s., increased to £6 7s. 6d.

The next sheet shows smaller figures, but still substantial increases. The first one refers to what must certainly have been sub-standard accommodation because the standard rent was 5s. a week, and it was increased to 8s. The next was £1 1s. 6d., increased to £2 15s. Several had a standard rent of 17s. 6d. which was increased to £1 2s. 6d., and then one of 16s. 6d. increased to £1 10s.—nearly double. Here is a case where the standard rent was £1 0s. 3d., increased to £2, the next, £1 14s. 7d. to £2 10s. and then £4 13s. 8d. to £7 10s. Here is a case of substantial business premises where the rent of £32 was increased to £52. This item shows the standard rent of premises, £3 5s. increased to £5; another, £6 10s. to £10; and another £7 to £10.

I have not read all the items, but those I have selected are indicative of the general trend in the Fremantle court. Apparently the magistrate is of the belief that there ought to be substantial increases in rent. So, any tenants in the Fremantle area who have a mind not to take advantage of the provision in the Bill for the 25 per cent. increase will certainly be sticking their necks out. I give that information to indicate what they can expect if they rely upon the mercy of the court to keep rents down. It is certain, I think, that we must contemplate some increase in rents because of the devaluation of money and the fact that the prices of almost all commodities have risen. I have a definite view with regard

to what ought to be done in connection with premises which are tenanted by other than owners, and where the owners are living under bad conditions and desire to get into their homes.

I would not hesitate to enable a person who owns his home to get into it provided he can offer similar living conditions to his tenants. A man who is living under bad circumstances, so long as he has not bought the home recently, and is using this method of gaining possession, is entitled to live in his own home. Some people have for many years been living in bad circumstances—in some cases much worse than those under which the tenants have been living—and they have not been able to get into their homes. I think they should be permitted to gain possession, and, at this stage, with the least possible delay, but I would not extend that consideration to people who have just recently purchased premises over the heads of tenants with the idea of evicting the tenants in order to get possession. I have seen examples of that.

We must remember that people who have sold property in England and have come to Australia receive the benefit of the exchange rate. A person with £1,000 sterling in England has £1,250 on arrival in Australia, and so can afford to pay £200 or £300 more for property here, without feeling it, than can those who have always resided here. Although we could never prove anything, or obtain any redress, I know of cases where people came out like that with plenty of money and bought houses over the heads of tenants without the tenants being given the opportunity to buy the premises. In those instances, owners have taken advantage of selling on the black market without asking the tenants whether they wished to purchase. The houses have been sold in that way and the new owners have expected to get the tenants out forthwith. I would not give such people the consideration to which I have referred, as they are in an entirely different category from those who have owned property for years and have tried to obtain possession of it in order to live in their own homes. This latter class are entitled to some consideration now, without a shadow of doubt.

I believe the member for South Perth spoke of lies having been told in court by tenants who were endeavouring to retain possession of premises in which they were living. I interjected and said that the lies were not all on one side, and I had good reason for that. I know of an instance where people living in a house as tenants had to appear in court frequently to resist applications made by the owner. The tenant was a crippled woman on a widow's pension who had living with her her daughter and son-in-law. I was certain that the owner had bought the premises in order to make money from a sale. He was an old man and kept applying to the court for the eviction of the tenants, saying he desired to live in the accommodation himself. Eventually his application succeeded, the magistrate stating that the owner was entitled to the premises because the court had been shown that the conditions under which he was living were not as good as those under which the tenant was living.

The magistrate gave a final order and proceedings for eviction were to be taken. I got in touch with the Housing Commission straight away, as I had been following the case up for some weeks, but they could not provide a house for the tenants who were being evicted, and the tenants had to go into a tent. I saw the solicitor for the landlord and asked him to give us two or three days' grace until we could get the people into a tent, and no proceedings were taken. The tenants had to get out of the house and go into a tent, and within three days the house was advertised for sale. We brought that under the notice of the Housing Commission, hoping that action might be taken to punish the person who had obviously misled the court, as a deterrent to others who might wish to do the same thing. After a lot of inquiry and the passage of a long time, we were told it was felt that a conviction could not be obtained, and so nothing was done.

To circumvent the law, this landlord resorted to the trick of making an arrangement with the person who took the house over from him so that periodically he could come over and sleep there for the night. Whether he sold the place or let it to another tenant we could not establish, but once or twice a month he would sleep in that house for a night. In that way he was able to indicate to the police who made inquiries that he was technically in occupation. I am as sure as I stand here that the purpose of obtaining the eviction was to enable the landlord to dispose of the property at a substantial profit. That is an instance of lies by a landlord. One swallow does not make a summer, but this is an indication that we must be careful about cases that are put up in court if we want to be sure that justice is done and that tenants are not evicted when they should not be put out of their homes.

I believe that when the Bill is in Committee members will give it close attention. It is a difficult matter to effect improvements, as I think is freely acknowledged, but I am one of those who believe that the position would be chaotic if restrictions were completely removed. I know that others hold the contrary view, but I feel we must still keep some control in order that injustices may be kept to a minimum. I have had a number of examples of applications to the court for increases in rent, and some of the decisions have astounded me, knowing all the circumstances. I could not understand the decisions given, but I suppose we must accept them and expect similar decisions in future. I mention that

to indicate to tenants that in my view they would be wise to accept the safeguard which, although it provides a 25 per cent. increase, will ensure that the rise shall not be greater than that.

THE CHIEF SECRETARY (Hon. V. Doney—Narrogin—in reply) [11.8]: I am obliged to members on both sides of the House for having spoken to the debate in helpful and reasonable terms, regarding the objects of the Bill. I have made notes of the points that I feel deserve consideration. Only two questions were pointedly submitted to me. One, by the member for Northam, was as to how the figure of 25 per cent. was arrived at. I assure members that there were no prolonged mathematical calculations, or anything of that sort. The Government was determined to arrive at a figure that would have a chance of being accepted by both landlords and tenants. I think we have agreed, during the evening, that it is not possible to satisfy them both; it just cannot be done. It seems to me that there has been an age-long feud between landlords and tenants and that even today, as it was in the past, there are two groups of complete irreconciliables. I am not pretending, for a moment, that this Bill will go any great length towards bridging the gap between the two groups but I am hoping that it will, in some way, assuage the rent difficulties.

I said that I would let members know exactly how the figure of 25 per cent. was arrived at. There were one or two who considered the figure of 33 1/3rd per cent. No-one would go higher than that and there were one or two who were down to 15 per cent. The majority, however, considered that 25 per cent. would be a fair figure and after considerable talk—and not all on the one day—it was decided that 25 per cent. should be the figure. Members will notice that that figure happens to be roughly midway between 15 and 33 1/3rd.

The other question was one submitted by the member for Moore. He wanted to know who took the initiative when the landlord and tenant failed to come to an agreement by consent—which, of course, meant from nothing up to the 25 per cent. Of course it could be either or neither according to whether one or the other considers it worth while to approach the court, and I would be inclined to say that the greater number of those approaching the court would be landlords, but the other would be the case on a substantial number of occasions.

Obviously the landlord would go to the court if he considered he had a chance of getting whatever the figure was on which they broke down. I do not know what the figure might be and neither does anybody else. The tenant might consider that there should be no rise at all. Maybe he is already paying a figure substantially above what anybody else is paying and he would not be inclined to budge at all. He might think that it would be worth while to approach the court because he would have an excellent chance of the rent remaining as it is. So, he might conceivably take the initiative.

There is one other matter I wish to discuss to clear the air with respect to landlords and tenants. Lately I have had a good deal of experience which has enabled me to learn something of both these groups. I have found, as might be expected, that tenants, as a body, are just normal people. There are desirable tenants as well as undesirable ones, and there are destructive tenants just as there are careful and helpful ones. There are defiant tenants and others who are reasonably co-operative, and those whose incomes are restricted and do not permit them to pay rents in keeping with the general price level, just as there are tenants who are capable of paying, but absolutely refuse to pay more.

If one could come down to figures one could say that 95 per cent. of tenants are in the category of normal people and five per cent. of them might be written down as problems. As to house owners, I suppose much the same disparities would obtain. I have had a large number of deputations from landlords, and from house agents, and I have grown to know a good deal about them. There again, I might write down 95 per cent. of them as being good, fair-minded men and women and the other five per cent. would have among them one, or possibly two, who could not be classified in either category. After all I suppose that the same percentages might obtain in nearly every walk of life.

Hon. A. R. G. Hawke: Yes, even here.

The CHIEF SECRETARY: I do not think that I need make reference to anything further.

Mr. SPEAKER: If I might interrupt the Chief Secretary for a moment! There was an interjection of the member for East Perth about an important matter and I was wondering whether the Chief Secretary wanted to bring that into his speech before he closed.

The CHIEF SECRETARY: It is very nice of you, Sir, to give me that reminder. I am afraid I do not recall the topic referred to by the hon. member, but will make a point of seeing him and discussing the question with him.

Question put and passed.

Bill read a second time.

In Committee.

Mr. Perkins in the Chair; the Chief Secretary in charge of the Bill.

Clause 1—agreed to.

Progress reported.

BILL—MINING ACT AMENDMENT.

Council's Message.

Message from the Council received and read notifying that it had agreed to the amendments made by the Assembly.

ADJOURNMENT—SPECIAL.

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

That the House at its rising adjourn till 7.30 p.m. on Wednesday, the 15th November.

Question put and passed.

House adjourned at 11.20 p.m.

Legislative Council.

Wednesday, 15th November, 1950.

CONTENTS.

The PRESIDENT took the Chair at 7.30 p.m., and read prayers.

BILL—INDUSTRIAL ARBITRATION ACT AMENDMENT (No. 2).

Standing Orders Suspension.

The MINISTER FOR TRANSPORT: I move (without notice)—

That so much of the Standing Orders be suspended as is necessary to enable the Bill to be passed through all its stages at the one sitting.

The PRESIDENT: Standing Order 422 reads as follows:—

In cases which in the opinion of the President are of urgent necessity, any Standing Order of the Council may be suspended on motion duly made and seconded, without notice, provided that such motion be agreed to by an absolute majority of the whole of the number of members.

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

Ayes	19
Noes	3
Majority for	16

Ayes.

Hon. N. E. Baxter	Hon. W. J. Mann
Hon. G. Bennetts	Hon. H. L. Roche
Hon. J. Cunningham	Hon. C. H. Simpson
Hon. E. M. Davies	Hon. H. C. Strickland
Hon. J. A. Dimmitt	Hon. J. M. Thomson
Hon. Sir Frank Gibson	Hon. H. K. Watson
Hon. E. H. Gray	Hon. F. R. Welsh
Hon. W. R. Hall	Hon. G. B. Wood
Hon. E. M. Heenan	Hon. H. S. W. Parker *(Teller.)*
Hon. J. G. Hislop	

Noes.

Hon. A. R. Jones	Hon. A. L. Loton *(Teller.)*
Hon. L. A. Logan	

Question thus passed.

QUESTIONS.

PASTORAL LEASES.

As to Watering Points and Development.

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

(1) Has the Commonwealth Government agreed to share in the estimated cost of more than £500,000 to provide water points on Kimberley cattle stations?

(2) What is the nature of the Government subsidy to be paid on fencing, yards and building materials for these stations?

(3) Will the Government give consideration to subdividing these million-acre leases and allowing private capital to develop the areas?

(4) Would these leases, when improved and appropriately subdivided, be suitable for soldier or closer settlement?

(5) Are these stations bound to raise beef for which purpose the expense is claimed to be warranted?

(6) Is there no vacant area which this money would develop?

(7) Has the Government any scheme for making land available for better settlement in the Kimberleys?

(8) If so, what is the nature of such scheme?

The MINISTER replied:

(1) No. The subsidy granted by the State Government is limited to a maximum of £20,000 per annum.