the tenants will have 28 days' notice unless the magistrate exercises any other prerogative he may have. I do not know that he has very much at the moment, but I noticed in the Press recently that he had suspended making the order for seven days, but, assuming it is 28 days from today, there is at least that interval of time before these people can be thrown into the street, if the worst comes to the worst.

Coming back to my original contention, there is not the shadow of a doubt that members are in a cloud. The Minister for Housing and I are the two who have the best picture of the conditions. The Minister knows the position as it is at the moment and I know it as it was three years ago when it was, I submit, equally as bad as today, if not worse. I think that members on both sides of the House do not know the right course to adopt. All we want is to do the right thing by the tenant and the landlord. There has been so much smoke and haze about the whole question that the Leader of the Country Party has said that he cannot make a correct determination. That is the viewpoint of a person of his calibre. So, I submit we should have a select committee.

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

Ayes	19
Noes	20
Majority against	1

Ayes.

Mr. Abbott	Mr. Nimmo
Mr. Brand	Mr. North
Dame F. Cardell-Oliver	Mr. Oldfield
Mr. Court	Mr. Owen
Mr. Doney	Mr. Perkins
Mr. Hearman	Mr. Watts
Mr. Hill	Mr. Wild
Mr. Hutchinson	Mr. Yates
Mr. Manning	Mr. Bovell
Sir Ross McLarty	*(Teller.)*

Noes.

Mr. Andrew	Mr. McCulloch
Mr. Brady	Mr. Moir
Mr. Graham	Mr. Norton
Mr. Heal	Mr. O'Brien
Mr. W. Hegney	Mr. Rhatigan
Mr. Jamieson	Mr. Sewell
Mr. Johnson	Mr. Sleeman
Mr. Kelly	Mr. Styants
Mr. Lapham	Mr. Tonkin
Mr. Lawrence	Mr. May
	(Teller.)

Pairs.

Ayes.	Noes.
Mr. Mann	Mr. J. Hegney
Mr. Cornell	Mr. Hawke
Mr. Thorn	Mr. Guthrie
Mr. Nalder	Mr. Hoar
Mr. Ackland	Mr. Nulsen

Question thus negatived.

In Committee.

Mr. Moir in the Chair; the Minister for Housing in charge of the Bill.

Clause 1—agreed to.

Progress reported.

COMMITTEES FOR THE SESSION.

Council's Message.

Message from the Council received and read notifying the personnel of sessional committees appointed by that House.

BILL—SUPPLY (No. 1), £16,500,000.

Returned from the Council without amendment.

House adjourned at 11.54 p.m.

Legislative Assembly

Thursday, 1st July, 1954.

CONTENTS.

The SPEAKER took the Chair at 2.15 p.m., and read prayers.

QUESTIONS.

EDUCATION.

(a) As to Long Service Allowance to Teachers.

Hon. A. F. WATTS asked the Minister for Education:

(1) In view of the statement made by the Minister for Education in a letter written to the Teachers' Union on or about the 4th May last, reading—

> I therefore propose no matter what the finding of the Public Service Appeal Board in regard to the general principle of long service increments, to approve the payment of a special allowance to those women teachers who were receiving the long service allowance in 1953

what will be the position of—

(a) teachers who were receiving the long service allowance in 1953;

(b) teachers whose service was not of sufficient length to enable receipt thereof in 1953, but who could have claimed it in 1954 or subsequently if—

(i) the Appeal Board decides to reinstate the increments, or

(ii) the Appeal Board decides to the contrary?

(2) In the event of the board deciding to reinstate the increments if the answers to No. (1) indicate that those teachers receiving same prior to the 31st December, 1953, will receive them again, will they receive them in addition to the salary received as at the 31st December, 1953, as referred to in the Minister's letter and which included the amount of the increments; or will the salaries of such teachers be again reduced so that only the new long service increments will make up the total of salary as at the 31st December, 1953?

(3) If the teachers receiving the increments prior to the 31st December, 1953 (as mentioned in No. (2)) are to receive the salary paid to them as at the 31st December, 1953, plus the new long service increment if awarded by the board, will not this cause a differentiation in salary as between such teachers, and those who could only qualify for the increments in 1954 or subsequently, and how could such differentiation be justified?

(4) If the teachers who were receiving the long service increment as at the 31st December, 1953 (to whom by his letter the Minister gave a special salary allowance in lieu) are not to receive the new long service increment if awarded by the board, will not the Minister have broken the promise made in such letter of the 4th May or thereabouts under the words "no matter what the finding of the Appeal Board in regard to the general principle of long service increments," and if not, why not?

(5) In view of the anomalous situation created, will the Minister inform the House how he proposes to straighten things out to the satisfaction of all concerned?

The MINISTER replied:

(1) (a) Such teachers will be given an allowance so that the total salary will not be less than the salary on the 31st December, 1953.

(b) (i) Such teachers will be paid whatever the Appeal Board awards.

(ii) No allowance will be paid.

(2) Whatever the decision of the Appeal Board, it will be carried out.

(3), (4) and (5) These matters will be considered after the Appeal Board has delivered its findings and in the light of these findings.

(b) As to New High School, Midland Junction.

Mr. BRADY asked the Minister for Education:

Can he state—

(a) when the construction of the new high school at West Midland Junction will commence;

(b) when the playing area of the high school grounds will be available for recreation purposes?

The MINISTER replied:

(a) Provided sufficient loan funds become available, the work of erecting a new high school at West Midland Junction will be commenced during the current financial year.

(b) It is considered impractical to prepare the high school grounds for recreational purposes prior to the erection of the building, the site being small and the means of access thereto restricted.

LANDS.

As to Acquisition from Commonwealth, Coogee Area.

Mr. LAWRENCE asked the Minister for Lands:

(1) Has the Government recently acquired an area of approximately 2,500 acres of land in the Coogee area from the Commonwealth Government?

(2) If so, will he state—

(a) the acreage;

(b) cost per acre;

(c) purpose for which land was bought?

The DEPUTY PREMIER replied:

This question concerns information from the Premier's Department and should have been addressed to me. The reply is as follows:—

(1) Yes.

(2) (a) 2,478 acres.
(b) Approximately £21 per acre.
(c) For development and use as dictated by future planning.

HOUSING.

(a) As to Building Rate.

Hon. D. BRAND asked the Minister for Housing:

In view of his statement that the building rate had doubled in the metropolitan area, can it be assumed that the same applies to country areas?

The MINISTER replied:

Generally speaking, a greater acceleration of home building in the metropolitan area as against country towns is rendered necessary because there is a much longer waiting period for applicants in the metropolitan area. However, every endeavour will at all times be made to meet the reasonable requirements of all parts of the State.

In some centres the building rate is being more than doubled.

(b) As to Number of Commission Employees.

Hon. D. BRAND asked the Minister for Housing:

How many were employed by the State Housing Commission at—

(a) the 30th June, 1953;
(b) the 30th June, 1954?

The MINISTER replied:

(a) Three hundred and thirty-eight.
(b) Three hundred and fifty-one.

(c). As to Commonwealth-State Homes.

Mr. MAY asked the Minister for Housing:

Will he state whether further contracts to erect Commonwealth-State rental houses under the State Housing Act are being called for, additional to those already under erection at the present time?

The MINISTER replied:

It is assumed the question refers to Collie. Further tenders will be called during the next few weeks.

(d) As to Postponement of Question.

Mr. HUTCHINSON (without notice) asked the Minister for Housing:

Will he inform me why it was found necessary to postpone question No. 4 on the notice paper, which deals with applications for Commonwealth-State rental homes?

The MINISTER replied:

I should say for the very obvious reason that it requires the counting and checking of thousands of cards.

(e) As to Availibility of Information.

Mr HUTCHINSON (without notice) asked the Minister for Housing:

In view of the fact that the information I have sought in the question is very simple, does he not think that it should be readily available and ensure that it is so through the reorganisation of the filing system at the State Housing Commission?

The MINISTER replied:

No. The position is that there have been three or four changes in approach and method with regard to recording. At one stage it was based on a question of hardship and priority, either given or not given. Subsequently it was changed to date, order, and so on. I might explain that a complete survey is being undertaken at present and when that is completed, which will not be for some months, it will be possible, at shorter notice, to obtain the information. Had today's sitting been a normal one, the prospect of obtaining information before 5 o'clock would have been better, but this was not possible because of the earlier hour of sitting.

(f) As to Building Rate, Country Centres.

Hon. D. BRAND (without notice) asked the Minister for Housing:

In view of his statement that in some centres the building rate has been doubled, can he indicate what centres he refers to?

The MINISTER replied:

I could not give anything like a complete list. I can say, however, that in respect to the North-West towns the building programme that is to be put in hand immediately will result in an increase of about 500 per cent. on last year's programme and that for the year before.

(g) As to Reaching Target for 1953-54.

Mr. JAMIESON (without notice) asked the Minister for Housing:

Did he reach his target of 3,500 homes completed in the financial year ended yesterday?

The MINISTER replied:

Obviously, the final figures would not be to hand from all parts of the State, but I am pleased to say, with particular emphasis to the member for Dale, that from the preliminary figures I perused this morning, the total of 3,500 homes has been exceeded and there are still more figures to come.

Mr. Lawrence: Bully for you!

Hon. D. Brand: Mostly in the metropolitan area.

TRAFFIC.

As to Control, Bay View Terrace Crossing.

Hon. C. F. J. NORTH asked the Minister for Police:

May the public expect point duty by the Traffic Police at the Bay View Terrace crossing of Stirling Highway to continue until the time comes for the erection of traffic lights there?

The MINISTER replied:

Yes.

PETROLEUM ACT.

As to Minister's Authority.

Mr. LAPHAM asked the Minister for Mines:

(1) Would he indicate if he is satisfied that the Petroleum Act gives him sufficient power to deal with emergencies or conditions that may arise in relation to the discovery of oil in this State?

(2) If the answer is "No," would he indicate where the Act is defective?

(3) If the Act is defective, is it his intention to bring down a measure to remedy the defect?

The MINISTER replied:

(1) and (2) Yes, for the immediate present.

(3) The Act will be amended from time to time, as necessary.

LEGISLATIVE ASSEMBLY.

As to Cost.

Mr. O'BRIEN asked the Premier:

What was the total expenditure for maintaining the Legislative Assembly in the financial year ended 30th June, 1953, including cost of printing, salaries, parliamentary allowances, and any other expenses associated with running this Chamber?

The DEPUTY PREMIER (for the Premier) replied:

The cost was £123,897.

STATE POPULATION.

As to Details.

Mr. NALDER asked the Minister representing the Chief Secretary:

What was the estimated population of Western Australia on the 30th June, 1951, 1952, 1953, 1954—

(a) metropolitan;

(b) country?

The MINISTER FOR HOUSING replied:

	Metropolitan.	Country.	Total.
30th June, 1951	324,000	257,000	581,000
30th June, 1952	337,000	264,000	601,000
30th June, 1953	351,000	271,000	622,000
30th Dec., 1953	358,000	276,000	634,000

No figures yet available for 1954.

LEGAL DOCUMENTS.

As to Witnessing.

Mr. JAMIESON asked the Minister for Justice:

(1) Are there any types of legal forms which may be witnessed by justices of the peace but not by commissioners for declarations?

(2) If so, what are these types of forms?

(3) If answer to No. (1) is "Yes," would he take the necessary action to bring down amending legislation this session to widen the scope of a commissioner of declarations?

The MINISTER replied:

(1) Not under State Law—see Declarations and Attestations Act, 1913 (No. 12 of 1913).

(2) The above Act would not apply to Commonwealth law concerning the witnessing of legal forms.

(3) A State Act would not affect such Commonwealth law.

COLLIE COALMINERS.

As to Alleged Criticism of Government.

Mr. OLDFIELD asked the Minister for Mines:

Is it a fact that during his recent visit to Collie, the Collie Miners' Union suggested to him that because of the many broken promises by the Labour Government, they preferred the administration of the McLarty-Watts Government?

The MINISTER replied:

It was inferred by some representatives of the union that the McLarty-Watts Government had given them everything they asked for. The present Government, on the contrary, does not arrive at decisions without the matters concerned being first given the most careful consideration.

WATER SUPPLIES.

(a) As to Steel Laid.

Mr. PERKINS asked the Minister for Water Supplies:

What tonnage of steel was laid between the 13th November, 1952, and the 13th November, 1953—

(a) Wellington Dam to Narrogin;

(b) Merredin South to Kondinin and Corrigin;

(c) In the metropolitan area—and for Kwinana?

The MINISTER replied:

(a) 1,350.

(b) 150.

(c) Excluding Kwinana 1,156
Kwinana 2,576

(b) As to Mocardy Dam, Wongan Hills.

Mr. ACKLAND asked the Minister for Works:

(1) What was the amount paid to the contractor for the excavation of the Mocardy Dam to supply Wongan Hills with water?

(2) What subsequent expenditure has been incurred at the site because of seepage from the Mocardy Rock?

(3) What is the total expenditure incurred in this project to date?

(4) Can he advise when water from this service is likely to be available to the people of Wongan Hills?

The MINISTER replied:

(1) £5,546 16s. 9d.

(2) £3,057 to repair damage; £3,689 to safeguard future work.

(3) £24,697 to the 30th June, 1954.

(4) Dependent upon allocation of funds.

ELECTRICITY SUPPLIES.

As to Lighting of Main Highways.

Mr. BRADY asked the Minister for Works:

Will he ascertain if the State Electricity Commission has any proposals to submit to local governing bodies to improve the lighting on the main highways in the metropolitan area in order to help minimise traffic accidents to pedestrians?

The MINISTER replied:

The State Electricity Commission, when requested, submits proposals to local governing bodies.

At the moment there are no requests outstanding, but the commission is always happy and ready to submit proposals when asked by local governing bodies to do so.

ROADS.

As to Great Northern Highway.

Mr. BRADY asked the Minister for Works:

Can he state when the following sections of the Great Northern Highway will be widened and reconstructed—

(a) from Olive Farm, Redcliffe, to South Guildford bridge;

(b) from police station, Guildford, to East-st. crossing, East Guildford?

The MINISTER replied:

(a) In its order of relative urgency it is expected that the section from Olive Farm, Redcliffe, to South Guildford bridge will be widened during the 1955-1956 year.

(b) From the police station to Waylen-st. will be reconstructed and widened in the coming summer, and consideration will also be given to an extension of widening to East-st.

RAILWAYS.

As to Tabling File, Perth-Bunbury Road Service.

Mr. MANNING (without notice) asked the Minister for Railways:

Will he lay on the Table of the House all papers covering the operations of the Perth-Bunbury section of the railway road service from its inception to date?

The MINISTER replied:

If there is such a file available I will have it laid on the Table of the House for the information of the hon. member.

STATE ENGINEERING WORKS.

As to Allocation of Government Orders.

Mr. COURT (without notice) asked the Deputy Premier:

Is it correct that all Government departments have been instructed to send the whole of their engineering work to the State Engineering Works and not to private industry?

The DEPUTY PREMIER replied:

No. Departments have been requested to utilise the facilities at this well equipped shop to the fullest extent.

Hon. J. B. Sleeman: Hear, hear!

BILL—RENTS AND TENANCIES EMERGENCY PROVISIONS ACT AMENDMENT.

In Committee.

Resumed from the previous day. Mr. Moir in the Chair; the Minister for Housing in charge of the Bill.

The CHAIRMAN: Progress was reported after Clause 1 had been agreed to.

Clause 2—agreed to.

Clause 3—Section 4 amended:

Mr. WILD: I move an amendment—

That in line 4 the word "court" be deleted.

I fail to see the necessity for a fair rents court in Western Australia when we already have the existing machinery. During the second reading debate on the Bill, arguments were put up that with three men we would get a fairer judgment and would have the aid of people who knew something about the matter. I do not subscribe to that view. Speaking in a general way we find in the Arbitration Court that in nine cases out of ten the decisions are two to one. We get either the judge and the employers' representative giving a unanimous decision, with a dissentient vote from the workers' representative, or vice versa. In the main, in three-men courts the decisions are those of the magistrate, or whoever happens to be the chairman.

Mr. Lapham: A judge has specialised knowledge.

Mr. WILD: That is exactly what happens today. There are very few men who have more knowledge than Mr. McMillan or Mr. Dougall. I do not think either the landlord or the tenant could quibble about their findings. In Mr. McMillan, we have a man with a legal mind who is able to get to the point fairly quickly. If a fair rents court is set up, we shall also have to set up a small organisation around it; that is inevitable in any new branch of the service. It will also slow up the machinery. It cannot be denied that with three men there would be three different viewpoints.

Magistrates like Mr. McMillan have been doing this class of work for years, and know where they are heading. I suggest we would get far more streamlined arbitration if we stuck to the same magistrate, listening to exactly the same type of evidence right through, than we would with a three-man court. Up to date, no reason has been advanced to make me change my mind, and I cannot see how either the landlord or tenant would get more from a three-man court than from the court as it is constituted today.

The MINISTER FOR HOUSING: I thought I made clear the reasons why the Government felt, and still feels, that there should be a special court. The chairman of that court could well be either Mr. McMillan or Mr. Dougall; it could. of course, be somebody else. The idea is to set up a special court. It is felt that there will be so many applications made for the determination of a fair rental that it would be wrong in principle for an important matter such as this to find its way into the timetable of a local court—I am only speaking of the metropolitan area where this special court would have application—and ask the magistrate to fit it in with his ordinary court work.

This is a specialised job and will necessitate considering hundreds, or perhaps thousands, of applications before determining fair rentals. The complaint would be that there is a disagreement between landlord and tenant, but they might have to wait months before they could receive a hearing. This is to help both the lessee and the lessor; it is to expedite matters. Among those affected will be pensioners and widows, and surely it is an advantage to have two assessors assisting the magistrate, because a pensioner would not be able to afford to engage counsel—that is, if the pensioner were an owner.

But if he could get somebody to appreciate and argue his point of view as a member of the tribunal, it becomes unnecessary for him to engage counsel and he thus avoids expense. The proposal has so many advantages that it should commend itself to all members of the Committee. The purpose of the Government in departing from a single magistrate and establishing this court was that under such a set-up it would be more acceptable to the Opposition parties.

I have heard complaints previously that Mr. McMillan shows a little too much generosity in the protection of the tenants. It was felt that there may be in the back of the minds of Opposition members, the thought that the court would be more or less stacked by virtue of there being a sole arbiter; a person whose inclination might be in a particular direction. But with an expert from the Real Estate Institute and a worldly man with general knowledge of values and real estate as representative of the tenants, the magistrate would have considerable assistance in his work.

Personally, I would like to know the reactions of other Opposition members before going further. I confirm what I said yesterday, namely, that the Government does not intend to stand hard and fast on every clause. If it can be shown beyond any doubt that a clause is cumbersome, then I shall give great consideration to modifying it. I say that sincerely. Up to now I have heard nothing to convince me that a special court is not necessary. Bearing in mind the tremendous number of applications that would be made, the magistrate would be employed full time. It should not be a part-time job for a magistrate.

Mr. WILD: The Minister has mentioned two points, one of these being raised by himself. He contends that the real estate representative should be a man with knowledge of valuations. The Minister expects the fair rents court to be constituted with a full-time valuer. Obviously if it is a full-time job for the magistrate, it would be one for the valuer. But at the present time in Western Australia we know how very difficult it is to get valuations of properties. Such matters cannot be hurried because there are not too many valuers.

Nowadays a person has to be well qualified as a valuer to become a member of the Real Estate Institute, and a nominee from that institute would have to be occupied full-time on the proposed court. I firmly believe that we would not be able to get a nomination from the Real Estate Institute because no member would be prepared to sit on the court full-time.

Mr. Lawrence: This would not be an honorary job. He need not be a certified valuer.

Mr. WILD: I realise that. I would point out that under the existing practice the magistrate, Mr. McMillan, generally hears two valuers in cases before him, one for the tenant and one for the landlord. If he is not satisfied he often calls in a third valuer for an independent view.

Mr. Lapham: Is it not a waste of time to delay court proceedings to call in a second or third valuer?

Mr. WILD: I cannot say whether it is a waste of time or not, but it is the accepted practice in the court today. In the cases where three valuers are called, we find them all doing the same job. As for the point raised that the real estate representative need not be a valuer, the Bill says that he shall be nominated by the Real Estate Institute. I am certain that, firstly, we will not get one of their members to accept nomination, therefore it would not be possible to throw the same light on the subject as is possible today.

In the course of his remarks, the Minister suggested that it should be a full-time job if Mr. McMillan found he was faced

with too great a number of applications to determine. I presume he would do exactly as he is now doing. He normally sits on Tuesdays on these cases. When I was Minister for Housing he used to sit on Wednesdays when there were too many applications on Tuesdays.

It is really up to the Minister to make a decision. If the applications prove to be too numerous, the magistrate would have to devote more time to fair rent cases and less time to his other magisterial duties. In that case the magisterial work would be delegated to someone else. For that reason I do not consider the Minister's argument for a full-time court to be a good one and I continue to press for the deletion of the word "court".

Hon. A. V. R. ABBOTT: I do not like having assessors at any time sitting on a court because they give heartburn to people who appear before them. Seldom is a unanimous decision given in the Arbitration Court, which is constituted similarly to the proposed court. In a fair rents court, assuming the decision went against the tenant and the argument of the landlord is accepted, we would inevitably find that the representative of the tenants would give a dissenting view, holding the judgment incorrect and unfair. The tenant would go away feeling dissatisfied and unhappy, thinking the magistrate had done him an injustice. How could the tenant think otherwise? The tenant would consider that his representative sitting on the bench was a trained man, and impartially appointed to give his opinion.

Mr. Lawrence: Would the tenant not feel he had been done an injustice even if a magistrate was sitting alone?

Hon. A. V. R. ABBOTT: He would not have the same feeling. The case I mentioned frequently happens in the Arbitration Court today. That feeling exists although the public and the unions are getting used to dissenting decisions.

Mr. Lawrence: Does not the same position arise when a lawyer represents a client before a judge?

Hon. A. V. R. ABBOTT: Yes. Very often a lawyer says that, in his opinion, the judge is wrong, but that is a different case. I submit there is no argument in the Minister's objection that there would be delay in these hearings. He is aware that Mr. McMillan can be delegated to undertake this work and nothing else. The Government can, if it so desired, appoint another magistrate to take over his other work.

It is purely an administrative matter which could be solved in five minutes by the Under Secretary for Law. If the Minister so desired, the magistrate could be put on to that work only, just as Mr. Wallwork has in the past carried out many varied duties for the Government from time to time. There has never been any query raised. If he was wanted by the Government for a certain job, his services were always available. The proposed court would entail additional administrative cost and would not be so flexible.

If I were appearing before the court, I would have another objection. The valuer appointed by the Real Estate Institute would be a highly qualified man; otherwise he would not be appointed by the Minister. Suppose I produced a valuator and the assessor on the bench said to the magistrate, "I do not think much of his opinion," with whom would the magistrate side? He would side with the man on the bench.

I should like to submit expert evidence on behalf of a client to a man who was not conditioned and who could listen to the points of view of both sides, and his own experience would enable him to give a judgment. He would not then be affected by a colleague who was an expert in that particular branch. Therefore I say that as a matter of course the magistrate would be swayed by his colleague on the bench.

We have a fair rents court at present set up under the Act as such and constituted by a magistrate sitting alone. If the Minister wishes to appoint another magistrate for this work, there is nothing to prevent his doing so. I feel that the public would receive greater satisfaction under the present system than under the proposed court. I understand that there is an appeal from the fair rents court.

The Minister for Housing: No.

Hon. A. V. R. ABBOTT: There is, from the decision of a magistrate. I care not how efficient a magistrate may be, he must make a mistake occasionally, and with the proposed fair rents court, there would be no means of getting the mistake remedied.

The Minister for Housing: Perhaps I should qualify what I said. Either party would have the same rights under the fair rents court as under the local court.

Hon. A. V. R. ABBOTT: I understand there is an appeal from the local court, as there should be.

Mr. Court: If the value is over £3,000.

Hon. A. V. R. ABBOTT: I see no reason for making this alteration. It would cause a lot of heartburning to tenants whose point of view was accepted by one member of the bench, and there would be heartburnings on the part of landlords when the assessor's point of view differed from that of their own valuator. We should keep this affair on a really judicial basis.

Mr. Lapham: Is not the Arbitration Court as important as this?

Hon. A. V. R. ABBOTT: In my opinion the judgment should be the judgment of the court. That is how the Privy Council works.

The Minister for Education: Separate judgments are given by the judges in the High Court.

Hon. A. V. R. ABBOTT: Yes, and I do not agree with that practice, which leads to a lot of litigation because one judge's opinion can be quoted on appeal against that of another and it is not a good judicial system. The judgment should be that of the court even when there are three judges against two. The present practice leads to heartburning and dissatisfaction and to further litigation. When a majority judgment is given in the State Full Court, there is a right of appeal.

The Minister for Education: The case goes to the High Court and to the Privy Council and the Privy Council has the last guess.

Hon. A. V. R. ABBOTT: If the Minister feels that one magistrate should do this work for the metropolitan area, there is no reason why he should not arrange administratively for one to deal with the whole of the cases in that area.

Hon. J. B. SLEEMAN: I prefer to see a bench composed of three men. The quicker we get away from the legal side, the better. When women receive a notice to appear before the court, they are apt to throw a blue fit. One would think that they were going to be tried for murder. I understand that they suffer day after day and worry their insides out simply because they are required to appear before the court.

Hon. A. V. R. Abbott: Would not the fair rents court be a court?

Hon. J. B. SLEEMAN: People certainly become frightened when they have to attend the Children's Court. Mrs. Brown has to go along with little Billy who has been throwing stones, and she has been taking blue fits simply because she has such a dread of the court. Given a court of three members, a legal man need not necessarily be included. Who could be better than a man with long experience as a rent inspector, such as Mr. Norman, who understands the position just as well as does any legal man.

Hon. A. V. R. Abbott: That is not the suggestion.

Hon. J. B. SLEEMAN: The member for Mt. Lawley said that a court of three members would entail increased cost. The cost would not be increased to the poor old girl who had to go to court to find out whether her rent was to be raised or lowered. One way in which the cost could be kept down would be by barring lawyers from appearing in these cases. What happens now? A tenant receives a letter from a lawyer and shows it to a friend and asks what he should do. He would doubtless be advised that the best course would be to employ a lawyer to speak for him; otherwise he would not get a chance to say anything.

It is just too silly for anyone, especially some of these old girls who have to appear before the court, to argue against learned counsel It would be better if we could stop the legal profession from appearing in this court. The member for Mt. Lawley proposes to keep the court as legal as possible, but I say we should get away from it as much as we can. I trust that the Bill will not be altered in this regard but that we will stick to the court of three and, if possible, keep the lawyers out of it.

A little while ago a woman came to me and said she had been instructed to get out in so many days, and there was a little bit at the bottom of the letter saying that if she defended the case the court fees would be about £6—as much as to say to her, "If you go to the court, you will lose the case and it will cost you another £6." There is no necessity for that. The legal costs should be kept down as much as possible. If Mrs. Jones wants to see about her rent being raised or lowered, I do not think it is necessary to have a legal man. Let us get down to everyday life, and let the fair rents court hear the tenant's case and the landlord's case and decide which is right.

Mr. COURT: The main object we are trying to achieve in this legislation is to bring about a degree of emergency protection for the tenant as requested by the Minister on behalf of the Government.

The Minister for Housing: This particular section of the Act, tying it up with the Bill, is also to give justice to the landlord.

Mr. COURT: Our object is to bring about a degree of protection and, finally, we will agree that the protection is aimed at the tenant at this particular moment because the Minister has represented a state of emergency still existing in connection with rents and tenancies. If we start from that point and examine the measure before us, we will do better in the long run.

Superimposed on the consideration of providing some emergency protection is the fair rents court proposition. I submit to the Minister that if the Government on this occasion should leave such a contentious matter out of the deliberations, we would do better in arriving at a satisfactory conclusion in respect of our main emergency problem, namely, that of rents and tenancies. If there were anything in the legislation for the determination of a fair rent by a fair rents court, the position would be different. We would have to decide which tribunal should be appointed to handle the question of fair rents. But we have already existing—and it has been functioning for some years—a fair rents court. The Government fears that this court is going to be inundated beyond reasonable limits with applications to determine fair rents.

That is a matter that is easily adjusted. The facilities can be increased by means of of additional magistrates, or the experienced magistrate could be made more

readily available. The Government through this measure, has introduced a very contentious matter because it is a part of the Government's policy—and the Minister has made it quite clear—to have a permanent fair rents court. On the Minister's own submission it appears that at the end of, say, 18 months, the problem of evictions will not be as serious as it is today, unless some other factors arise.

Would it not be much better to get away from all the contentious matters that we possibly can—and this is a contentious matter—and allow the existing machinery to remain, namely, a fair rents court consisting of a single magistrate. If, and when, the eviction situation has improved—taking 18 months as the figure given by the Minister—then the Government can come forward and say, "Our eviction problem has virtually ceased. Now we want to make an issue in Parliament of that part of our platform concerning a fair rents court." The matter could then be discussed by this Chamber and another place free from the present emergency problems of rents and tenancies.

Quite apart from that submission, I feel that the present facilities are quite adequate. I see a serious difficulty in obtaining a suitable assessor to go on to this court if he is to have a permanent or semi-permanent appointment. A man who has not the technical ability and the necessary experience will be futile in trying to achieve the purpose for which he will be appointed.

Knowing the problem that confronts business and private people today in obtaining the services of a truly qualified sworn valuator—I am talking about members of the valuators' institute as distinct from men who just say they are sworn valuators—it is apparent that the Government will be extremely lucky if it gets an ideal man for the job. A good man would have to leave a flourishing practice to accept the appointment. I support the amendment by the member for Dale and I trust the Minister will see fit to postpone the deliberation on the question of a permanent fair rents court.

The DEPUTY PREMIER: Practically the whole of the argument which has been submitted so far by the Opposition has been against the proposed constitution of the fair rents court rather than the court itself. The arguments have been that it would not be possible to get a full-time assessor because he would not be attracted to the job; that there is no need to have such an assessor because a magistrate does not want that assistance; why cannot the magistrate, sitting as a fair rents court, deal with the matter?

So the objection from the other side of the House seems to be to the proposed constitution of the court. It must be admitted that if this legislation goes through in some form, more especially if some of the amendments submitted by the Opposition are agreed to, there will be fairly numerous applications to the court. Take, for example, the amendment which proposes that where the rent fixed by the court is less than 75 per cent. of the rent fixed by the landlord, no eviction shall take place for 12 months. That presupposes quite a number of applications on the part of tenants who feel that their rent is too high. So we can expect, in the normal process, a very large increase in the number of applications.

There is another point. Uniformity is worth something. If we can get the same viewpoint on cases in Fremantle as one gets in Perth and Midland Junction, rather than a different adjudication, it will make for more contentment.

Hon. A. F. Watts: If the Minister's ideas are correct, there will have to be more than one fair rents court and we will again lose the uniformity.

The DEPUTY PREMIER: We do not think so. We think the setting up of a court whose job would be to attend to this question of rents only would mean that in the metropolitan area it would have a full-time job, but it could deal with all the cases.

Hon. A. F. Watts: But there would be hundreds or perhaps thousands of cases, and no one court could deal with that number.

The DEPUTY PREMIER: If that is so, they would not be dealt with in either case, because even with the number of magistrates sitting in the metropolitan area and doing their ordinary court work, I do not think they could give up more than perhaps two days per week each for this job. Under those circumstances, they would, between them, not get through as much work as would a single magistrate who was doing nothing else and who would have the facilities that the other magistrates would not enjoy.

Hon. A. F. Watts: That is why I want a formula to diminish the number of cases.

The DEPUTY PREMIER: It might be desirable to have that formula and it would further expedite the work of a single court, but it seems to me that the viewpoint of the Opposition is not so much against the idea of a special court to deal with rents, as against having assessors to aid the magistrate.

I would like to hear more from the member for Dale, who is Opposition spokesman on this Bill, as to what their view would be if the Government were prepared to accept an amendment at the appropriate stage to the effect that there should not be any assessors and that a fair rents court should be established by having a magistrate only especially appointed by the Government for the purpose so that

we would then obtain uniformity of adjudication on the cases, thus making for greater expedition in dealing with the applications—and it is to be contemplated that the applications will be far more numerous in the future than they are now.

It seems to me that it is far better to have a magistrate who is making this his full-time job and who is therefore gaining an appreciation of all the aspects of the problem, without having his mind cluttered up by all sorts of other cases, rather than a magistrate who has to turn from dealing with drunken driving and all sorts of matters and settle down, on certain days of the week, to a consideration of rents. Surely, in view of the almost certain increase in the number of cases to be heard and the desire for uniformity, it is better to have a court devoting itself solely to this question! I would like to hear from the Opposition whether, if the Government met it so far in the objection which has been raised to the assessors, they would then say, "We recognise that such a court would be of value and will support the proposal."

Hon. A. F. WATTS: While I am not inclined to believe, in the absence of full information, that there will be as many cases as the Minister for Housing appeared to consider would be brought before the court—of whatever kind it was—for the determination of rents, one must pay some attention to the point of view which he has expressed. The Minister said he was sure there would be many hundreds or perhaps thousands of people who would come before the court and, even allowing for some discount there, it will certainly be beyond the capacity of one fair rents court in the metropolitan area, however, constituted, to deal with the problem, unless something is done to minimise the number of applicants which the Minister considers is likely to come forward.

I can see nothing in the Bill—or in any other Bill that we have had up to date—which will minimise that number and, as I said by interjection just now, because I have wondered about that aspect, I have always suggested that consideration should be given to some rental formula that would enable the parties in many cases to come to an agreement based on their own opinion of values, costs, rates and so on, which would not need any approach to the court, because even if there were a divergence of opinion between them, it would in many instances be very slight and therefore the number of cases to be dealt with by the court would, I opine, be considerably reduced.

Having heard the speeches made in the last half hour, I am the more firmly convinced that what I have suggested will have to be done if any kind of tribunal is going to work satisfactorily. Hitherto it has appeared to me that the number of cases before the court has been of such an order that they could satisfactorily be handled by magistrates in the terms of the existing law, but, having heard the Minister's point of view, and having at the moment no factual means of contradicting it—which I have sought means to obtain in this House—I have nothing left to do but venture the opinion that quite half a dozen fair rents courts will be necessitated and that there will not be a magistrate left in the metropolitan area, if the Minister's figures are right, doing anything but attend at the sittings of these courts in various parts of the metropolitan district, and so the situation will rapidly become such as to be bordering upon the farcical.

I repeat that I am convinced it is not beyond the capacity of the draftsman, aided by the experience of people both inside and outside the House—I refer to organisations such as the Real Estate Institute, for example—to devise a formula which, would, in the main, satisfy the requirements of both landlord and tenant. It is not a very difficult thing to look at most houses and say, "This property is worth so much."

Most people have a rough idea of what the rates and taxes are or, if they have not, they can be shown the assessments in a few minutes. If that were done, we might bring the operations of this special court, or of the existing magistrates' court, down to a level where the job could be carried out effectively within a reasonable time and within the capacity of the people who are to try to do it. So I feel that the genesis of a satisfactory solution of this question is to devise a formula and if we do that, I suggest that there will be less need for a special court than there is at the moment.

Mr. PERKINS: I support the argument advanced by the member for Stirling. Personally, I think we are making a wrong approach to this particular problem. The Minister for Housing is apparently visualising hundreds of applications being made to the court.

The Deputy Premier: Do you think there would be many if the present amendment were accepted?

Mr. PERKINS: It would depend on what other amendments were made to the Bill. If the suggestion of the member for Stirling is accepted, and some schedule is inserted so that landlords and tenants will have a firm basis on which to work and they can agree between themselves on a fair rent, there will be no need for them to go to the court. The necessity to approach the court will be extremely repugnant to a great many landlords and tenants; in many cases, it should not be necessary. If landlords and tenants knew what was a fair basis as determined by Parliament, they would be able to settle their differences, at least in the great majority of cases. If we make it necessary for them to go to court before they can

find out the fair basis, obviously it will be necessary to develop a special set-up in order to have the cases heard.

I hope the Government will accept some sort of schedule to the Bill which will make it possible for the ordinary courts, perhaps slightly expanded, to deal with a much more limited number of cases than the Minister for Housing apparently visualises if the measure is passed in its present form. I do not like the idea of a representative from each party being appointed to the court. I think that finally the magistrate will have to decide and he might just as well be the only member of the court.

Mr. Lapham: Would he have greater knowledge than the two assessors?

Mr. PERKINS: It is not a question of having the knowledge. Each party will put up its case and, provided all the facts are placed before the magistrate, it will be merely a question of deciding on fact and equity, because obviously no one, other than the parties concerned, could give the full facts to the court. I have another objection. I am afraid many landlords and tenants will be forced to go to the court, and some people are able to put up a more flowery and convincing case than others. There could also be disparity in the treatment meted out to different tenants and different landlords. That is inevitable because no court can be perfect in its judgments. We should strive for a set-up under which most of the difficulties could be settled between the landlords and tenants without the necessity of approaching the court.

The MINISTER FOR HOUSING: In the Act as it now stands, and as it will still be if we adopt the proposals in the Bill, it is possible for a landlord and tenant to agree on a rental.

Mr. Perkins: But it is very vague—2 to 8 per cent.

The MINISTER FOR HOUSING: That, I agree, is vague, but, as has been the case for the last hundred years, it would be possible for a landlord and tenant, by mutual agreement, to decide upon a fair rental. One of the groups that will approach the court will comprise tenants who are suffering as a consequence of certain unscrupulous landlords cashing in on the situation since the 30th April. There will be a second group of landlords, who will approach the court because their rents were pegged in 1939 and they have been given certain statutory increases since then, although they may, or may not, have taken advantage of the opportunity of going to the court under the old legislation. In such cases, the tenants are probably getting their premises at more than a reasonable rental.

Human nature being what it is, those tenants would probably contest any increase in rent sought by the lessor. If there is no agreement on an amicable basis between them, the lessor will approach the court for the determination of a fair rental. There is nothing unreasonable about that. The measure will still allow all these people to agree among themselves if they so desire. But in the comparatively small number of cases where the landlords are going over the odds, there will be a tribunal to which the tenants can appeal.

To a large extent, I agree with the observations of the member for Nedlands. After all, the important thing is to have a tribunal to determine cases where something over the odds is being done. We can have differences of opinion regarding the tribunal, but as long as one is appointed, that satisfies the position. The Government is determined that a landlord shall not have the right to evict without any cause, and at short notice. We have occupied the best part of an hour discussing this matter, and I have a proposition to make. I do not want this to be construed as a weakness on my part, and I hope that members of the Opposition will come part of the way with me. I think that what I am about to suggest will satisfy the principal objections raised by the Opposition, and at the same time it will retain certain principles in which the Government believes.

Firstly, let me state that I am still of the opinion, after hearing argument, that there should be a special court with assessors representing the conflicting interests. However, I am prepared to go part of the way and it will be necessary, in the first instance, for the Committee to reject the amendment submitted by the member for Dale. The Government still desires that there shall be a special court to determine rentals. If the Opposition will co-operate with me in that respect, later when we come to consider Clause 6, where the composition of the court is detailed, I shall be prepared to submit amendments to strike out all reference to the assessors who are to be appointed to assist the magistrate. If the Committee agrees with me on that, the effect will be that a fair rents court will be set up to be presided over by a magistrate only. That is the fairest proposition I can offer and it should be accepted by the Opposition. However, the word "Court" will have to remain in the clause.

Mr. WILD: Already there is a fair rents court with a single magistrate presiding. As the member for Stirling has said, if all these evictions take place, as the Minister tells us is likely, there will be a multiplicity of these courts with single magistrates presiding. The discretion lies with the Government to determine how long Mr. McMillan shall be assigned to certain duties.

If his work is so overwhelming, as the Minister would have us believe, it is within the power of the Minister for Justice

to say that Mr. McMillan shall remain exclusively in the fair rents court. Therefore, I see no reason why we should now depart from the existing principle of determining fair rents. Mr. McMillan has carried out his duties as magistrate of the fair rents court extremely well. If pressure of work demanded that he should be asked to devote more time to that work and if it were found later that it was still too much for him, he could be detailed to preside over the fair rents court exclusively.

The Minister for Housing: Are you serious when you state the Minister for Justice should direct a magistrate as to when he should preside and as to the number of cases he shall hear?

Mr. WILD: I have never been in charge of the Crown Law Department, but there must be some machinery existing. The magistrate either does it of his own accord or somebody must say, "You shall look after certain courts." That would be up to the Government. If Mr. McMillan complained that he had too much work, the Government could appoint another magistrate. Both he and Mr. Dougall are doing excellent work and I see no reason to set up any other court.

The Deputy Premier: What you are suggesting is that you would prefer the Government should, administratively, set up a special court rather than that the department should do it. That is getting away from the general practice.

Mr. WILD: No.

The Deputy Premier: That is your argument.

The MINISTER FOR HOUSING: I was hoping that the Opposition would be reasonable and show some compromise. I am prepared to discard the two assessors. Surely it is not unreasonable to ask the Opposition to come my way a little, even if it is not 100 per cent. what they consider should be done. I am anxious to make progress. I do not know what the existing practice is with regard to magistrates, but the idea of the Minister for Justice more or less telling a magistrate, "Do this, that or the other" seems a bit fantastic to me.

For example, if the Minister were snowed up with his duties because of the heavy pressure on the fair rents court, he could quite easily say to the Minister for Justice, "Will you have a talk to Mr. McMillan and ask him to hear no more than six cases a week?" In such a position many people would never get before the court. Looking at it from another angle why should, say, Mr. Dougall, working on a certain basis, regard that as a fair thing while another magistrate might decide on a different basis?

We say the same principle should apply to landlords and tenants within the greater metropolitan area. I would like to hear the Leader of the Opposition on this point. If I am to be confronted at every step, in trying to meet the wishes of the Opposition, with my overtures being rejected, it does not give me very much encouragement to treat with reasonable sympathy any other submissions that are made. I ask the Opposition to reconsider the view that it holds with respect to the gesture I have made.

Hon. A. V. R. ABBOTT: I agree that the Minister has gone a long way and I am going to appeal to him to go the whole way.

The Deputy Premier: You have given us a bright idea, you know! All we have to say is that rents are far more important than evictions, and tell the magistrate to give full attention to rents.

Hon. A. V. R. ABBOTT: I do not know whether the Deputy Premier was responsible or not, but when I was Attorney General there was a good deal of criticism levelled at me with regard to the congestion at the traffic court. As a result arrangements were made for magistrates to attend the traffic courts more frequently. It is the duty of the Attorney General to see that justice is carried out in a proper fashion. If the Government considers that one magistrate has too much work, it can appoint another one. There is no question of a magistrate being asked to deal with a certain type of work.

Some magistrates are asked to preside over traffic courts and others to preside over police courts. If the Minister considers it is a good idea that one magistrate should deal with the whole metropolitan area, I see no reason why he cannot ensure that that is done. This proposed legislation will expire at the end of 1955. Are we to set up a special court for 18 months only?

The Deputy Premier: You said once that it will always be there.

Hon. A. V. R. ABBOTT: I do not think I said that.

The Deputy Premier: Someone on your side said it.

Hon. A. V. R. ABBOTT: It could be.

The Deputy Premier: You cannot have it both ways.

Hon. A. V. R. ABBOTT: Do members of the Government want to set up a special organisation, with a full staff, for 18 months? It is not logical to have one man fixing rents and dealing with a certain section of the Act and another magistrate dealing with another section. Is there any objection to one magistrate doing the lot? What is the good of a magistrate merely having jurisdiction to deal with rents?

The Deputy Premier: A lot of good, if he has enough to occupy him.

Hon. A. V. R. ABBOTT: I think he should have full jurisdiction. Not for one moment do I think it is going to be a full-time job. There will be a certain number of applications, I admit. There was a meeting of the Fremantle lumpers last night to deal with a question that affected so many people; exactly 125 people turned up. If there were such a tremendous number waiting to have their claims heard, would not that meeting have been more fully attended?

The Deputy Premier: Not necessarily.

Hon. A. V. R. ABBOTT: I do not suggest that this matter of rents and evictions is not a vital one. I know that advantage has been taken of the situation in some cases.

The Deputy Premier: Which would you regard as more important, application for repossession of a house or application for fixation of rents?

Hon. A. V. R. ABBOTT: Application for repossession of a house.

The Deputy Premier: So it does not matter what the rent is so long as the landlord gets repossession.

Hon. A. V. R. ABBOTT: So long as the tenant can stay there.

The Deputy Premier: The tenant does not make application; the landlord makes application to get him out.

Hon. A. V. R. ABBOTT: I say it is more important to gain repossession—

The Deputy Premier: I disagree with that.

Hon. A. V. R. ABBOTT: —provided the tenant has a roof over his head. But let us not argue that point; it is not worth while. I do not want to appear an obstructionist but I feel that the Minister will get nowhere at all by creating a special court which will operate for a period of 18 months; particularly when the existing system has worked reasonably well. It has been an extremely difficult matter on which to give decisions because there has been no rule of law; a sense of justice and fair play had to be the determining factor in these decisions. Taken by and large, I think the magistrates have done an excellent job under most difficult circumstances. There have been people who disagreed with their points of view, but they are the interested parties.

Sitting suspended from 3.45 to 4.4 p.m.

Hon. A. V. R. ABBOTT: It would not be advisable to set up a special court to deal with the comparatively small number of cases to be heard, that is comparatively small in relation to the general work of, say, the Traffic Court. Notwithstanding the numerous cases heard in that court, it is still carried on under petty sessions jurisdiction. This is a matter of principle. We do not want a fair rents court of this nature. Western Australia has not reached the stage where such a court is needed. I know it is the policy of the Minister to have a fair rents court.

The Deputy Premier: Where is all the co-operation we were going to get?

Hon. A. V. R. ABBOTT: This is not a question of co-operation.

The Deputy Premier: You have no real objection.

Hon. A. V. R. ABBOTT: I have a real objection to a fair rents court as such.

The Minister for Lands: What is your objection to such a court?

Hon. A. V. R. ABBOTT: Is it not part of the Labour platform to establish a permanent fair rents court?

The Minister for Housing: I do not think it says "permanent."

Hon. A. V. R. ABBOTT: The Minister said that that was his personal view.

The Minister for Housing: Oh, no!

The Minister for Lands: Let us hear your real objection to this proposal.

Hon. A. V. R. ABBOTT: I consider that a court with a separate organisation is not warranted.

The Deputy Premier: You do not think there will be enough work for it.

Hon. A. V. R. ABBOTT: I do not think there will be a great deal of work for it. Does the Deputy Premier think there will be a great deal of work?

The Deputy Premier: Yes.

The CHAIRMAN: Order! The hon. member's time has expired.

The Minister for Lands: That gets him out of a hole.

Hon Sir ROSS McLARTY: The Minister for Housing asked me to express my views on his suggestion because he thought he had gone a considerable way towards meeting the wishes of the Opposition. I cannot see where there is a need for the court. In point of fact, there exists a court to deal with fair rents, and I have not heard any complaints about its judgments.

The Deputy Premier: Perth or Fremantle? You were talking in the singular and there is a number of them.

Hon. Sir ROSS McLARTY: That is so, some in the metropolitan area and some in the country. Surely those courts give tenants and landlords all the facilities they require, and this being so, why the need to set up an additional court? If the magistrates today are overworked, or cannot give sufficient time to this problem, then other magistrates can be appointed. With the rapid increase in population in the State, I imagine that in the not too distant future the Government will be giving consideration to the appointment of further magistrates. Under the

present set-up, no hardship is inflicted on tenants as regards making application to the court. A tenant or a landlord can make application whenever he thinks fit.

The Deputy Premier: I have heard landlords complain that they cannot get their applications for eviction heard.

Hon. Sir ROSS McLARTY: If the magistrates are overworked, other appointments, or temporary appointments, could be made. I do not think there will be a great deal of work for this court for a long time, and that is borne out by the statement of the Minister that he expects the housing position will be greatly eased during the next 18 months. I hope he is right. If his forecast is correct, it will certainly greatly relieve the work of the court.

I express this view, too: How much longer are we going to have legislation of this kind, which I would describe as class legislation? We deal with legislation concerning landlords and tenants more frequently than we consider any other sort. I do not want the impression to get abroad that there is to be perpetual legislation of this class. We hear talk of the setting up of a special fair rents court. That will certainly give the impression that we are going to have this class of legislation, if not for all time, at least for a considerable period.

That is not desirable because it destroys the confidence of land-owners and people who are interested in real estate, generally. The Minister seemed to think that we should accept the amendment to show our good faith in our offer to co-operate with the Government, but my view is that even if we did accept it, we would not be helping the landlord or the tenant beyond what they are receiving at the present time. They have the right to go to the court to get the rent fixed. That is proving satisfactory, so why make this alteration?

Mr. JOHNSON: I am extremely surprised at the attitude of the Opposition. The Minister has made a generous gesture, and the reply of the Opposition, as far as I understand it, is, "Why do it that way? You have to appoint some more magistrates to do all the general work, so why put one of them on to do this work only?" The Opposition further snapped up the bait that the Deputy Premier put out, inasmuch as they considered that there might not be enough work. If there is not enough work for a man who is already a magistrate, there is no reason why, when he is not functioning in that jurisdiction, he should not act as a magistrate in the police or traffic courts. There does not seem to be anything in the argument put forward.

The whole basis of the opposition lies in the fact that in our platform we use the term "fair rents court," which happens to be the same as the term included in the legislation. The objection of the Opposition is based solely on the name of the court because it appears in our platform. I might say that in the Labour Party platform there are many other things. Are members of the Opposition going to oppose everything that appears in it just because it is included in that document? There are items in our platform that appear in the platform of the Country Party and would be in the platform of the Liberal Party if it had one.

This legislation is not a party matter but something that is necessary to help people who need protection. According to the Opposition, certain landlords need assistance from the court and want an opportunity to reach the tribunal. If a lot of work is to confront the court, the applicants will have their applications heard so much quicker, should our suggestion be adopted. The Minister has not taken a party attitude on the matter and neither have other members on this side of the Chamber. We have asked for co-operation because this is something which affects real people.

No argument has been adduced by the other side that has any real effectiveness except the objection to the fact that it happens to be in our platform. What about the front bench of the Opposition getting together and saying, "Let us forget the fact that it is mentioned in the Labour Party's platform, and try to do something for the good of the people"? The Opposition adopted the same attitude when it was the Government and we put forward some sound arguments on other matters. I thought that was the view that Governments would always take, but we have seen that the present Minister has been most co-operative. He has given away half of what is in the measure, including some points that we would much prefer to retain. Cannot the Opposition give away a little, too? Do we have to pay them money, or something like that? Have they not heard of co-operation, which is a plank in the Country Party platform. I hope that at least members of that party will co-operate.

Mr. McCULLOCH: One of the objections of the Opposition appears to be that this is a matter of party politics. Secondly, they said it would be a permanent court and the member for Dale said that the Minister would stack it. Now that the Minister has made a suggestion under which the court could not be stacked, the Opposition say there would not be full-time employment for the magistrate appointed. Is there full-time employment for the president of the Arbitration Court or for the chairman of the Workers' Compensation Board?

There is no reply from members opposite, and I think the objections they have raised are frivolous. As long as a magistrate is appointed who will give a fair and reasonable decision, both landlords and tenants will receive benefit from the court. With such a tribunal sitting full-time, surely the

landlord would have his case heard more quickly than he can in the present circumstances! A landlord told me this morning that, although he made application 10 weeks ago, there is yet no sign of his getting before the court.

The Leader of the Country Party suggested that a formula be arrived at in connection with fair rents and that is a good idea, but probably whatever magistrate was on the bench would work to such a formula so that the rent for similar houses would be the same in Perth as in Fremantle, and that is what we want. It is little use discussing the assessors now as the Minister has indicated that he will not press that provision.

There are such advisers on the Arbitration Court bench and on the Workers' Compensation Board so that the representative of either party can give advice on the matter before the court, and that is the only use I can see for assessors. I have had dealings with some such people and think I could have done without them. As a fair rents court is part of the Labour platform, let us change the name of this court and call it a fair rents tribunal, if that will suit members opposite.

When the present Opposition were on this side of the House they accepted only two amendments from the Labour Party and one of those was one that should not have been moved from that side of the House. I refer to the amendment moved by the present Minister for Housing in connection with the ending of protection after January, 1951. The other amendment was in connection with the arbitration measure that was passed a couple of years ago. The Minister has said that he is prepared to give way on something and still the Opposition will not accept his offer. They want to be, in effect, the Government while leaving the present Government to take the responsibility.

The Minister for Housing: The only difference is that the people do not want them as a Government.

Mr. McCULLOCH: Apparently we have wasted the people's money on three different occasions arguing about a matter that could be settled in quick time because the objections raised by the Opposition have no real substance in them. The Prices Commission was abolished without any bother and this court could be abolished when the need for it had passed. If the magistrate appointed to the fair rents court was not engaged there full-time, he could do other work just as is done by the president of the Arbitration Court who, when he is not engaged in that court, often does work in another jurisdiction.

However, the magistrate appointed will have his hands full for a considerable time to come as, apart from anything else, there are a great many people still coming into this country and desiring homes. I hope the Opposition will take a decent view of this legislation and not, now that the Minister has given away on one point, shift their objection to something else. If we give way on the whole of this we might as well let the Opposition have the Bill; they can put it forward and see whether we will support it. I am opposed to the amendment.

The MINISTER FOR HOUSING: I am sorry that neither the Leader of the Opposition nor the Leader of the Country Party is in his place at the moment because I particularly wanted to speak to one of them. I indicated that I still felt the Government's original proposal was the best but at the same time I said, in order to make some progress and as a gesture of good faith, I was prepared to retract, to some extent, and forego the two assessors. I offered that to the Opposition believing I had gone a very considerable distance in their direction. However, I find that, having given them 90 per cent. of what they seek, they are still adamant; they want the other 10 per cent. We are making no progress and unless I can get an indication from a responsible spokesman from the Opposition side of the House, I shall withdraw the offer I made because it is serving no purpose whatever.

Mr. McCulloch: Hear, Hear!

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

Ayes	15
Noes	22
Majority against	7

Ayes.	
Mr. Abbott	Mr. North
Mr. Brand	Mr. Owen
Dame F. Cardell-Oliver	Mr. Perkins
Mr. Court	Mr. Thorn
Mr. Hill	Mr. Wild
Mr. Manning	Mr. Yates
Sir Ross McLarty	Mr. Hutchinson
Mr. Nimmo	*(Teller.)*

Noes.	
Mr. Andrew	Mr. Lawrence
Mr. Brady	Mr. McCulloch
Mr. Doney	Mr. O'Brien
Mr. Graham	Mr. Oldfield
Mr. Heal	Mr. Rhatigan
Mr. W. Hegney	Mr. Rodoreda
Mr. Hoar	Mr. Sleeman
Mr. Jamieson	Mr. Styants
Mr. Johnson	Mr. Tonkin
Mr. Kelly	Mr. Watts
Mr. Lapham	Mr. Sewell
	(Teller.)

Question thus negatived.

Clause put and passed.

Clause 4—Section (5) amended:

Mr. WILD: I move an amendment—

That all words after the word "by" in line 7 be struck out and the following words inserted in lieu:—

inserting after paragraph (d) of Subsection (1) the following paragraph:—

(da) premises leased for a fixed period exceeding one year.

We feel that it is only right that if a person has entered into a lease, it should come within the section of the parent Act covering certain types of premises which are exempt, such as hotels, premises leased for holiday purposes, and so on. I have an open mind regarding the term but while in Victoria recently I discovered that the period in that State is three years or longer. Few houses are leased these days and so the amendment will mainly concern business premises.

The MINISTER FOR HOUSING: This is one of those trick amendments, I should say, deliberately designed to catch the unwary. In ordinary times, perhaps, there would be no objection to such a provision but unfortunately many people who have had the dagger pointed right at their hearts, have had no alternative but to sign a lease agreement for twelve months, two years or more on the most unfair terms laid down by the lessor. The only alternative is to go out of business altogether.

I can quote the case of a man who has small premises in the City of Perth. This man was renting his premises for £9 a week, but taking advantage of the hiatus following the 30th April, the landlord generously said, "I will give you 28 days' notice or, alternatively, you can sign a three years' lease. Among other things, the lease agreement will mean an increase of your rental by 100 per cent, making the rent £18 a week, and you will undertake to modernise the shop, the cost of which work will be £1,300." That is only one of several. As for residences, I have seen documents which a lessee was required to sign, in which six months' rent in advance was demanded at a figure three times the original amount.

Hon. A. V. R. Abbott: What was the period of that lease?

The MINISTER FOR HOUSING: Eighteen months with six months' rent in advance at set intervals. If we agree to this amendment we shall give our blessing to such transactions. Since April there has been developing an unreal situation. Under duress, people have signed all kinds of vicious documents. Surely Parliament cannot give legal sanction to that sort of thing and there is provision in the Bill to rectify injustices. I do not say that every lease which exceeds a period of 12 months is necessarily loaded, but, on the other hand, there may be others which are far worse than those I have cited.

Mr. WILD: I can assure the Minister that this is not a trick amendment and I would like to hear his views on a suggestion that we make it, as a compromise, "a lease for a fixed period of one year after the commencement of this Act."

The MINISTER FOR HOUSING: It is rather strange that any suggestion of compromise should come from the other side of the Chamber in view of what has transpired in the last couple of hours. On a cursory glance at the amendment, I am inclined to think that perhaps there would be no great damage done if it were agreed to. However, without examining it more closely, I am not prepared to accept the responsibility of doing so, but I will submit it to the Chief Secretary for his earnest consideration when the Bill leaves this Chamber.

Amendment put and negatived.

Clause put and passed.

Clause 5—agreed to.

Clause 6—Sections 7A and 7B added:

Hon. A. V. R. ABBOTT: I want to make my position quite clear. This clause deals with the fair rents court. As the Minister has said, the question has been discussed fully for two hours under a previous clause. I do not intend to say anything further but I will vote against the clause.

Clause put and passed.

Clauses 7 to 9—agreed to.

Clause 10—Section 13 amended:

Mr. WILD: The last two amendments that I have on the notice paper should be linked, and if we get the attitude of the Minister defined we will know where we are heading. This clause is seeking to peg the rent if an application is made to the court by a tenant following the receipt of, and after the expiration of, a notice to quit. The clause, if agreed to, will deter an avaricious landlord from being able to raise the rent too high because he has to run the gamut of the court and if he loses the decision, he cannot give notice to his tenant for a further 12 months, which means that he will have a further 18 months to wait in all.

Firstly, we must have the Minister's attitude defined. Once a tenant has been given notice to quit, the landlord can then apply to have him thrown out. We have suggested a period of three months because in that period a man should be able to get before the court. Possibly, there may be some connivance, in which case it could go on indefinitely. So we have made the period three months, in which period a tenant also has ample time to lodge an application for a fair rent to be determined by the court. I move an amendment—

> That all words after the word "amended" in line 11 be struck out, and the following words inserted in lieu:—"by adding at the end of paragraph (b) of Subsection (1) the following proviso:—
>
> > Provided that where after the thirtieth day of April, one thousand nine hundred and fifty-four, and before the thirtieth day of April, one thousand nine hundred and fifty-five, a lessor gives a lessee notice to quit or terminate the tenancy of any premises the

rent of such premises on and after the date of such notice or the first day of August, one thousand nine hundred and fifty-four (whichever is the later) shall not, except by a determination of the inspector or the Court, as the case may be, exceed the amount of rent lawfully chargeable on the twenty-eighth day of April, one thousand nine hundred and fifty-four."

The MINISTER FOR HOUSING: It would be an advantage if the member for Dale moved his amendment in parts. I am prepared to consider the deletion of certain portions of Clause 10, but not all. I suggest that he set about it by moving to delete paragraphs (a), (b) (c) and (d) separately, if that be his wish. Then whatever the fate of those motions, he could move his amendment subsequently as it appears on the notice paper. If he does not follow that course, I would have no alternative but to ask the Committee to vote against his amendment. Notwithstanding the treatment I suffered just now, I am still desirous of being co-operative.

Mr. WILD: In view of the Minister's explanation, I ask leave to withdraw my amendment.

Amendment, by leave, withdrawn.

Mr. WILD: I move an amendment—

That paragraphs (a), (b) and (c) be struck out.

Amendment put and passed.

Mr. WILD: I move an amendment—

That paragraph (d) be struck out.

The MINISTER FOR HOUSING: We now arrive at the difference of opinion as expressed during the second reading stage. The Government feels that the tribunal responsible for the determination of such rentals, irrespective of its composition, should declare, in view of all the evidence and the circumstances, what it considers to be a fair rent. The matter of 2 per cent. to 8 per cent. is so wide as to be practically meaningless. The average person who is a little worldly-wise and has had something to do with real estate matters, can, without any formula whatsoever, by inspecting a place and hearing evidence in connection with it, assess fairly accurately what a fair rental would be.

There is nothing new in the proposition of the Government because from 1939 to 1953, with a slight modification for a short period, there has been no set of rules laid down for the guidance of the court in determining a fair rental. Even in the new measure known as the Rents and Tenancies Emergency Provisions Act, as against the wartime restrictions measure, it was provided by the Government of the day—now the Opposition—that there should be an open book so far as the rent fixing authority was concerned.

I have already indicated that where previously for a period there were certain matters to be taken into account by the court, those special requirements were removed at the request of the Liberal-Country Party members in the Legislative Council, and the wording today is in very general terms—almost in conformity exactly with the words that appeared in that Bill. They were as follows—

The court shall take into consideration such factors as the court considers relevant.

There is no formula about that. It is a procedure that has to be followed; there has to be justice, fairness and equity on the part of the constituted authority. The words I have just read are contained in the Bill that was drawn up 3½ years ago by the present Opposition, when it was the Government.

Accordingly, I commend the retention of that clause in the Bill, or that portion of it which is leaving it open to the court to make a determination, taking into account all the factors that it considers to be relevant to the particular property under discussion. That has been in operation in Western Australia almost without interruption since 1939. It is the question of 2 per cent. to 8 per cent. that is new, and, depending on the attitude of the person concerned, we could have a ridiculous state of affairs whichever end of the scale he went to.

Mr. Court: Not necessarily.

The MINISTER FOR HOUSING: I say we could.

Mr. Court: According to the premises under consideration.

The MINISTER FOR HOUSING: I am prepared to leave it to the authority, as has been the case in the past, to determine whether it should be a half per cent. or 50 per cent., after hearing evidence or inspecting the place. There has not been any need for it before; there has been no outcry in favour of it or arguments against the old procedure. Consequently, why should we break away from it? I ask the Committee to vote against the amendment.

Hon. A. V. R. ABBOTT: As the Minis- has agreed to the deletion of paragraphs (a), (b) and (c), I assume that basically he is also agreeing to the proviso.

The Minister for Housing: Yes.

Hon. A. V. R. ABBOTT: For myself, I consider it advisable to include some guide in the Bill to assist the magistrate. I have been informed that a magistrate considered that it would be a great responsibility if the determination of rentals was left entirely in his hands, because he would have no guide as to what principles

should be applied, except the mere words "fair and just," which the Minister has suggested.

I agree that in most cases magistrates can be safely left to adjudge fairly. They are men of training, and after hearing evidence, in nearly every case they will come to a decision which is reasonably logical and fair. The guide which I have suggested need not necessarily take the present form. The formula submitted by the Real Estate Institute has been publicly acclaimed as fair, and I understand that the 2 to 8 per cent. formula in the Act was the one used by land agents.

Hon. A. F. Watts: It does not resemble the formula used by land agents, to my way of thinking.

Hon. A. V. R. ABBOTT: I am not bound by this formula, but it would be a good idea to give some guide to the magistrates, as to Parliament's intentions. It is all very well to ask magistrates to do what is just and fair, but that is not always easy.

Mr. McCulloch: You have no confidence in the magistrates?

Hon. A. V. R. ABBOTT: On the contrary, I have a lot. I have said that in nearly every case a satisfactory determination is made.

Mr. Lawrence: In most cases, do they not decide on the evidence?

Hon. A. V. R. ABBOTT: Yes, but the magistrate has to be consistent. He has to observe certain principles in determining the issues, and he would need a basis on which to form his conclusions. Without a guide, one magistrate may apply one principle, and the next magistrate another. I am aware that there is provision for a fair rents court, but that applies only to the metropolitan area. In areas such as Albany, where there would be no fair rents court, it would be of assistance to give magistrates a guide as to the wishes of Parliament, and data on which to decide cases.

I consider that some formula should be prescribed. The formula of 2 to 8 per cent. is somewhat peculiar. It was done in this manner because different buildings bear different ratios of return. Insurance companies erect massive buildings with decorative facings costing thousands of pounds; so do banks. The Commonwealth Bank in Melbourne has a marble front 40 feet high, and the Commonwealth Bank here has an elaborate, decorative front. I raise no objection to that type of buildings, which belong to large corporations having a status in the community, being erected with elaborate facings. The money so spent is not wasted, but we cannot expect the institutions to receive an 8 per cent, return.

If a rental should be fixed, 2 per cent. of the capital value would be sufficient. In the case of many large city properties, 2 per cent. would be quite adequate. On the other hand, in the case of a small seaside cottage rented from time to time for holiday periods, 2 per cent. would not be reasonable.

Mr. Lapham: It would not be rented all the time.

Hon. A. V. R. ABBOTT: I agree. That is why the figures have to be flexible. I reiterate that some formula should be included, rather than leave the basis as an open question.

Mr. COURT: The Minister is acquainted with the reason why the present formula was inserted in the Act. He can do much to clarify the position if he can tell us whether the present wording of the amendment covered by the measure before the Committee—Clause 10 (a)—is framed in its present form specifically to get over the Supreme Court judgment which I understand did militate against the magistrate determining the rental he would have liked to fix, having regard to all the circumstances of the case.

The Minister will recall that there was great doubt whether that difficulty had been overcome in the amendment submitted in the November-December, 1953, legislation. To remove any doubt, a formula was advanced. There was a very good reason why it was advanced in the form of 2 to 8 per cent. We had to allow sufficent latitude for the court to determine a rent consistent with the type of property under consideration. The extremes were taken as a mid-St. George's Terrace building and a holiday cottage.

The Minister for Housing: Except that holiday cottages are outside the Act.

Mr. COURT: We were using these as extremes for the wide margins. In the Real Estate Institute's formula, there is a progressively reducing rate of net return on the larger properties. After £27,500, the net amount is something below 3 per cent. whereas, in fixing a lower rated property, a higher net return has been allowed. While I feel that it would be a good thing for us to give a lead to the rent fixing tribunal by providing a margin, if the Minister can assure us that the wording of the measure overcomes the Supreme Court judgment, I shall be prepared to support his proposal.

The MINISTER FOR HOUSING: The proposed new section states that—

> In determining the amount of the rent, the court or the inspector . . . . may disregard any basis of determination related to the standard rent prescribed by the repealed Increase of Rent (War Restrictions) Act.

I think I am right in saying that the difficulty arose in the Supreme Court case because the judge felt that the determination should be related to what was laid down in the Act. This provision has been drawn

to exclude relation to the repealed Act and I think that requirement has been satisfied.

Mr. Court: We have your assurance that that is your intention?

The MINISTER FOR HOUSING: Yes; the provision was drawn by the Parliamentary Draftsman with that object in view.

Hon. A. F. WATTS: I think I should raise a point of order in order that we shall not run the risk of getting into difficulties. I understand from the Minister that when the present amendment by the member for Dale to delete paragraph (d) was moved, he had no objection to the proposed proviso to Clause 10 on the notice paper being inserted in the Bill. If that is so, I suggest that it should be inserted before paragraph (d) is dealt with. I am particularly anxious that the proviso should be inserted and I do not want any hitch to occur.

The MINISTER FOR HOUSING: I am afraid that we have already landed in trouble. If the Leader of the Country Party looks at paragraph (c) which has been deleted, he will find that it has reference to Subsection (2).

Hon. A. F. Watts: My point is that you want paragraph (d) to remain. The fact that paragraph (c) has been deleted does not concern me much.

The MINISTER FOR HOUSING: There are several ways of dealing with the matter. Apart from the facts already mentioned, there is a section in the existing Act that is obnoxious to the Government. That is the reference to 2 to 8 per cent. I do not think it means very much, and there should be no occasion for us to fall out over it. It might make things easier if we delete paragraph (d) provided the member for Dale will agree subsequently to an amendment to delete the last five lines of Subsection (3), as follows:—

> but the court or the inspector shall not during the term of a lease of premises which has been or may be entered into for a fixed term exceeding twelve months alter the rent reserved by the lease.

I am suggesting this because, if the Opposition is really insistent about the formula of 2 to 8 per cent., I can concede it without doing any damage to the legislation from the Government's point of view, but it would be on condition that the Opposition agreed to the deletion of those five lines.

Hon. A. V. R. ABBOTT: I feel inclined to agree with the Minister about the 2 to 8 per cent. as I do not consider it of any major importance. The minimum is so low as not to matter and the 8 per cent. is quite too high. Do I understand that the Government objects to the principle that, if a lease is entered into by agreement after this measure comes into operation, it should not be altered?

The Minister for Housing: That is so.

Hon. A. V. R. ABBOTT: I am not sure that a lease could not be agreed upon now. If the parties agree upon a rent, is not the Government satisfied that that should be the rent?

The Minister for Housing: No.

Point of Order.

Hon. A. F. Watts: On a point of order, I wish to be satisfied on my query as to whether the position is clear, and no ruling has been given. We are discussing the deletion of paragraph (d) as moved by the member for Dale. If that be defeated, would he be at liberty subsequently to move the proposed proviso on the notice paper under the heading of Clause 10?

The Chairman: The answer is "No."

Committee Resumed.

Hon A. F. WATTS: Would it not be wise for the member for Dale to ask leave to withdraw his amendment temporarily so that the proviso may be dealt with?

The MINISTER FOR HOUSING: It was in view of the point raised by the Leader of the Country Party that I sought to approach the question in a different way. I am not worried as to whether we dispose of paragraph (d) or not. It is not my intention to proceed with this matter if it excludes what the member for Dale wishes to do and what the Government, by and large, is prepared to accept.

Mr. WILD: I ask leave to withdraw my amendment to permit of the proviso being discussed.

Amendment, by leave, withdrawn.

Mr. WILD: I move an amendment—

> That the following proviso be added at the end of paragraph (b) of Subsection (1):—
>
> > Provided that where after the thirtieth day of April, one thousand nine hundred and fifty-four, and before the thirtieth day of April, one thousand nine hundred and fifty-five, a lessor gives a lessee notice to quit or terminate the tenancy of any premises the rent of such premises on and after the date of such notice or the first day of August, one thousand nine hundred and fifty-four (whichever is the later) shall not, except by a determination of the in-inspector or the court, as the case may be, exceed the amount of rent lawfully chargeable on the twenty-eighth day of April, one thousand nine hundred and fifty-four."

The MINISTER FOR HOUSING: I move—

> That the amendment be amended by striking out the words "and before the thirtieth day of April one thousand nine hundred and fifty-five."

By this the principle will be retained, but instead of limiting it to the 30th April next year, the provision will continue during the currency of the legislation. I have been trying to work out some reason for having it up to the 30th April only. If it applies to a case in March or April, why not similarly to a case in May of next year?

Mr. WILD: I did not have a great amount of time to draft clear amendments. I originally had in mind that I would make it up to a certain time, and three months after. However, I changed my mind whilst writing out the proviso and that extra date was inadvertently left in. I have no objection to the deletion of the words.

Mr. COURT: I would like to ask the member for Dale whether paragraph (b) at the end of the notice paper, applying to Clause 18, should not be inserted here. The paragraph seems a little irrelevant to the one preceding it on the notice paper, but does appear to be relevant to the amendments we are now discussing.

Mr. WILD: The member for Nedlands is probably right. Before it was decided to hold this early session of Parliament some people thought they had better hop in to give notice to quit, but when they found Parliament was going to meet earlier than usual to discuss the legislation they withdrew their notices, and now they want the opportunity to go ahead under the new Act, if they can. I think this paragraph should appear where paragraph (d) is in the parent Act. Does the Minister agree with my contention?

The MINISTER FOR HOUSING: I have not had an opportunity of looking at it but I must confess I cannot make sense of it. I will need a little time to digest it and work out its relationship to Clause 10.

Amendment on amendment put and passed.

Amendment, as amended, agreed to.

Mr. WILD: I move an amendment—

> That paragraph (d) be struck out.

The MINISTER FOR HOUSING: I thought I would have heard something from the Opposition with regard to my earlier submission. Either I retain paragraph (d), or, if it is to be deleted, then I seek the assistance of the Opposition with regard to the deletion of the last five lines of Subsection (3) in the present Act.

Hon. A. V. R. ABBOTT: I am sympathetic with the argument of the Minister so far as it relates to leases that have been entered into under duress during the interim period, but I do think that if this legislation comes into operation, people should be entitled to enter into leases and agree to leases without obtaining an order of the court. If one desired to enter into a lease, one had, under the old Act, to get the sanction of the court or take the lease at the prescribed rent. Where the tenant wanted to enter into a lease for five years at the fixed rent but the landlord required an increased rent, it entailed an application to the court if the tenant was willing to approve of the new rent for the period of five years. In the circumstances, I think we should avoid the necessity for that application to the court which only puts both parties to expense. There may have been applications refused, although both parties agreed to the lease, but I think that seldom happened. To my mind, the wording should be drafted to deal with leases entered into between the 1st May and the date of operation of this legislation.

The MINISTER FOR HOUSING: The term of my hairdresser's lease expired and he was on a weekly tenancy basis—

Hon. A. V. R. Abbott: Was this after the expiration of the Act?

The MINISTER FOR HOUSING: No. it was earlier. He was anxious to secure himself because of certain improvements that he desired to install in the shop but the landlord said, "I will give you a lease of three years but only under certain terms and conditions," which were pretty stiff. In the circumstances, the hairdresser was compelled to accept those conditions, however harsh they were.

Hon. A. V. R. Abbott: Did they get confirmation from the court?

The MINISTER FOR HOUSING: I cannot answer that.

Hon. A. V. R. Abbott: If they did, I do not think this would set it aside.

The MINISTER FOR HOUSING: I will have to leave that to the lawyers to argue before a competent court. Because the alternative was to close his business, this man was compelled to sign the lease agreement, and in such a case where the amount is excessive, I do not think the tenant should be denied some relief. All we seek is justice and equity and while there remains in some quarters a disposition to overcharge, I think we should provide some avenue by which people can have the fair thing done.

Hon. A. V. R. ABBOTT: Would the Minister agree to some provision such as this—

> That the court or the inspector shall not during the term of the lease of premises which may be entered into for a fixed term exceeding 12 months after the operation of this Act alter the rent reserved by the lease.

That would protect all past leases unless they had an order of the court. The idea is not to put the parties in future to the expense of going to the court for approval. I think a person should be able to enter into a lease of over 12 months without going to the court.

The MINISTER FOR HOUSING: We do not seek to compel anyone to go anywhere or incur any expense.

Hon. A. V. R. Abbott: But you cannot have a firm lease without going to the court.

The MINISTER FOR HOUSING: I am not concerned about that aspect, but I think that where a lessee, owing to the existing circumstances, such as shortage of accommodation—this will apply more to small businesses than to residences—feels advantage is being taken of him, he should have the right to go to the court, notwithstanding the fact that he has, under duress, signed an agreement accepting the rental for a period of years.

Hon. A. V. R. ABBOTT: No landlord would give a lease under those circumstances for five years, knowing that he might not get the rent agreed to, because the tenant could at any time go to the court and have the rent reduced. That gets us back to the unfortunate position where there is no security of tenure for the tenant. If he wants security he must go to the court because the landlord says, "We will have the lease confirmed by the court or I will not agree to the rent."

The MINISTER FOR HOUSING: As the hon. member said, I do not think there is anything for us to get excited about in connection with this matter, but it is not necessarily one-sided. Circumstances could alter so that the lessor would be the one to approach the court.

Hon. A. V. R. Abbott: He could not under those circumstances—

The MINISTER FOR HOUSING: He would have the right to approach the court for the determination of a fair rent.

Hon. A. V. R. Abbott: He might.

The MINISTER FOR HOUSING: If we reduce this to the absolute minimum, it simply means that in the few cases where there is injustice to either party, they could go to the court, but it protects the position where the injustice has been done arising from the shortage of accommodation, which at present exists. I must add the words which I hope will have the desired effect after deleting the last five lines of Subsection (3).

Hon. A. V. R. ABBOTT: The amendment is that Subsection (3) be deleted and that could be amended by striking out the last five lines of Subsection (3).

The MINISTER FOR HOUSING: It will be necessary for the member for Dale to withdraw his amendment. After that is done I shall move to strike out all words after the word "by" in line 28 and insert in lieu the words, "deleting the last five lines of Subsection (3)."

Mr. WILD: I ask leave to withdraw my amendment.

Amendment, by leave, withdrawn.

The MINISTER FOR HOUSING: I move an amendment—

> That all words after the word "by" in line 28 be struck out and the following words inserted in lieu:—"deleting the last five lines of Subsection (3)."

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

Clauses 11 to 15—agreed to.

Clause 16—Section 19 amended:

Hon. J. B. SLEEMAN: This is the worst portion of the Bill and, in my opinion, paragraph (b) should be struck out. The paragraph proposes to substitute for the word "six" the word "three" and although that does not sound much, it means a good deal to some people. The present figure has been in the Act for some years and I cannot see any necessity for a change. We still have the housing problem with us, as everyone agrees and yet, if this amendment is agreed to, a person can purchase a house and in 12 weeks from the date of purchase he can tell the tenants, who may have rented the house for 20 years, that they have to get out in so many days. I do not know whether it was the member for Dale or the member for Mt. Lawley who got round the Minister and persuaded him to agree to this alteration. I move an amendment—

> That paragraph (b) be struck out.

The MINISTER FOR HOUSING: In an endeavour to get the legislation passed in some form, the Government, not with the best grace in the world, decided that it was necessary to make certain gestures, particularly to the Legislative Council. It was felt that those members were not likely to pass a Bill to continue the old Act in its original form. Honestly and conscientiously, the Government went into the whole proposition to see if it were possible, in the light of an improving situation—not improved as far as we would like, of course—to make certain concessions. We were hopeful that the spirit of the Government would be reciprocated by the Legislative Council. Unfortunately, we were disappointed.

It was with that object in view that the Government thought in the case of a person who required a house for himself or his near relatives he should, as speedily as possible, be permitted to gain access to it. First of all, if he owned the premises for six months, it was considered he should have to wait three months, but I thought it a reasonable thing, after consultation

with the Deputy Premier and having regard to the submissions of the member for Nedlands, to agree to reduce the period of notice. Subsequently, I was informed that this did not meet with the approval of all members on this side of the Chamber.

However, we must be realistic and appreciate that some of the phases we are enamoured of must be sacrificed in order to save something out of the wreck. These days, with so many people seeking their own accommodation, a good case can be made out for them. That is as far as the legislation went and there were not many proposals whereby the landlords could get rid of their tenants willy-nilly. Provided there are sufficient safeguards in the measure, if it passes Parliament on this occasion, to regulate the flow of evictions so as to give people themselves and the Housing Commission an opportunity to find accommodation, then, as Minister for Housing, I do not anticipate that there will be any great difficulty in dealing with the people who are likely to be affected by the terms of the Bill as drafted.

It is perhaps difficult to explain what is meant, but if three owners of premises per week, provided they are conforming to all the other requirements, are giving notice to the tenants, whether the period of tenancy be short or long, and whether the notice to quit be short or long, at the end of the line they could come in at the rate of three per week. Therefore, the burden on the Housing Commission would be no greater and no less. The only difficulty would be that the tenant, instead of being given the advantage of the period of six months' ownership and three months' notice to quit, as was prescribed in the legislation put forward last April, making a total of nine months, he will now have a shorter period of six months.

Mr. Yates: New arrivals are required to have two years' residence in Australia are they not?

The MINISTER FOR HOUSING: That is so. While it is difficult enough to get accommodation, in fairness to the person who wants to gain access to his own house, it is considered that perhaps three months is sufficient. It is unpleasant for a tenant to be given notice to quit, but if he cannot find alternative accommodation in three months, he cannot find it in six months. If there is to be a bias, however, surely it should be towards the owner who wants a house for himself. The member for Fremantle would like to see a longer period provided, and if he thought he had a chance of success, he would probably like it for a longer period still, to help the tenant. However, we must be fair and realise that the person who has invested his money in the property, or his close relatives, should have a distinct claim on it. In view of all the circumstances, a reasonable and fair thing is being done by the Government.

Hon. J. B. SLEEMAN: I am trying to be realistic and to put myself in Gilligan's place. The Minister said, "If a tenant cannot find accommodation in three months, he cannot find it in six months." He could still be logical by saying that if he cannot find it in one month he cannot find it in three months, and cut the period down to one month. It should be realised, however, that these tenants are in desperate straits whereas the purchaser buys the house with his eyes open.

If he wants a house that he can occupy immediately, he should buy one with vacant possession. There are also people in the community whom the Housing Commission will not help. I know of one elderly couple who have reared a large family. The house they are living in has been purchased since last April and they have been given notice to quit. I rang the Housing Commission on their behalf and was told, "They are not in the race because they are only a two-unit family." That is the position the couple are in. It is all very well for people to come along with plenty of money in their pockets with which to buy these houses, and to say, "We will push these people out as soon as possible."

Mr. BRADY: The member for Fremantle has something in his argument and I think the status quo should remain. Those families who are unable to save money to buy a house while they are rearing families are being evicted by new arrivals in this State by people who have adopted a standard of living far below that of the average Australian in order to amass enough money to buy these properties, which results in the tenants being evicted.

People should be encouraged to buy empty houses, particularly new ones, and not to purchase houses occupied by large families and expect them to get out. There is a big advantage to a purchaser in buying a house occupied by a tenant because it is hundreds of pounds cheaper than if it were vacant. Therefore, I do not think we should go out of our way to help such people, and we should leave the position as it stands. In any event, if that is done, the purchaser has to wait only a further three months before he gains possession. Too often we read advertisements in the "Daily News" of migrants being housed and Australians being evicted, even although they have been residing in the houses for many years.

Mr. COURT: I feel I have a duty to rise in support of the Minister in view of the fact that I moved the original amendments to reduce the period of ownership; first of all the period of ownership before giving notice and the period of ownership after the actual giving of notice. I thank the Minister for adhering to the original decision of the Committee, which was to reduce the period to three months.

When I originally brought this forward I had in mind those people who were buying houses in anticipation of there being a lifting of controls which would have meant that they could get possession on 28 days' notice. They were not paying deflated prices as suggested by the member for Guildford-Midland; they were paying the full price on the assumption that they could get possession after the 30th April on 28 days' notice.

We should encourage people who are prepared to save and buy their own houses. There has been a degree of sympathy in Fremantle, according to newspaper reports, on rents and tenancy problems for people wanting to get houses for themselves or near relatives. I support the amendment as it appears in the measure and not as moved by the member for Fremantle.

The MINISTER FOR HOUSING: I trust my observations will influence the member for Fremantle. To-day a person can purchase a house and on the same day give 28 days' notice only.

Hon. J. B. Sleeman: We all know that, unfortunately.

The MINISTER FOR HOUSING: What is proposed here is a substantial improvement on that. The position at the moment is even worse than that from the point of view of the member for Fremantle. A person can step off a ship at Fremantle this morning, buy a house the same morning and then give 28 days' notice.

Hon. J. B. Sleeman: We ought not to be very proud of that.

The MINISTER FOR HOUSING: I am not.

Hon. J. B. Sleeman: Then you should do something about it.

The MINISTER FOR HOUSING: That is the law at the moment. Under this proposal, that person would have to be resident in the Commonwealth for two years, own his house for three months and then give three months' notice. Surely that is an advance on the present position. If we endeavour to go too far in the eyes of some people, then there is a greater prospect of losing everything.

Amendment put and negatived.

Clause put and passed.

Clause 17—Section 20 amended:

Hon. A. V. R. ABBOTT: This seems to be one of the vital clauses of the Bill because it starts to reinstate everything in the Act that existed before the 30th April. The Minister may care to explain his intentions and what he hopes to effect by this provision. As I understand it, the clause gives the right to recover possession in certain cases as outlined by Section 20.

The MINISTER FOR HOUSING: Section 20 is, of course, one of those damaging sections which put the skids under the rents and tenancies Act as we know it. I am certain the member for Mt. Lawley appreciates that the Government is by no means enamoured of the present situation and that, within reason, it is endeavouring to get back to a state of affairs where so many people will not be evicted at the same time thereby making it impossible for the State to do anything to help them, because of the wild scramble of the people to help themselves. For that reason, it is necessary here and in other parts for the Committee to take steps which will overcome the more obnoxious sections of the existing Act.

Clause put and passed.

Progress reported.

House adjourned at 6.7 p.m.

Legislative Council

Tuesday, 6th July, 1954.

CONTENTS.

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

QUESTIONS.

LEGISLATIVE ASSEMBLY.

As to Cost.

Hon. H. HEARN asked the Chief Secretary:

What was the total expenditure for maintaining the Legislative Assembly in the financial years ended the 30th June,