

control. I believe him, because I cannot otherwise see any sense in putting the amendment before the House. But I am not at all certain that he has achieved his objective. Subclause (1) is very wide. Subclause (2), to which the amendment is to be attached, provides that the commissioner may fix and declare prices with respect to any goods, services, etc. I do not know that the Minister ought not to amend the previous part of the subclause because I am certain this will, at least, give rise to a lot of argument in the future if the words, "but without limiting the generality of the last preceding subsection" remain in.

Because it seems to me that if we give a man wide power in Subclause (1)—although we have the intention of cutting it down in Subclause (2)—and leave the original words there, which indicate that it is not intended to be cut down, and that is what is surely meant by the words "but without limiting the generality of the last preceding subsection", we run the risk subsequently of being told that the power is general and not particular as the Minister seeks to make it, and as I have no doubt he intended. That was something to which I could see no objection until I examined the provisions of Subclauses (1) and (2). If the Minister intends to carry out his original intention, not only is it requisite to add these or words of similar effect, but also to go back further than Subclause (2) and ascertain the precise effect of the words which I quoted earlier, and see whether they conflict, as I think they do, with what is now proposed.

THE MINISTER FOR LABOUR: Although I do not think he used the word in a derogatory sense, the member for Cottesloe said we would have been more honest to do something else, but I assure him this was an honest attempt to indicate to members opposite that we did not want a blanket control. That is why we put the schedule in. Should a particular commodity require control when Parliament was not in session, we would need power to bring it under control, and that is the reason for what we are doing.

The wording of Clause 10 is identical with that of the provision in the measure introduced by the member for Mt. Lawley in 1948 and continued from year to year until 1952. All I did, after consultation with other members of Cabinet, was to include the schedule to show that we were not anxious to bring everything under control, but desired the right to extend the schedule by regulation. As regards the point raised by the member for Stirling, I will undertake, if the measure is passed by this Chamber, to have the matter examined by the Crown Law Department and have an appropriate amendment moved in another place.

Hon. A. F. WATTS: I thought the Minister might take the opportunity of examining the position over the week-end, and

that he might temporarily withdraw the present amendment and, after consultation with the Crown Law of course, put something else forward.

Progress reported.

House adjourned at 6.5 p.m.

Legislative Council

Tuesday, 17th August, 1954.

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

QUESTIONS.

DAIRYING.

As to Artificial Insemination of Herds, Wokalup.

Hon. C. H. HENNING asked the Minister for the North-West:

(1) When is it expected that artificial insemination will be commenced on herds, from the proposed centre at Wokalup?

(2) What breeds of bulls is it anticipated to use—

(a) at the commencement;

(b) when the scheme is established?

(3) Has the Government any bulls at present which would be used?

(4) If so—

(a) what is the production record of the bulls' dams;

(b) what is the production record of daughters?

(5) Is it proposed to use bulls the quality of which will be based on the production of dams?

(6) If so, what is the minimum production considered to qualify for use?

(7) Is it proposed to purchase bulls, the daughters of which have improved production records over their dams?

(8) Will he state the policy to be followed in the purchase of bulls and the qualification standard required?

(9) Over what distance from Wokalup is the scheme planned to operate?

The MINISTER replied:

(1) to (9) While artificial insemination is past the experimental stage and a proved method in many overseas countries, it will be a new development regarding which there has been no experience in this State.

It needs careful organisation and skilled technical control. Many aspects of a plan to suit Western Australia are yet to be determined. This plan must be acceptable to the Government if it is to sponsor and direct it, and to farmers who would participate.

Until all details are finally resolved, it is not possible to indicate a date for commencement or to make announcements regarding the matters raised by the hon. member. He can be assured, however, that the need for good sires is fully appreciated.

EDUCATION.

As to Minister's Tour of Guildford-Midland Electorate.

Hon. A. F. GRIFFITH asked the Chief Secretary:

(1) Further to my question of the 11th instant, will the Chief Secretary ascertain from the Minister for Education whether he (the Minister for Education) does not consider that members of the Legislative Council are entitled to the same consideration and courtesy as are extended to the Assembly member for the district when Ministerial tours are undertaken?

(2) In view of the answer of the Minister for Education to Nos. (6) and (7) of my question stating that customary practice was followed on the occasion of his visit to the Guildford-Midland electorate, is the Minister for Education aware that other Ministers of the present Government extend the same courtesy to members of the Legislative Council as they do to members of the Legislative Assembly?

(3) In view of this fact, will the Minister for Education take steps to ensure that this obvious discourtesy is not repeated?

The CHIEF SECRETARY replied:

(1), (2) and (3) See previous reply.

Hon. A. F. Griffith: That just shows how discourteous the Minister for Education can be.

BILL—LOTTERIES (CONTROL).

Read a third time and transmitted to the Assembly.

BILL—WAREHOUSEMEN'S LIENS ACT AMENDMENT.

Read a third time and returned to the Assembly with an amendment.

BILL—RENTS AND TENANCIES EMERGENCY PROVISIONS ACT AMENDMENT.

Assembly's Message.

Resumed from the 12th August. Hon. W. R. Hall in the Chair; the Chief Secretary in charge of the Bill.

The CHAIRMAN: Progress was reported after the Assembly's amendments to the Council's amendment No. 26 had been considered. The Assembly also submitted the following alternative amendment to the Council's amendment No. 29:—

Clause 21, pages 9 and 10—Delete Subsection (2).

Page 10—Subsection (3), commencing line 20—Delete the words "for a term, being or including the whole or part of the specified period." Line 27—Delete the word "and" and insert in lieu the words "from the day on which the specified period expires."

Delete all words in lines 28, 29, 30 and 31.

Page 11—Delete Subsection (4).

The Assembly's reason for submitting the alternative amendment is as follows:—

It is considered that any lessor who has charged an increased rental since April, 1954, should not be allowed to charge such rental after the passing of this Act unless he obtains written agreement with the lessee or has the rental determined by the court.

The Assembly refers to its alternative amendment, but it actually consists of a series of amendments making up the whole, and I propose to deal with them seriatim. The first is as follows:—

Clause 21, pages 9 and 10—Delete Subsection (2).

The CHIEF SECRETARY: I move—

That the amendment be agreed to. I mentioned previously that this was one of the drastic parts of the Bill, and one on which we could have arrived, after debate, at some arrangement suitable to both parties. Unfortunately no debate occurred, but I would be pleased if it could take place now.

If members will turn to the original Bill, they will see what will happen if the suggestion made by the Assembly is agreed to. It will bring back that phase of the Bill which meant the cancellation of orders to quit, up to the stage of the person leaving the premises. We felt this provision was necessary if any effective

action was to be taken to alleviate the trouble in which we find ourselves at present.

I have endeavoured to keep members posted as to how far-reaching the present crisis is, and I have here an up-to-date list of figures relative to evictions. They are as follows:—

There were 31 cases listed for hearing at the Perth local court on Tuesday 10th instant. Of the 31 cases, 29 concerned living accommodation, from which 22 orders for possession were made, 2 of the orders being consented to by the tenant. In 2 cases the tenants were said to have vacated the premises but the owner still obtained an order and judgment for costs and mesne profits. Five cases were adjourned, 1 case was dismissed and 1 case was withdrawn. The 2 other cases concerned business premises and orders for possession were made in respect to both cases.

Eight cases were listed for Midland Junction Court on Tuesday the 10th instant, when 5 orders for possession were made; 1 case was adjourned, 1 case was dismissed and 1 case withdrawn.

Fourteen cases were listed for Fremantle Court on Wednesday the 11th instant, when 10 orders for possession were made and 4 cases were adjourned.

There have been 2,516 cases before the various courts from which a total of 1,693 orders for possession have been made.

Hon. C. H. Simpson: Over what period?

The CHIEF SECRETARY: Over a period of approximately six weeks.

Hon. H. K. Watson: What figures did you say?

The CHIEF SECRETARY: I knew the hon. member would sit up! I have heard several members say that there is no crisis; but if 1,693 orders for possession in approximately six weeks does not constitute a crisis, I do not know what does.

Hon. A. R. Jones: Who ordered them?

The CHIEF SECRETARY: Who ordered what?

Hon. A. R. Jones: The evictions.

The CHIEF SECRETARY: The courts ordered them; I am giving the courts' figures. Of the 2,516 cases, orders for possession have been made in respect of 1,693.

Hon. N. E. Baxter: In six weeks?

The CHIEF SECRETARY: Since this new legislation came into operation.

Hon. H. K. Watson: How many were made in the Perth court?

The CHIEF SECRETARY: I have only the total for the three courts.

Hon. N. E. Baxter: That is 200 a week; that never happened at all.

The CHIEF SECRETARY: There were 13 families, all of whom were evicted by court order, accommodated during the week ended the 7th August, 1954.

Hon. N. E. Baxter: Since this legislation began to take effect?

The CHIEF SECRETARY: Possibly from the early part of June.

Hon. A. R. Jones: Why do you not give us the true figures?

The CHIEF SECRETARY: There were 2,516 cases before the various courts. Is that plain enough for the hon member?

Hon. H. K. Watson: I challenge its correctness.

Hon. A. R. Jones: What date was that?

The CHIEF SECRETARY: Of that number 1,693 were given orders for possession. Those are the evictions and threatened evictions as at the week ended the 14th August, 1954.

Hon. A. R. Jones: You still have not told us from when.

The CHIEF SECRETARY: I asked for figures to be supplied to me covering the period from the time this new Act came into operation, and it was approximately the first week in June that the cases began. I can only assume that these figures represent the number of cases dealt with since the 6th June.

Hon. J. Murray: Can the Chief Secretary state how many of those evicted people have not been housed?

The CHIEF SECRETARY: I cannot say that any have not been housed or have not found some accommodation.

Hon. Sir Charles Latham: And a lot have been left in the houses.

The CHIEF SECRETARY: The hon. member need not have asked me that question, because if any had not been housed, there would have been photographs in the paper, showing them on the street. But that has nothing to do with the problem, as a number of people have been taken in because of the goodness of heart of others—but they have not been suitably housed. I will go so far as to admit that nobody has been put on the street. I will go that far with the hon. member, if it will give him any satisfaction.

Hon. N. E. Baxter: That is a good admission, after the dire forecasts that were made!

The CHIEF SECRETARY: I was giving the figures of those who had been provided with accommodation by the State Housing Commission. They are as follows:—

Evicted and Threatened Evicted Families Accommodated.

There were 13 families, all of whom were evicted by court order, accommodated during the week ended the 7th August, 1954, as follows:—

Six families were housed in Commonwealth - State rental homes (turns having been reached on date of application); three families were accommodated in timber-framed flats; four families were accommodated in Army flats.

The above now makes a total of 1,445 units of accommodation provided for evicted families in the metropolitan area since the 1st July, 1951, of which 1,329 have been allocated to families evicted by court order, 39 to families in receipt of Supreme Court writs, and 177 to families in receipt of valid notices to quit but where no court action had been taken.

Temporary Accommodation.

There are 26 units of temporary accommodation available for the housing of evicted families.

Apart from any evicted families accommodated during the current week and who are not accounted for in this report, there are in addition approximately 60 families in receipt of court orders, such orders becoming effective on dates between the 17th instant and the 28th proximo still to be accommodated. For the coming week there are 32 cases listed for hearing at Perth Local Court on the 17th instant, and seven cases listed for Fremantle Court on Wednesday, the 18th instant.

Hon. N. E. Baxter: Apparently those figures go back to July, 1951.

The CHIEF SECRETARY: I would be surprised if they did. I requested figures relating to cases since the 1953 amendment came into operation. I have been dealing with the cases heard by the court as a result of the present legislation coming into operation. I admit that the figures are startling.

Hon. H. Hearn: I do not think they are accurate. I think your man has dealt with the wrong period.

The CHIEF SECRETARY: I would be interested in the figures for the actual period. I submitted these figures to the Committee because they were given to me in reply to my request for up-to-date statistics. Members can see that no matter from what date they are taken, even if we go back to July of 1951, there have been 1,693 orders granted as a result of this legislation.

Hon. H. Hearn: That would not be much in that period—from 1951 onwards.

The CHIEF SECRETARY: There would have been an odd few up to the commencement of this Act. I think I gave the figures recently and showed that before this legislation came into operation they averaged eight or nine per week. From early in June there would be 40-odd cases a week going before the courts.

Hon. N. E. Baxter: There would only be 480 since the beginning of April.

The CHIEF SECRETARY: That would be a pretty high figure.

Hon. N. E. Baxter: Not necessarily.

The CHIEF SECRETARY: So it is quite easy to handle 480 cases of eviction in six or eight weeks?

Hon. N. E. Baxter: There are other houses available besides those supplied by the Housing Commission.

Hon. F. R. H. Lavery: Where?

Hon. N. E. Baxter: In the city.

The CHAIRMAN: I will ask members to allow the Chief Secretary to continue.

The CHIEF SECRETARY: I would like to read a letter on this subject, to show what is happening. I do not say it is common, but it is the sort of thing that is taking place. I have here a copy of the letter, but I understand that the original can be produced. It is as follows:—

Re Rent Increase.

Further to our letter of the 31st May, 1954, we advise that we have received instructions that the rental on the property you occupy is increased to £3 10s. per week—

I understand it was previously 35s. per week—

—retrospective to the first rent day in May, i.e., May 3rd, 1954. Your written consent to this increase is required, together with consent to pay any further increases in municipal and water rates which may be made above those current as at the 1st May, 1954. If you are in agreement with the proposed increase, kindly sign attached form of consent and return same to our office.

Hon. A. F. Griffith: What is the date of the letter?

The CHIEF SECRETARY: The 4th August. The increase is to be retrospective to the first rent day in May. That is the sort of thing that is going on. Here is the form that had to be signed—

I (name) of (address) herewith consent to pay a weekly rental of £3 10s. on and from the 3rd May, 1954, and also agree to pay any increase in municipal and water rates which may be made above the rates current as at the 1st May, 1954.

That is the type of agreement that has been signed.

Hon. A. R. Jones: Is the name of the person indicated?

The CHIEF SECRETARY: I do not give names in these cases.

Hon. N. E. Baxter: You should in instances like this.

The CHIEF SECRETARY: Why should I?

Hon. Sir Charles Latham: We should have had a select committee on this Bill, then we would have got that information.

The CHIEF SECRETARY: Why do we want a select committee to get information that we already have?

Hon. Sir Charles Latham: We question some of the information that is being given this afternoon.

Hon. F. R. H. Lavery: If you question that letter, I would like to point out that I went to Cottesloe and got it.

Hon. Sir Charles Latham: I am not answering your interjections.

The CHIEF SECRETARY: This letter can be inspected.

Hon. A. F. Griffith: To what date had the tenant paid his rent when that letter was written?

The CHIEF SECRETARY: I do not know; but I suppose that if it were a weekly or a fortnightly rental, he would pay according to his usual procedure.

Hon. H. K. Watson: It cannot be amended retrospectively.

The CHIEF SECRETARY: I am showing what a foolish state this business has got into. That is the type of thing that is occurring. This is not a letter from a private individual, but from an agent.

Hon. H. Hearn: It seems a fair increase, when you analyse it.

The CHIEF SECRETARY: I am not worried about the increase. What I am drawing attention to is the retrospective aspect. This is what is happening. The hon. member says that it cannot be done. Of course it cannot be done—legally. That is what I am trying to hammer into members. What faces that person if he does not sign the agreement? He is given 28 days' notice of eviction.

Hon. H. K. Watson: No.

The CHIEF SECRETARY: Of course!

Hon. H. K. Watson: He could apply to the court.

The CHIEF SECRETARY: Apply to the court!

Hon. H. K. Watson: There is protection for three months.

The CHIEF SECRETARY: At the time that letter was sent out, there was no protection, and the hon. member knows it.

Hon. A. F. Griffith: Why?

The CHIEF SECRETARY: Because they have not got it yet—that is why.

Hon. N. E. Baxter: Whose fault is that?

The CHIEF SECRETARY: One fault lies with the hon. member. We called Parliament together in the middle of June in order to deal with this urgent question.

Hon. A. R. Jones: Why do you not accept the responsibility where it lies?

The CHIEF SECRETARY: How much assistance has the hon. member given us to straighten out this question? He has done nothing but vote to defeat everything put up to get over the situation.

Hon. A. R. Jones: That is entirely wrong, and you know it.

The CHIEF SECRETARY: I do not know it. I do not know of one instance where the hon. member has helped; and I ask him to produce out of "Hansard" proof of where he has helped us to do something on this question of rents. If he can find one, I shall apologise to him; but he will have a hard job to find it. Let the hon. member get his "Hansard" and produce it.

Hon. A. R. Jones: I most certainly will.

The CHIEF SECRETARY: Then I shall be very pleased to hear it, and to apologise.

Hon. H. K. Watson: He saved your Bill.

The CHIEF SECRETARY: I am talking of the Committee stage, and not the second or third reading. It is in Committee where a Bill is damaged or otherwise. How often do members vote for the second reading in order to cut the inside out of a Bill when it is in Committee? Let the hon. member show me where he was of help in connection with the vital clauses during the Committee stage.

Hon. A. F. Griffith: If you get less excited, you will exaggerate less.

The CHIEF SECRETARY: I am not exaggerating.

Hon. H. Hearn: He is not excited, either; but he is putting on a good show.

Hon. N. E. Baxter: Your remarks indicate great promise of compromise, or of intention to compromise!

The CHAIRMAN: Order! I ask members to allow the Chief Secretary to speak without so much interruption.

Hon. H. K. Watson: On a point of order, are we debating a precise question before the Committee, or are we having a second reading speech on the Bill?

The CHAIRMAN: If there were not so many interjections, the Chief Secretary would possibly be able to keep to the point, and not digress from the amendment.

The CHIEF SECRETARY: I am sorry if we have digressed; but unless these asides are checked at the time, they go

unchallenged, and I cannot have that. The Bill was an entirely different measure when it first came here from what it was when it was originally introduced in the Assembly, because we held out the olive branch to the Opposition right through the piece. But here it has been turned inside out again.

The Assembly still desires a number of provisions being amendments to the Act that were in the Bill when it first came to us. There were approximately 29—admittedly, a number were consequential—and of those the Assembly has agreed to forgo all but about half a dozen. Now we are asking members to agree to some of those. I admit that the other night members agreed to accept some, but others they did not. Now we are getting down to the vital one, and I would like to hear the opinions of members on it. I would like to know whether they are prepared to go along the lines we suggest. The whole thing is needed to stem the flow and make the position such that it can be handled, I am prepared to listen to members; and if they have differing views, we might be able to come to some arrangement. I made this offer when the Bill was before us previously, but no notice was taken of it. I repeat the offer now, and ask members to come at least some of the way along the road.

Hon. H. K. WATSON: The Chief Secretary spoke for 20 minutes purporting to address himself to the particular question before the Committee, but at no stage did he refer to the actual question. Before I deal with it, I would like to correct a statement made by the Chief Secretary; namely, that 1,693 orders for possession have been issued by the court over a recent period. I think he is, perhaps, confusing them with the votes he got at the last election. There is something radically wrong. In order to put the record right, I would just like to quote the orders made by the Perth court which, of course, is the principal court. They are as follows:—

	No. of orders.
22nd June	17
29th June	30
6th July	13
13th July	18
20th July	35
27th July	27
3rd August	33
10th August	18
17th August (today)	28
	—
	219
	—

A fair estimate for the Fremantle and Midland Junction courts, for the same period, would be 50 per cent. of that number; but if we double it, we find that we would have about 400. I say the correct figure would be in the vicinity of 300. The Chief Secretary really does require

some reproof for standing up in his seat and trying to ram down our throats that 1,693 orders for possession have been issued in recent months. I would say, in recent years.

The actual question before the Committee is the acceptance of the alternative amendment submitted by the Legislative Assembly. When the Bill was before us last, the Committee, in its wisdom, after debate—not without a debate as was suggested by the Chief Secretary—decided that the whole of Clause 21 should be deleted because, on the one hand, it proposed to cancel all eviction notices, proceedings, judgments, and warrants which have been taken out since the 1st May; and, on the other hand, it proposed to cancel all rent increases unless they were reaffirmed. We amended the Bill by deleting Clause 21.

The Assembly, in its message, has indicated that it no longer insists on retaining the retrospective provisions so far as evictions are concerned, but it has submitted an alternative proposal which, in effect, leaves out the whole of Subsection (2); and which, in the main, confines the clause to Subsection (3). If members read the reason which has been sent forward by the Assembly, they will get the substance of what is proposed in the alternative amendment.

With due respect, I cannot imagine anything more stupid than the amendment suggested by the Legislative Assembly, because it really provides that from the time the Bill becomes law, all rents which have been agreed upon since the 1st April of this year shall cease to operate, and the rent shall go back to what it was at the 1st April, unless the landlord and the tenant get together and make a written agreement confirming the agreement they have made—and have made lawfully—since the 1st April last.

I can see no good purpose in such a proposal. The agreement has been made; and I remind members that, notwithstanding any such agreement, any tenant who is dissatisfied with his rent can go to the court or the rent inspector tomorrow morning. That being so, why should we put people to the trouble of confirming something they have already agreed upon? It is not as though the tenant, or the landlord for that matter, is precluded from having a fair rent fixed by the court.

To tell landlords and tenants that, after this Act comes into operation, their rent shall go back to what it was on the 1st April unless they confirm it, is ridiculous. We might as well say that every member of this Chamber who was returned at the last election shall not continue as such after the 1st November next unless he goes to the country and has his election confirmed.

The Chief Secretary: That would be a good job.

Hon. H. K. WATSON: It would not be without merit. My point is this: that no tenant is denied the opportunity of having his rent adjusted if he so desires. There is no need to burn down the house to roast the pig, as is proposed here. The matter of adjusting rents is bad enough for the single owners; but for the agents and trustees, it is a major operation. When the alteration was permitted, as from May last, agents who had up to 500 houses to look after were faced with a month's work and an enlargement of staff to deal with the position. I inquired of a number of agents, who controlled altogether about 3,000 houses, as to the outcome of their negotiations in connection with increases of rent; and I understand that probably less than 20 persons of the 3,000 concerned raised any objection. Therefore, I ask the Committee not to agree to this alternative amendment.

Hon. A. R. JONES: I intend to defend myself against the accusation made by the Chief Secretary. I have given this matter as much consideration as any other member. If the Chief Secretary will turn to page 147, Volume 137, of "Hansard" he will find that, on the 13th April last, as indicated by the division list appearing on that page, I supported an amendment moved by Mr. Watson.

The Chief Secretary: I do not doubt that.

Hon. A. R. JONES: For the edification of the Chief Secretary, all of the members on this side of the Chamber supported that amendment to Section 4 of the Act, which involved the striking out of the word "Court". If the Chief Secretary will look at the division list on that page, he will see that I voted with the Opposition, the voting being: Ayes 17, Noes 8; the majority for, 9. However, the Government of the day turned that proposition down. Also, if it had not been for my action on the 28th July, 1954, we would not be discussing the Bill now. I voted against the amendment moved by Mr. Watson and gave the Government a majority of one. Therefore, I ask the Chief Secretary to apologise.

The CHIEF SECRETARY: Whenever I am wrong, I will always retract my statement. I told the hon. member that if he could produce the evidence, I would apologise, so I humbly do so. I am pleased to know that the hon. member has, on occasions, supported the Government; but as such occasions are so rare, I forgot that one. I give him full marks for what he did, and I hope that he will act in a similar manner in the future. On checking my notes, I find that the figures are correct. The only thing that is wrong are the dates. The figures I am about to quote, as from the 1st May last, are definitely correct. These refer to notices to quit.

Hon. H. K. Watson: We were discussing orders for possession.

The CHIEF SECRETARY: The figures that I gave still stand. The only thing that was wrong was the period. Since the

1st May last, the number of notices to quit registered with the Housing Commission has been 744. If we take a lead from the cases that I have quoted over the weeks, I would say that somewhere between 500 and 600 would be the number of orders for possession given during that period. On some occasions the number of orders for possession that have been granted represent at least 75 or 80 per cent. of the cases heard.

Hon. L. Craig: About 300 is the figure given for orders for possession.

The CHIEF SECRETARY: I could not accept that figure. That is too light altogether.

Hon. H. K. Watson: I have here the figures of the orders actually granted by the court each week.

The CHIEF SECRETARY: What are they?

Hon. H. K. Watson: Two hundred.

The CHIEF SECRETARY: Since the Act ceased to operate?

Hon. H. K. Watson: Yes.

The CHIEF SECRETARY: I have not seen today's figures.

Hon. H. K. Watson: There were 28 today and the figure includes today's figures.

The CHIEF SECRETARY: The whole total was 200?

Hon. H. K. Watson: Yes, for Perth.

The CHIEF SECRETARY: Well, I will be conservative. There would be 100 for the Fremantle zone; that makes a total of 300 since the middle of June.

Hon. A. R. Jones: There is a big difference between that figure and the figure of 500 or 600 that you gave.

The CHIEF SECRETARY: The figures still stand.

Hon. H. K. Watson: That is from 1900!

The CHIEF SECRETARY: From 1900 to 1951 the Act was in a state that suited Mr. Watson. I would say, however, that those figures would be for a period of about two years.

Hon. H. Hearn: You are guessing.

The CHIEF SECRETARY: Those figures would apply to the period from when the alteration was made in 1951. So it is only a little over two years.

Hon. C. H. Simpson: I think you will find it is three.

The CHIEF SECRETARY: No; the alteration would only be made by the 1951 Act.

Hon. C. H. Simpson: I am only going on the date mentioned in your report.

The CHIEF SECRETARY: Yes, July, 1951; but the Act would have been passed in the 1951 session.

Hon. J. G. Hislop: What has this to do with the clause?

The CHAIRMAN: The clause deals with repossession of premises.

The CHIEF SECRETARY: It is a very wide clause, and the one in which we want to retain something. It covers evictions, cancellation of notices, etc. However, I want to make that correction. I have never misled the Chamber, and I do not want to do it now.

Hon. Sir Charles Latham: Not intentionally.

The CHIEF SECRETARY: I will supply the figures for that period later on when I receive the information. Accepting the figure quoted by Mr. Watson—namely, approximately 300—that would bring the number up to 40 or 50 cases per week. That is a great many people to be accommodated. Therefore we feel that some portion of the clause should be agreed to, so that we can meet the emergency. If the whole clause is deleted we cannot do that.

The impact of the number of people who have to be housed is only beginning to be felt, because many orders which have been granted have not expired. The Housing Commission has so far been able to accommodate all of those who have not been able to accommodate themselves. Nevertheless, we are approaching the day when the State Housing Commission will not be able to do anything, and we want to avoid that. All we ask is to be given a chance to handle the situation.

Hon. E. M. HEENAN: I hope the Committee will give the Chief Secretary support so that this clause will be retained. Members should read this evening's "Daily News", which contains a report that 100 people were evicted from houses and shops this morning. However, I want to deal with the argument advanced by Mr. Watson when he was opposing the amendment.

His argument is that, after the end of April, landlords entered into agreements with their tenants, and rentals were agreed upon; and therefore, when this Bill becomes law, we should not interfere with those agreements. That argument would be quite valid if the agreements were valid, and were entered into voluntarily by the two parties concerned.

I have here a letter written by a company which owns a large building on the Terrace. I read portion of it earlier in the debate on this measure, and pointed out that this tenant had had his monthly rental raised from £34 to £78 a month, an increase of over 100 per cent. I will concede that there might be some justification for a substantial increase. That increase in rental was made after the 30th April, when the provisions of the previous Act went overboard.

Hon. H. Hearn: Can you give us the extent of the accommodation?

Hon. E. M. HEENAN: It is good and valuable accommodation.

Hon. H. Hearn: How many rooms?

Hon. E. M. HEENAN: I am not going to argue whether £34 a week was an inadequate rental, or whether £78 a week is too much. What I am arguing is that agreements entered into under certain circumstances should not be allowed to stand. This was the letter written by the company—

At a meeting of the local board of directors held on . . . I was instructed to write and inform you that the agreement as attached to the foot of our letter of the 16th ult., on your agreeing to the increased rental for your premises as from the . . . be completed and returned to this office not later than Thursday the . . . otherwise I have been instructed to refer the matter to the society's solicitors with instructions to issue a notice of eviction.

That tenant received a notice a week earlier that his rent was to be increased from £34 to £78, and the society asked him to sign at the bottom of the letter saying that he would agree to the increase. The tenant has been in those premises for years, has built up goodwill, and cannot possibly afford to be evicted; so he signed, and agreed to the £78 rent a month.

Hon. L. Craig: Is it a lease or a weekly tenancy?

Hon. E. M. HEENAN: It would not be a lease, or the rent would be fixed.

Hon. H. K. Watson: How will this amendment assist the tenant?

Hon. E. M. HEENAN: I would refer to the amendment of the Legislative Assembly. My argument is that an agreement entered into under those circumstances should at least be open to review by the court. That is not asking for too much. The rental of £78 a month might have been justified; but we can hardly call the document signed by the tenant, under those conditions, an agreement. What alternative was open to the tenant? That was not a fair and voluntary agreement as we know it, and I am sure no member of this Chamber would enter into one like that.

Hon. L. Craig: The tenant can still apply to the court. If the determination is less than 80 per cent. of the existing rent, the tenant will benefit under the amendment passed.

Hon. E. M. HEENAN: That was the method by which agreements were forced on tenants after the 30th April. I think that some court should have the power to review them in fairness to all concerned.

Hon. H. K. WATSON: Mr. Heenan, in citing his case, concluded by saying that a tenant should have the right to apply to the court for a review of the rent. I agree; but this amendment is not necessary to give the tenant that right. Under the Act at the moment he has that right. If a tenant does not care to exercise his right of appeal to the court, we cannot help him.

Under Section 13 of the Act, the tenant has that right. It says that, notwithstanding any agreement that has been made, a lessee or lessor may apply to the court and the court can fix a fair rent. Under the provisions in the Bill as now amended, if that tenant applies to the court the day after this Bill becomes law, he will be protected for three months while his application is being heard. If the rent is reduced to less than 80 per cent. of the rent now charged, he cannot be evicted for 12 months. I suggest the position is adequately covered.

Hon. R. F. HUTCHISON: I want to cite this case: The rental of premises rented by a woman was raised from £2 10s. to £5 5s.; but when the rent inspector made a decision, it was fixed at £3 12s. As soon as that was done, the landlord gave the tenant notice to quit.

Hon. L. Craig: The landlord cannot do that under the amended act.

Hon. R. F. HUTCHISON: It has been done. The tenant has been evicted. I do not try to understand the meaning of some of these amendments. I can see a picture building up, just as members on this side in the first place said it would. I cannot see anything to cause members of this Chamber to feel pleased about or to laugh over. This is a very tragic affair to me. Only the other morning I was deluged with callers who wanted to find out where they stood on the matter of eviction, and to inquire whether some protection could be obtained by the suspension of eviction orders.

Let the Opposition members not forget that wholesale evictions have not even started. I can take them to places where eviction notices have been issued. To say that people can get protection from the court, when they have been given notice of eviction, is incorrect; because when people receive eviction notices they are afraid to go to court. People dread doing that. Furthermore, it is an expensive procedure. Opposition members must accept the full blame for what happens to the people in this community as a result of their action on the Bill before us, and for all the misery which is and has been caused.

The CHAIRMAN: I would ask the hon. member to confine her remarks to the amendment.

Hon. R. F. HUTCHISON: I am speaking about evictions. Landlords are finding it easier to evict the present tenants than to obtain a higher rent from them. It is

easier for the landlords to secure a bigger rent from new tenants. The point I really want to make is that the people in this community are going back to living conditions that existed during the depression and war years. Nearly every woman that I know whose rent has been increased cannot pay it, and they are compelled to take in boarders or families, thus reverting to the old social conditions.

Hon. N. E. Baxter: Those conditions have existed all the time.

Hon. R. F. HUTCHISON: They have not. The community was getting out of those conditions, but is now compelled to return to them. With the fixation of the basic wage and the margins, the man in the street will be carrying the burden of society on his shoulders.

The CHAIRMAN: I ask the hon. member not to digress from the subject matter of the amendment.

Hon. R. F. HUTCHISON: The matter of evictions will upset the whole of our way of life and our standards. It is a disgrace to think that people can sit in this Chamber and laugh about such a matter.

Hon. Sir Charles Latham: Who is laughing about it?

Hon. R. F. HUTCHISON: The hon. member is.

Hon. Sir Charles Latham: I object to that statement. Nobody is laughing over the speech made by the hon. member at all. I ask her to withdraw that remark.

Hon. R. F. HUTCHISON: The hon. member laughed when the Chief Secretary was speaking.

The CHAIRMAN: I must ask the hon. member to withdraw her statement.

Hon. R. F. HUTCHISON: I will not; it is true.

The CHAIRMAN: I must ask the hon. member to withdraw the statement that Sir Charles Latham was laughing at the statement made by the hon. member.

Hon. R. F. HUTCHISON: I withdraw the statement.

Hon. A. F. GRIFFITH: I was very interested in the remarks made by the previous speaker, and to hear her recite the case where the rent of £2 10s. a week was increased by the landlord to five guineas, and then reduced by the rent inspector to £3 12s. In that story lies the whole crux of the matter. When the hon. member who made that speech was conducting her election campaign—

The CHAIRMAN: I ask the hon. member to stick to the subject matter of the amendment.

Hon. A. F. GRIFFITH: I am sticking to the question of evictions. In this Chamber we endeavoured to get the Government to accept the very amendment on

which the Chief Secretary challenged Mr. Jones a little while ago. If the Government had accepted it in April last, the case mentioned by the hon. member would not have been raised at all—

Hon. E. M. DAVIES: Your attitude is to put Britishers out of their houses and put foreigners in their place.

Hon. A. F. GRIFFITH: —because the tenants would have had protection from eviction. The position will remain the same if this Bill becomes law. The very same amendment that was put forward in April last will be accepted by the Government on this occasion. But I venture to suggest that this time it will be accepted because there is no election campaign.

Hon. L. CRAIG: It will be a good idea to confine our remarks to the amendment. We are dealing with Subsection (2) of proposed new Section 23, relating to retrospective rent and written consent. If the Committee agrees to the proposals of the Legislative Assembly, tenants who have agreed to pay higher rents from the 30th April will not have to pay them in future, and can claim any increases that have been so paid. It is a retrospective provision.

Hon. Sir Charles Latham: The question is the deletion of the proposed new Subsection (2).

Hon. L. CRAIG: I am sorry; I was dealing with the proposed new Subsection (3).

Hon. J. G. HISLOP: What is the question before the Chair?

The CHAIRMAN: The question is to strike out the proposed new Subsection (2).

Hon. J. G. HISLOP: I cannot understand what all this talk about evictions has to do with the question before us.

The CHAIRMAN: There are five amendments from the Assembly affecting the proposed new section, and we must deal with them seriatim.

Hon. J. G. HISLOP: I am still somewhat bewildered. If we agree to the alternative amendment, the question of evictions does not enter into the matter. Yet the whole afternoon has been spent on the story of evictions. I thought the question before us was whether we approved of the alternative amendment. Does the Chief Secretary desire to reinstate the proposed new Subsection (2)?

The CHAIRMAN: The question is to delete the proposed new Subsection (2), which is the first of the five amendments proposed by the Assembly.

Hon. H. K. WATSON: We should bear in mind that the five amendments embodied in the Assembly's alternative amendment are more or less drafting amendments and that the sum and substance is simply that Clause 21 should

provide that rents shall revert to what they were in April unless the landlord and tenant have affirmed an agreement. As a matter of drafting, we should delete the proposed new Subsection (2). I suggest that we should deal with all five amendments as one.

The Chief Secretary: That is what I thought.

Hon. H. K. WATSON: Otherwise we might find ourselves in deep water.

The CHAIRMAN: Will the Chief Secretary move as indicated by Mr. Watson?

The Chief Secretary: Yes, if that is preferred.

The CHAIRMAN: The discussion has been covering the five amendments.

Hon. H. K. WATSON: Then the question is that the alternative amendment—it is described as one amendment—be agreed to?

The CHAIRMAN: Yes; though it would be awkward if there were a desire to disagree to one and agree to the others.

Hon. H. K. WATSON: They must all stand together.

The CHAIRMAN: Then the question is—

That the Assembly's alternative amendment as a whole be agreed to.

Hon. L. A. LOGAN: Put in plain language, we removed the retrospective clause and the Assembly wants it to be reinstated. Some members seem to think that this proposal relates to evictions. The only question involved is the extra rent charged from April until the new Act comes into operation. There is nothing to prevent a tenant from going to the court for a determination. Our contention is that landlords, in increasing rents, acted within the law. That is the whole position.

Hon. L. CRAIG: Now perhaps I shall be in order. As Mr. Logan has stated landlords, in good faith, acted within the law in increasing rents on the 1st May. It was believed that that was the end of control. We have confined the increase to a specified amount, and any tenant who believes that he has been charged too much may go to the court. If the court says that the rent is worth less than 80 per cent. of what has been charged, the tenant has the right to occupy the premises for a further 12 months at the reduced rental. That is a very fair provision.

A landlord might easily make an honest mistake. If the rent had been increased to £2 10s. and the court assessed it at £1 19s., the tenant would be able to occupy the premises for a further 12 months at the reduced rental. Thus the tenants have been well protected against the charging of excessive rentals.

In some cases it would be almost a physical impossibility to get written consent, because the rent is paid to trustees or agents. A large institution would require to employ two or three men for a month to ascertain what had been agreed to. I am not referring to rent paid under protest, because there have been very few protests; but this proposal will simply impose upon landlords and their agents a burden that would be almost impossible of bearing, and for no purpose at all. If, when a tenant's case is reviewed by the court, he is found to have paid an excess amount, he has redress in being awarded the lower rental and a further 12 months' occupation of the premises. We should stick to our guns.

The CHIEF SECRETARY: Mr. Craig has put the position very nicely.

Hon. L. Craig: And very fairly.

The CHIEF SECRETARY: I would not go as far as that. According to him it would be almost a physical impossibility to do what is suggested, and yet it was not a physical impossibility to increase the rent.

Hon. H. Hearn: It would mean going over the same ground again.

Hon. L. Craig: What is the purpose of it?

The CHIEF SECRETARY: The only way in which a tenant can prove that he has been overcharged is when he goes to the court; and if the tenant had been charged 10 guineas and the court fixed the rent at six guineas, the hon. member considers that the landlord should retain the excess four guineas. The extra rent would have been extorted, and all we ask is that the excess be refunded.

Hon. C. H. Henning: Would the Government repay any excess it charged?

The CHIEF SECRETARY: The Government does not charge extortionate rents.

Hon. Sir Charles Latham: Were not some rents made retrospective?

The CHIEF SECRETARY: No, the rental was fixed on the cost of the building.

Hon. A. F. Griffith: Have you noticed that the rents for Commonwealth-State homes have been increased?

The CHIEF SECRETARY: I should not be surprised if they have been. Perhaps the hon. member is not aware of the manner in which they are adjusted.

Hon. A. F. Griffith: Yes, I am.

The CHIEF SECRETARY: In certain cases, the rents have been increased; but I do not wish to discuss that matter now. If members would agree to a measure prescribing rents based on those charged by the Housing Commission, there would be no trouble; that is, based on cost and—in certain cases—on an economic rental.

Hon. N. E. Baxter: You would not agree to that a couple of years ago.

The CHIEF SECRETARY: It is to be based on an economic rental where the person cannot pay the rent based on cost. We would be happy to accept that. Although a tenant has paid £10 10s. per week since the 1st May, some members seem to think he should lose the excess rent paid.

Hon. H. K. Watson: That is what you are doing now. Read the notice paper.

The CHIEF SECRETARY: The whole of the hon. member's argument against the Bill is that we want retrospectivity. I say that where persons have been robbed—I use the term advisedly—they should be refunded the excess rent.

Hon. C. H. Henning: You have the 80 per cent. basis.

The CHIEF SECRETARY: Yes, that has been laid down. The refunding of the overcharge would be no penalty and so the 12 months' provision operates.

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

Ayes	11
Noes	14

Majority against 3

Ayes.

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

Noes.

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

Pair.

Aye.	No.
Hon. C. W. D. Barker	Hon. L. C. Diver

Question thus negatived; the Assembly's alternative amendment not agreed to.

Hon. H. K. WATSON: I move—

That the Council's amendment be insisted on.

Question put and passed; the Council's amendment No. 29 insisted on.

Resolutions reported and the report adopted.

A committee consisting of Hon. H. K. Watson, Hon. L. A. Logan, and the Chief Secretary drew up reasons for not agreeing to the Assembly's amendment to the Council's amendment No. 26, and to the Assembly's alternative amendment.

Sitting suspended from 6.10 to 7.56 p.m.

Reasons adopted and a message accordingly returned to the Assembly.

**BILL—STATE GOVERNMENT
INSURANCE OFFICE ACT
AMENDMENT.**

Second Reading.

Debate resumed from the 11th August.

HON. C. H. HENNING (South-West) [7.58]: My remarks on this Bill will not be lengthy. In the first place, I would like to say that last year I voted for certain provisions in a measure of this nature, and at that time I considered the Bill more than the principles involved. Since then, I have taken particular note of those principles, and I have also read very carefully a speech made by Mr. Clyde Cameron, M.H.R. in the House of Representatives, dealing with the Labour platform on socialisation. I took particular note of the fact that one of the methods of achieving socialisation was nationalisation of banking credit and insurance; it is with the last of these—insurance—that this Bill deals. I am concerned not so much with the Bill as with what it can lead to.

Interjecting the other night, while Mr. Simpson was speaking, the Chief Secretary stated that this insurance would not develop into a monopoly for the State Office while the Council existed in Western Australia. Could not that be easily interpreted to mean, "Give us the power and we will create a monopoly"? To my way of thinking, that is the only way the interjection can be interpreted.

The Chief Secretary: You can read anything into an interjection that you want to, you know.

Hon. C. H. HENNING: I agree that there are quite a number of people who believe it is one of the functions of a Government to trade. I am not one of those. I believe that the function of a Government is, in the first place, to govern properly and to provide certain essential services—

The Chief Secretary: This is one.

Hon. C. H. HENNING: —but to leave well alone any business that can be carried out efficiently by private enterprise. I do not think anybody will cavil at my remark when I say that I believe insurance is being carried out efficiently.

The Chief Secretary: If it is, what are you afraid of?

Hon. C. H. HENNING: I also believe that private enterprise, free enterprise, is a system that anticipates the public demand and is elastic enough to respond to the changing needs of the public. Nobody can tell me that we can get any elasticity in management from any office or any branch of the Government which is tied down by rules and regulations. That does away entirely with the incentive of the individual to push on his thoughts and anticipate that public demand of which I spoke.

The Chief Secretary: If members of the public do not want to deal with the State Insurance Office, they need not do so.

Hon. C. H. HENNING: Some years ago, before the war, I read an extract from a speech made by Sir Winston Churchill in which he stated—

Governments cannot make a nation rich or prosperous. Wealth and resulting prosperity are gathered by individual effort and enterprise. State trading is nearly always negative and wasteful.

One has only to look at the Auditor General's report in this State to see that that is what is happening here.

We were told that there is an expressed demand for expansion of the State Insurance Office. The only place in which I have ever heard that demand has been in this House. I have never, at any time heard anybody outside ask for increased facilities for the State office. And, after all, the more we extend the powers of any Government in the direction of trading, the more we will be asked to do so.

A few months ago I read in "The West Australian" the remarks by the Premier on Labour Day, in which he sought a revival of burning idealism amongst trade unionists. He went on to say that the affairs of the movement were too often decided and directed by a very few members; and that often the decisions they made, and the directions they issued, were bad. I claim that a direction such as this, to nationalise insurance, is bad.

The Chief Secretary: That is all bunkum. Where is the nationalisation of insurance in this measure?

Hon. C. H. HENNING: I am not concerned with what is in the measure. I am concerned with the fact that the extension of State trading as a whole is bad.

The Chief Secretary: You are supposed to be speaking on this Bill.

Hon. C. H. HENNING: On this Bill and on all Bills dealing with State trading except for essential services.

The Chief Secretary: If you are speaking on this Bill—

The PRESIDENT: Order!

Hon. C. H. HENNING: I am still going on in the way I was, and I am not going to be brought into a little groove into which I can see the Chief Secretary would like to get me.

The Chief Secretary: You are not speaking on the Address-in-reply, you know.

Hon. C. H. HENNING: I am going to oppose this legislation on several grounds. I believe it is not the function of a Government to trade where the public are

efficiently served. Again, private companies can give a personal service that no Government agency or enterprise can ever render.

The Chief Secretary: Then you need not be afraid.

Hon. C. H. HENNING: Further, I believe this is one of the methods by which the Labour Party expects to achieve socialisation. Another reason I oppose the measure is that, in the event of any loss being sustained, it is not the insured who would carry that loss, but the taxpayers as a whole. Furthermore, this is another step in the infringement of the inherent rights of what we can call ourselves—a free people. Finally, I oppose the measure because I believe that the more freedom the people enjoy and the less interference there is by the State, the higher will be the standard of public life.

The Chief Secretary: You are talking about freedom, and yet you are going to prevent the State from doing something.

HON. L. A. LOGAN (Midland) [8.7]: As one who voted for a similar measure last year, but who intends to oppose this Bill—

The Chief Secretary: The whips have been cracked!

Hon. L. A. LOGAN: Yes; the whips have been cracked, and the Chief Secretary has seen them cracked—whips with a very short handle and a long lash! A whip in the hands of the right man can be very effective. I have never seen whips handled as well as the Trades Hall can handle them. I saw a fellow swing one at the circus the other night.

The PRESIDENT: Order! I would ask the hon. member to speak to the measure.

Hon. L. A. LOGAN: Yes, Mr. President; I am sorry. Last year something like 130 Bills were discussed by this House; and I am afraid that State insurance was one that I did not study very much.

The Chief Secretary: Do not make excuses!

Hon. L. A. LOGAN: I voted with the Government on the State insurance question last year. I was not present in the House when the Bill was thrown out on the third reading; and because I did not believe in that way of going about things, I voted with the Government on the second occasion. This time I have had to take notice of the measure on account of the demand I have had from people in my electorate that I should vote against it.

The Chief Secretary: Did you consult your local authorities?

Hon. L. A. LOGAN: Yes; they are not affected very much.

The Chief Secretary: That is why only 120 out of 130 are in this!

Hon. L. A. LOGAN: They are all in a common pool now. When they went into that pool, they took all their insurance from Western Australian insurance companies. Do not forget that that was not for the benefit of Western Australia to any great extent.

The Chief Secretary: They had freedom of choice.

Hon. A. L. LOGAN: All that was done was to take the insurance from private companies and put it under a Government scheme.

The Chief Secretary: Because they knew they would get a better deal.

Hon. L. A. LOGAN: They have not done so. I have received requests from the Chamber of Commerce, the Retail Traders' Association, private retailers and firms, individual citizens, and farmers.

The Chief Secretary: And the Citizens Rights' Association?

Hon. L. A. LOGAN: No. I have nominated those from whom I have received requests. In trying to determine whether the Bill was necessary, I asked myself if the people of Western Australia were receiving adequate insurance cover.

The Chief Secretary: Could you not ask yourself whether they were able to obtain better cover?

Hon. L. A. LOGAN: I decided that they were adequately catered for, and I cannot see how the position could be improved by the State office undertaking fire insurance. The Chief Secretary said that it would reduce premiums. That is only wishful thinking. I do not think any company could take fire risks on its own. It would have to reinsure with other firms.

The Chief Secretary: That is usual in insurance business.

Hon. L. A. LOGAN: If that is so, does the Chief Secretary think that other firms would accept reinsurance when they knew there was an attempt to break the system down by the offer of lower premiums? That does not work out.

The Chief Secretary: You will not give it a trial.

Hon. L. A. LOGAN: It would not work.

The Chief Secretary: That is only what you think.

Hon. L. A. LOGAN: So far as I am concerned, the fact that people are adequately catered for, is sufficient reason for me to vote against the Bill. I have not had one request for this legislation, but a lot of people have asked me to oppose it.

The Chief Secretary: I bet you could not produce them.

Hon. L. A. LOGAN: I could. I have had requests from the Chamber of Commerce, the Retail Traders' Association, private traders, and farmers, who have asked me to oppose the Bill. I have not had one

request to support the measure. I do not see any real reason why the State Insurance Office should come into this field. Surely there are enough companies to do the business!

Hon. C. W. D. Barker: Would you stop a private insurance company from entering the field?

Hon. L. A. LOGAN: We could not.

Hon. C. W. D. Barker: Then why stop the State?

Hon. L. A. LOGAN: The function of a Government is to govern not to run State trading concerns. If we realised that, and acted accordingly, we would be better off.

On motion by Hon. J. McI. Thomson, debate adjourned.

BILL—JURY ACT AMENDMENT.

Second Reading.

Debate resumed from the 11th August.

HON. R. J. BOYLEN (South-East) [8.13]: I intend to support the Bill. My main reason is that I think women would do every bit as good a job as is being done by men. Many arguments have been adduced in this Chamber as to why women should not have the right to sit as jurors. But this Bill makes provision for women who are not desirous of serving on juries. Although it is provided that their names shall be put on the jury list, they can, if they are not desirous of serving, make application to be excluded. Secondly, if they are on the list, but do not wish to serve at the time they are called upon to do so, they can apply for exemption on health grounds, or on account of the nature of the evidence to be tendered. So it is not compulsory for women to serve as jurors.

I think there are times when it would be preferable to have an all-women jury. There is a case to be heard at the next criminal sessions in which the trial of a young girl will be involved, and that is an instance in which I think it would be more satisfactory for the jury to be composed entirely of women. It is said that women are too sensitive to sit on juries in certain circumstances. I think that in the instance to which I have referred, women would probably be less sensitive than men, and there would be a greater chance of justice being dispensed, if there were an all-women jury rather than a mixed jury, or one consisting entirely of men.

It has been urged that evidence given in some trials would be abhorrent to women. I do not think it would be more so to women than to men. I have not known men anxious to serve on a jury, irrespective of the nature of the evidence. I believe women are able to take a part in unpleasant matters equally with men.

There are many occupations that men fill today that women do not fill; but, on the other hand, there are occupations which women fill that men do not. Take, for example, the nursing profession. I venture to say that many of the duties performed by women in men's wards in hospitals could not be carried out by men. We have women working in bars. At the same time, there are some women who do not wish to work in bars; but they do not have to go there. The same thing applies to women on juries. I feel certain that women would perform their jury duties equally as well as men.

Practically the only sacrifice that men make is a pecuniary one, but women with families may have other reasons for not going on a jury. I think there are instances where women would do a much better job on a jury, and justice would be better dispensed if the jury consisted solely of women than if it comprised a mixture, or was an all-male jury. That would be so because of the type of case being considered. I support the second reading.

On motion by Hon. E. M. Heenan, debate adjourned.

BILL—STATE HOUSING ACT AMENDMENT.

Second Reading.

Debate resumed from the 11th August.

HON. J. McI. THOMSON (South) [8.17]: I propose to support the Bill because I consider it a commendable one. It will be the means of providing financial assistance to young people who, through thrift and initiative, have saved money and are desirous of having their own home. This measure will enable them to own a home to the value of £3,000 or, at least, the second mortgage under the Act will allow them to build a house up to that value. This class of people, that I refer to as self-help builders, have relieved the State in recent years of much of its responsibility to provide homes. I think it is necessary to give encouragement to people who are desirous of providing their own home; and for that reason I am pleased to support the Bill.

I am glad to know that it is to apply to the young men and women in the country districts, because they need homes just as much as the people in the metropolitan area. All young men and women who are rearing families should be assured of early home ownership, and even young people contemplating marriage should have the same assurance. This measure will be the means of providing them with early home ownership, which I consider is very necessary. Home ownership is a much better arrangement than for them to be tenants relying on landlords to provide homes.

Hon. J. G. Hislop: What can you build for £3,000?

Hon. J. McI. THOMSON: A quite comfortable timber-framed asbestos home, including three bedrooms, can be built for that sum, or a smaller home in brick, but not with three bedrooms. I would say, definitely, that £3,000 would provide a young working man with a very comfortable home in which he could raise his family. By this means we will get a far better type of house than we have had under the present self-help system because of the existing lack of finance available to the man who is desirous of erecting his own home in his own time.

During the debate, I have heard references to the resumption of land. I am not going to traverse what has already been said, but I feel that people have had their confidence shaken by the attitude of Government departments, including the State Housing Commission, and by the manner in which they have resumed land. I am sure it was never intended by our early parliamentarians that the powers of resumption with which they provided the Government would be used—and possibly abused—as they have been by Government departments and the State Housing Commission over the last few years. I refer in particular to the attitude adopted by the Government or Governments that resumed land in Albany for the purpose of erecting a regional hospital.

That land was resumed many years ago—well over seven years ago, I think—and the owners were compelled to accept the price that the Government offered, although it was not commensurate with the value of the land on the open market at the time. But that, bad as it is, is not my main complaint. The Government, having since decided on another site, has declined all requests by the owners of this land to return it to them either at the price that they were forced to accept from the Government, or at an increased price.

The Government's attitude is this: "We resumed this land from you. It is our land today, and it is going to remain our property for as long as we think fit. We shall hold it so that we shall have it if, in the near or distant future, we desire to use it for any purpose." That, surely, is not justice as we expect it. A far different attitude in regard to land resumption should be adopted than we have known in the past. I sincerely trust that the Government will not act so ruthlessly in the future; but that it will be amenable to reason and will, under an equitable arrangement, return land that was acquired but not used.

The Chief Secretary: You are not speaking of the present Government, are you?

Hon. J. McI. THOMSON: Yes, I am. I referred to this Government and to previous Governments. I spoke of previous Governments because they have been

equally as guilty in this regard as the present one. This policy has been accepted by Governments, generally.

The Chief Secretary: You said that this resumption took place seven years ago.

Hon. J. McI. THOMSON: That is so. The land was actually resumed during the Wise Administration. Although requests were made to the late Government, and to this one, they have been unavailing. I trust that the efforts of the people concerned will not in the future be frustrated as they have been up to now. Coming back to the Bill, had the Minister for Housing approached the provision of homes as is outlined here, instead of embarking upon the Subiaco flats proposition, as we know it, he would have received more commendation than he has had up to now.

Hon. R. J. Boylen: What has that to do with the Bill?

Hon. J. McI. THOMSON: It has to do with State housing; and that, I understand comes under the Bill.

The Chief Secretary: The present site for the hospital in Albany was taken from the State Housing Commission.

Hon. J. McI. THOMSON: The present site, yes; but the previous one was taken from private owners.

The Chief Secretary: So that they do not get it all their own way.

Hon. J. McI. THOMSON: I cannot understand the Minister's reasoning there.

The PRESIDENT: I ask the hon. member to address the Chair.

Hon. J. McI. THOMSON: I was referring to the fact that had the Minister for Housing provided money to make homes available for people in the metropolitan area, under this scheme, instead of embarking on the Subiaco flats—

The Chief Secretary: We are doing both.

Hon. J. McI. THOMSON: —it would have been far better to expend £500,000 in providing home ownership accommodation for 166 people, as set out in the provisions of this Bill, or to enable people to obtain advances of £1,000 or more to improve their existing homes. This, in my opinion, would have been far more commendable than providing rental accommodation for 242 people in those flats, because home ownership means a reduction of maintenance cost to a minimum on these dwellings. If we carry on with State rental homes and the Subiaco flats, as we understand that proposition, the taxpayer will have to continue bearing the maintenance cost. The maintenance on the flats at Subiaco will be at a minimum because of the nature of their construction; nevertheless, by this method, we will be incurring a debt that will have to be met

at regular intervals, and at a cost far above that which it would be to the man who owns his own home and carries out his own maintenance; because, naturally, he would be anxious to keep costs down to a minimum.

I consider it would have been more advantageous if people had allocated sums of money on the lines previously outlined by myself so that they could construct their own homes. However, there is nothing to prevent my registering a protest and expressing my views in general on the Subiaco flats project. Under our State rental homes scheme, the maintenance on the houses becomes a tremendous debt on the community; and I think we are doing the right thing by permitting a person to own his own home, because such maintenance costs will be minimised.

Recently the State Housing Commission let a contract for the exterior painting of a row of houses which it erected just three years ago. The price for that work, including the painting of the fences, amounted to £60 for each house.

Hon. G. Bennetts: What were they constructed of?

Hon. J. McI. THOMSON: Wood and asbestos. Therefore, it can be seen that the maintenance on those houses is extremely high, and that is only one item. No other maintenance work covering other trades was included; no doubt that would have received attention at a later date. Over the period the houses have been constructed, the painting of them would amount to 10s. a week, based on the total cost of £60 for each house. Under a system of home ownership the occupant would carry out his own maintenance at a much lower cost, because he would need to buy only the brushes and the paint. The time he spent on the work would be employed on improving his own asset. Such a scheme would be advantageous to young men and women and would prove to be of economic benefit to the State itself.

HON. H. K. WATSON (Metropolitan) [8.35]: A few days ago the Minister for Housing cheerfully complained that the Government should be given the right to govern without the Legislative Council harassing it on every Bill that it brought down. It is a pity the Minister is not within the precincts of this House tonight to hear the favourable reception that has been given to this Bill by every member who has addressed himself to it.

One of its proposals is to provide that the commission, within the meaning of the Act, may treat a man and wife as a worker to permit them to build a worker's home as joint tenants. That is a very good and necessary provision. However, between now and the time the Bill reaches the Committee stage, I would like the

Chief Secretary to consider this point: What will be the position if the wife is working?

Under the Act, a worker is defined as a person who is in receipt of £1,000 per annum, or thereabouts. If the wife is working, would her income be added to that of the husband? If so, will they become ineligible to receive assistance under the Act? I do not think we should raise any bar to disentitle any person from being permitted to have a worker's home.

Hon. G. Bennetts: They would be able to pay it off more quickly, anyhow.

Hon. H. K. WATSON: Nowadays it seems to be the trend for a young wife to continue in her employment for a year or two after her marriage. During that period the young couple manage to save much more than they would otherwise. However, if the point is not clarified, I could well visualise many joint tenants being unable to receive assistance if their joint income is of such an amount as to make them ineligible to apply for a worker's home.

The Chief Secretary: We could get a legal ruling on the point. Both of them would be workers within the meaning of the Act.

Hon. H. K. WATSON: I would remind the Chief Secretary that it is rather a fetish of mine that, instead of obtaining a legal ruling, we should make the position quite clear in the Bill.

Another provision is that the State Housing Commission can render assistance to a would-be home purchaser by making an advance or giving a guarantee to assist a person who desires to build a house not exceeding £3,000 in value, exclusive of the land upon which the house is to be built. I ask the question: Why is the assistance to be limited to a person who desires to build a house? Such assistance could well be afforded to any person who desires to buy a house, particularly in times such as the present.

The Chief Secretary: Unfortunately, the values of most houses that are already erected are inflated; and the State Housing Commission, for that reason, would not look at them.

Hon. H. K. WATSON: I still think, particularly in times like the present, that people could be assisted to buy a house. We have heard of some tenants who have had to leave the premises they have occupied for some time because those premises have been purchased by someone else. If those tenants could have been assisted by a grant of a few hundred pounds, they could possibly have purchased the house themselves and would have had no need to leave.

The Chief Secretary: We have had many instances—for example among war service land properties—of the values being too high.

Hon. H. K. WATSON: In that case we might be able to raise the amount to be advanced.

The Chief Secretary: I meant that the values asked by the seller have been found to be excessive.

Hon. H. K. WATSON: I understand the Chief Secretary now. He means that the value of the premises was inflated. In any case, I do not think we should confine the granting of this assistance only to a person who desires to build.

The provisions of the Bill as to how this assistance is to be provided are very general. The whole question is almost left to be worked out by the Housing Commission. In moving the second reading, the Chief Secretary gave us one illustration; and, as we go along, if he can give us any further ideas on the matter, it would be of great assistance.

For example, in the House of Commons on the 4th May last, the Minister for Housing and Local Government, the Hon. Harold McMillan, informed the House that, as a result of discussions between the Ministry and the Building Societies Association in the United Kingdom, a scheme had been adopted in that country which, it was felt, would assist home-ownership by many people who would not otherwise be able to purchase a home.

As members know, the building societies—both in the United Kingdom and in Australia—have, for many years, provided home-purchase schemes whereby the under-privileged could purchase their homes over a lengthy period on the smallest possible economic deposit. The average building society will advance up to 75 per cent. of the total cost. By law, however, a trustee can advance only 66 per cent. of the cost, which is considered to be a fair margin having regard to all possible contingencies. The building societies, working on the principle of bricks and mortar being good security, and also on the security of the personal covenant and the personal character of the borrower and his desire to own his own home—even if it is after a long period of years—will advance up to 75 per cent. Although that is a very liberal margin, it has been found that many people are unable to bridge the gap of the remaining 25 per cent.

The Chief Secretary: The Commonwealth Bank goes up to 85 per cent.

Hon. H. K. WATSON: That is with a limited advance.

The Chief Secretary: Yes, £1,350 on a timber-framed house.

Hon. H. K. WATSON: Briefly, the scheme in England was this: Whereas a building society would advance up to 75 per cent. of the full value of the premises—that is, the house and the land on which it stood—under this new scheme it would advance 90 per cent. of the full value, and the excess advance over 75 per cent. would be

guaranteed by the authorities. The result was that this helped materially to bridge the gap of 25 per cent. for those who had not accumulated any great amount of savings.

I will give an illustration. Suppose a man had a block of land for which he paid £200, and the house was going to cost him £3,000. He would have a total valuation of £3,200. The normal building society advance on that amount would be £2,400. If he had paid for his land and, assuming that he had £100 in cash, he would still be £500 light between the value of the land which he held, the amount of cash he had in hand, and the amount that he could borrow from the building society. The building society, instead of advancing the normal £2,400, would advance £2,900, representing roughly 90 per cent. of the value of the premises. That excess advance of £500 would be guaranteed by the Government. The whole £2,900 would be repaid in 25 years, or whatever period was determined, on the ordinary weekly instalment basis of somewhere between £2 10s. and £4 a week, according to the period selected.

The English practice provided that when the weekly repayments had reduced the outstanding balance of the loan to 60 per cent. of the valuation, the Government's guarantee would cease to operate, and the period when the loan was reduced to that proportion was 12 years after the granting of the loan. In the case of the illustration given, the Government would guarantee the excess loan of £500; and at the end of 12 years, the whole loan would be reduced to 60 per cent. of the valuation, and the Government would be relieved of this guarantee.

It seems to me that a scheme such as this with any financial institution would be well worth considering. I am sure that financial institutions engaged in the promotion of home-ownership and assisting people to obtain homes would be only too willing to co-operate with the Housing Commission in formulating a workable proposition along those lines, subject always to the adequacy of their financial resources. In these days we find that the average institution engaged in assisting home-building is a little on the stretch with its finances. At the moment, the demand for finance is greater than the supply. In financial institutions, as in all other concerns, the demand can only be met according to resources.

That brings me to this point: Even if there were extra or unlimited finance available today for home-building, I doubt whether it would very materially increase the rate of home-building going on at present, because that is governed by the supply of materials. It seems to me that building materials in this State are already over-stretched, and the supply of basic materials is short. Orders are several months behind.

The Chief Secretary: The demand for building materials has reached saturation point.

Hon. H. K. WATSON: We must not imagine that the passage of legislation for providing finance will solve the problem; because, as the Chief Secretary pertinently interjected, saturation point has been reached.

Hon. G. Bennetts: Does that apply to bricks only?

Hon. H. K. WATSON: Bricks, tiles and galvanised iron. The supply of asbestos is six months behind orders. I cannot understand why bricks are in short supply. Two years ago, when the State commenced a new brick works, we were told that within 12 months of that time there would be sufficient bricks to supply the Western Australian demand. I do not know whether the Chief Secretary can enlighten us about that.

The Chief Secretary: The demand for bricks has exceeded all expectations.

Hon. A. F. Griffith: The South Perth Civic Centre cannot get bricks for building, but I notice that the Italian Club is doing all right.

Hon. H. K. WATSON: To my mind, while finance is an important factor, it is not necessarily the final solution of the problem, as the Bank of New South Wales so timely pointed out in its last Quarterly Review, when discussing the Australian position. It applies with equal force to Western Australia. The quotation can be found in last week's issue of "The Financial Review," as follows:—

Finance for building, both housing and other, has become progressively more freely available since the financial stringency of 1952 and has piloted the recovery of the building industry.

But if building costs again begin to rise substantially, prudence will dictate a tightening of lending conditions for all types of building.

With low interest rates and low deposit terms available to borrowers, this may mean that many intending home-builders will have to continue to wait long periods for finance.

Unfortunately as this position is, it is preferable to the alternative of a renewal of bottlenecks in labour and material, lengthening construction schedules, and mounting and unpredictable costs.

In other words, the supply of finance for building must be related to the productive capacity of the building industry, not merely to the demand for finance.

We should bear those points in mind. I support the second reading.

On motion by the Chief Secretary, debate adjourned.

House adjourned at 8.55 p.m.

Legislative Assembly

Tuesday, 17th August, 1954.

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

QUESTIONS.

ELECTORAL.

(a) As to Council Enrolments and Quotas.

Mr. JAMIESON asked the Minister for Justice:

(1) What is the present number of electors enrolled for each of the fifty Legislative Council sub-divisions?

(2) What is the present number of electors enrolled for each of the ten Legislative Council provinces?

(3) What are the present "quota" figures for—

(a) Metropolitan provinces;

(b) Mining, pastoral and agricultural provinces?

The PREMIER (for the Minister for Justice) replied: