and, again, at those gatherings he seemed to be known by all and sundry. I trust that this motion and the expressions that have been made concerning our late colleague will assist in some way in lightening the burden of bereavement of his widow and family.

HON. A. R. JONES (Midland) [6.7]: I feel that even though so many have spoken to the motion and associated themselves with the remarks made by the Minister, I cannot let pass this opportunity of adding my remarks, because when I entered this Chamber last year I enjoyed the same friendliness and received the same help from Hon. W. J. Mann as other members did when they first came here. As the Minister said, he came from Ballarat. My people also belonged to that city and were friends of Mr. Mann. Because of that I considered that possibly he had singled me out for more attention and advice than he had given other members. However, it appears that what he did for me was the same as he did for all who entered this House. The motion is a fitting tribute and homage to this great man. By giving sympathetic consideration to new members on their first appearance here he has set an example which I hope will be followed by every member in this Chamber. I wish to associate myself with the motion.

HON. R. M. FORREST (North) [6.8]: I cannot let this motion pass without paying my tribute. I feel I have lost a very dear friend in the death of Joe Mann. He and I were great friends. In the past I travelled extensively with him throughout the South-West and I stayed at his home in Busselton on many occasions. He was a man of extremely high principles and he had a keen sense of humour. He was kind and he ably assisted most of us in this Chamber. I am most grieved at his passing.

THE PRESIDENT [6.9]: I, too, wish to associate myself with the expressions of regret that have been voiced by the Minister and members at the loss of our dear friend, Hon. W. J. Mann. He was a personal friend of every member in this House. He was sympathetic of nature, had a very wide knowledge of affairs, and was generous in his attitude towards all those to whom he spoke, and particularly to those whom he loved. Joe Mann was a person of extreme tolerance, whose passing is regretted by all of us. Death has taken heavy toll recently in this Chamber, and I know we all feel that in the passing of Hon. W. J. Mann we have lost a colleague whose work and knowledge will be greatly missed by the whole of the State.

Question put and passed; members standing.

House adjourned at 6.11 p.m.

Legislative Assembly

Tuesday, 7th August, 1951.

CONTENTS.

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

MOTIONS—CONDOLENCE.

Late Hon. Sir James Mitchell, G.C.M.G.

THE PREMIER (Hon. D. R. McLarty—Murray) [4.32]: I move—

> That this House place on record its sincere appreciation of the long and devoted public service rendered to this State by the late Sir James Mitchell and that an expression of sincere sympathy of all members at his passing be conveyed to his family by Mr. Speaker.

I am sure that this motion will receive the approval of all members. The late Sir James Mitchell, whose term of office as Governor of Western Australia expired on the 30th June last, had a long and distinguished public career. Sir James devoted a liftetime of service to Western Australia. He entered Parliament in 1905 and represented the constituency of Northam continuously until 1933—a very long period of representation of one constituency. He served as Minister of the Crown for over 14 years, administering during that time a number of major portfolios. He was appointed Premier of the State in 1919 and held that office for eight years. For six years he acted as Leader of the Opposition.

In 1921 His Majesty the King conferred on him the Order of K.C.M.G. and later, in 1947, he received the G.C.M.G., a very high distinction and a very rare one. Members know that so highly was the service of the late Sir James Mitchell thought of that on his retirement from politics in 1933 he was appointed Lieut.-Governor and occupied that office until his appointment as Governor in 1948. I have already expressed in the Press my appreciation of the work which the late Sir James Mitchell did in the interests of our State, and I feel that those works which he initiated and which are now bearing fruit so successfully, will be a lasting monument to his memory.

I should like to mention a few of them: There was the development of our great rural areas, particularly the opening up of the wheat belt; and there was the development of the South-West for dairying. Later in the years 1930-33 he continued promoting developmental works, such as irrigation, and extended them. As we all know, they have proved of great value to the State today. I think it can be said that he contributed a great deal to the development and progress of Western Australia, and I am sure he has earned the lasting respect and affection of our people.

HON. A. R. G. HAWKE (Northam) [4.35]: I second the motion. Most of us knew Sir James personally. The longer one knew him, the more one respected him and the more one really loved him for his very great humanitarian qualities. I was his political opponent in 1933. No-one could have wished for more than to have an opponent as fair and as generous as Sir James was at that time, and I am sure as he was on all other occasions when he was opposed at an election. He had very great faith in Western Australia and had the great satisfaction of turning his faith into works in several directions. He had the political courage to take risks in regard to large scale land development undertakings, many of which will live and will continue to make a very solid contribution to the future progress and prosperity of the State. His friendly, human qualities were too well known to everybody to require more than a passing mention this afternoon. In his latter years in the vice-regal position which he held with such distinction, he endeared himself to practically the whole of the people in Western Australia and he was a particular friend of children of the State.

Question put and passed; members standing.

Late Mr. H. V. Shearn, M.L.A.

THE PREMIER (Hon. D. R. McLarty—Murray) [4.39]: I move—

> That this House desires to place on record its profound sense of the loss sustained in the passing of the late Mr. Harry Vivian Shearn, a member of this House, and that an expression of the sincere sympathy of members be conveyed to his widow and family by Mr. Speaker.

The late Mr. Shearn was first elected to Parliament as member for Maylands on the 15th February, 1936, and he held the seat continuously until his death on the 21st January, 1951. He was in this Parliament for a period of 15 years. Apart from his parliamentary activities, he was a member of the Perth Road Board for 21 years and held the office of chairman. In his own electorate he was prominent in sporting and social circles and was a member of the Council of the Western Australian Institute for the Blind. He was a keen churchman and a vestryman in his church in the electorate he represented.

Those of us who knew the late Mr. Shearn will remember him as a very energetic person. He paid close attention to his parliamentary duties, and the fact that he was able to represent Maylands for so long and obtain the majorities he did at successive elections is proof of the esteem in which he was held in his electorate. He was a good family man and, as I have already said, was a keen churchman. I know that when he died there were feelings of deep regret not only in his electorate, but on the part of other people who knew him.

HON. A. R. G. HAWKE (Northam) [4.42]: I second the motion. Some time after Mr. Shearn's death, during the course of the by-election for the Maylands seat, I had the opportunity—or perhaps I should say I took upon myself the responsibility—of visiting a number of homes in the Maylands electorate in connection with that contest. Almost everywhere one went within the electorate one heard very high praise for the service which the late Mr. Shearn had given to the electorate and to the people within it during the period he represented the district in this House. Not only was he respected for what he was, but he was very greatly admired for the painstaking service he gave to his people. From what was told to me, it appeared that no matter was too small for him to concern himself with if he thought that by concerning himself with it he would be helping, even in some small way, anyone within his district.

We in this House all remember him. I frankly admit that I clashed with him rather severely on more than one occasion; but in every such clash he fought a clean fight, and when the arguments were over there was no personal ill-feeling in regard to anything which had been said during them.

Question put and passed; members standing.

Late Mr. T. Fox, M.L.A.

THE PREMIER (Hon. D. R. McLarty—Murray) [4.45]: I regret that I have to submit a similar motion concerning another former member of this House. I move—

> That this House desires to place on record its profound sense of the loss sustained in the passing of the late Thomas Fox, a member of this House; and that an expression of the sincere sympathy of members be conveyed to his widow and family by Mr. Speaker.

The late Mr. Fox was first elected to this Parliament as member for South Fremantle on the 4th May, 1935, and he represented the constituency continuously until his death on the 20th April, 1951, a period of 16 years. Before entering Parliament, Mr. Fox was well known as one of the officials of the Fremantle branch of the Waterside Workers' Federation. He held the office of president of the branch for a period and was later secretary until his election to Parliament. He had a long experience and a close knowledge of waterside workers' problems and was a conscientious member and a hard worker for his electorate.

I am sure that members had the same feelings towards the late Mr. Fox as I always had. I think he was a likeable man; and despite the fact that he was a person of strong party convictions, in which he thoroughly believed, he did have that personality which appealed to all and which made him a popular member of this House. He came into Parliament just at the time when we were emerging from the period now known as the depression. He worked exceedingly hard in the interests of people who were suffering in those times as a result of the depression, and he earned their respect and gratitude. I feel that the late Mr. Fox did his work thoroughly well, and I know his passing will be regretted by a large section of our people.

HON. A. R. G. HAWKE (Northam) [4.47]: I second the motion. As the Premier has said, the late Mr. Fox was very well liked by all of us. He had extremely strong convictions and always had the courage to express them, irrespective of the result. On many occasions in this House he became extremely indignant when it was necessary for him to do so; but he was a man who, although justifiably angry on occasions, would cool down very quickly and on that account he was, I think, without an enemy amongst all the thousands of people who knew him.

He was a great battler for the underdog, perhaps even more so after he entered Parliament than before he came here. He was a great worker for his people and was ever vigilant in trying to protect the interests of working people generally and of the poorer sections and the underdogs in particular. So we associate ourselves with this motion, feeling that we in this House and the people whom he represented so well and so faithfully for such a long period have lost a very dear friend.

Question put and passed; members standing.

CHAIRMEN (TEMPORARY) OF COMMITTEES.

Mr. SPEAKER: I desire to announce that I have appointed Mr. Hill, Mr. Rodoreda and Mr. Yates to be temporary Chairmen of Committees for the session.

QUESTIONS.

RAILWAYS.

As to Fremantle Bridge Stone Work.

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

When was the stone work placed at the foot of the Fremantle railway bridge, and for what reason was it placed there?

The MINISTER replied:

As far as departmental records reveal, it was placed there in 1926-1927—after the northern end of the bridge had been washed away—to prevent further scouring and to give increased stability to piles.

TRAFFIC.

As to Extension of Causeway Circus Hours.

Mr. GRIFFITH asked the Minister for Police:

In view of the obvious success of the introduction of the Causeway circus, will he extend the hours beyond those during which the circus already operates, to include the peak periods of Saturday and Sunday, thus preventing existing traffic confusion caused by race and Sunday traffic?

The MINISTER FOR EDUCATION replied:

Consideration will be given to an amendment of the traffic regulation in regard to the control of west-bound traffic on Saturday and Sunday afternoons to provide for two lanes of traffic travelling west and one travelling east.

It has not been found necessary at any time to operate the circus for west-bound traffic.

SUPERPHOSPHATE.

As to Farmers' Purchases.

Mr. ACKLAND asked the Minister representing the Minister for Agriculture:

(1) What was the number of farmers who purchased superphosphate during the period from the 1st July, 1949, to the 30th June, 1950?

(2) What was the number during the period from the 1st July, 1950, to the 30th June, 1951?

(3) What was the number of farmers who purchased superphosphate of 10 tons or less, during the period from the 1st July, 1949, to the 30th June, 1950?

(4) What was the number during the period from the 1st July, 1950, to the 30th June, 1951?

(5) What was the quantity of superphosphate purchased by farmers who purchased 10 tons or less during the year from the 1st July, 1949, to the 30th June, 1950?

(6) What was the quantity so purchased during the period from the 1st July, 1950, to the 30th June, 1951?

The MINISTER FOR LANDS replied:

(1) Approximately 17,000.

(2) Approximately 18,000.

(3) Approximately 3,500.

(4) Approximately 4,000.

(5) Approximately 22,000 tons

(6) Approximately 24,000 tons.

No accurate records are kept, but the above figures may be accepted as reasonably correct.

WATER SUPPLIES.

As to Provision for Prospectors.

Mr. McCULLOCH asked the Minister for Water Supply:

(1) Will he take the necessary action to erect a water supply standpipe at the Kalgoorlie State Battery from which free water could be drawn by ore carters for the extensive use of bona fide prospectors who are working in the bush where no water supply is available?

(2) If the answer to (1) is in the affirmative, will he arrange that the key to the standpipe be kept in the battery office and that provision be made whereby ore carters could sign a register indicating the names of prospectors to whom the water was being made available, and the gallonage of the tanks being back-loaded for water supply purposes?

(3) Is he aware that the present system of meeting the prospectors' small requirements of water entails a lot of unnecessary haulage costs, and that the erection of a battery standpipe would be of great convenience to the outback prospectors, such as those located at Hampton Plains, etc.?

The MINISTER replied:

(1) Yes.

(2) Yes.

(3) Dealt with in (1) and (2).

OUTPORTS.

As to Use by Oversea Ships.

Mr. GUTHRIE asked the Premier:

(1) Is he aware that Commonwealth action is likely to be taken to enable ships from overseas to travel direct to outports in Western Australia for the purpose of discharging their cargoes for this State?

(2) Will he support the proposal and thereby help to increase the trade and importance of the State's outports?

The PREMIER replied:

(1) and (2) It is the policy of the Government to make use of the outports to the fullest extent possible with the facilities available.

HOUSING.

As to Commonwealth-State Rental Homes Completed and Sold.

Mr. GRAHAM asked the Minister for Housing:

(1) How many Commonwealth-State rental homes have been completed and occupied?

(2) What number of occupants have signified their intention to purchase such homes?

(3) How many have actually completed purchase agreements?

(4) How many of that number have since disposed of the homes?

(5) Is he aware that numbers of such houses have been sold by tenants at prices considerably in excess of the original purchase figure, in some cases to the extent of two and three times the original figure?

(6) Is not the purpose of rental houses to provide accommodation for hardship cases, rather than to provide means for "getting-rich-quick"?

(7) Will he take steps to prevent any further sales to tenants, or alternatively, make a condition of sale that houses must be re-sold to the Housing Commission at a figure, not exceeding cost, plus improvements?

The MINISTER replied:

(1) 4,963 (including timber-framed flats).

(2) 2,095.

(3) 625 sales completed; 205 transfers proceeding.

(4) Not known.

(5) Yes. A few cases have come under the notice of the Commission where houses have been resold at a profit.

(6) Yes.

(7) This matter is at present receiving the consideration of the Commission.

BRICKS.

As to Time Lag in Deliveries and Priorities.

Hon. J. T. TONKIN asked the Minister for Housing:

(1) What is the time-lag at the various brick yards (including the State Brickworks) respectively, in the delivery of bricks after orders and corresponding releases have been lodged?

(2) What was the time-lag at the State Brickyards at the 30th June, 1950?

(3) Does the State Brickworks make delivery to contractors, carters or persons (other than persons in the employ of the Government) without regard to any priority established by those who have lodged orders and permits at an earlier date?

(4) If deliveries of bricks have been made by the State Brickworks to persons whose orders were lodged subsequent to the orders of persons who have not yet had deliveries of bricks made to them, what is the explanation for such procedure?

The MINISTER replied:

Name of Brickworks.	Estimated Time-lag in Delivery of Bricks after Orders Received.
(1) State Brick Works, Byford	2 years.
(2) Metropolitan Brick Co. Ltd. (Helena Vale and Maylands)	1½ years.
(3) Whiteman Ltd.	1½ years.
(4) Cardup Brick Co. Ltd.	1½ years.
(5) Dunbrik Ltd.	1½ years.
(6) Kenwick Brickworks	1½ years.
(7) Plunketts Ltd. (Orange Grove and Redcliffe)	Production goes to Plunkett, Building Contractor.
(8) Midland Brick Co.	Orders not accepted for more than six months' production, and then cash is required with orders.
(9) A. Brooks	Supplies whole of small output to one contractor.
(10) May & Sons	Supplies whole of small output to two contractors.
(11) W.A. Brick Co.	Six months.

(2) Approximately six to eight months.

(3) and (4) Regular weekly allocations are made to some Commonwealth-State rental group builders and established clients where deliveries are essential to keep gangs employed. Priority has been given to industrial orders, including lime merchants, timber mills, State Electricity Commission, gas works, pre-cut housing scheme and war service land settlement, also others where essentiality is established.

DAIRYING INDUSTRY.

As to State Action for Stabilisation.

Mr. BOVELL (without notice) asked the Premier:

In view of the failure of the Commonwealth and State Governments to arrive at a satisfactory solution to relieve the chaotic conditions of the dairying industry, will he take immediate action to negotiate, independently of other States, with the Commonwealth Government for the stabilisation of the dairying industry by guaranteeing forthwith a fair reward to butterfat producers in Western Australia?

The PREMIER replied:

The State Government has decided that unless some satisfactory arrangements regarding the price of butterfat are made in the very near future, it will take some unilateral action to solve the difficulty.

INCREASE OF RENT (WAR RESTRICTIONS) ACT.

(a) As to Amending Legislation.

Hon. J. T. TONKIN (without notice) asked the Premier:

Does he believe that the Increase of Rent (War Restrictions) Act requires amendment, and if so, is it not a matter of urgency?

The PREMIER replied:

This matter has been receiving the consideration of the Government, and further consideration is being given to it at present. I am not able to indicate to the hon. member what amendments, if any, will be introduced.

(b) As to Statement by Deputy Premier.

Hon. J. T. TONKIN (without notice) asked the Deputy Premier:

When he made a statement to "The West Australian" on the 18th May last and criticised certain landlords for dubious acts, greed and chicanery, was he expressing his own opinion or the opinion of the Government?

The DEPUTY PREMIER replied:

I was expressing my own views arising out of Government discussions.

(c) As to Notice of Motion.

Hon. J. T. TONKIN (without notice) asked the Premier:

As the Government, by its statements, has had the matter of the Increase of Rent (War Restrictions) Act under consideration for three months, and as a Judge of the Supreme Court has stated it is a matter of urgency, why has the Premier deliberately placed my motion, which he knows is a genuine attempt to alleviate the emergency, at the bottom of the notice paper where it cannot be discussed until after the Address-in-reply has been completed?

The PREMIER replied:

As I have already indicated, the Government is giving consideration to this matter, and any legislation relating to evicted tenants that it might consider necessary will be put on the notice paper in the ordinary way.

The Minister for Education: What about the hon. member's question as to his motion being placed at the bottom of the notice paper?

The PREMIER: It comes under ordinary private members' business. The matter will be treated as a private member's notice of motion and will be reached in its turn. What I wanted to say was that the Government has taken active steps to provide for those who are evicted and I think has done so successfully. Furthermore, as I have stated, consideration is being given to any legislation that may be required.

ROADS.

As to Great Eastern-highway.

Mr. BRADY (without notice) asked the Minister for Works:

(1) Has the Minister's attention been drawn to a news item in this morning's issue of "The West Australian" relating to correspondence that has passed between the Merredin Road Board and the Northam Road Board concerning the rapid deterioration of the Great Eastern-highway between Merredin and Perth?

(2) If he is in agreement that the statement is correct, will he have early consideration given to repairing and widening the Great Eastern-highway between Bellevue and the Midland Junction Town Hall?

The MINISTER replied:

(1) Yes.

(2) I will certainly give consideration to the request, but it must be borne in mind that priority can only be given to this work after taking into consideration the demands by other districts and the condition of other highways for which we are responsible.

PUBLIC SERVANTS.

As to 40-Hour Working Week.

Mr. W. HEGNEY (without notice) asked the Premier:

(1) Is he aware that the Prime Minister has indicated that the working hours of Commonwealth civil servants are to be increased to 40 per week?

(2) Does the State Government intend to take steps to impose a 40-hour week on its civil servants?

The PREMIER replied:

(1) and (2) No consideration has been given to the matter by the Government.

TRANSPORT.

As to Bassendean Service.

The MINISTER FOR EDUCATION: On Thursday last the member for Guildford-Midland asked a question regarding the Bassendean bus service. I undertook to discuss the matter with the Minister for Transport, which I have done, and now advise the hon. member as follows: It is expected that the matter will be put on a satisfactory basis by the inter-suburban bus service to Bassendean and beyond, in addition to the already carried out extension of the tramway buses to Whatley. Five vehicles are being added to the fleet of the inter-suburban bus service to operate the Bassendean run. Some delay has been experienced in fitting these vehicles up for service. The railway buses are not available for suburban service; they are required in connection with long distance railway road traffic, being especially fitted for such long distance travelling.

SITTING DAYS AND HOURS.

THE PREMIER (Hon. D. R. McLarty—Murray) [5.16]: I move—

> That the House, unless otherwise ordered, shall meet for the despatch of business on Tuesdays, Wednesdays and Thursdays at 4.30 p.m., and shall sit until 6.15 p.m. if necessary, and, if requisite, from 7.30 p.m. onwards.

HON. J. T. TONKIN (Melville) [5.17]: I move an amendment—

> That after the word "Thursdays" the words "at 2.30 p.m. until the Address-in-reply is adopted and thereafter" be inserted.

The motion would then read that the House shall meet on those days at 2.30 p.m. until the Address-in-reply has been disposed of and thereafter at the usual hour of 4.30. My reason for so moving is to give the House an opportunity to discuss a motion of which I have given notice before it is too late to do any good. The Premier knows that if we sit at the ordinary hour of 4.30, having regard to what has happened over the years, we shall take five, six or seven weeks to dispose of the Address-in-reply. Very considerable hardship is being caused people at present because of the operation of the Increase of Rent (War Restrictions) Act, and far greater hardship will occur on the 30th September, because that will be the day when the great mass of evictions will automatically take place.

The only cases which so far have been before the court have been those where persons have owned the premises for three years or more. Persons who have only recently bought them and have owned them for six months have not yet had an opportunity to evict the tenants, because the earliest date upon which they could

do so is the 30th September. By far the greatest number of evictions will occur under that section of the Act, and so we can expect that on the 30th September there will be a very large number of automatic orders issued by the court.

What is the good of the Government's going on giving consideration to this matter—fiddling while Rome burns? The Government has had at least three months and it is still considering the matter, and if it makes as much progress in the future as it has made in the past, it will still be considering the matter when it has become too late to do anything. Realising this, and having given the Government every opportunity to take action, I felt that the only course possible was for a motion to be tabled from this side of the House to permit of an amending Bill being introduced.

If we wait until the Address-in-reply takes its ordinary course, it will be impossible to consider my motion, seeing that the Premier has had it placed at the bottom of the notice paper, until the Address-in-reply is completed, and it will then be far too late to be of much value. My only chance is to get the Address-in-reply over quickly enough to enable the House to deal with my motion whilst there is yet time. If we provide an additional two hours of sitting per day, it is only reasonable to assume that we may complete the Address-in-reply debate in three weeks. Then, if we got down to business, we could pass amendments to the Increase of Rent (War Restrictions) Act that would safeguard the position.

I cannot understand the Government's attitude to this matter because, although the Deputy Premier stated this afternoon that, on the occasion mentioned, he was merely expressing his own opinion, he spoke very strongly, and I cannot imagine that anyone occupying the position of Acting Premier—not just Deputy Premier—would, in speaking on a question of this sort, not be reflecting the opinion of the Government.

The Minister for Education: You want to be fair. I said it was my own opinion after discussion by the Government.

Hon. J. T. TONKIN: That is a distinction without a difference. The Acting Premier was in no two minds about the situation, because he referred to dubious acts by landlords and spoke of chicanery and greed, and went so far as to say that the matter would be dealt with by way of regulation. The Government did not have to make up its mind about that; it was already made up. It already intended to promulgate a regulation to meet the situation. To prove that the Government realised the matter was urgent, I point out that it went ahead and had the regulation prepared, but it then found out, as I told the Acting Premier when he made the statement, that the regulation was ultra vires the Act and that the only possible way to provide a remedy was by amending the measure.

Now the Premier sits there and says the Government is considering the matter, but there will be no opportunity to do anything until the Address-in-reply is over. In the interests of the people affected, we have to get the Address-in-reply over quickly, and that is why I have moved the amendment to the Premier's motion. I venture to say that there is no fair-minded person in this community that would not be impressed by what the Supreme Court judge said when referring to the urgency of the matter. I quote from "The West Australian" of the 11th July, in which the learned judge is reported to have said—

> This is a very grave position with legislation of its extreme social importance, and I can only hope that some early and successful effort will be made by Parliament to rationalise it and to facilitate the task of the general public in understanding it and of judges, magistrates and lawyers in interpreting it.

A very grave position! And the Government is still thinking about it. A matter of extreme social importance! And the Government is still thinking about it.

Mr. Hutchinson: The Government is acting in the matter of providing accommodation for evicted tenants.

Hon. J. T. TONKIN: Is it? Let me tell the hon. member that the Government is not acting as it said the other day it was doing. I have instances of people who have been to the Housing Commission and have been told that nothing could be done for them.

Mr. Yates: They have not been evicted yet.

Hon. J. T. TONKIN: No! I tell the hon. member that some of those who went to the Housing Commission and were told that the Commission could do nothing for them have been evicted and are still under the belief that the Commission will not do anything for them. Those persons who were bluffed out of their homes by landlords will have no redress. Neither will it be possible to inflict any penalties upon the landlords if they now sell the properties from which they have bluffed the tenants. Parliament provided for a penalty of £500 in cases where landlords regained possession of their houses and sold them within 12 months, but if there are landlords—and there are—who have bluffed their tenants out without the necessity of going to the court, they can sell and go scot-free That is the situation the Government is still considering.

Mr. Hutchinson: Do not you agree that a majority of such landlords genuinely desire to enter their own homes?

Hon. J. T. TONKIN: No, I do not.

Mr. Hutchinson: Well, I do.

Hon. J. T. TONKIN: It is by no means the only aspect of the matter that persons are being evicted from private dwellings. What about the situation where a man has paid £500 for the goodwill of a business and the man who sold it to him can get it back for nothing? Is not that a situation that ought to be corrected immediately?

Mr. Yates: That man might be protected by a lease, if he had one. Some do not want a lease.

Hon. J. T. TONKIN: Some cannot get a lease; landlords have refused to give them leases. What we have to remember in this: It is all very well to say that owners should receive possession of their properties and that tenants should get out. That is the attitude of some people. But we have to remember that until 12 months ago we would not allow a tenant of a house to have a permit to build. We imposed a restriction on him. Take a man in business, occupying premises that belonged to someone else: He knew that his lease was running out. He may have built up a substantial business and wanted to build premises of his own so that he would have accommodation when his lease expired. Would we allow him to build? The previous Government and this Government said, "No permit will be given you to build. You stay where you are."

Those tenants, who knew that as surely as night follows day they would be in difficulty when their leases ran out, were in a cleft stick. Try as they would to get permits to build, they could not get them. Is it right and proper, then, that we should immediately lift all controls and throw those tenants to the wolves? That is what is happening and the Government is still considering the matter while this is going on.

A deputation which I took to the Chief Secretary was told by him that it would be a good idea to give the Act a 12 months' trial. What would there be left to do then? It is a remarkable fact that this is the only State which has lifted controls to the extent that we have done. Even in South Australia where they have been able to build more houses than we have, because they were able to carry on home building during the war, they have not seen fit to lift the controls as we have. The Premier knows that the South Australian Government, when it became aware that we had lifted controls, sent a man over here to see how we did it, and when he came here he said we had gone haywire.

Mr. Griffith: That would mean your Party would have gone haywire in 1950.

Hon. J. T. TONKIN: The hon. member is guessing. Of course, he is one of those responsible for this Act.

Mr. Griffith: So are you.

Hon. J. T. TONKIN: No, because the hon. member was one of the committee set up by the Government to make recommendations. No wonder he has such an interest in it—he and the member for Cottesloe.

Mr. Yates: What about your sort? They helped!

Hon. J. T. TONKIN: The genesis of this Act was a committee on which were, the Chief Secretary and the Attorney General, two members of Cabinet, as well as the members for Canning, Cottesloe and Darling Range. They cooked this Bill which was originally brought here to remove controls in a way which was not attempted anywhere else.

Mr. Griffith: Perhaps the committee of management did not have anything to do with it.

The Chief Secretary: Do you say they cooked the Bill?

Hon. J. T. TONKIN: The Chief Secretary might like the word "prepared" a bit better. It is the same thing.

The Chief Secretary: No, it is not. It would be better.

Mr. Griffith: Are you going to ignore my remark? Did not the committee of management have something to do with the Bill?

Hon. J. T. TONKIN: Would the hon. member like me to deal with that?

Mr. SPEAKER: Order!

Hon. J. T. TONKIN: I thought so.

The Chief Secretary: Did the hon. member vote against the Bill when it was in this Chamber?

Hon. J. T. TONKIN: No, but I asked the Chief Secretary a question to which he told me a lie.

The Chief Secretary: If the hon. member carries on with that sort of thing he will strike trouble of some kind.

Hon. J. T. TONKIN: The Minister looked for it. He will recall that I asked him—

The Chief Secretary: I do not recall it.

Hon. J. T. TONKIN: Well, look up "Hansard." I will tell the Chief Secretary what he should recall. When the Bill was going through I asked him whether he had sought and obtained the opinions of the magistrates who were dealing with the legislation in the courts, and he replied that he had. I say that was not true.

The Chief Secretary: On what grounds do you say that? I am quite interested in this, naturally.

Hon. J. T. TONKIN: It is a bit late now to be interested in it.

The Chief Secretary: Tell me the grounds on which you say it.

Hon. J. T. TONKIN: Because I know.

The Chief Secretary: That is not quite good enough.

Hon. J. T. TONKIN: It is good enough for me.

Mr. SPEAKER: Order! The member for Melville must ignore interjections from now on.

Hon. J. T. TONKIN: If you wish it, Mr. Speaker, but I have no desire to do so. I was proceeding to point out that in the opinion of a Supreme Court judge this is a very grave position with legislation of such extreme social importance as this. The learned judge could only hope that early attention would be given to the matter. But we are not to have an opportunity of giving early attention to the matter because the Premier regards my motion as an ordinary private member's motion which ought to take its place on the notice paper in the ordinary way. A motion for the suspension of Standing Orders during the Address-in-reply to discuss a matter of urgency is an ordinary private member's motion! The Premier might wish it were. Is the Premier's attitude conditioned by the fact that he said there is only a small fraction of one per cent. of persons affected, and therefore they have not got much voting power?

The Premier: I did not say anything about voting power.

Hon. J. T. TONKIN: I know, but the Premier said something about a small fraction of one per cent. being affected.

The Premier: I did.

Hon. J. T. TONKIN: Does it make any difference whether it is a fraction of one per cent.? If one person is lost in the State, we spend thousands of pounds in searching until we find him, or hope is abandoned. We do not say, "Only one person is lost, forget about him." If one person gets tipped overboard from a vessel, the captain does not say, "There is only one, let him go." He turns his ship about and searches, because he thinks it is the right thing to do. So should we be concerned, even though it is only a fraction of one per cent. of persons who are directly affected.

The Chief Secretary: Did the Premier say he was not concerned with that fraction?

Hon. J. T. TONKIN: He is not sufficiently concerned to do anything in three months.

The Chief Secretary: Nevertheless, he did not say it, did he?

Hon. J. T. TONKIN: What he said was that there was less than a fraction of one per cent. He must have said it for some purpose.

The Chief Secretary: Is it correct?

Hon. J. T. TONKIN: No, it is not correct.

The Chief Secretary: Now, you might have grounds for complaining.

Hon. J. T. TONKIN: Many more people are affected than the Premier thinks. Take all those persons in apartment houses who can be emptied out at any time. The owner of an apartment house does not have to prove that he wants the place to live in, or that he wants other people to live in it. He could make up his mind that he would like to turn it into garages for motor cars, and as soon as he did that he could put all his tenants into the street. Or, he can say, "I can make more money from this building if I turn it into offices, or if I make a dance floor of it."

As soon as he decides to do either of those things, he can serve notice on his tenants, married men and women with children, or single men and women—and they all have to get out. That is so, because the owner of the apartment house believes he can make more money if he puts it to some other use. The Premier believes that is not a matter of urgency. I had a case of a woman who paid £600 for the goodwill of a business. Her husband is now in Hollywood with T.B. The fact that he is in Hollywood indicates that he is a returned soldier. The woman hopes that he will be out of hospital for Christmas, but she will not be able to take him home because she has received notice of eviction from the person from whom she bought the business. She paid £600 goodwill and she has worked the business up because she had to in order to maintain her husband who is an invalid, or next door to it, and now the owner of the premises will get the business back for nothing after having received £600 in cash for it.

That is not a matter of urgency in the view of the Government! I know of a retired butcher and his wife who did not wish to go on the old-age pension. They put all their savings into buying the goodwill of an apartment house, and in purchasing furniture. They did not have sufficient money to cover the lot, so they had to borrow £450. They have now received notice of eviction. They will have to sell the furniture to pay off the loan, and they will walk out penniless, while the person who sold them the goodwill of the apartment house pockets the cash. That is going on every day—but it is not a matter of urgency!

Mr. J. Hegney: That is a racket, that is.

Mr. Yates: Now tell us something about the bad tenants.

Hon. J. T. TONKIN: The hon. member can put up his own case.

Mr. Yates: You have to be fair. There are some bad tenants as well as bad landlords.

Hon. J. T. TONKIN: I am putting up a case to deal with the Act, and if we deal with the Act we can provide for the bad tenants as well as the good.

Mr. Yates: Do not overlook them.

Hon. J. T. TONKIN: They will not be overlooked; the hon. member will see to that. Take the provisions with regard to shared accommodation. What a racket that has opened up in a way which was never intended. I know of an instance where a widow, a retired schoolteacher, let her own home because she wished to get additional money by which to live. So she let a family into her home and she herself went to live in a small flat in an apartment house. She was quite content. She was getting a satisfactory rent, the tenants in her house were satisfactory, and she was quite comfortable in the apartment house. Along came a woman who wanted to make a lot of money and bought the apartment house, but she could not get the tenants out unless she lived in it herself.

Up till that time, she had not lived in the apartment house. So she went to this widow and suggested that if the widow let her come in and share the accommodation she could reduce the widow's rent, and they would all be happy. The unsuspecting widow allowed this landlady in. As soon as she got in, like the cuckoo, she kicked everybody else out; she served them all with notices. Is not that an urgent matter? Should we allow that to continue? I could go on for the next five or six hours quoting case after case of those landlords referred to by the Deputy Premier who, for greed, are taking these steps. The Government knows all right. It does not want more time to consider the matter.

I am sorry the Attorney General is not here because there is a glaring case, of which he knows, in his electorate. In this instance two brothers went into a grocery business. They rented premises from an old man who was a decent landlord and treated them well. They paid a satisfactory rent, and they were happy and built up a good business, and the landlord was happy. Unfortunately the landlord died and his estate had to be wound up. Along came a new Australian, who had been given an extra £1 by us for every £4 that he possessed, and he bought the property. He then boasted that before long he would have the grocery business and would not have to pay a bob for it. That is lovely, is it not?

That is the sort of thing which our Act permits, and it has been going on for some time. Notices have been issued in this way, and they will take effect on the 30th September next unless we do something to stop it. Surely it is a matter of urgency to do something to prevent it. The member for South Perth started to talk about bad tenants. There is a way to deal with bad tenants. We have only to go to the South Australian Act to see the provision there. The defacing or destruction of premises, or the refusal to pay rent are good grounds for the magistrate to make a tenant give up possession. Why should there be an automatic eviction? We have put the clock back 300 years in this State.

In the 17th century they realised it was wrong that there should be an automatic eviction. Under the old law it was possible, if a tenant in any way fell down upon an obligation—did not pay his rent when it was due or did not pay the interest upon a loan—for the landlord to go straight in and take possession. There was no chance of redemption, but there grew up in the courts, because of the hardship of that law, what became known as equity and the rules of equity would not permit a landlord to obtain possession of his property simply because of some default on the part of a tenant. Equity provided that the landlord would have to serve notice on the tenant, tell him what was wrong and give him an opportunity to put it right; if the tenant did not put it right within a reasonable time then the court would give the landlord possession of the property.

That was provided for 300 years ago, but we have put back the clock. I now propose to read some extracts from Snell's "Principles of Equity." At page 291 of this volume there is reference to this very subject and after pointing out how the common law allowed an owner to get possession of his property, it goes on to say—

> Happily, however, a jurisdiction arose under which the harshness of the old law in this respect was softened without any actual interference with its principles; for the Courts of Equity, leaving the legal effect of the transaction unaltered declared it to be against conscience and unreasonable that the mortgagee should retain as owner for his own benefit what was intended as a mere security; and they adjudged that the breach of the condition should be relieved against, so that the mortgagor, although he lost his legal right to redeem, nevertheless had an "equity to redeem" on payment within a reasonable time of the principal, interest, and costs; and, although the common law judges at first strenuously resisted the introduction of this new principle, they were ultimately defeated by the increasing power of equity; but in their own

courts they still adhered to the rigid doctrine of forfeiture, with the result that the law relating to mortgages fell almost entirely within the jurisdiction of equity. In modern times a legal mortgage takes the form of a conveyance . . . . .

Further to that point, I wish to quote from page 359, and this has a very distinct bearing on our Act which now makes it automatic for an eviction order to be given when a case goes before the court. It states—

> The case of relief from forfeiture of leases, other than forfeiture for non-payment of rent, is now dealt with by S.146 of the Law of Property Act, 1925. Under that section, which applies notwithstanding any stipulation to the contrary—

So the British Law of Property Act will not allow of any stipulation to the contrary in this matter.

> —a right of re-entry or forfeiture under any proviso or stipulation in a lease is not enforceable by action or otherwise until the lessor serves on the lessee a notice (a) specifying the particular breach of covenant complained of, and (b) if the breach is capable of remedy, requiring the lessee to remedy it, and (c) in any case, requiring the lessee to make compensation in money for the breach, and the lessee fails within a reasonable time to comply with this notice.
>
> Further, when the lessor is proceeding by action or otherwise to enforce such a right of re-entry or forfeiture the lessee may apply to the court for relief, either bringing an action for the purpose, or setting up the claim to relief in the lessor's action of ejectment. The court may thereupon grant or refuse relief, as the court, having regard to all the circumstances, may think fit, and if it grants relief may grant it on such terms and conditions as it thinks fit. The court has an absolute discretion as to the terms on which relief will be granted, and the House of Lords has refused to lay down any rules to fetter this discretion.

That is most important. The House of Lords, which might be regarded as one which would be more inclined to favour landlords than tenants has refused to lay down any rule that will fetter the discretion of the courts in this matter. But, where the House of Lords has feared to tread, the Legislative Assembly in this State has not, and we provide that we shall fetter the court and we will not allow it to exercise any discretion at all.

I think the reasonable thing to do in all these cases is to provide that no eviction shall be automatic, but where an owner wants his property back he shall be obliged to go to the court and let the magistrate interrogate him and see why he wants it back; interrogate the tenant, and then do what he considers is the right thing in the circumstances. In South Australia they have provided a special magistrate for this purpose. But, of course, we cannot do that here! We can only put the clock back 300 years in Western Australia and then sit down quietly to consider the matter. Give it 12 months' trial, as the Chief Secretary said! Fancy putting the clock back 300 years and giving it a 12 months' trial.

Hon. A. H. Panton: He might go on and pick it up!

Hon. J. T. TONKIN: The position is absolutely chaotic! I wonder if the Premier knows this: Our Act provides that if a man wants the property for himself, or his married son or married daughter, he can serve notice on the tenant. Let us suppose that a man requires his property for his married son. He issues a notice and in due course he goes to the court where the magistrate gives him an eviction order. Does the Premier know that if that owner then allows his son to go into the place he will be liable for a £500 fine?

The Premier: If he allows his son to go into the place?

Hon. J. T. TONKIN: Yes. If the owner applies to the court, serves a notice on the tenant that he wants the house for his married son and in due course the magistrate gives him an automatic order, and having got possession of the place, he allows his son to go into it, he is liable for a £500 fine. The amending Act states—

> No lessor who recovers possession of premises under the provisions of this section shall, at any time during the period of 12 months next following the date of the recovery, lease or part with the possession of the premises except by leave of the Court granted upon application and good cause shown.

If the owner says he wants the property for his married son, serves notice and then when he gets the property, leases it to his married son, he has contravened the Act because he is the lessor, and without the consent of the court, for good cause shown, he is not permitted to lease those premises or sell them.

I am assured by a number of lawyers that that is the proper legal interpretation of the section I read out. No wonder Mr. Justice Virtue said that it was a thing of shreds and patches, was ludicrous and the like! This is the sort of thing we have provided for. So full of loopholes that one can do almost anything under it. This was intended to ease the housing situation, but instead of that it is making it worse.

Mr. SPEAKER: Order! The hon. member can refer to the hardships of people, but as I see the Standing Orders he cannot, at this stage, reflect on a law that we have passed. At present he is not moving to amend the law but is trying to alter the sitting hours for the debate on the Address-in-reply. Therefore, he should confine his remarks to the hardships of people and not reflect on any law that we have already passed. The Standing Orders I refer to are Nos. 129 and 132. Standing Order No. 129 states—

> No member shall reflect upon any vote of the House, except for the purpose of moving that such vote be rescinded.

The hon. member, of course, cannot do that at this stage. Standing Order No. 132 states—

> No member shall use offensive words against either House of Parliament—

which he is not, of course—

> —or against any statute, unless for the purpose of moving for its repeal.

So, I would ask the hon. member to confine his remarks as I have stated. If he wishes to make comment about the hardships being suffered he is in order, but he is not permitted to reflect upon the law that we have passed.

Hon. J. T. TONKIN: Mr. Speaker, I have no intention of transgressing, but I thought in pointing out the weaknesses in the Act I was emphasising the case with which we are dealing, because I am sure the Government would not want to allow a situation to continue to exist any longer than was necessary if it were pointed out that there are certain anomalies in the Act which make the thing ridiculous. The one that I have just quoted does that.

Another serious weakness is when landlords deliberately have their tenants ejected so that they can sell the premises. Some of them take big risks, but they are able to get away with it. This is how they can get away with it: Action must be taken, under the Justices Act, within six months, but usually when a tenant is evicted, the people do not take much notice to start with and the tenant distributes his family all over the place. I know of a case where a husband and wife went to live in a caravan and the three children in the family were parked in different places. The Housing Commission had not provided for them and refused to do so.

When that happens the people do not start to talk until a month or two afterwards and they say, "What do you think about so and so? That house is still empty." It is just a matter of curiosity for a week or two, or may be a month or two, and then later on somebody fresh moves in. The people round about say, "Oh! there is somebody in that house." They do not inquire too closely as to how they got in there but a few more months go by and one day somebody wakes up to the fact that the house has been sold. Unfortunately the six months has elapsed and so nothing can be done about it. The landlord consequently gets away with it and I know of one case where the landlord advertised the house for sale the day after the tenant was evicted. He advertised it for sale in "The West Australian" the day after the eviction took place.

Mr. Hutchinson: Was it sold?

Hon. J. T. TONKIN: No, but this is what he did and it was very clever: He put the advertisement in for the purpose of getting in touch with prospective purchasers and of getting hold of one who was prepared to pay the most. So he selected from those who answered the advertisement a couple who were desperately in need of a house and who entered into his little scheme. They said that they would agree to buy. In order to meet the requirements of the law they would agree to set aside one room in the place where this owner could come occasionally and stop for a night; they would keep it there for him for 12 months on the understanding that when the 12 months were up, they would be given a proper lease and would buy the place. In the meantime they would pay the rent for it.

I cut an advertisement out from the paper and gave it to Mr. Bond of the Housing Commision. I told him I suspected the place was being sold and I asked him to see that the necessary action was taken. In due course the case was handed on to the Crown Law Department who passed it on to the police and a constable went to make inquiries. The constable asked, "Have you bought this place?" and they said, "No." The police said "Does Mr. So-and-so live here," and they answered, "Yes. This is his room." The constable went away and said, "I can do nothing for you." He said that they had not sold the place and the landlord still lived there. The six months had passed during which they could prosecute him.

At the end of the 12 months this couple who went into the house thought they would now like to get a title to the house so they said to the landlord, "What about this deal we entered into?" "Oh, no," he said, "The property is worth much more now. I can get another £500 for it." They were not prepared to pay the extra amount so he served a notice on them and they came to see me. I told them that their action prevented me from bringing that landlord to justice. They asked what could they do. They were desperate for a house and that seemed a way of getting one. I told them that in being parties to that subterfuge they had allowed that man to get away with

it and I advised them to take no notice of the eviction order and to stay there. I said that if the landlord should take any action in court, I would be there. It worked, because they are still in the house. That shows, Mr. Speaker, what some people will do, and it is time we prevented it, if we can. It is time we took some steps to deal with that type of situation. Here is another very glaring case which exemplifies the point I have been dealing with. It is an extract from "The West Australian" of the 21st March, 1951, and reads as follows:—

> Sale of House.
>
> Legal Point Halts Prosecution.
>
> The charge against Katherine O'Brien of Vincent Street, North Perth, of having sold a house within 12 months after having obtained a repossession order was adjourned sine die by Mr. A. G. Smith, S.M., in the Perth Police Court yesterday when her counsel, Mr. C. H. Smith, claimed that the proceedings were invalid because action was not taken within six months after the alleged offence.
>
> He submitted that although the transfer of the house was registered on August 29, the sale had taken place on August 18 when the purchaser paid a deposit.

So for a few days this landlord was able to escape the penalty. The extract continues:—

> Noel Oakley Albert Hodgkinson, retired, said that he vacated Mrs. O'Brien's house in Dalkeith-road in February after he received a notice to quit and an order had been made against him. It had been established later that he was a protected person, being in receipt of a military pension, but he had undertaken that as the owner said she wanted the premises for her own use, he would live in a shed, if necessary.

I ask the member for Canning if this is one of the bad tenants. Here is a man who could have claimed protection because he was a protected person.

Mr. Griffith: I think you mean South Perth.

Hon. J. T. TONKIN: I apologise! I meant the member for South Perth. The landlady had stated she wanted the place for her own use and the tenant said in that case he would get out and live in a shed if necessary. He got out, and at the time of this action he and his wife were living in a shed at Canning Bridge while he was trying to build his house himself under the self-help scheme. If you can point to anything wrong in the action or attitude of that tenant, Mr. Speaker, I will be surprised. What was the situation? The landlady did not want the house to live in herself but wanted to sell it and make money, so she had him turfed out and because action was not brought within the requisite time she got away with it.

Is that the sort of thing we want? Is that the sort of thing we ought to allow for a day longer than we can help? I submit it is not. If ever there was an urgent matter requiring the attention of Parliament, this is it. Not only are men and women being penalised by this procedure but children also. Take those flats in Sherwood House, where 45 people have been given notice because the new purchaser wants to turn the place into offices. Will they all be provided for by the Housing Commission? If they all go down to the Housing Commission, the 32 keys will not go round for the 45 families. And what about those people who are to be evicted on the 30th September? We have got to do something, and do it urgently.

Unless we can get the Address-in-reply debate over quickly or we are allowed to suspend Standing Orders and deal with it in the middle of the debate, which I submit would be far better, this will go on and on; the damage will be done and we will not be able to rectify it. I have got numerous cases dealing with all the aspects — shared accommodation, the ordinary dwelling-house and the business. What about this provision for leave or license? Supposing one is living in shared accommodation and one's relative comes to visit one and it is a bit late and one suggests that one's relative should stay the night. One has to get the landlord's permission.

The Minister for Education: Not after Mr. Justice Virtue's judgment, I think.

Hon. J. T. TONKIN: Mr. Justice Virtue's judgment?

The Minister for Education: Yes. He disposed of that point.

Hon. J. T. TONKIN: When was that?

The Minister for Education: I cannot give you the exact date.

Hon. J. T. TONKIN: The hon. member is not referring to the appeals before the Chief Justice?

The Minister for Education: No. That was about the word "requires".

Hon. J. T. TONKIN: I must admit I have not seen the judgment to which the Minister for Education refers; but if there is such a judgment, it makes a big difference to the case. All my advice, however, up to the present is that the granting of leave or license covers that position. I did see a judgment by one judge in a case where a man living in shared accommodation had the temerity to have a friend of his who lived at the back put a car in the garage which was empty and where the landlord set about to evict the tenant because of that.

The Minister for Education: He dealt with it fully in the course of his judgment.

Hon. J. T. TONKIN: Let us have a look at the provision. The section reads—

> The provisions of this section shall not apply as between the principal lessor and his lessee in respect of premises where such lessee (without the consent of the principal lessor) has sublet the premises either wholly or in part to sublessees or lodgers or has granted leave or license to any person to use same either wholly or in part.

What do those words mean—"has granted leave or license to any person to use same either wholly or in part"? To me that means that if the tenant has allowed some person to stay in the place or to use the bathroom, without the permission of the landlord, then he is granting leave or license to use premises. That is the interpretation which I place upon it; it is the interpretation which every lawyer to whom I have spoken has placed upon it, and it appears to me to be the meaning of it. If a judge has already given a judgment against it, that does not settle the matter; it merely provides that it is his opinion for the time being and it might be tested by someone else later on.

The Minister for Education: That is so. But I think I am correct in what I say.

Hon. J. T. TONKIN: If the Minister for Education speaks to the motion he might explain what he thinks of the words and how they apply, because if they do not apply in that way, then what could they mean? There are all the cases where people have taken small businesses with dwellings attached. They pay so much for goodwill for the business and live in the dwelling. They build the business up and then the landlord sees an opportunity of getting the business back for nothing, a thing which no right-thinking man would ever agree to for a moment. It is not equitable or just. If one pays money for goodwill and buys premises from somebody else, the person who sells should not be permitted to get those premises back for nothing.

I understand there is a case at the corner of Wellington and Barrack-streets where a man sold his business to two persons who wanted to carry on the same line of business. They paid him £500 for the goodwill. He said he was too old to carry on the business much longer and he was getting out. He sold his business, went somewhere else and started up in the same type of undertaking. That was bad enough, but he was allowed to do it because in the original lease there was no prohibition against that course. When the lease ran out, he refused to give another one and to cap it off he served notice on the tenants that he wanted the business back.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. J. T. TONKIN: Before tea I made a statement which, in effect, conveyed that the Chief Secretary was telling lies. He had a perfect right to ask for a withdrawal of the statement and, had he done so, I would not have hestitated to withdraw.

Mr. SPEAKER: Untruths, not lies.

Hon. J. T. TONKIN: I made a statement that indirectly accused him of telling lies. I said he had told me a lie. I was under that impression for some months after I had asked a question when the Bill was going through the House. The Chief Secretary gave me information not in accordance with facts and that which I thought was not in accordance with facts and that is why I made the statement. During the suspension for tea, I had a discussion with the hon. gentleman, and he satisfied me that he was perfectly entitled to supply the answer he had given and that it was what he believed to be true. Because of that, I am now of the opinion that I have been under a misapprehension, and I wish to apologise to the hon. gentleman and say I am extremely sorry that I caused him any uneasiness by the manner in which I dealt with the matter. I am perfectly satisfied that the answer he gave me was one he was fully entitled to give because of what he had done in connection with the matter. Now I wish to proceed to deal with this question.

The Minister for Lands: The question why the House should meet at 2.30 p.m.?

Hon. J. T. TONKIN: Exactly, in order that we may give attention to this business. I consider it to be of the greatest urgency and we should have ample time to deal with it. The Government policy, in case the Minister for Lands does not know, is to be found in the regulations. There is not the slightest doubt that the Act is not the Government policy because it cuts right across the regulations. The regulations must definitely indicate Government policy in the matter. For the life of me I cannot understand why the Government is prepared to sit down month after month and allow the Act to continue to operate when it is quite contrary to its own policy as stated in the regulations. Therefore I am asking that we shall sit earlier each day in order that we may frame an Act in accordance with the policy of the Government as shown by the regulations.

To satisfy members that I have not been drawing a long bow in any way, I propose to read several letters, which I have selected from many dozens of such letters, as being typical of the difficulties

confronting tenants. Before doing so, I wish to make reference to one matter, namely, that of our much-vaunted rent control which in existing circumstances is very weak-kneed. There is scarcely any control of the rents of apartment houses. The Act provides that the rent inspector may fix rents if there is an application by either the landlord or the tenant. In most instances, the tenants are afraid to apply to the rent inspector because, immediately they did so, they would be given a week's notice and out they would have to go. There is not enough staff in the office of the rent inspector to police this phase; nor is the inspector of his own motion permitted to fix rents. In my opinion, the Act should provide that the inspector may, of his own motion, fix rents. Then if the landlords knew that at any tick of the clock the inspector might pop in and fix the rents, they would not run the risks they are taking now.

The exorbitant rents being exacted are quite unconscionable and the tenants continue to pay such rents, because they fear that if they do anything in the way of approaching the fair rents inspector, the landlord will give them a week's notice to get out. To show how bad that can be, here is a case known to the Government. There are two houses in Robinson-avenue, each of which used to be let unfurnished at £1 a week. These houses were purchased by a new owner who put in a few sticks of furniture only and she is now getting £7 a week for each of them. The Government knows of that case. Surely that sort of thing should not be allowed to continue! Something should be done immediately to correct it. If we profess to be controlling rents, we should control them.

What I propose would not hurt the decent landlords in the slightest degree. Those persons who have purchased houses in order that they themselves might live in them would be granted possession if the case went to the court and the magistrate were permitted to exercise discretion. Those landlords have nothing to fear, but the persons who want to get rid of tenants in order to sell the houses or increase the rent have plenty to fear from an alteration of the Act, and they are the ones who are most vocal.

The letters I am about to quote will prove that I have good grounds for what I have been saying. I do not propose to give the names of the writers because I do not want to draw attention to them, but the names are here and will be made available to any member desirous of knowing them. If members prefer to have them tabled, I am prepared to table them.

Mr. Marshall: If they are private letters, they cannot be tabled.

Hon. J. T. TONKIN: Some have asked that their names be mentioned, but I do not think it is necessary to mention them at this stage. The first letter is from Mt. Lawley and is dated the 12th May, 1951. After a few preliminaries which need not be read, the writer says—

> I have rented this house for 12 years. I am a returned soldier, 2/11th Btn. (M.E. Service). My landlord bought this house five years ago and assured the seller that it was purely an investment. Nineteen months ago he put the house up for sale (£1,550). He paid £700 for it. He offered it to me, but I couldn't finance it. Being worried, I offered him more rent if he would withdraw the house from sale, and he agreed that if I paid him 32s. 6d. a week instead of 25s., he would be satisfied. I have kept my part of the agreement, but now he has served me a notice to quit by the 7th July.

This one comes from the district of the member for Cottesloe—

> My landlady owns two houses, this one at above address and one in Keane-street. This one has been subdivided and I have rented, as I thought, a flat for 12 years. This consists of two rooms and kitchen and bathroom and enclosed verandah with separate entrance and light meters. I share the lavatory, but not the laundry as I have it done out. This flat was unfurnished. Now I have received notice to quit by the 8th July. The landlady wishes to sell this house vacant possession and go to live in her other house. In order to do this her other tenant, as well as myself, must get out. I had been under the impression that she would have to sell this as two flats v.p. of one, but have been advised that under the new Act it is not so.
>
> There must be many more in flats in that same insecure position. Needless to say, I have endeavoured to secure other accommodation but as I am away teaching all day, have very little time at my disposal.

The third letter states—

> We took over a shop and plant on 1st November, 1946. It was a run-down business, doing a turnover of £35 to £40 weekly, say, £2,000 p.a. (rental of shop was £260 p.a.). The turnover has increased to £6,000 p.a. and is showing a slight upward tendency.
>
> We have spent £406 on new plant and renovations and my wife and myself have worked an average of 80 hours weekly to build up the business. We have the goodwill of all our clients, many of whom come from other suburbs for our service.
>
> When we took over the business, we did so on a three-years lease which has expired, and the landlord not only refused to give us a fresh lease but also refuses to allow us to sell our business to anyone whatsoever.

Through his solicitors, he has served us with a notice to quit by the end of September next and leave an empty shop.

We have been offered £2,000, including stock and plant, valued at £800, for our business which, I venture to say, is one of the best of its kind in the metropolitan area, and we have established our good name with 40 different business houses.

Our landlord and his wife have told some of their friends that they intend to re-open the shop themselves for a few months and then re-sell. They are old people and very well housed and are very comfortably off and do not need the premises to live in. If we are put out of business through this unjust and cruel action on their part, they will be taking our living from us and robbing us of at least £1,200 goodwill. This only represents some return for us in the way of salary over four years, as we have put everything back into our business to build it up.

We are both up in years now. My wife is 58 years and myself 69 years, so it is rather late to look for any other type of work. It will mean that we will have to sacrifice our stock and plant at a loss if we are put out of business.

The point I make there is that these people could make no provision for new premises because, up till 12 months ago, they could not get a permit to build from the Housing Commission and it would be impossible to get business premises built within that time. They were in a cleft stick. They could not get a renewal of their lease and were not allowed to dispose of their business, so they lost their goodwill. The next letter comes from the district of the member for Canning—

I take this opportunity of submitting a few items of interest to you and your party members for careful consideration and examination when once again Parliament assembles to legislate and discuss matters vital to the people and State.

My main point in question is in reference to the harshness of the Rent Restrictions Act, 1951, and also a statement made by the Minister for Housing (Mr. Wild) in "The West Australian" newspaper of 3rd August, 1951.

I am the tenant of a shop and dwelling at the above address. The shop I utilise is a general grocery and vegetable business, and the dwelling attached is used to house my wife and three children.

Since the amended Rent Restriction Act, 1951, came into operation, it has given many landlords a great opportunity to exploit their various tenants.

In my own particular case, I have been given notice to quit and deliver up vacant possession of my shop and dwelling by 30th September, 1951. This, of course, means that under the present Act my stock and plant will be evicted into the street, together with my wife and family.

I have had an application with the Housing Commission since early 1949, and without any word of result of accommodation for my family.

Now, sir, to my amazement, the Minister for Housing (Mr. Wild) made a public statement in our daily paper to the effect that all families evicted under this Rent Act, and who had so far appealed to the Commission for assistance, would be housed.

I am one who has already been interviewed by Mr. Prince, who was made available to conduct Mr. Wild's housing survey, and Mr. Prince advised me that there was nothing they could do for me in housing my family.

In view of the fact that I have spared no efforts in trying to solve my tenancy problems, I now find I am in the unenviable position of facing eviction from our dwelling and shop, and being deprived of the goodwill of my business and my entire livelihood which I have worked extremely hard in the past four years to build up to its present height.

One more point of importance which I would like to make, in view of the Government in charge promises, and that is in my tenancy case the landlord will be conducting the same type of business, and this I feel is exploitation.

That is a case where a man is being put out of his business so that the person from whom he rents the premises can step in and carry it on without paying anything for goodwill. The next is as follows:—

The following brief details of a case may be of interest and assistance to you in connection with the Rent Act, the facts of which I know personally and can vouch for.

A very elderly couple, husband a retired butcher and debarred by doctor from working, the wife now under doctor's orders for spinal affection, put all their savings in purchasing the goodwill and contents of a registered residential house of 10 rooms (including S.C. flats) in Hay-street, close to Parliament House.

They paid £450 for the goodwill and £500 for the furniture, etc., and, not having sufficient from their life savings, had to borrow £450 to complete the purchase.

They have been given three months' notice to quit, which, if it becomes operative, means that they

will lose the £450 paid for goodwill and will have to auction the furniture which will barely repay the loan, resulting in a complete loss of all their savings over the years, and they will go out penniless.

The landlady who owns the premises had only to state that she required them, which actually she does not in the real sense, as she owned and was living in one house at the time she served the notice; has since sold this property and bought another in the hills, which she has also resold and is now building another, with most of the essential materials delivered on the land, which of course she will again sell at a huge profit when she can get possession of the Hay-street house.

Apart from the ejectment of these two old people, at least five others, five other flat tenants as well as boarders and roomers, will be ejected.

The magistrate in these cases offers sincere sympathy, just saying that he has no alternative.

Should you require it, I can give you the full details with name and addresses, as I have all the papers in connection.

As I was interested in this case, I wrote to my correspondent for the details, which he supplied, so I have the names, addresses and other particulars here. The next letter states—

As one who is keenly interested in your attitude to the amended Increase of Rent Act, I feel I may be helping in giving you some facts re my own case.

For three years I have been a tenant of a person of Stirling-highway, Nedlands, who owns a house in Stirling-street, Fremantle. Some months ago the house was valued at £3,750 and several prospective purchasers inspected the house but lost interest when they found it tenanted. I signed a "Covenant of Tenancy" which protects the landlord and ensures the premises are maintained and not sub-let, etc.

On 2nd June I received a notice to quit. I might add that I offered to buy the house myself and was negotiating for a loan through the Repatriation Department—I am an ex-naval serviceman. The notice states that the owner requires the house for her married daughter.

I made inquiries of the landlord and he assures me that Mrs. —'s tenancy is in no way threatened. It seems to me that I am being evicted, not to allow Mrs. —— a place to live in, but purely so that, after the requisite period, the house can be sold to some new Australian who can take advantage of a deflated currency. Some of these new Australians who are in great strength here in Fremantle were our enemies a few years ago.

I would feel quite happy if the house were being used to supply housing for some party suffering hardship, but this person has been in her present place for many years and apparently, up to a few weeks ago (when her mother still had the house for sale) was quite happy.

I have nearly paid off a block at Point Walter and intend building there as soon as I can. My work is in Fremantle (whereas this person's husband works in Perth) and I am endeavouring to find some place to rent, but am not at all sanguine. I have offered the owner a substantial increase in rent if she will withdraw the order.

I am already paying rent in excess of that laid down and my latest offer is £13 per month. I am married with two schoolboy sons. I am sure that if powers of discretion were given to the magistrate, then the Act would be quite fair.

Any further information you might care to have will be available only too readily.

I think that should be sufficient to indicate that in very many directions the Act requires early amendment. As the Premier indicated that I was to be given no opportunity of dealing with this matter in the ordinary course, I was obliged to take this action in an endeavour to get the Address-in-reply debate over as quickly as possible, so that there might still be time, after it had been dealt with, to get an amending Bill passed.

The Bill which I propose to introduce must necessarily be one only to stop the gaps for the time being, as this matter requires to be adequately dealt with by means of a measure containing a large number of clauses. If we enacted legislation along the lines of the South Australian statute I think we would be doing the right thing by both landlords and tenants, but it would not be possible for me to introduce a Bill of that kind as it would impose a burden on the Crown. In South Australia the Housing Trust is charged with the responsibility of looking after rents, tenancies, and so on, but I would not be permitted to introduce legislation of that nature here as it would entail a charge upon the Crown. This matter requires to be dealt with by the Government on a proper scale and there is real need for urgency to protect those people who will be in dire trouble on the 30th September next.

The crux of the whole matter is to get something done before that time in order to protect the people who are then to be

leprived of their money, goodwill and ccommodation. It is necessary to get on vith the job quickly. I trust that the Government will be fully seized with the iecessity of doing something in this re- ard and will facilitate the passage of he necessary legislation. Despite what night be said to the contrary about per- ons trying to make political capital out f this question, I would point out that ll the time while dealing with this matter have given the Government every oppor- unity of taking the initiative.

In the first place I introduced a depu- ation to the Chief Secretary and sug- ested that, as Parliament had not been rorogued, it would be a simple matter o call it together, without any formal pening, and get straight down to the usiness of passing some amendments to he Act. Had the Government taken that ourse, Parliament would have had to houlder the responsibility of either mending the Act or rejecting proposed mendments, and the Government would ave shown the people clearly that it ealised the gravity of the position and as taking steps to rectify it.

The Government, however, resolutely et its face against that course of action lthough I asked it a second time, and ndeed a third time, to follow that course. finally asked the Premier if he would e prepared, after the House met in the ormal way, to suspend Standing Orders o that this matter might be dealt with efore the completion of the Address-in- eply. The Premier would not give a irect answer to that question. In fact, e would give no answer to it, but kept aying the Government had the matter nder consideration. That sort of thing ecomes exasperating after about three nonths and I felt that, if anything was o be done in the matter, somebody on his side of the House would have to do

THE MINISTER FOR EDUCATION Hon. A. F. Watts—Stirling—on amend- ient) [7.55]: It is not the intention of the iovernment to agree to this amendment, ut that is not to say that the Government as not a proper appreciation of what is nvolved in the remarks of the hon. mem- er. I would say at the outset that there is o doubt whatever that there are two sides o this question. The member for Mel- ille has put one side in a manner which oes him credit and I do not think he has issed much. In substance at all events, nat could have been adduced in support f his argument.

The amending Bill was brought down n the middle of last session in order o relieve many people from a very diffi- ult situation. At this stage I might point ut that there is present, at the sittings f the court which deals with these cases, n officer representing the Housing Com- ission and it is his duty to provide what might be called a day-to-day report of what takes place there. It is extraordin- ary how many of the landlords, who apply for the eviction of tenants under what might be called the major section in last year's amending Act, are persons who themselves are in the lower income groups. A number of them are in fact pensioners and others are railway employees or ex- railway employees.

Many of them are persons of small financial stature and of no independent means. It is true that there are others who could not be placed in that category, but I am informed that the major por- tion of them consists of people of the type to which I have referred. Why should that be so? I think the reason for it is fairly obvious. Under the law, as it stood before December last, the owner of a dwelling could be excluded from possession of it almost interminably because the conditions with which he had to comply in order to secure an order for eviction, so that he might dwell in the premises himself, were so restrictive as, in the great majority of cases, to be incapable of being carried into effect.

I, personally, know of one railway em- ployee who, in his younger days, was stationed in the metropolitan area, where he resided for a number of years. There, by his savings, he acquired the freehold of a small house property in one of the more central suburbs. Later in life he was transferred to a country centre where he was fortunate enough to be able to inhabit, until he reached retiring age, quarters provided by the Railway Depart- ment. He had the privilege, if privilege it might be called, of paying income tax, in the meantime, on the small rental that he derived from the property that he had left in Perth and had let to a tenant, while at the same time he re- ceived no rebate whatever for the rental he had to pay for the quarters he occu- pied in that country centre. Finally, he reached the retiring age and vacated the quarters where he resided and came to Perth with the object of obtaining pos- session of the home for which 15 years before he had struggled to pay. But, what did he find? He found that he had to live in a room with his aged wife for three years until the passing of last year's Act.

Mr. Nalder: And that is not an isolated case either.

The MINISTER FOR EDUCATION: I know it is not. There are many of them, and I but cite it to show that there are two sides to this question.

Hon. J. T. Tonkin: If that case went to the court, would not the magistrate give the man his house?

The MINISTER FOR EDUCATION: I can only give the case on the information given to me by the man, whom I regard as reputable. His efforts to obtain his house failed and he remained in a room

for approximately three years, having his meals in a neighbouring cafe in the majority of instances. So, while I do not deny that there are anomalies in this legislation that ought to be rectified, and while I do not deny that some consideration should be given to some of the aspects which have been raised by the hon. member, and while I am aware that certain interpretations based upon the words in the measure have, I think, not followed what was entirely the intention of Parliament when the measure was passed, yet I do not consider that the matter can be looked at entirely from the point of view put forward by the hon. member.

I might say that the Housing Commission has kept a very careful check, as far as it is possible to do so, upon all these cases that have been dealt with by the court. Because it was realised that there would be difficult cases that the Housing Commission or the Government might be well advised to assist, a substantial sum of money was provided for the Housing Commission and steps taken to erect 150 cottages which would be suitable for the habitation, at least, of small families and which would, at a reasonable rental, provide them with cover in the event of difficulty. Of those today, 55 have been completed but only 17 are occupied. So, on the face of that, it is quite obvious that there are a number of these people who have managed to secure alternative accommodation presumably better than the three-roomed cottages with lavatory, septic tank and shower recess provided by the Housing Commission; if that were not so, it is quite obvious to me that they would be prepared to make applications for those dwellings if they were in such dire need.

So far there have been 97 eviction cases heard by the courts in the metropolitan area, and of those 72 orders have been made—obviously 25 were not made. The Housing Commission knows—including the number to which I referred a moment ago—of 429 persons who have been given notice to quit. It also knows, from the same record, that a good many of them have made alternative arrangements, including some with their own landlords; it also knows that in some cases they have made alternative arrangements elsewhere. In the net result, there is not the tremendous number of these difficult cases which require the consideration of the Government as, I think, these figures will indicate. So the attitude of the Government is that it proposes to deal with certain anomalies and difficulties which exist in this legislation, partly owing to some interpretations that have been placed upon it, in the way in which the Government is advised to do so. This House will be given an opportunity, in good time, to discuss the problems that arise from that legislation, but I would point out, too, that the Act which went upon the statute book was by no mea the measure which was introduced in this House.

Mr. J. Hegney: Hear, hear!

The MINISTER FOR EDUCATIO It certainly was amended to some deg in this House but it was more substa tially amended in another place, and a result of some 16 or 18 hours' conf ence between representatives of t House and another place it emerged its present form.

Hon. A. H. Panton: A good argume to abolish conferences, I think.

The MINISTER FOR EDUCATIO I would not like to agree with the h member in that regard because I su gest to him that in this particular c the whole legislation would have disa peared from the statute book.

Hon. A. H. Panton: Not necessari Surely we have the brains to devise so other method!

The MINISTER FOR EDUCATIO It would have caused greater reperc sions than those which the member Melville would have us believe have d veloped because of the measure. Aga I would remind myself—if I do not wa to remind anybody else—that any leg lation which has to emerge and placed upon the statute book, and wh amends the present law, has to pass b Houses of this Legislature. In con quence, I would suggest that any ha or ill-conceived measure that might brought forward, for which there is irrefutable proof of necessity, is unlik successfully to establish itself upon statute book. So I will say that the G ernment has given this matter care consideration and will in due cours and I believe in sufficient time to d with all the really difficult aspects this matter—be prepared to bring do whatever legislation it considers necessa

Before I conclude I would like to a word or two about some of the int pretations that have been placed up words used in this statute passed year. I have never been able to br myself to the belief that the words quired for his own occupation" me other than "needed". I remember v well, when the member for South F mantle moved to insert the words "af making a statutory declaration to t effect" that it seemed to me—and I h had some slight legal experience—t the word "required" definitely implied meaning of "needed" and that the h member was seeking to ensure that so record be made under the Evidence —which has a set of penalties—of t need before notice of eviction was giv Now we find that the word "requires" me "would like to have" or "pleased obtain."

Hon. J. T. Tonkin: "Wishes."

The MINISTER FOR EDUCATION: Yes, wishes; a mere wish rather than need. I have here, which might be of interest to other members and to members of the judicature—to which I have referred—an extract from the judgment of Lord Justice Denning in the case of Seaford Court Estates Ltd. v. Asher, 1949, dealing with the landlord and tenants restrictions contained in the Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, of Great Britain wherein the Lord Justice is reported as having said—

> The question for decision in this case is whether we are at liberty to extend the ordinary meaning of "burden" so as to include a contingent burden of the kind I have described. Now this court has already held that this subsection is to be liberally construed so as to give effect to the governing principles embodied in the legislation (Winchester Court Ltd. v. Miller); and I think we should do the same. Whenever a statute comes up for consideration it must be remembered that it is not within human powers to foresee the manifold sets of facts which may arise and, even if it were, it is not possible to provide for them in terms free from all ambiguity. The English language is not an instrument of mathematical precision. Our literature would be much the poorer if it were. This is where the draftsmen of Acts of Parliament have often been unfairly criticised. A judge, believing himself to be fettered by the supposed rule that he must look to the language and nothing else, laments that the draftsmen have not provided for this or that, or have been guilty of some or other ambiguity. It would certainly save the judges trouble if Acts of Parliament were drafted with divine prescience and perfect clarity. In the absence of it, when a defect appears a judge cannot simply fold his hands and blame the draftsman. He must set to work on the constructive task of finding the intention of Parliament, and he must do this not only from the language of the statute, but also from a consideration of the social conditions which gave rise to it, and of the mischief which it was passed to remedy, and then he must supplement the written word so as to give "force and life" to the intention of the legislature. That was clearly laid down by the resolution of the judges in Heydon's case, and it is the safest guide today. Good practical advice on the subject was given about the same time by Plowden in his second volume Eyston v. Studd. Put into homely metaphor it is this: A judge should ask himself the question: If the makers of the Act had themselves come across this ruck in the texture of it, how would they have straightened it out? He must then do as they would have done. A judge must not alter the material of which it is woven, but he can and should iron out the creases.

With the greatest respect, Mr. Speaker, I do not think there has been much attempt to iron out the creases of this legislation. I have nothing more to say on that subject because I think the words of Lord Justice Denning are quite sufficient to give the draftsman, anyway, a better hearing than he sometimes gets in an extremely difficult set of circumstances and to indicate that, in legislation of this nature, the prospect of anomalies and difficulties arising, no matter what care may have been devoted to the legislation, is very apparent.

I think I have said enough to satisfy the House that the Government has not been without a realisation of the essential things that may have to be dealt with in this legislation. It is not, however, going to plunge into a wholehearted and wholesale re-creation of the legislation because it might, by so doing, re-create evils which the original amendment, brought before the House, had the intention of remedying. Those evils are bad all round and, as I have said, there are two very definite sides to this case. I ask the House to reject the amendment.

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

Ayes	18
Noes	20
Majority against	2

Ayes.

Mr. Brady	Mr. McCulloch
Mr. Graham	Mr. Nulsen
Mr. Guthrie	Mr. Panton
Mr. J. Hegney	Mr. Read
Mr. W. Hegney	Mr. Sewell
Mr. Hoar	Mr. Sleeman
Mr. Lawrence	Mr. Styants
Mr. Marshall	Mr. Tonkin
Mr. May	Mr. Kelly

(Teller.)

Noes.

Mr. Ackland	Mr. Nalder
Mr. Brand	Mr. Nimmo
Dame F. Cardell-Oliver	Mr. Owen
Mr. Doney	Mr. Perkins
Mr. Grayden	Mr. Oldfield
Mr. Griffith	Mr. Totterdell
Mr Hearman	Mr. Watts
Mr. Hill	Mr. Wild
Mr. Hutchinson	Mr. Yates
Mr. Manning	Mr. Cornell

(Teller.)

Pairs.

Ayes.	Noes.
Mr. Oliver	Mr. Abbott
Mr. Hawke	Mr. McLarty
Mr. Coverley	Mr. Bovell
Mr. Rodoreda	Mr. Thorn
Mr. Needham	Mr. Mann

Amendment thus negatived.

Question put and passed; the motion agreed to.

GOVERNMENT BUSINESS, PRECEDENCE.

On motion by the Minister for Education, ordered—

That on Tuesdays and Thursdays, Government business shall take precedence of all motions and Orders of the Day.

COMMITTEES FOR THE SESSION.

On motion by the Minister for Education, Sessional Committees were appointed as follows:—

Library.—Mr. Speaker, Mr. Nimmo and Hon. J. T. Tonkin.

Standing Orders.—Mr. Speaker, the Chairman of Committees, Mr. Nalder, Hon. J. B. Sleeman and Mr. Rodoreda.

House.—Mr. Speaker, Mr. Cornell, Mr. Yates, Mr. Graham and Mr. Styants.

Printing.—Mr. Speaker, Mr. Hutchinson and Hon. E. Nulsen.

House adjourned at 8.20 p.m.

Legislative Council

Wednesday, 8th August, 1951.

CONTENTS.

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

QUESTIONS.

HOUSING.

As to Small-Unit Homes Erected.

Hon. E. M. DAVIES asked the Minister for Transport:

(1) How many small-unit houses have been erected since 1947?

(2) In what districts, and the numb in each district?

(3) In respect to Fremantle, how mar of such houses have been made availab to State Electricity Commission em ployees?

The MINISTER replied:

(1) Two hundred and twenty-seven.

(2) Bassendean, 2; Bayswater, 2; Be mont, 60; Carlisle, 2; Claremont, 24; Fr mantle, 10; Manning Park, 43; Midlar Junction, 9; South Perth, 75; total, 227

(3) Three.

ROADS.

As to Great Eastern-highway.

Hon. W. R. HALL asked the Minister for Transport:

Is the Minister aware—

(1) That several times during the la three months the road between Souther Cross and Woolgangie on the Great East ern-highway has in places been impass able to vehicular traffic?

(2) That at various periods several car and trucks using this highway have bee bogged, causing considerable expense an inconvenience to the owners of moto vehicles?

(3) That repeated requests have bee made to the Main Roads Department t keep the road graded where it is in a ba state of repair?

(4) Will the Minister endeavour t have the section of the road referred to continually graded until such time as i is bituminised?

(5) Can the Minister supply any in formation as to when the bituminising o this section of the Great Eastern-highway will be completed?

The MINISTER replied:

(1) There have been no reports of im passability.

(2) Overloaded vehicles have dam aged lightly-constructed sections in we weather.

(3) Yes.

(4) Yes.

(5) Summer of 1953-54, if bitumen is available. It is expected that there wil be a black road—that is, either a sur faced or primed road—throughout to wards the end of 1952.

The total length still to be surfaced is 72 miles, and this will involve 900 tons of bitumen.

It is hoped to do about 35 miles of surfacing this coming summer, but only 10 miles of bitumen for this is on hand.

Tenders have been let for 6,000 tons of bitumen but tenderers have stated that owing to shipping troubles and shortage of steel for containers, neither quantity nor date of delivery can be guaranteed.