

Legislative Assembly

Thursday, 8th April, 1954.

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

AUDITOR GENERAL'S REPORT.

Section "B", 1953.

Mr. SPEAKER: I have received from the Auditor General a copy of Section "B" of his report on the Treasurer's statement

of the Public Accounts for the financial year ended the 30th June, 1953. It will be laid on the Table of the House.

QUESTIONS.

AGRICULTURE.

(a) *As to Commonwealth Grant for Extension Work.*

Mr. PERKINS asked the Minister for Agriculture:

(1) How much money was allotted to Western Australia last year by the Commonwealth in the special grant for agricultural extension work?

(2) How much of this money was actually spent?

(3) What plans has the Government for using the grant this year?

The MINISTER replied:

(1) On the 10th December, 1952, the allocation to the 30th June, 1953, was £18,000 and on the same date projects amounting to £9,000 of this sum were approved.

Later approved projects amounted to an additional £5,127.

(2) £3,295 was spent and £9,000 was carried over into the current financial year.

(3) Plans for next year (1954-55) are not yet complete. Certain projects started this year which will be continued in 1954-55 are:—

(a) Operation of two mobile film units. Purchase of additional photographic, sound and projection equipment.

(b) Continuation of expansion of instructional and advisory staff (subject to availability).

(c) Continuation of fodder crop demonstration in the Kimberley Division.

(d) Continuation of clerical assistance to poultry pilot farm demonstration.

(e) Payment of salary and car mileage for soil conservation adviser appointed this year.

New projects for 1954-55 submitted and awaiting Commonwealth approval are:—

(i) Appointment of two instructors in sheep husbandry to stimulate mutton and lamb production.

(ii) Appointment of two officers to give instruction in foot rot control in fat lamb producing districts.

(iii) Appointment of an extension officer for weed control in pastures and cereal crops.

(iv) Purchase of equipment to demonstrate new techniques, e.g., grass root planting, spraying fruit and vegetable crops, weed eradication.

- (v) Production of a publication (with coloured plates) on trace element deficiencies in cereals.

Other projects being considered for submission include:—

Additional assistance to poultry pilot farm demonstration.

Large scale demonstration of utilisation for meat of surplus cockerels now wasted.

Demonstration of plots on farms to show:—

- (a) Value of legume seed inoculation.
- (b) Value of spraying potato crops with certain new fungicides in order to increase yields.
- (c) Effect upon yields of cereal crops of using a nitrogenous fertiliser and of growing legumes in the rotation.
- (d) Value of various types of seed potatoes.
- (e) Various potato diseases and their controls.

Extensions of irrigation demonstrations on Kimberley cattle stations.

Appointment of a field assistant for Kimberley irrigation work.

Carry out a survey of losses in potato production and handling.

Preparation of handbook of agriculture.

The preparation of one or more films dealing with local farming problems.

Campaign to accelerate spread of subterranean clover and other pasture legumes.

Every effort is being made to recruit appropriate staff to undertake this additional work. Consideration is therefore being given to the establishment of a cadetship system to facilitate a flow of trained officers into the department. Refresher schools for advisory officers will be held and it is hoped to provide more opportunities for officers to gain experience outside the State.

- (b) *As to Report on Soil Salinity.*

Mr. PERKINS asked the Minister for Agriculture:

(1) Has he studied the Pennefather report on soil salinity in Western Australia?

(2) Has he noted the serious view taken by Mr. Pennefather of salt encroachment caused by the rise in the salt water table in the eastern wheatbelt?

(3) Does flooding cause a rise in the water table of areas under water for several weeks in the winter?

(4) If so, what plans has he got for freeing the flow of water from areas in and adjacent to the lakes in the eastern wheatbelt, which were seriously flooded last winter?

The MINISTER replied:

(1) Yes.

(2) Yes.

(3) Research officers are uncertain whether flooding, by itself, causes a permanent rise in the water table under flooded areas. Underground lateral seepage from higher country may be the major factor in raising water tables.

(4) Drainage in relation to the salt problem is receiving serious consideration by research officers. Information so far available does not warrant extensive plans for drainage in salt lake systems and adjacent areas. Flooding, as in 1953 winter, is rare.

- (c) *As to Export Market for Grapes, etc.*

Mr. JAMIESON asked the Minister for Agriculture:

(1) Is he aware of the diminishing export market for grapes produced in this State?

(2) Is he aware of the cause of this diminishing market?

(3) Would he give consideration to negotiating with the Premier for the appointment of a permanent trade commissioner to promote markets in the Near East for primary and manufactured commodities from this State?

The MINISTER replied:

(1) Yes, although grape exports in the last complete export season (1953) were the highest in the post-war period.

(2) Reports indicate that the reduced demand is related to competition from other sources, notably South Africa and the Eastern States of Australia.

(3) Commonwealth trade commissioners are located now at Singapore and Colombo, and reports on each shipment are received from these sources. These commissioners assist in trade inquiries.

HOUSING.

- (a) *As to Provision at Medina and Calista.*

Hon. D. BRAND asked the Minister for Housing:

Would he supply the following information:—

(1) The number of houses completed within the townships of Medina and Calista?

(2) The number of houses under construction within the townships of Medina and Calista?

(3) The approximate present population?

(4) The anticipated population in 12 months' time?

(5) What shops have been provided?

(6) When and where is it proposed to provide additional shops or are the present lessees to be given a monopoly?

(7) When will proper medical quarters be provided, and a resident medical officer be appointed for the town of Medina?

The MINISTER replied:

- (1) Four hundred and seventy-nine.
- (2) Two hundred and forty-three.
- (3) One thousand one hundred and twenty.

(4) Not known as this is dependent on the rates at which houses are filled by the Australasian Petroleum Refinery Ltd.

(5) Nine. (Butcher, Greengrocer, Cafeteria, Chemist, Delicatessen, Hairdresser, Grocer, Newsagent and Post Office.)

(6) A shopping centre is being provided in Calista and shop sites will be available in Kwinana town centre as well as subsidiary sites in all areas.

The subsidiary sites in Calista and Kwinana will be available ahead of demand.

(7) Sites will be made available for medical men to establish practices.

(b) *As to Assistance for Natives.*

Mr. PERKINS asked the Minister for Native Welfare:

(1) Is it the policy of the Government to assist natives, who desire to get into better living quarters, to obtain housing?

(2) What finance is allocated for this purpose?

(3) How many applications have been received from natives or from local authorities, or persons acting on their behalf, for assistance towards better housing, in the last 12 months?

The MINISTER replied:

(1) Yes.

(2) £25,000 was provided on the Estimates.

(3) The State Housing Commission has received 33 applications direct from natives.

In addition, numerous requests have been received from local authorities for the provision of housing accommodation for natives in various country centres.

In addition, the welfare officers of the Department of Native Affairs are co-operating in the selection of suitable native families, but the extent of the building programme for the forthcoming year will depend upon the outcome of the conference which is shortly to take place between the Minister for Housing and myself and the availability of further finance.

(c) *As to Flats Erected under Previous Administration.*

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

(1) Of the 576 flats stated by him to have been erected in the term of office of the previous Government, how many were—

- (a) of one storey only;
- (b) of more than one storey?

(2) How many of the total number provided accommodation for—

- (a) more than two families;
- (b) more than three families; and
- (c) more than four families?

(3) On what total area of land was the total number erected?

(4) In how many districts were they erected?

The MINISTER replied:

(1) (a) Five hundred and sixty-two.

(b) Fourteen.

(2) (a) Two hundred and thirty-eight.

(b) Two hundred and thirty-eight.

(c) Fourteen.

(3) Seventy-five acres (approx.).

(4) Six.

(d) *As to Number of Homes Erected.*

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

(1) Is the Minister aware that in a leading article published in "The West Australian" of the 10th March last it is claimed that 88 fewer houses were completed for the year ended December, 1953, than for the year ended December, 1952?

(2) Can he tell the House where the 1,000 more houses, that he claimed last night by interjection were built during his Government's term of office, are situated and when they were built?

The MINISTER replied:

(1) and (2) I did see the report to which reference was made, the figures having been taken, I understand, from the official figures supplied by the Government Statistician. The apparent anomaly is that the State Housing Commission, as I indicated, built approximately 1,000 more houses than it did in the previous year; but, as I have emphasised in many places, unfortunately private individuals have been building to a lesser extent. This has been occasioned by the credit policy of the Commonwealth Government which has made it impossible for people, in as great numbers as one would have wished, to finance their own ventures.

(e) *As to Minister's Statement.*

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

Is the Minister aware that in the "Hansard" report of my speech last night I said—

I have figures indicating that in the first year that the Government was in office there were fewer houses built than in the previous year.

The Minister for Housing is credited with saying—

That is completely untrue. There were one thousand more built.

Can he reconcile that "Hansard" report with the answer he has just given?

The MINISTER replied:

I reaffirm what I have already stated, namely, that this Government erected 1,000 more houses than did the previous Government, and that figure still stands.

HOTELS.

As to Provision for Medina.

Hon. D. BRAND asked the Minister for Housing:

(1) What are the Government's intentions regarding the provision of a hotel for the town of Medina?

(2) What are the Government's intentions regarding the provision of temporary hotel facilities for the town of Medina?

The MINISTER replied:

(1) The Government is encouraging the establishment of a community hotel.

(2) Provision is being made for temporary bar facilities in Harley Way, Medina.

STATE GOVERNMENT INSURANCE OFFICE.

As to Space Allotment in New Building.

Mr. COURT asked the Minister for Labour:

(1) Has all space in the new State Insurance Office building been allotted to tenants?

(2) If so, will he supply a list of the proposed tenants, and the area they will occupy?

(3) If not, what method of letting the space is proposed?

The MINISTER replied:

(1) No.

(2) Answered by No. (1).

(3) To date it is estimated that approximately 31,000 square feet will be occupied by Government departments and approximately 8,000 square feet by semi-government instrumentalities.

A large number of applications for accommodation in the remainder of the space have been received by the State Government Insurance Office and these are at present being considered.

LANDS.

As to Excision from Walter-rd. Reserve.

Mr. OLDFIELD asked the Minister for Health:

(1) Have arrangements between the Perth Road Board and the Public Health Department regarding the exchange of lands situated respectively on the river foreshore and adjacent to Walter-rd. been yet finalised?

(2) When is it anticipated that the necessary Bill will be introduced to excise the 13½ acres of land from the Walter-rd. reserve?

The MINISTER replied:

(1) and (2) The department is awaiting definite proposals from the Perth Road Board.

RAILWAYS.

(a) As to Overhead Bridge, Maylands.

Mr. OLDFIELD asked the Minister for Railways:

(1) Is he aware that the Seventh Avenue overhead bridge has been out of commission since last year?

(2) Is he further aware of the disabilities suffered by both vehicular and pedestrian traffic, especially blind pedestrians who were in the habit of using this bridge?

(3) If so, can he inform the House as to when work will commence on the re-building of this bridge?

(4) Why has no work been carried out on this bridge during the past three months?

The MINISTER replied:

(1) Yes.

(2) Yes, insofar as pedestrian traffic is concerned.

(3) It is hoped to commence next month.

(4) Awaiting delivery of steel girders on order since November, 1952.

(b) As to Reported Closing of Sidings.

Mr. HILL asked the Minister for Railways:

(1) Has the department under consideration the closing of some railway sidings?

(2) If the answer is in the affirmative, what is the approximate number throughout the State?

(3) What are the sidings affected in the Albany electorate?

(4) What was the tonnage of—

(a) general freight;

(b) fertilisers,

from and to each of these sidings for the year 1952-53?

The MINISTER replied:

(1) The department is examining the question of removal of siding accommodation at a number of sidings, but the sidings will still be retained as stopping places.

(2) Eleven.

(3) Tennessee.
Horton's.
Gledhow.

(4) Tennessee—(a) 36; (b) 30.
Horton's—(a) 8; (b) 0.
Gledhow—(a) 62; (b) 10.

(c) As to Use of Old Rails.

Mr. PERKINS asked the Minister for Railways:

(1) Are rails that are being removed during track re-laying being used for other railway purposes?

(2) If not, can they be purchased by farmers and others to use for construction and repairs instead of their being sold to dealers for scrap?

The MINISTER replied:

(1) Yes, if serviceable.

(2) It is the policy to allow pastoralists, etc., and local authorities to purchase rails not required for departmental purposes.

(d) As to Delivery of Fruit and Vegetables.

Mr. HEARMAN asked the Minister for Railways:

(1) Is he aware that considerable quantities of fruit and vegetables for the local market, consigned by rail and arriving in Perth last Monday, missed Monday's market because of the slow handling and checking of these consignments by the railway staff?

(2) Is he aware that the growers are charged 2s. 6d. per ton for this handling and checking?

(3) Would he consider waiving this handling charge of 2s. 6d. per ton in cases where fruit or vegetables miss a market through the inability of the railways to give expeditious delivery?

(4) Is he aware that growers who miss a market in this manner are often, due to the highly perishable nature of the produce, subject to considerable financial loss?

The MINISTER replied:

(1) No, but inquiries will be made.

(2) No. The charges are 3s. 9d. per ton handling and 2s. 6d. per ton checking when the department is required to perform these duties.

(3) Yes.

(4) Yes.

NUFFIELD FOUNDATION BURSARIES SCHEME.*As to Government Sponsoring and Applications.*

Mr. HUTCHINSON asked the Minister for Education:

(1) What are the aims and objectives of the Royal Society and Nuffield Foundation Commonwealth Bursaries Scheme?

(2) Is it the intention of the Government to assist in sponsoring and financing the scheme?

(3) When is the scheme supposed to commence operating in this State?

(4) Has any action been taken, as yet, to call for, and consider, applications from scientists for bursaries under the scheme?

(5) If no action has taken place so far, what is the reason?

The MINISTER replied:

(1) The aim of the Royal Society and Nuffield Commonwealth Bursaries Scheme is to encourage research at a high level throughout the British Commonwealth of Nations and to provide finance to enable such research workers to visit other parts of the British Commonwealth in order to further their studies. Recommendations for bursaries may be made by any research institution or Royal Society group. The number of awards is very limited.

(2) No approach has been made to the Government for aid. So far as can be ascertained the only body in Western Australia which has been notified of the scheme is the University of Western Australia.

(3) 1954.

(4) The registrar brought the scheme to the notice of the senior members of the staff of the University. No one sought recommendation.

(5) Answered by No. (4).

HOSPITALS.*(a) As to New Building and Accommodation, Fremantle.*

Mr. HUTCHINSON asked the Minister for Health:

(1) What number of patients will the projected new Fremantle hospital accommodate when fully completed?

(2) When is it proposed to commence building operations?

The MINISTER replied:

(1) Probable first stage, 350; final stage 500.

(2) I cannot say at this stage.

(b) As to Maternity and General Buildings, Middle Swan.

Mr. BRADY asked the Minister for Health:

(1) Can he state the approximate date the maternity hospital at Middle Swan will be opened?

(2) Has any advisory committee been appointed to assist the department in matters usually referred to such committees?

(3) Has any consideration been given to proceeding with the general section of the hospital? If the answer is in the affirmative, when is the work to commence?

The MINISTER replied:

(1) The 1st October, 1954.

(2) No. The town clerk has been informed of the department's willingness to recommend the appointment of a visiting and advisory committee.

(3) Consideration has been given but construction is unlikely for some time.

KWINANA.*(a) As to Medina Shops, Lease Terms and Applicants.*

Hon. D. BRAND asked the Minister for Housing:

(1) What were the terms of the letting of the leases of the shops at Medina?

- (2) (a) How many applications were received; and
(b) what were the further particulars of each tender?

(3) On what basis did the Government decide upon the successful applicants?

The MINISTER replied:

- (1) (a) Five-year lease with right of renewal subject to satisfactory tenancy and service to the community.
(b) Tenants to provide all internal fittings.
(c) Tendered rentals for each successive year of the five-year lease.
(d) Separate tenders were invited for one or more of the lock-up garages provided.
(e) Conduct type of business for which tendered.
- (2) (a) Butcher's shop—62.
Grocer's shop—42.
Greengrocer's shop—37.
Delicatessen—30.
Hairdresser—22.
Chemist—14.
Cafeteria—12.
Miscellaneous—4.
Total—223.

Tenders were not invited for the authorised newsagency which was established in the district and for a shop set apart as a temporary post office.

- (b) Each tenderer was required to give personal particulars, including war service, business experience and financial resources, including bank references.
- (3) All tenders were submitted to the commission which appointed a departmental committee to interview the highest three or four tenderers in each group and report back to the commission. In selecting successful applicants commission was guided by factors set out in No. (2) (b) above, and the committee's report.

(b) As to Works Loan Expenditure.

Hon. D. BRAND asked the Treasurer:

(1) What is the loan expenditure anticipated this financial year on works at Kwinana for—

- (a) water supply;
(b) dredging;
(c) housing;
(d) electricity (excluding "B" station);

- (e) roads;
(f) railways;
(g) land resumption;
(h) education?

(2) What is the anticipated total loan expenditure on all work done at Kwinana for the year ending June, 1954?

The TREASURER replied:

- (1) (a) £519,400.
(b) £505,000.
(c) £1,123,000.
(d) £30,000.
(e) £100,000.
(f) £119,000.
(g) £29,750.
(h) £19,400.
(2) £2,546,800.

WATER SUPPLIES.*(a) As to Completion of Medina Connections.*

Hon. D. BRAND asked the Minister for Water Supplies:

When is it anticipated that the water main to, and the reservoir at, Lake Thompson, with connecting main to Medina, will be completed?

The MINISTER replied:

(1) Trunk main to Lake Thompson Reservoir—31st May, 1954. Lake Thompson Reservoir—30th June, 1954. Outlet main to Medina—30th November, 1954.

(b) As to Funds for Roleystone Scheme.

Mr. WILD asked the Minister for Water Supplies:

(1) What amount of money is to be made available for the additions recently approved of, for the Roleystone water supply?

(2) What is the exact nature of the work to be undertaken with these funds?

The MINISTER replied:

- (1) £13,200 in the current financial year.
(2) Construction of No. 1 Pumping Station and installation of equipment and laying of 160 chains of reticulation main along Brookton-rd. (Roleystone) — 44 chains west of and 116 chains east of proposed pumping station.

COCKBURN SOUND.*As to Dredging of Sandbanks.*

Hon. D. BRAND asked the Minister for Works:

(1) What is the total number of cubic yards of sand which is estimated to be removed in the dredging of the Success and Parmelia banks?

(2) What number of cubic yards have been removed to date?

The MINISTER replied:

- (1) Eight and one half to nine million cubic yards.
- (2) To the 31st March: 4,000,000 cubic yards.

FREMANTLE HARBOUR.

As to Loan Expenditure on No. 10 Berth.

Hon. D. BRAND asked the Minister for Works:

- (1) (a) What loan expenditure was incurred on the construction of No. 10 berth at Fremantle up to the 1st February, 1953?
- (b) What work was carried out to that date?
- (2) What loan expenditure has been incurred since that date and what additional work has been carried out?
- (3) When is it anticipated this berth will be completed?

The MINISTER replied:

- (1) (a) £76,000.
- (b) Four hundred and five concrete sheet piles manufactured.
One hundred and forty-three concrete pile reinforcements manufactured.

Ninety thousand cubic yards removed from Swan-st. Hill and placed rear of North Mole for new harbour works depot.

Materials received and 25 per cent. piles driven for new dredger discharge berth.

Transference of construction depot to new site commenced.

- (2) £49,000.

Oil, water and electricity mains diverted to permit of construction of berth. Berth site excavated, transfer to new depot continued, new railway siding constructed and materials purchased. Dredger berth completed.

- (3) Dependent on allocation of loan funds.

ROADS.

As to Bitumen Construction to Mornington Mill.

Mr. MANNING asked the Minister for Works:

- (1) When is it intended to commence construction of a bitumen road to Mornington Mill?

- (2) What distance of the road will be constructed in the first year?

The MINISTER replied:

- (1) There are no proposals for the construction of a bitumen road to Mornington Mill, but a portion of this road which leads to the research station has been provided for on the current programme of works.

- (2) The construction to the primed stage in preparation for surfacing of approximately one and a quarter miles has been provided for on this year's programme of works.

BEACH EROSION.

As to Responsibility and Action.

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

- (1) Has he found time to read the recent article and letters in "The West Australian" relative to beach erosion along the western coast?
- (2) Is this erosion a matter for which the Public Works Department assumes responsibility?
- (3) Is there an officer in the department qualified to advise upon and direct works to arrest beach erosion?
- (4) Is any action contemplated?

The MINISTER replied:

- (1) Yes.
- (2) No.
- (3) Yes.
- (4) The problem will be investigated.

EDUCATION.

As to Opposition to Schools Consolidation, Dudinin Area.

Mr. PERKINS asked the Minister for Education:

- (1) Further to my question on Wednesday, the 7th April, indicating that the Education Department is still considering the consolidation of Dudinin, Harrismith and Tinkurrin schools, is he aware that the parents at each centre are opposed to consolidation?

- (2) Even though a majority of parents are opposed to consolidation, is there any possibility of his overriding parents' wishes and proceeding with the consolidation of these three schools?

The MINISTER replied:

- (1) Information has been received from time to time that certain parents in the districts concerned are opposed to consolidation, but a full report is to be made by the District Superintendent after discussing the question with all parents concerned.

- (2) Only very rarely is a consolidation carried out without the agreement of the greater portion of the parents concerned. Full consideration will be given to the wishes of the parents when the report from the District Superintendent is received.

FRUIT CASES.

As to Timber for Cutting.

The MINISTER FOR HOUSING: On Tuesday, the member for Dale asked the Minister for Agriculture whether he was

aware that Coops Bros., suppliers of fruit cases for the southern suburbs fruitgrowing district, would be forced to cease production this week because the Forests Department had told them that no further timber would be made available. The Minister for Agriculture undertook to discuss the matter with me, which he has done. I caused inquiries to be made, and they reveal that for several years the firm concerned has been drawing logs from a particular area, the logs being supplied by the Forests Department. Recently Coops Bros. were informed that that source of supply was no longer available. However, no application has been made by the firm of Coops Bros. for additional supplies of logs for the purpose of manufacturing fruit case boards, and the member for Dale can inform the firm that if application is made to the Forests Department, additional supplies will be made available.

GAOL.

As to Selection of Site and Erection.

Mr. YATES (without notice) asked the Premier:

(1) Has a site been selected for a modern gaol to replace the existing Fremantle gaol?

(2) If so, in what district has the land been selected?

(3) When is the erection of the gaol likely to commence?

The PREMIER replied:

As far as I am aware, no site has been chosen. I will have inquiries made to check on that point.

PRICES BRANCH.

As to Access to Confidential Papers.

Mr. COURT (without notice) asked the Minister for Justice:

Under what circumstances and for what purposes would written authority be given by the Under Secretary for Law for access to the confidential papers in connection with price control, reported to be in locked and sealed cupboards at the Public Library?

The MINISTER replied:

No attempt yet has been made to define the circumstances under which, and the purposes for which, authority would be given for access to the confidential papers referred to. If, and when, application is made, each will be considered and dealt with on its merits. The hon. member is assured that permission will not be given without fully considering all the circumstances.

BILL—RENTS AND TENANCIES EMERGENCY PROVISIONS ACT AMENDMENT.

Second Reading.

Debate resumed from the 6th April.

MR. WILD (Dale) [2.41]: In addressing himself to this measure on Tuesday last, the Minister for Housing spoke for approximately 1½ hours, of which time he devoted roughly 15 or 16 minutes to the Bill, the remainder being devoted to abuse of, firstly, "The West Australian", secondly, the Legislative Council, and finally the Commonwealth Government.

In view of the utterances of the Minister and the Minister in another place whom he represents—the Chief Secretary—I would have thought he would come to the House on this occasion in a rather more conciliatory mood, but instead of that, after having adopted those abusive tactics against the three bodies I have mentioned he followed that up by reading to the House a motion passed by five of the most belligerent unions in Western Australia, in an endeavour to put the gun to the head of the Legislative Council—or the Parliament of Western Australia, if you like, Mr. Speaker—and say that if Parliament did not do what this Government wanted it to do in regard to the rents and tenancies legislation, those organisations would go out on strike.

Mr. Lawrence: He did not say that at all. That is a mis-statement. They said they would take industrial action.

Hon. Sir Ross McLarty: What does that mean?

Mr. Lawrence: You would not know?

Hon. Sir Ross McLarty: We know very well what it means.

Mr. WILD: All that the Government seeks to do by means of this measure is, in effect, to go back to where we were before December, 1953, and possibly be a little more restrictive, in that it wants to set up what is one of the main platforms of the Labour Party; a fair rents court. I want to make myself and the attitude of the Opposition perfectly clear in regard to this Bill.

We have not altered our attitude or opinion one whit since a similar measure was before the House in December of last year. I will therefore read my opening remarks when I addressed myself to this legislation on that occasion. At page 2219 of "Hansard", I said—

It was with a good deal of disappointment that I listened to the Minister for Housing introduce this measure the other evening. I have two main reasons for saying that: Firstly, I consider that the time is ripe to release housing—and I specifically mention housing only—from the provisions of this emergency legislation. Secondly, no opportunity is given to members to determine whether a landlord is or is not receiving a fair return for his investment.

We have not altered our stand one whit and say that exactly the same position prevails today. In accordance with those

thoughts, I have placed amendments on the notice paper, and it is my intention, when the Bill is in Committee, to endeavour to regain most of the lost ground, but I will say that at the conference which took place I feel that one mistake was made.

Thinking it over in recent months, I have come to the conclusion that that conference may have been a little hasty. Time may have been against it, with Christmas pressing on, but I feel that had the conference managers had more time in which to think the matter over, they would not have done one of the things they did, and that is a phase which we, the Opposition, are prepared to endeavour to correct. I think that the date on which the landlord has the right to raise his rent and to give his tenant the 28 days' notice, going back to common law, should not have been one and the same, because that did give the avaricious landlord—I may add that there are not many of them—the opportunity to go to the tenant and say, "On the 1st May your rent is going up by 100 per cent. or 200 per cent., and if you do not like it, I will give you notice."

Mr. May: You say there are not many landlords of that class?

Mr. WILD: I say there are not many in that class. We heard a long dissertation from the Minister the other evening—I will deal with it directly—about the people who are alleged to be doing this and that, but the facts are not a quarter as strong as the Minister tried to make out.

The Minister for Lands: But the position is serious enough, is it not?

Mr. WILD: The second point upon which the Opposition stands firm—and again this emanated from the conference in December last—is that there should be a little more time for the tenant to get out of the house. As members know, the conference decided that the date should be the 30th April, which gave the Government four months in which to put its house in order. So as to do what I said earlier and separate the date when the rent can be raised from the date when people can be given 28 days' notice of eviction, we intend to move, when the Bill is in Committee, to alter that date from the 30th April to the 1st September. That will separate the two dates I have mentioned and will give the Minister a further four months—making eight months in all—in which to make provision for the people he alleges are going to be thrown out—he did not know whether in hundreds or thousands.

The Minister for Housing: What is your estimate?

Mr. WILD: I will not, like the Minister, be drawn into saying something about 3,000 people, as he was reported to have said at Merredin, whether right or wrong.

The Minister for Housing: And which he did not say.

Mr. WILD: At all events, it was rather in keeping with many similar utterances that the Minister has made in the past 12 months about housing in this State, and I will therefore endeavour to show the House that the Minister's statements about the hundreds of people who will be thrown out and about the avaricious landlords are rather in keeping with some of the other wild statements he has made. I will skip over the utterance at Merredin because the Minister says he did not make that statement, and we must accept that, but I will refer now to what he said in this House in answer to a question of mine last session when I asked him about the empty houses in the country.

On that occasion, the Minister stated that there were a lot of vacant houses in the country and that the Government could not get tenants for them. He endeavoured to blame the McLarty-Watts Government for having built all over the place houses for which the incoming Government could not get tenants. He enumerated eight or nine places, all of which he said suffered from this maladministration by the previous Government. He quoted Albany, Cranbrook, Broomehill, Kellerberrin, Merredin, Wongan Hills, Northampton, Pinjarra, Collie, Northcliffe, Ardath, and Three Springs. It did not take long for one or two of those road boards and municipal councils to say that what the Minister had said in the House was entirely incorrect.

The Minister for Housing: It was entirely correct.

Mr. WILD: Let us see what the mayor of Albany said. The newspaper extract dated the 21st November, 1953, dealing with the matter reads—

The Mayor of Albany (Mr. J. Norman) said today that a statement by the Minister for Housing (Mr. Graham) concerning difficulty experienced in finding tenants for State rental houses in the country was wholly misleading in regard to Albany.

The Minister said in the Legislative Assembly last Tuesday that the number of applicants at Albany was less than the number of houses available.

The actual position, Mr. Norman said, was that for the most recent allocation 36 applications were approved, 12 houses were available and further houses were expected to be completed at a rate of about one weekly.

The Deputy Leader of the Opposition received a letter concerning Three Springs and in this letter was enclosed a copy of a communication that the board had sent to the Minister concerning his state-

ments. That letter, dated the 19th November and addressed to the Minister, reads—

I have read with interest, comments reputed to have been made by yourself and published in "The West Australian" of the 18th instant under the heading of "Rural Towns Have Empty Houses" on page 5.

Reference in the above-mentioned publication was made to the alleged position at this centre, which leads to the belief that there are no applications here and the house which became available recently, has been vacant for some months due to there allegedly being no prospective tenants.

I would like you to correct the statement and to take some action to improve the housing position in this town.

The true position is that the house was vacated on 1st October, 1953, at which time there were and as far as I know there still are more than one applicant urgently requiring tenancy. I am quite certain that your commission could, without the slightest trouble, let at least four houses, at this moment, to suitable tenants in this township. Tenants, who by themselves or their successors in their callings, would be permanent occupants.

I have had to tell those persons enquiring for S.H.C. tenancies, through this office, that they should submit their applications to the commission, but unfortunately there are no available houses in Three Springs. Your statement in the House will make fine reading for those people.

Then the Minister went up to Mullewa and there is a paragraph in "The West Australian," dated the 23rd February, 1954, which reads—

The vice-chairman of the Mullewa Road Board (Mr. G. Eves) told members that he considered the period they spent with the Minister for Housing (Mr. Graham) on a recent visit to Mullewa was a waste of time and that the Minister did not seem to want to listen to anything they put up in support of additional houses.

Mr. Eves said that when they showed the Minister a condemned house with no bathroom in which a family was living Mr. Graham replied that it was "only necessary to stick up a few sheets of tin to make a bathroom."

Mr. Graham, of course, was not using a bathroom like that.

Next followed a report from the district represented by the Government Whip—Collie—dated the 1st December, 1953, which reads—

Abolition of a local committee that considers applications for State rental homes at Collie and makes recommendations to the Housing Commission, is proposed by the Minister for Housing (Mr. Graham).

He has told the Coalfields Road Board that the committee is not needed because there is no longer keen competition for houses at Collie.

This view is disputed by the road board, which claims that Collie's housing position is not as satisfactory as Mr. Graham believes.

It has been pointed out by board members that high building costs are still forcing many young couples to seek State rental homes.

In addition, the Leader of the Country Party made inquiries about Cranbrook and while I have no correspondence on the subject, possibly the hon. member may, later on in the debate, rise to his feet and tell us that the Minister's statement as regards that district was utter balderdash; the Minister said that they required no more houses at Cranbrook.

Now, for a moment, I want to touch on one of the Minister's pet subjects and one to which he devoted a considerable amount of time the other evening. I realise that this subject is linked closely with the rents and tenancies Bill—I refer to the Subiaco flats. While we all realise that the Minister, in his zeal, probably thought he was doing the right thing, he plunged into the Press some little while ago—actually the 30th August, 1953,—stating that he was going to build a mammoth block of flats at Subiaco and that he hoped it would help solve the housing problem. But this statement, like a lot of others that he did or did not make at Merredin, is completely wide of the mark. He said that all these houses in the country were lying vacant, but I intend to prove to the House that, as in those cases, he does not know what he is talking about when he discusses his own project at Subiaco.

Firstly, he made a statement in his own paper on the 30th August, 1953, and it is headed, "S.H.C.'s Great £540,000 Flat-Building Project to Start Soon." Further down we read that there will be a block of 242 flats on the western fringe of the city and lower down it says that children's playgrounds and so on will be built. I quote—

Minister said consideration is being given to the appointment of a trained nurse to supervise the children's playground. It is also hoped to make provision for hot meals for children . . .

He goes on in that strain and without a doubt it would lead the people who read it to believe that the project at Subiaco, whether it was right or wrong, would help to house all those people he so glibly talks about from time to time and who

have been waiting since 1948 and cannot get houses because of the evictions that are taking place.

The Minister is always using the phrase "mothers and children"; but let us see what one or two other people who know perhaps as much, if not more, about the Subiaco flats, had to say. This is where I shall tie this subject up with the Bill because the Minister has stated that so many evictions will take place that there will not be sufficient accommodation available. He tells us in his opening fanfare of trumpets, what a wonderful difference these flats will make to the housing position; but let us see what Mr. Harold A. Krantz had to say—

The Minister for Lands: You sound a bit jealous.

Mr. May: Sour grapes.

Mr. WILD:—about the flat-building project at Subiaco. This extract is dated the 24th March, 1954, and reads—

I appreciate the point of view of the Women's Service Guild with regard to the proposed Subiaco flats, but I feel they would not be quite so concerned if I were to make clear to them some of the misconceptions which I believe they have.

Firstly, it is not intended that the flats are to be occupied by families with children. One three-storey block of 69 flats only is designed for this purpose. The remainder, particularly the ten-storey building, will be reserved for two unit families. If children are born to these families, they will be transferred at the first opportunity to a two-bedroom flat with sleepout.

So Mr. Krantz says that of the 242 flats, only 69 are to be for families with children and there are to be 173 for two-unit couples; they can be of only two types, either the newly married couple or elderly people whose families have married. While I do not agree with the project at all—because I think that, as the Housing Commission owns thousands of acres of land, the flats could be built in other places—if the flats are to be for elderly people it will be all right; but I do not think that is the Minister's intention.

I now want to go back to what the Minister had to say, some little while ago, about housing the aged. This was reported in "The West Australian" on the 18th September, 1953, and at about the same time questions were being asked in this House about houses for the aged in Western Australia. This is what the Minister had to say in this statement—

"Because this State is already experiencing the utmost difficulty in providing accommodation for families of three units and more," said Mr. Graham, "it is well nigh impossible

at this stage to divert any of the limited funds to the small two-unit families such as husband and wife only."

I would like to know who is right. First we have the Minister saying that he is going to build this mammoth block of flats for people who have been waiting for accommodation for years and years. Then his architect says only 69 out of 242 are to be used by, or made available to families that include children and the Minister comes in again and says, "I have no money and therefore I cannot cater for these small two-unit families."

In recent weeks I have heard both the Premier and the Minister put up what is probably the viewpoint of members on this side of the House and that is that it is just about time the young fellow did a little bit for himself. For instance, the Premier, in his Labour Day message, was headline-reported in the following terms: "Premier Seeks Revival of Burning Idealism." In his message to the people of the State, he went on to say—

The struggle of Australia's trade unions and individual trade unionists over the years had now given to workers and their families employment and living conditions better than those existing in most countries.

As a result, he said, working conditions were more or less tailor-made and had been so for many years past.

Several unfortunate tendencies and practices had developed from the fact that young people, upon first taking up employment, received everything in the way of wages, working hours and working conditions "handed to them on a plate."

Then, at Narrogin, we had the Minister talking about the old pioneering spirit again. He made this statement on the 5th March, 1954. I want to line this statement up with my remarks because the Minister—or his architect—says that he is going to provide two-thirds of this flat accommodation for two-unit families. The Minister himself says that he cannot provide for the old people because he has no money, so I assume he is talking about the young ones. He says, "The old pioneering spirit has gone." When at Narrogin he appealed to the young people to get out and do something for themselves. This is what he is reported as having said:

The Minister for Housing (Mr. Graham) said here that he was against the Government becoming "a super-landlord."

Mr. Graham visited the town with the chairman of the State Housing Commission (Mr. R. W. Brownlie) on Tuesday and Wednesday and conferred with the municipal council and road board on housing matters.

He urged that they should not influence the erection of additional homes unless absolutely necessary.

In sponsoring the erection of homes for the people the Government had expected that applicants would purchase them on the liberal terms offered, but only a limited number had done so, he said.

The old pioneering spirit appeared to have died, and in its place there was a desire for the Government to accept responsibilities which it might be expected the people would undertake.

I think the remarks made by both the Premier and the Minister line up with the thoughts held by the members on this side of the Chamber. They said that it was nearly time that people did a little bit for themselves. I am pleased to think that the Minister realises he is becoming a super-landlord, because it seems to me that he will have to divert his energies from those channels which provide Commonwealth-State homes in other directions seeing that it will be along the lines that we, when in office, were trying to work in order to provide homes for everybody.

The Minister for Housing: If you agree with me, it is time I recast my own ideas.

Mr. WILD: I also want to make mention of the claim made by the Minister in his speech the other evening. I hope he is right. However, like the member for Blackwood, I am rather inclined to think that he will have to eat his words, if he possibly can, because he said—

It is anticipated that by the 30th June this year a further 3,500 houses will be completed.

I hope that that proves to be correct, but I would point out to the Minister that that is a pretty extravagant statement. I do not know much about the position, but I learned a little while I was at the State Housing Commission during my three years of office, and I found that it takes quite a while to build houses.

The Minister for Housing: It does not take long for this Government.

Mr. WILD: We have seen an example of that out at Yokine, but the proof of the pudding is in the eating.

Hon. Sir Ross McLarty: You have told us of the gigantic job done by the Government—

Mr. SPEAKER: Order!

Mr. WILD: If the Minister is correct in this statement—and I hope he is—I would like to twit him for a moment as to where the material will come from. I have a fair sort of recollection that there was a big mill at Shannon producing daily 50 loads of timber in the square which is now near enough to full production. It was

having its foundations put in when I assumed office in 1950. I also have a fair recollection of a big brickworks which was referred to by the Minister in a reply to the Leader of the Opposition when he said that his Government had achieved a great increase in brick production. I have a strong recollection that I paid many visits to that brickworks in 1951 and 1952 urging them along before the foundations were down.

Mr. May: And it is even in your electorate.

Mr. WILD: Yes, it is, and I am proud to have it there. Then I have a recollection of being present at a number of Cabinet meetings when the then Minister for Industrial Development, the Leader of the Country Party, went all out to get another cement company to come to this State. I have recollections, too, of giving great assistance to Brisbane and Wunderlich when that company was trying to erect additions to its tile factory and also of many tile factories that required financial assistance from our Government when in office.

Of course, all these things are forgotten when it comes to politics, and extravagant statements are made that 3,500 homes will be built and also that 1,000 more will be built over and above the number in the previous year. I want to warn the Minister in a friendly way that it is physically impossible in Western Australia at present, and with the building materials available, to build more than 8,000 homes a year, unless something is done about improving the building supplies, despite all the pipe dreams and the fantastic statements about what is going to happen in the future. I suggest to the Minister that he can well spend more time in chasing up these people to provide the basic materials and then he might be able to build 1,000 more houses than in the previous year.

The Minister for Housing: Cut out your patronising!

Mr. WILD: This business of letting contracts in order to get the figures into the Government Statistician's book before the 30th June is all right on paper, but is an entirely different thing when it comes to comparing the houses.

The Premier: We are fast brushing away the cobwebs.

Mr. WILD: I am now getting closer to the Bill because I will now refer to the statement made by the Minister in his speech delivered yesterday about the number of evictions and the people for whom the State Housing Commission was providing homes. He said—

Since the 1st July, 1951, to date—

I will go back a little in his speech before I proceed. The Leader of the Opposition was twitting the Minister after he had said that accommodation had been found for

no less than 1,210 families. The Leader of the Opposition asked the Minister, "Over what period?" and the Minister said—

Since the 1st July, 1951, to date. At present there are between seven and ten families per week being evicted and for whom accommodation is being found.

The Minister has admitted that the Government is providing accommodation for evicted people at the rate of seven to 10 per week. He also went on to say that there are 100 people a month calling at the Housing Commission.

I wonder what his colleague, the Deputy Premier, had to say when he endeavoured a couple of years ago to introduce an amendment to a measure similar to the one we are debating today. On the 6th March, 1952, at page 1878 of Vol. 3 of "Hansard," when asking for leave to introduce a Bill for an Act to amend the Rents and Tenancies Emergency Provisions Act of 1951, the present Deputy Premier had this to say—

I ask you, Mr. Speaker to work this out. There are, on an average, 25 evictions every week and the Housing Commission is building 10 houses a week.

He then went on to say—

Because of that automatic eviction we are getting, on the average, 25 evictions a week. That has been going on since the 30th September, with the Housing Commission, for a big portion of that time not providing more than six houses a week and now I am told managing 10.

I am going to accept that figure as being right, because I think it is very close to the mark.

There were somewhere near 25 families a week being evicted from their homes, of which the Housing Commission, through evictions at the court, was being called upon to provide no less than 15 per week. The numbers of orders from the court at that time averaged somewhere between 15 and 20. There usually would be 25 applications before the court, some would be adjourned sine die, others to the next week or till a later sitting of the court. But as the Minister knows, we had an officer, whom I appointed myself, sitting in the court and he used to report to me what had taken place. So they used to average on orders about somewhere between 15 and 20 per week.

Honouring the promise given by the Government of the day that it would house everybody whom it considered needed housing, the Housing Commission was looking after all these evictees. But today, on the Minister's own admission, we find he is housing seven to 10 people and Parliament has been called together to discuss what he himself describes as a matter of grave emergency. How is it that

the Minister cannot handle seven to 10 a week on 3,500 homes, when we were housing 15 to 20 a week on 2815?

The Minister for Housing: You were not up to that number.

Mr. WILD: That is according to the Minister's own admission. Has he again been misreported? Is this another Merredin incident? The Minister says he is housing seven to 10 a week, and I repeat that Parliament is being called together to discuss this Bill because of the urgency of the situation.

The Minister for Housing: For your information, the new legislation is not yet in operation.

Mr. WILD: I rather query what is being done at the Housing Commission in regard to the selection of tenants of these seven to 10 about which the Minister talks. I wonder if the present Government is doing what we did. We had every case investigated and when we found that a man had been in permanent employment for a considerable time and may or may not have had one other unit in the family able to bring money into the home, and had done nothing to help himself, the commission would possibly consider that that man could fend for himself. On the other hand, there would be the case of the man in the low-income group who had a large family. The Housing Commission would, of course, help that man and his family. I wonder if the Minister has carried that on, or whether that, too, has gone by the board.

The Minister for Housing: It was not done while you were there.

Mr. WILD: I would like to know what the Minister has done by way of providing houses for those evicted people. The other evening he replied to a question asked, I think, by my colleague, the member for Mt. Lawley. The Minister said that the houses built for the evicted people were too small, that the people were complaining and that they wanted to get out of them as quickly as possible. Which way does the Minister want it, Mr. Speaker? Does he want roofs over the people's heads, or does he desire the type of crisis that is being brought about by the Minister himself?

The Minister for Housing: We want roofs, not fowl-houses.

Mr. WILD: I know how I would feel if I were to be put into one of those houses and suddenly, because of a change of policy, and because of a little connivance, people were able to get a house from the Housing Commission and were put into a five roomed brick house because they had been evicted. I know how sore I would feel. With those people there is no necessity to do that, or to talk about going to the Claremont show-grounds or Graylands or other camps. All the Minister had to do was to continue the policy of the previous Administration, build modest homes

and sell them under the Workers' Homes Act. He would then find that the people concerned would help themselves and that the pioneering spirit, which the Minister seems so earnestly to desire, would come to the fore.

I would suggest that the Minister goes to the new suburb at Scarborough and the other one on the Guildford-rd. I could show him these little "dog boxes" to which he refers and which were put up two to 2½ years ago. They have now been built into three or four-roomed houses—not all of them, I admit—and quite a few have nice gardens. Is there anything wrong with that? It becomes the man's own home.

Mr. Lawrence: What about the ones you built at Naval Base? They are worse than fowl-houses.

Mr. WILD: The other afternoon, when introducing the Bill, the Minister quoted from files forwarded to him by his colleague, the Chief Secretary, in another place. He went out of his way to mention quite a few people who were going to be thrown out, but nothing was done because he said this legislation expired on the 30th April. I really do not think the Minister has had a good look at those matters. If he did, it was a pretty bad pick. It is possible, however, that he was busy thinking about his Subiaco flat project. Had he not been so, he would have found that half of those were tenancies that could have been looked into by the rent inspector.

The member for Mt. Lawley asked the Minister what had been done about the rent inspector who was given the right last December, of his own motion, to go along and inspect premises, the rent of which he thought was too high. The member for Mt. Lawley also asked what number of inspections had been made since the 1st January by the rent inspector, relating to premises where they are part of premises, which are leased separately for residential purposes, on the application of (a) the lessee and (b) the rent inspector of his own motion. The Minister replied—

(a) Three on behalf of lessees, 34 on behalf of lessors.

But by the rent inspector of his own motion, of these very people, the Minister has no knowledge at all. His reply continues—

(b) No inspections have been made because any determinations by the rent inspector before the 30th April could be varied by the lessor on and after the 1st May.

Inspections will commence on that date or sooner if the provisions of the existing Bill are expeditiously accepted by Parliament.

Here we are told by the Minister, with crocodile tears in his eyes, that these poor beggars are paying £3, £4, or some

astronomical figure for shared accommodation. The Minister quotes those as reasons for calling this special session of Parliament, yet he turns round and tells us he has had four months to do it in but he has done nothing.

Hon. A. V. R. Abbott: In any case, the reply was not accurate. It was a misquotation of the Act.

The Minister for Housing: Even the member for Cottesloe has awakened.

Mr. Hutchinson: That is a disgraceful state of affairs.

The Minister for Housing: One thing is certain: We will not build any more "Wild" dog-boxes.

Hon. A. V. R. Abbott: You have always exaggerated grossly, and you are doing that now.

The Minister for Housing: You have never seen one of these yourself.

Hon. A. V. R. Abbott: Yes, I have.

Mr. WILD: I feel perfectly certain that the public of Western Australia will not react favourably when they realise that the Minister and his colleagues in another place, in bringing pressure to bear volubly on Cabinet, told Cabinet about all these terrible things that are going to happen, in order to summon Parliament. So today we are sitting to consider legislation because of the wild statements made by these two Ministers.

The Minister for Housing: "Wild" statement is the correct term.

Mr. WILD: When we get down to hard cold facts, what the Minister is telling us amounts to this: He is building more houses. He tells us he is accommodating fewer evicted people than we did, even though he has more houses. He admits receiving £850,000 more than we did, and still he has to come to Parliament and say "I am in a panic. The roof is about to fall in on the 30th April. You have to do something about it."

The Premier: Does the hon. member think that the existing Act ought to be altered before the 30th April?

Mr. WILD: In reply to the Premier, the decision which emanated from the conference in December last was not quite what I would have accepted myself, because there was no separation between increase of rent and the date of eviction. Therefore, it is the intention of the Opposition, if the Minister will listen, to endeavour to amend the Bill so that we can bring that about.

The Premier: Then the special session was necessary and justified.

Mr. WILD: Had my colleagues on this side of the House been sitting on the Treasury bench, we would not have panicked until we knew what we were doing. The Premier does not attempt to tell me that any trial has been given to this legislation. Everything that has been said was

conjecture. They think that might happen, but although the Minister might be right, he might be wrong. The figures he quoted to this House do not lend weight to the argument that the calling of this special session was justified.

The Premier: Does the hon. member think that the present Act should be altered before the 30th April?

Mr. WILD: I think that the panic was caused by the Minister for Housing because for the past three months he has been saying these things through the Press, and even to people calling on the State Housing Commission. So he has helped to bring about the panic which resulted in the calling of this special session of Parliament. Had my colleagues and I been on the opposite benches, instead of uttering words we would have shown deeds, and until the 30th April came along, we would have given the legislation a trial.

The Minister for Housing: What about the rents angle?

Mr. WILD: I shall support this Bill in order that it may go through to the Committee stage. It is my intention to raise opposition to some matters in Committee to endeavour to bring about what I have outlined, namely, to extend the date of eviction from the 30th April to the 1st September. This will give the Minister four more months to see what he can do. Furthermore, to put a restrictive clause into the Bill so that the avaricious landlord cannot give notice to a tenant to quit if he refuses to pay extra rent.

In effect, it will amount to this: If a landlord approaches the tenant and says, "Your rent, which was £2, is going to be £6 a week from the 1st of next month," and if the tenant objects by saying, "I am going to the court," the landlord may, through the tenant not being able to get to the court in time, be able to evict that man, but the same premises cannot be let again at a rental greater than that paid by the evicted tenant unless there is a determination by the court.

Mr. Lawrence: What about cases which have occurred?

Mr. WILD: Those were unfortunate cases. We cannot make the legislation retrospective. The proposed measure, with my suggested amendment, will at least give protection to the tenant who is under notice of eviction because he refused to pay a higher rent. The whole point is that the landlord has the right to say to the tenant, "You must go." If the tenant refuses to pay the rent, he has to leave. But the landlord is not permitted to increase the rent of that house to an incoming tenant until such time as he has been before the court.

The Minister for Education: On what section of the Act do you base that opinion?

Mr. WILD: We are endeavouring to amend Clause 10.

Mr. Ackland: How much chance do you think you have of any amendment being accepted?

Mr. WILD: While we do not agree to many of the amendments in the Bill, there is certainly one which the Opposition will not accept, that is, the intention to set up a fair rents court. This amounts to conforming to another plank of the platform of the Labour Party. They may think it right or wrong, but we certainly think it wrong. It is unnecessary to set up such a court because the machinery is already there. The present Act entitles any man to go to the court to have a fair rent determined on the basis of between 2 and 8 per cent. of the capital value. But with the fair rents court it will be given no directions. Such a court may be friendly or unfriendly. It may be packed with political partisans, and a person may not get the same fair determination from it as from the existing court. So we are very much opposed to that amendment.

The Premier: How could the proposed court be packed politically?

Mr. WILD: Because the Government could appoint a magistrate whom it felt was a little inclined their way.

The Minister for Housing: That is a nice reflection on the magistrate.

Mr. WILD: There is also a provision in the Bill which says in the event of disagreement on the appointment of the assessor from the Real Estate Institute, the Governor may appoint someone in his place.

The Minister for Native Affairs: I am sure your leader does not agree with your statement about the integrity of the magistrate.

The Premier: The statement about the magistrate is very wild.

Mr. WILD: These amendments can be dealt with in Committee. I can go on at great length, but I shall reserve any further comment until the Committee stage is reached, with the object of moving the three amendments standing in my name on the notice paper. In order to get the Bill into the Committee stage, I support the second reading.

Mr. SPEAKER: I hope that during the rest of the debate, members will endeavour to deal with the provisions of the Bill. Almost 2½ hours have been occupied with the discussion so far, and both the Government and Opposition sides have had an open go. I hope that members will now co-operate as I have indicated, and, by speaking to the provisions of the Bill, get the business through. Neither of the previous speakers has done so.

MR. ACKLAND (Moore) [3.30]: I have not the slightest intention of occupying much of the time of the House, but I wish to voice my strong opposition to this Bill and to state most emphatically that I oppose the second reading. To do anything else, I consider, would be to act as a political hypocrite.

The Premier: Oh, oh!

Mr. ACKLAND: I feel sure in my own mind that the Minister for Housing will not accept any amendments if he runs true to form. During the regime of previous Labour Governments, we have heard how they have introduced legislation at times under pressure in the hope that another place would throw it out, and so I say to members on this side of the House, knowing full well that they will not have any chance of getting amendments passed, not to throw the responsibility, as the present Government has done from time to time, upon another place to do the work that we in this Chamber should try to do.

I approach consideration of this measure as a tenant, not as a landholder. I have been a tenant in the metropolitan area for more than six years and I claim to be able to understand the position from both sides, and I am of the opinion that the legislation controlling rents over the last 14 or 15 years has brought into being a breed of tenants who in many instances have lost a sense of responsibility to the people who own the houses.

The Premier: Are you talking about people or cattle?

Mr. ACKLAND: There are many good tenants, admittedly, but because of the control that tenants have had over properties, for the maintenance of which they had no responsibility, they have abused them and the landlord has had no opportunity to deal with his own property.

Mr. Heal: That is a misstatement.

Mr. ACKLAND: The Government is the biggest landlord. In the last two years, some rental homes have been built at Wongan Hills. I understand that the rent was paid on one of them for 13 months, the amount being £2 4s. 6d. a week. During the last seven months, I have been told, that house has been vacant because the tenant did so much in the way of destruction and treated it so badly that nobody would live in it. I understand that the cost of renovations and repairs to that house will be more than the Government has received in rent. That is one instance, but we can go about the metropolitan area and see many similar instances.

During the last six months I have inspected many homes in one of the suburbs of Perth and must admit that in every instance where I looked at a house subject to tenancy, it needed hundreds of pounds

to restore it to a state fit for anybody to live in. Therefore, I say that we in this House should stand up to our responsibilities. We believe in democracy. I believe that owners should have control of their own private property, except in a case such as war where it might be to the disadvantage of the nation, but here we are, nearly 10 years since the termination of the war, and the Government is asking us to place further controls on owners when tenants have been abusing the properties and treating them shockingly. It is time the whole control over homes ended, and it is with great regret that I find some members on this side of the House prepared to vote for the second reading of this Bill, knowing full well that the Minister will not budge an inch.

The Premier: The Liberals are becoming quite socialistic.

Mr. ACKLAND: The Premier may know more about that than I do. Only a few years ago, a Federal election was held and it was decided that petrol control should cease. The Federal Labour Party and the State Labour Party raised their hands in holy horror and told us what would happen if the control were lifted. What do we find? The price of petrol has dropped; more of it has been available and we are getting a very much better service than we received during the period of control. Then we had controls in respect of various materials and we were told what was going to happen if those controls were lifted. What did happen? The release of those materials from control has led to an improvement in the position rather than having an adverse effect. Then we had the abolition of prices control and I could enumerate many items that have been reduced in price since that control was relinquished.

Mr. Lawrence: What has that to do with this Bill?

Mr. ACKLAND: Quite a lot. If a fair rents court comes into existence, I believe it will continue in existence, if not for ever, then for a very long time. Are we likely to encourage people of means to build houses for letting if they know full well that a court of three members will decide the conditions to be applied and the rents to be charged for those homes? There are certainly some bad landlords, but I believe they constitute a minority.

Mr. O'Brien: A majority.

Mr. ACKLAND: I say they are very much in a minority. The Minister for Housing and his chief cheer-master, the "Sunday Times", have, as a result of the wild statements they have been making during the last few months, been encouraging landlords to evict tenants and to increase their rents. I do not know how much support the Bill will receive, but if members on this side of the House agree to the second

reading without voicing a protest, it will not be in the best interests of the State. If we believe in the sanctity of private property, we have no right whatever to agree to the continuation of controls over homes for one minute longer than we can help it.

MR. COURT (Nedlands) [3.40]: A study of the Bill leaves me more than ever convinced that this session is a political manoeuvre. I will go so far as to say that it is directly related to the Legislative Council and the Federal elections, and it does the Government no credit.

The Premier: That is not true.

Mr. COURT: The Minister was not up to his usual form when presenting the case for his Bill. In fact, he ran all around it and gave us only a few minutes' explanation of the measure which, I find, is extremely complicated. Even after many hours of detailed study, I am not yet thoroughly convinced that I understand it. Simplicity should be the keynote in legislation of this kind, and in that particular the Bill certainly fails.

When one examines the structure of the measure one finds that it is thinly veiled in a piece of party politics. There is to be a so-called fair rents court, and the measure makes no move towards freedom from controls except for some minor and unimportant concession, which reduces the notice period under Section 19 of the Act from six months to three months. I submit to the House that this is a mock concession because most, if not all, of the cases concerned were dealt with ages ago during the life of the McLarty-Watts Government. They are the cases concerning people who want to obtain possession of their own homes to live in themselves, or for certain specified relatives, as set out in Section 19.

I am of the opinion that the Government's concession, reducing the notice period from six to three months, is no real concession at all. Last session the Government could have gained support for a continuance measure had it brought one down in reasonable form showing a genuine movement towards decontrol. But what did we get? We had before us a measure which, in my opinion, was so vicious that I can only assume it was intended to taunt the Legislative Council to reject it, as was certain other legislation we had to deal with during last session.

Mr. May: It did not need any taunting.

Mr. COURT: I feel that in the circumstances the Government was fortunate that the managers' conference was able to gain some time for it. Let us examine the tenancy position as it is today. First of all, the exclusion of tenancies since the 31st December, 1950, from the recovery provisions of the Act, has been met and successfully coped with.

Secondly, the position under Section 19 of the principal Act presents no problems. Thirdly, there are adequate provisions in the principal Act for dealing with shared accommodation, which is certainly the most vexatious part of the problem—that is, if the Government wants to deal with that particular problem.

The answers we have received in the last 24 hours indicate that the Government has not been anxious to take advantage of the provision included in the December, 1953, amendments, specifically aimed at shared accommodation. In further reviewing the tenancy position as it exists in this State today, we find that the State Housing Commission is not bound by the restrictions on rents and occupancy that apply to private owners. There is nothing in the measure before us at the moment that makes a move in that direction. For instance, there is no suggestion that the State Housing Commission homes will be subject to this fair rents court.

The Minister for Housing: Your commonsense should tell you that no State legislation can override Federal legislation.

Mr. COURT: It is peculiar that the Government wants complete freedom in this sense, yet it is not prepared to give that freedom to private owners.

The Minister for Housing: I did not say what the Government wanted; it is what the Commonwealth insists on.

Mr. COURT: Furthermore, in connection with these problems of tenancies in Western Australia at the moment, we find that more and more people are acquiring their own homes. A review of the figures since 1947 makes it clear that the proportion of people owning and occupying their own homes greatly exceeds that of people acquiring homes as tenants instead of as owners.

Sitting suspended from 3.45 to 4.8 p.m.

Mr. COURT: At the time of the tea suspension I was dealing with the several phases of the tenancy position in Western Australia having in mind the effect on the measure before the House. I had just got to the phase where I had pointed out that more and more people were acquiring houses for occupation by themselves instead of for occupation by tenants; this, in turn, does relieve the demand on rented accommodation.

A further point is that, given encouragement and with freedom of ownership, more people will build flats for two reasons: Firstly, as a contribution to relieving the housing problem, and, secondly, as a form of family security, because it is a rather attractive investment if there is reasonable freedom. Particularly is this so in the case of a widow who can occupy one of the flats and let the others. But when there are unpredictable restrictions

on such investments, it becomes rather unattractive for people who might otherwise be prepared to help.

The last point with which I wish to deal in connection with the present tenancy position in Western Australia is that the controlled tenancies, so far as occupation is concerned, are now confined virtually to a comparatively small group of depressed rents in respect of tenancies prior to the 31st December, 1950. In other words, I feel that the way is all clear for a major step towards decontrol, if not complete freedom. These people who were in occupation prior to the 31st December, 1950, cannot expect immunity for all time.

The Minister has brought forward various arguments in support of his contention that there is a crisis necessitating this measure, and I was rather distressed to find that the main complaining section of the community he mentioned comprised five unions which had threatened industrial action if the Parliament of this State did not pass legislation, presumably in accordance with their desires. Rather than the Government rejecting that threat out of hand, the Minister introduced it into this Chamber in support of his legislation.

In my own electorate I have had two complaints regarding the effect of the 1953 legislation if it remains unamended. I must confess that one of them is a most prominent member of the Communist Party in my electorate, and very happily I would like the Minister for Housing to see if he can find her alternative accommodation, preferably in some other electorate. Outside of those two, for one of which I have a degree of sympathy, I have not received any other complaints.

Mr. Johnson: The people down there do not think much of their member, then.

Mr. COURT: In reply to the member for Leederville, I would say that they seem to think sufficient of me to worry me very considerably over the normal problems of my electorate and, if they are serious, they would worry me over their tenancy problems likewise. The Minister's figures of potential hardships were an anti-climax to the Government-inspired and heartrending stories of the landlord-tenant problem in recent weeks.

In fact, the Chief Secretary and the Minister must be feeling rather embarrassed at the figures quoted, because if I read his speech aright, they received at the State Housing Commission since the 1st January 100 inquiries per month from potential evictees and 200 inquiries have been made at the Chief Secretary's office. That gives a total of 500 if we assume that there are no duplications of inquiries made either at the Housing Commission or the office of the Chief Secretary and, of course, overlooking the fact that there could be among those 500 applicants those who were living in shared accommodation.

For my part, I am assuming that the pressure that has been on, small though it is by comparison with what we have been led to believe, has been the maximum that the Minister can expect because he, with a degree of sound judgment after the 1953 legislation was passed, encouraged people, through the Press, to let the Housing Commission know of their needs so that he could anticipate any possible accommodation emergency. If I remember rightly, he encouraged landlords to tidy up their arrangements with their tenants so that in each instance the tenant in turn would know where he or she stood.

In addition to that official announcement, the propaganda that has been indulged in during the last few weeks has encouraged people to build up a fear of eviction and the fear of steep rent increases. I think those factors, together with the need for a tenant to have actual eviction proceedings hanging over him before he could get real consideration from the Housing Commission, has created a greater demand at both the offices of the Chief Secretary and the Housing Commission than we can expect in the next few weeks. Far too much prejudice and drama is allowed to enter deliberations on landlord and tenant relations. There is always somebody prepared to highlight bad cases as far as the landlord is concerned, but never do we hear people highlighting the many good acts done by the average decent type of landlord in his relationship with the tenant.

I repeat that the State Housing Commission itself is outside these irksome restrictions that are imposed on private owners. We are told that this measure was brought forward to deal with an emergency. If the matter is attacked with imagination and vigour by the Government, I do not admit that there is an emergency. In fact, I would say that there has been an amazing inactivity on the part of the Government if it anticipated there would be a housing crisis after the 30th April. This leads one further to believe that it is a political manoeuvre against the Legislative Council.

The mere inspection of the show ground, migration camps and other places is only lip service to the problem. In any case, who wants to condemn people to live in that type of accommodation? If the position is as bad as the Government-inspired propaganda would have us believe, why has not some emergency accommodation of a suitable nature, which can be erected expeditiously, been provided? One is forced to the conclusion that the Government is anxious to make a convenience of private owners to meet its problem until such time as it has built up a mightier State-rental homes roll with which to eliminate the landlords completely.

If I read the platform of the Labour Party aright, I would say that that policy is consistent with the party's intentions and desires. I would submit to this House that this giant State-landlordship will one day bite the hand that fed it. I can just imagine the position of any Government in time of serious recession and the huge amount of arrears of rent that will, or could, arise. Coincidental with that, we can imagine the terrific political pressure that will be brought to bear on members and it will be rather poetic justice that the members on the Government side at this time will not be able to sit back and regale the private landlord for pressing for his rent. It will be a case of a State instrumentality being caught up in a web from which there is no escape.

As a result of this measure and this special session, a new problem has intruded itself upon the community. I refer to the genuine home purchaser who has acquired his or her home in all good faith since the 15th December on the understanding that they could obtain possession not later than 28 days following the 30th April. These people have paid the full price on the distinct understanding that they will receive vacant possession. They represent people, who, in many cases, have invested their all to have a home with such vacant possession and they, as ordinary citizens, were entitled to take the December, 1953, law at its face value. In my opinion this House has a duty to protect those people. At an appropriate time I propose to move an amendment for their protection.

Hon. Sir Ross McLarty: There would only be comparatively few of them.

Mr. COURT: I am unable to obtain the exact figure, but I understand it runs into considerable numbers and there has been quite a large degree of activity in the purchase of homes with the assurance that possession could be given 28 days after the 30th April. In this morning's paper there is a letter which is relevant to this particular matter. It reads—

A House to Live In.

Sir—

I listened with grave concern to the threat made by various unions to take action if their members suffered under the Rents and Tenancies Bill.

I, a widow with an adult daughter, bought a house to live in, but under present conditions I must pay £3 5s. for a room while my tenant pays £1 16s. 6d. for a nice home. The Housing Commission took three years to make up its mind that nothing could be done for a three-unit family, so I went into debt to buy a house I can't live in.

Yours etc.,
Mother of a Lumper.

One can only assume from the last sentence that the lady is paying interest on the money she borrowed and is possibly more out of pocket than the difference between the amount of £1 16s. 6d. she receives and the £3 5s. she is paying in rent.

The Minister for Education: It would be interesting to know why she cannot live in it.

Mr. COURT: That interjection only makes my point all the stronger. This is obviously a person who has bought a place in good faith on the strength of the 1953 amendment.

The Minister for Railways: It could be anything. It is anonymous.

Mr. COURT: This is not an isolated case, but it is a case.

The Minister for Housing: It might not be a case at all.

Mr. COURT: If the Minister wants specific cases, I can give him three that are giving me concern at the moment.

The Minister for Education: Surely the hon. member is not going to build a case on an anonymous letter!

Mr. COURT: If the Minister desires, I will give him three cases that I know of. One is in the electorate of the member for Leederville.

The Minister for Education: That would be far better. I do not know where a Minister would be if he took notice of anonymous letters.

Mr. COURT: The economics of this legislation merit some discussion in the consideration of this measure, because part of the measure envisages a fair rents court, and from the Minister's speech we are led to believe that he anticipates a rent rise as a result of the deliberations of this court. Like all other problems, the economics of home ownership, whether for occupation by oneself or a tenant, has two sides. Naturally, there is the tenant who is concerned about the rent he has to pay, while the owner is concerned about the return on his investment.

Much has been said about the effect of the basic wage if rent increases take place. But I am not so sure that some of the comments made are indeed factual. I cannot obtain accurate information as to the exact number of houses in the metropolitan area that are owned and lived in by people as against the number that are rented by the present occupiers, but from figures I was able to put together, I feel I would not be far out if I said that 40 per cent. of the houses in the metropolitan area are rented homes. Of this 40 per cent., approximately one-quarter would be homes which come under the Commonwealth-State rental agreement.

Therefore, if we use those figures as a basis, and I do not advance them as being 100 per cent. accurate, but purely as an approximation of the figures, we would find one-tenth of the total houses in the

metropolitan area, approximately, would be at State Housing Commission rents, which have no relationship to the figures claimed to form part of the basic wage formula. Sixty per cent. of the total houses would contain people who pay no rent because they are owner-occupiers. But they do pay rates and taxes, insurance, repairs, and maybe interest on mortgages.

If one uses a low average capital value for today, which I would say would be £1,750—though that may be a little too low—the approximate rental value of the owner-occupier could be as follows:—

Rates and taxes, say—£22 per annum.

Insurance—£3 per annum.

Repairs, based on 1 per cent. of the assumed capital value less land—£15 per annum

Depreciation at 1 per cent.—£17 10s. per annum.

5 per cent. on £1,750 invested—£87 10s. per annum.

For the sake of this discussion, I have arrived at the sum of £145 as being the annual worth, as it were, to the owner-occupier as a result of having invested his £1,750 in a home in which to live. Again, this figure bears no relationship to the figure claimed to form part of the basic wage formula. This leaves the remainder of the 40 per cent., that is, 30 per cent. after deducting the portion of the rented homes which I am assuming are Commonwealth-State rental homes, as being the homes which are dependent on relationship between tenant and private landlord.

Therefore, allowing for adjustments made by the court from time to time in applications that have been dealt with, it is my opinion that the movement in this comparatively small group of home renters cannot have the shattering effect on the basic wage that some would have us believe. In any case, would not a major movement in rents following the deliberations of the fair rents court envisaged under the Bill, be followed by an overall review of the basic wage structure, including the margin in the present basic wage fixture in excess of the price index movement?

The Minister for Housing: We are not encouraged to believe that the Arbitration Court would do anything in the matter, by its lack of activity in the past.

Mr. COURT: There is machinery to have that reviewed.

The Minister for Housing: It is possible the court would say no.

Mr. COURT: That is true, but it is a court of competent jurisdiction. The housing availability in relation to landlord and tenant has a great influence on the merits or otherwise of this legislation. It is axiomatic that adequate homes solve tenant problems, and I am doubtful whether we have shown enough imagination in this State to produce that state of affairs. Are

we sufficiently adventurous in producing basic materials? I submit that if we consider we have gone far enough, we are making a grave error because what was sufficient yesterday will be grossly insufficient for this State's needs in the near future.

It is one thing to make an observation that this should be done, and another to put forward a suggestion. I feel that several avenues could be explored, not the least of which could be financial encouragement to people who have the money to build. Members on the opposite side of the House would probably laugh if I advanced the suggestion that there is one avenue through taxation. Spain is one country that I understand was in a grave mess over its housing. It considers it has now gone a long way towards solving its problems by granting a 10-year tax moratorium on all income from building revenue for buildings commenced after a certain date. In other words, that country gave financial encouragement to people who had the money to build.

The Minister for Housing: You had better have a talk with "Polio Bob" about that one.

Hon. Sir Ross McLarty: You can talk about "Polio Bob"! That is a nice remark for a Minister to make! It is a real guttersnipe remark. Do you approve of that stuff?

Mr. Hutchinson: What a thing for a Minister of the Crown to say!

Mr. COURT: The question of encouraging people to build through making it financially attractive is no different from the policy that has been adopted in this country for many years of giving special concessions to people for primary productions, or giving certain attractions to the mining industry. If our State Government sponsored this idea of trying to get some encouragement on the tax side for its people to invest their money in house building and in flats, it could go a long way towards creating the necessary incentive and interest in this phase of activity as an investment.

It must be admitted that it is not a very attractive investment to own a home for renting purposes. It has always been accepted that the percentage of return on property investment is fairly low. Some people might be lucky and buy right and be able to show more than a small percentage, but in the main the percentage of return received over the years is not very great. True, there are capital increments which do assist; but I feel that if the Government would say, "If you people will put money into housing, produce the goods, and help us in solving the housing problem, we will give you an inducement on the taxation side"—

The Minister for Education: They have had that inducement since 1950.

Mr. COURT: I do not quite follow how the Minister reaches that conclusion.

The Minister for Education: There has been no control over the rents of houses since 1950.

Mr. COURT: I do not think that is quite so.

The Minister for Education: Of course, it is quite true! Have a look at the Act.

Mr. COURT: The provisions have allowed complete freedom in respect of tenancies since December, 1950.

The Minister for Education: A man who built a house in 1950 could charge any rent he liked without control.

Mr. COURT: That is not so.

The Minister for Education: Have a look at the Act.

Mr. COURT: It was still necessary to have the rent fixed.

The Minister for Education: For the first time?

Mr. COURT: Yes.

The Minister for Education: Show me where it is.

Hon. A. V. R. Abbott: I will show it to you. See me afterwards.

The Minister for Education: You will have a job.

Mr. COURT: I suggest the Minister is confusing the rent provisions with the actual tenancy provisions. This Bill does not make any contribution to the provision of homes and flats; on the contrary, it is a deterrent. The fair rents court proposed is just another statutory body to be avoided, in my opinion, like the plague. These statutory bodies rise up in our midst and, before we know where we are, we find them becoming vested interests and advocating their own permanence. One can easily imagine that after a year's operation this court would produce to the Minister several or even many, harrowing stories of the alleged ill-treatment of tenants by landlords, and they would be used as a basis for making the fair rents court a permanent institution. I feel there is no need for that.

The present court procedure is adequate and capable of doing the job, and there is no need to create this extra statutory body with all the attendant expense and administrative problems. Its proposed constitution is rather alarming, especially in respect of the third member. It is provided that he shall be an assessor nominated by the Minister to represent lessees. The draftsman has made no attempt to define what an assessor is. No professional qualifications are stated, and I presume the assessor could be any person, regardless of what experience or practice he had.

The Minister for Housing: That applies to the constitution of the Arbitration Court, too.

Mr. COURT: The further provision for the Government to appoint a person in place of the nominee of the Real Estate Institute of Western Australia, if that body fails to nominate an assessor, is also dangerous. It would be very easy to create a state of affairs under which the Real Estate Institute would not nominate a person out of protest; and, if that occurred, the Government of the day could appoint to the vacancy an assessor who was not necessarily a member of the institute.

The measure does not provide any formula in respect of the fair rents court provisions and the fixing of rents. I feel it is Parliament's duty and responsibility to specify a formula. Apart from the fact that we have a responsibility to be clear in what we legislate for, I am assured that there is a difficulty arising from a decision of Mr. Justice Virtue in respect of the matters the magistrate or the court will take into account when fixing the rent. I am told that the provisions in the measure will virtually force the fixing of the rent back to what we usually refer to as the standard rent—

The Minister for Housing: That is wrong, because all reference to that standard rent will disappear from the Act.

Mr. COURT: My adviser tells me there is a very grave doubt whether the court would be prepared to say, "We will now work on a formula of today's value and arrive at a net percentage on return after allowing for expenses and depreciation." It is our duty to declare a formula and to say to the court, "These are the limits within which you will work." That would be fair to the court, and the members of the public would know where they were. The member for Dale indicated his objections to the measure and stated what he felt should be done to bring about a desirable state of affairs.

Mr. McCulloch: Do you agree with the member for Dale that magistrates would not give correct decisions?

Mr. COURT: I have a very high regard for our magistrates.

Mr. McCulloch: You do not agree with the member for Dale then?

Mr. May: Say yes or no.

Mr. COURT: The main problem has arisen from the fact that the legislation resulting from the managers' conference did not separate the two dates of rent and eviction changes. It is easy to be wise after the event; but had there been a separation of the two dates, I am sure the Government could not possibly have had any cause to convene this special session, because the tenant would have been given the benefit of having his tenancy held while the fair rent was determined; and the new tenant, if there was a change of tenancy, would only just replace one income for another so far as the owner

was concerned. It could not be held that the owner was engaged in any bush-ranging tactics by holding a gun at the head of one tenant in order to get a bigger rental from another.

Personally, I am convinced that, had we been able to separate the two dates, we would have brought about a smooth change-over as regards tenancies and rents. The member for Dale has given notice of what appear to be a fairly simple and effective means of bringing those changes about, and at the Committee stage we will doubtless have an opportunity of discussing the amendments. This is not the appropriate time to do so.

I would like to summarise my remarks by saying that the measure makes no real advance to freedom of ownership and encouragement of building. Secondly, the Government has failed to use the machinery at its disposal to protect tenants, especially in respect of shared accommodation. Thirdly, the Government has not been prepared to give the existing Act a trial, and is trying to stampede us into accepting what I consider to be a panic measure for purely political reasons. Furthermore, no proof has been given of the alleged emergency. Unless the Minister indicates in his reply that he proposes to give some reasonable consideration to the amendments put forward and brought to his notice, I will have no alternative but to vote against the second reading.

HON. A. F. WATTS (Stirling) [4.40]: When the Act was before the Assembly in 1953 I was, unfortunately, unable to be present during the second reading and Committee stages, if I remember aright, and in consequence I was not able to express any views on the position as it existed then, but I will say now that when the compromise was effected just before Christmas between the Legislative Council and the Legislative Assembly, I held the same views as those that have just been expressed by the member for Nedlands, that the failure of the conference to separate the dates when any control of rents should cease and eviction notice could be given, was liable to lead to a state of some confusion, at least in cases where landlords were not prepared to do what we might call the decent thing.

I say at the outset that I firmly believe the great majority of property owners have proved themselves to be reasonable people. Were all of them capable of being classed under that heading, I think any legislation of this kind would now be entirely unnecessary. But here, as with most other things, we are obliged, in many ways, to legislate for minorities. I suggest, for example, that the size of the Police Force is not necessitated by the behaviour of the great majority of our citizens, but by the behaviour of a very limited percentage of them, who, if they were left

to themselves without the long arm of the law would, from time to time, create a state of affairs which would be extremely detrimental to their fellow and law-abiding citizens.

Therefore, we have to consider this legislation, I think, not from the point of view of the great majority of property owners who lease their houses to tenants, but from the very restricted point of view of those who will not—few in number as I believe they are—do justice to their tenants in a reasonable way. The Minister when introducing this measure, distinguished himself, I think, as rather a bad tactician. I presume that he wanted the support, if he could get it, of our major daily newspaper—the morning newspaper, “The West Australian”—so he proceeded frankly to criticise that instrument in a large portion of his speech. I presume he ultimately desired some concurrence with his point of view by the Legislative Council, so he proceeded to adopt a similar attitude towards that institution for the next one-third of his speech.

The Minister for Housing: Are you certain of that?

HON. A. F. WATTS: That is how it struck me. One can only assess the remarks of another in the way that they impress themselves on one.

The Minister for Housing: I think you had better read my speech again.

HON. A. F. WATTS: I have done so, and that is how it struck me—an undemocratic institution, etc., etc. It is all there, and, as I say, I would suggest to the Minister that if he wanted to bring about an agreeable state of affairs with both of these somewhat important institutions, he would have been well advised either to have forgotten to mention them at all, and got down to the Bill and the surrounding circumstances of the measure, or alternatively, to have said a great deal less about them. However, be that as it may, it is our duty to determine just what ought to be done. I am going to say immediately that I do not propose to oppose the second reading of this measure, but I sincerely trust that it will be amended in Committee. I do not think that the fair rents court as contemplated by the Bill is necessary at the present time.

As I understand the position, there could be left in the Act ample powers for the magistrate of the Local Court to deal with applications that are made for the determination of a fair rent; particularly if, as the member for Dale suggested, there is a sufficient hiatus before any notice of eviction can be given. I am well aware from some personal inquiries I have made or that have been forced upon me, that there are a few cases where the apparent power of eviction has, as the law now stands, enabled some of this small per-

centage of landlords to advance upon their tenants and make inordinate and unreasonable demands upon them as, one might say, at the point of the bayonet.

It is desirable, I think, to provide the tenant in such a case with an opportunity of going to the magistrate of the Local Court to state his case. If in regard to the management of the premises, it can be shown that he has behaved himself in a reasonable manner, and has paid the rent regularly; and if it is not established, as the Act provides, that the landlord wants the premises for his own use or that of his family, then it seems to me that some relief should be granted.

I am well aware, too, that there are some tenants who have no right whatever to occupy anybody's property. They, I believe, are like the rapacious landlord in that they are only a small percentage of the tenant community, but nevertheless they do exist. The law, in my opinion, should make provision to put a stop to their ability virtually to wreck the premises of the landlord. So we have these two important aspects of this question which we have to take into consideration. That is why I say the tenant should have no rights before the magistrate, if the magistrate is to be left to deal with this matter, unless it can be shown that he has conducted himself in his management of the premises in a reasonable manner, as a reasonable person.

I am also rather astonished that no attempt has been made to insert in the measure some formula for the assessment of a fair rent. I was considerably impressed by the efforts made by the Real Estate Institute to draw up what it considered, from its extensive experience of this class of business, was a formula which would do justice to the landlord and to the tenant; and it has given it considerable publicity. In my opinion, that formula has been well received by the public on both sides of this fence.

Of course, I do not profess for one moment to know a great deal about the economics of this business, but I presume, as I think I have every right to presume, that the members of the Real Estate Institute, who have been frequently and most flatteringly referred to in this House, have a considerable knowledge of the ramifications of house letting. In the month of March they made a declaration that they had issued a fair rents formula to members of the institute and stated that the formula would give owners a net annual return ranging from 5 per cent. on a £2,000 house to 3.75 per cent. on a £3,500 house, plus a reasonable allowance for the cost of rates and taxes, life assurance and repairs.

They then proceeded to work out the estimated rents in a certain number of cases as examples of what might eventu-

ate if the formula were put into practice. If my memory serves me rightly, they went a little further later on and, although I have not the cutting here, they said that members of the institute would not transact business connected with the letting of houses where there was no reasonable compliance with the terms of the formula. I think some such formula could have been inserted in this legislation, for the time being, with very good effect and it probably would have resulted in satisfaction, in the great majority of cases, to both sides. I say, "for the time being" because it will be realised that I want to agree to legislation of this nature—modified though I hope it will be on its present form—only so long as there is any real emergency in the accommodation question.

I have no doubt that the emergency is less than it was; it has steadily lessened over the last three years, but doubtless, to some degree, it does still exist, and consequently justifies for a further period—at least in my opinion—some sort of legislation. But that legislation should be subjected to fairly frequent reviews so that it could be lifted completely at the earliest possible moment when the emergency no longer existed and the position warranted the complete lifting of restrictions. I have not, by any means, lost sight of the position of landlords who, in many cases, have been receiving rentals slightly greater than those they were receiving in 1939; this in the face of terrifically increased costs. In many cases this has led to hardship for landlords and in other cases it has led to hardship on the owners and to a deterioration of the premises—

Mr. Johnson: What would have been the position had they invested in bonds instead of houses?

Hon. A. F. WATTS: —for the reason that the houses have not been repaired owing to the very great cost of repair work. A £10 note today, as regards repairs to one's home, goes practically nowhere. A person can scarcely see the work that has been done for that figure. If a house were let at the normal rent in 1939 of, say, 25s. or 30s. a week, today the rental is, at the most, 37s. or 40s. a week, allowing for the increase of about 30 per cent., which has been permitted by statute in the meantime. A person who owns such a house finds himself with little income if he is obliged to have any sort of repairs carried out to the premises.

There again a particularly important aspect arises—the sort of tenants one has because some tenants will succeed, by the care that they pay to the premises of another, in minimising the cost of renovations, while others, if not deliberately then at least by their carelessness, will greatly increase the cost of repairs. So undoubtedly there are some cases where the land-

lord has suffered considerably, particularly the person who, to a large extent, relies on investments such as that for his income.

Dealing now with the interjection of the member for Leederville, who asked what would have happened had these landlords invested in war bonds, my answer is that they did not and so the query as to what would have happened if they had invested in war bonds does not matter two hoots to me. The people to whom I am referring are those who have invested all, or at least a big portion, of their savings in house property and have found themselves in the unfortunate position to which I have referred. So there are two definite sides to this question.

In the intervening years, between 1948 and 1952, two increases were made in rents that were pegged at the 1939 figure for some considerable time. They were 20 per cent. in the first instance and 10 per cent. in the second, making a total of about 32 per cent. in all. There was no doubt in my mind last year that there was further justification for another increase. It could not be expected that the maintenance costs and so forth, and the higher cost of living, should have to be borne entirely by those persons without any redress from their rentals. But, of course, no provision was made for that.

Many of these people are extremely reluctant to go to any sort of court; some of them are far from young and they do not like court proceedings. If they cannot come to some arrangement with their tenants, within the law, they leave the position as it is, and hope that in due course, and the richness of time, the legislature of the State will do something for them, taking into consideration the difficulties of both sides. But of course, there was nothing in the 1953 legislation, as I understand it, and there is certainly nothing in this Bill which will do that for anybody, unless the landlord is prepared to go to a newly constituted fair rents court.

It will be obvious from what I have said that I have no objection to a court, in the proper circumstances, fixing the rents of premises where they are in dispute. But I do not see why we need to have a specially constituted fair rents court. I have yet to learn that the magistrates of the Local Court, after hearing the evidence, are not capable of weighing it up and assessing the position in a fair way. So I cannot work up any enthusiasm for the provision in the Bill under which a fair rents court will be constituted, though I have already admitted that there are cases where the intervention of a tribunal may be warranted, and, in fact, is warranted in my opinion.

I am also sorry that this measure does not make any provision for a statutory increase of the 1939 rents on top of those that have already been made, to avoid,

as far as possible, any intervention by the courts. Alternatively, I think the measure could have made some provision so that the parties to the tenancy could agree upon the rental and failing agreement that either party could then ask for magisterial interference. I think that in 95 per cent. of cases the great possibilities are that the parties could arrive at an agreement, whereas, as the position stands in the Bill, and as I understand the balance of the law in regard to this matter at present, the Bill will go into the Act and there will be nothing for them to do but to go to the fair rents court, and Heaven knows how many cases there will be going to that court, because I do not know.

If we are to give credence to the belief that the Minister holds, the cases will be numerous indeed and there will be delays and difficulties in the fair rents court which are neither warranted nor justified in the circumstances. If, on the other hand, the Minister's figures are incorrect, there will not be many cases.

Hon. Sir Ross McLarty: Are not the parties allowed to agree by mutual consent?

Hon. A. F. WATTS: Not as far as I can understand. Although I have studied the law very closely, and I will admit that it is hard to follow, as far as I can see there is no means of obtaining agreement between the parties if this Bill becomes an Act without the intervention of the court. I shall be glad to know if that is not the position. However, believing that I am right, then I say without any fear of contradiction that something ought to be done to incorporate a provision of that kind because I am satisfied that in a great number of cases agreement could satisfactorily be reached.

Many of the tenants know, without any question, that the rentals that they have been paying are not reasonable in all the circumstances, and they would be only too willing to agree on a reasonable figure in order to do justice to the other party to the transaction and give a fair deal to themselves. As far as I know, however, there is no provision for such an arrangement. Summing up, I propose to support the second reading of this measure. I hope it will be amended and that before it is finalised in the Committee stage the Minister will be good enough to give consideration to one or two of the aspects I have mentioned because I believe they are well worth consideration and could contribute to the solving of the balance of this problem in 1954.

THE MINISTER FOR HOUSING (Hon. H. E. Graham—East Perth—in reply) [5.3]: It is not my intention to speak at length in reply to this debate since the intimation has been given by the spokesmen for both of the Opposition parties that it is their intention to support the second reading although at the

same time expressing disagreement with regard to certain aspects of the legislation. The Government feels that the Bill represents a fair and reasonable approach to the problem. Because of the responsibility that it holds, the Government does not believe for one moment that, whilst there was the necessity, under a Liberal-Country Party Administration, for the renewal of legislation in six consecutive years to provide some protection for tenants on account of a situation that existed then, the emergency has entirely passed merely because there was a change in the complexion of the Government following the general election.

The provisions of the Bill are not designed to conform to the policy or the platform of the Labour Party. They are designed to deal with a certain serious situation. I think any person who looks at the position fair-mindedly will agree that, unfortunately, there is still an insufficiency of housing or accommodation for the people. Efforts have been made, and are still being made, to overcome that problem. Additional houses have been built in considerable numbers by the State Housing Commission under its various headings, as I have already indicated.

Action has been taken and is constantly being taken to provide greater quantities of building material in order to make the way easier for those people who desire to build their own homes. I have pointed out the several directions in which that has been done. For instance, certain action was recently taken in regard to bricks. A housing advisory bureau, giving free service, has recently been established. Members are aware of the situation in regard to cement and that at present ample supplies of the local product are freely available.

With regard to bricks, I am hopeful that before very long I will be able to announce that it is possible to increase substantially the production of bricks in Western Australia by utilising more effectively the present existing brickyards. I am speaking particularly, of course, of the State Brick Works. It is as yet too early to say anything with any degree of certainty, but the indications at present are that it will be possible to produce an additional 10,000,000 bricks a year which might, at the same time, make it possible for bricks to be made available at a lesser price than is being charged at present. As to timber supplies, action is being taken to provide for the better utilisation of timber that is being felled.

Mr. Wild: What about dried timber? That is your bottleneck.

The MINISTER FOR HOUSING: It is not nearly the bottleneck today that it was a short while ago. Certain action has been taken that has brought about an improvement in the position, and I believe it will continue to improve.

Hon. D. Brand: What action was taken?

The MINISTER FOR HOUSING: There is no need for me to detail it, but I can give my assurance that action has been taken that will considerably improve the position.

Mr. Wild: Is there any action taken other than putting the timber down for drying?

The MINISTER FOR HOUSING: Both that and the use of kilns, as the member for Dale is well aware. The position was that quite a number of sawmills were putting down no timber whatsoever for drying and others were not drying as much as they were capable of doing, bearing in mind the quality of the timber they are dealing with. I do not desire to proceed further along those lines other than to add that in respect of building components and materials we import from the Eastern States, constant attention is being given to this matter, principally through the Minister for Supply, and action is also being taken as regards certain commodities that have to be imported, particularly beyond the shores of Australia.

Accordingly, I repeat that as we have had this unfortunate problem for so many years, the Government has done everything possible to assist in the erection of more houses, but the day has not been reached when we can say that there is a sufficiency of houses or that we can abandon the legislation without taking any great risk. I emphasise that nobody can say with certainty what the position will be. I think it will be agreed that it will be too late to allow the legislation as it stands at present to come into operation on the 1st May, or, in other words, to allow the legislation as we know it to lapse and endeavour to deal with the situation which might easily develop after that date. If we properly appreciate the overall picture, it will be agreed that at this stage, before the virtual lapsing of that legislation, something should be done in the way of revealing a more realistic appreciation of the situation that exists or is likely to develop.

I said, Mr. Speaker, that this legislation embodied, in my opinion and in the opinion of the Government, a very fair and reasonable proposition. In the matter of rentals, it is proposed, as is known, that a special court be established. Frankly, I can see nothing wrong with the composition or personnel of that proposed court. The reason for it is to streamline procedure, to make it less cumbersome or, more precisely, to overcome any lag there might be by setting up a court that will deal with rentals only. The other courts will continue to deal with the question of evictions. There is no formula laid down for that court to follow. I cannot understand objections being raised to that.

Hon. Sir Ross McLarty: Would it be a permanent court?

The MINISTER FOR HOUSING: No, because the currency of this legislation is to the 31st December this year and, depending upon the situation approaching that date, a determination would accordingly have to be made by Parliament as to whether it ought to be extended beyond that date. As I was about to say, in the original Increase of Rent (War Restrictions) Act there were certain factors mentioned that should be taken into account by a court when assessing a fair rental. But it was at the request of the Legislative Council—and I remember the circumstances very well indeed—that there were no prescriptions whatsoever and that it was left to the court to assess a rental which, in its opinion, it deemed to be fair. So that principle is being retained in this legislation.

As I said before, if the workers want an increase in their basic wage, they have access to a court which comprises an independent man as chairman and a representative of the two interests. The Bill proposes that a fair rents court shall be established on that basis, with a magistrate as chairman, a nominee of the Real Estate Institute on the one hand, and a representative of the tenants on the other. I do not know what could be fairer than that.

In respect of evictions—and surely there is nothing unreasonable about this—where a tenant has proved to be unsatisfactory—and there are quite a number of headings under which that can be established under the Act as it stands at present—28 days' notice is necessary. A person who has purchased a home for himself or his immediate family, as it is proposed, after owning it for three months, can then give three months' notice to quit.

Mr. Yates: Six months.

The MINISTER FOR HOUSING: I am sorry. After owning it for six months he can then give three months' notice to quit. I cannot see anything hard about that. It is certainly an improvement on the legislation introduced by the Liberal-Country Party Government and endorsed by the Legislative Council. For that reason I cannot see why there is any strong exception raised to the passing of this legislation substantially in the form that the Bill is before us at the moment.

There is no attempt whatsoever to create a scare in the minds of the people; it is merely that the Government feels that there is every prospect of there being a greater number of evictions than it is possible for the State Housing Commission or any other organisation to provide accommodation for. It is therefore considered that the reasonable and sensible thing is to introduce legislation to cover that anticipated position.

I have already indicated that there have been numbers of intimations given—admittedly only several hundred of them—but, of course, until after the 30th April, when notices are, in fact, given, if the existing legislation remains, it will be impossible for anybody to know with certainty the number of people likely to be involved. What we do know, however, is that at the present moment there are more of them than can be catered for by the accommodation that could be made available to meet the situation.

Surely we do not want a situation to develop under which great numbers of our people will be turned out into the streets when it is physically impossible to do anything for them. I appeal to members of the Opposition to view this overall problem for the problem that it is. It has been recognised by Governments of all political colours and I ask members to give this Government some greater opportunity, at any rate, to proceed with its building programme so that the overall accommodation can be substantially improved.

Hon. Sir Ross McLarty: Before you sit down, do you agree with the Leader of the Country Party when he says that there is no provision in the Bill for agreement between landlord and tenant by mutual consent?

The MINISTER FOR HOUSING: The assumption of the Leader of the Country Party is perfectly correct, and there is a reason for there being no provision to that effect. The reason is that where there is this facility for giving notice and evicting a tenant, the matter of agreement between landlord and tenant becomes more or less mythical, because it is a question of saying to the tenant who is paying £2 a week, "As from next week you pay £7 or £8 a week, or else!" Accordingly many tenants would, under duress, agree to the rental, which might be out of all proportion to the value of the premises.

I do not think there is any indignity or hardship on parties who feel that, on the one hand, they are paying too much as a tenant, or for the landlord, that he is receiving too little, to have a special court set aside that would specialise in the matter and deal as expeditiously as possible with applications and determine what it considers a reasonable figure.

Hon. A. V. R. Abbott: Do you not think they should be able to agree?

The MINISTER for HOUSING: That becomes very difficult, because in the absence of the consent of the tenant he is likely to be handed a notice to quit. That is the reason why so many people today—though a small percentage in the overall—are paying these terrific rentals.

Hon. Sir Ross McLarty: They can go to the court if they think they are being charged an unjust rent.

The MINISTER for HOUSING: If there is too much relaxation in the matter of evictions, it does not mean anything, because if the tenant refuses to agree to the proposition of the rent being increased, then an eviction notice would surely follow.

Mr. Court: If we protected the tenant against eviction for say about four months but allowed the rents to be adjusted by mutual appeal or by the court, would not that solve the problem? Once it is determined by the court, the rent is fixed and the tenants cannot be charged more.

The MINISTER for HOUSING: The easier way would probably be for the landlord to wait for that four months and give an eviction notice, unless the tenant agreed to pay a higher figure.

Hon. Sir Ross McLarty: Would you say something about the persons who have purchased houses as a result of the legislation last session that were referred to by the member for Nedlands?

The MINISTER for HOUSING: It is difficult to assess the situation in respect of them, that is to say, how many of them bought their houses in the anticipation that they would at such short notice be able to move into them, or, in many cases, perhaps want to move into them at a particular time. But under this legislation, if they purchased them round about Christmas time, then in June—in another three months—they would have owned them for six months and the decision of the court would be automatic. Whilst it is possible that it would disturb them in certain cases, I think that is inevitable, just as possibly very many tenants have in the past entered into all sorts of commitments believing, by and large, that the existing situation would continue.

That is borne out by past experience. Even under the Bill as proposed by the Government, it is possible that their rents will be substantially increased, and it may have the effect on those tenants of completely unbalancing the family budget and therefore creating hardship. I am afraid that where changes are made there will always be a few anomalies on either side. Of course, we seek to minimise the anomalies as much as possible.

Question put and passed.

Bill read a second time.

In Committee.

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

Clauses 1 and 2—agreed to.

Clause 3—Section 4 amended:

Mr. WILD: It is not my intention to reiterate or go through these clauses one by one until we come to the amendment on the notice paper in regard to Clause

10. In order to test the feelings of the Chamber I am opposing Clause 3 and if I am defeated, other than orally opposing the other clauses, I shall not ask for a division until I move to amend Clause 10.

I cannot understand the idea of setting up a special fair rents court, when there already exists a court to deal with those matters. There can be nothing fairer than the present set-up under which a tenant or landlord may approach the magistrate for a determination of a fair rent. Under the Act the magistrate has power to determine a fair rent between 2 and 8 per cent. of the present capital value of the property. We must get reasonable consistency because the same magistrate today hears all the cases in the metropolitan area.

The amending Bill provides that the first fair rents court to be set up will cover the metropolitan area, comprising the magisterial districts of Perth and Fremantle. If one had a house in Midland Junction, then I presume another fair rents court would have to be set up. The position could arise where the metropolitan court was determining a fair rent for a house adjacent to the Midland district and fixed the rental at £3. On the other side of the street in the Midland magisterial district, another court could conceivably fix the rent for a similar house at £5 a week.

The Minister for Housing: I would point out that Midland Junction comes under the Perth magisterial district.

Mr. WILD: The same set of circumstances could apply to a house in Armadale. There is already a fair rents court which has existed for years. Both tenant and landlord have the right to approach that court and I can see no reason for changing the procedure. To test the feeling of the Committee I oppose this clause.

The MINISTER FOR HOUSING: I cannot understand the opposition to this clause. The member for Dale has been misinformed with regard to magisterial districts. The Perth district takes in Armadale and quite a few miles beyond. It goes just east of Midland Junction and includes Wooroloo. Here we propose one court to deal with all the cases in the metropolitan area, and this will have the opposite effect to the position anticipated by the member for Dale. At present there are two courts, Perth and Fremantle, but under this amendment, there would be one court.

Hon. A. V. R. Abbott: Although there are two courts in the metropolitan area the Act stipulates, for the guidance of the magistrate, what he must do. He must keep between 2 and 8 per cent. of the capital value.

The MINISTER FOR HOUSING: Of course, that is very loose. Whilst the amendment inserted last December—

Hon. Sir Ross McLarty: And which will be repealed by this Bill.

The MINISTER FOR HOUSING: —it stipulates a net return of 2 to 8 per cent. That is very liberal because one magistrate may decide 7 or 8 per cent, as fair, and another magistrate 2 or 3 per cent, as fair. In addition, it is provided that the magistrate may determine any further amount he thinks fit.

Hon. A. V. R. Abbott: It may be necessary to establish three or four fair rents courts in the metropolitan area in order to cope with all the cases.

The MINISTER FOR HOUSING: If there are so many cases, presumably the Government will give serious consideration to that suggestion. If there is a likelihood of all these cases coming to the court, surely it is better to have a court dealing with those cases only, rather than for the Local Court which has to deal with many varied cases, to cope with them. The setting up of this court is designed on a fair and equitable basis so as to allow cases to be heard speedily and to overcome the conflict that could conceivably occur by having two Local Courts operating for the metropolitan area, instead of one envisaged by the Bill.

Mr. Wild: Why does the Minister think this court would hear cases more speedily than the existing courts?

The MINISTER FOR HOUSING: Because it will deal solely with those cases.

Mr. Wild: Therefore it must be a full-time court.

The MINISTER FOR HOUSING: That is so.

Mr. COURT: The member for Dale seems to be endeavouring to make his opposition to this clause a test of the Minister's approach to the amendments on the notice paper. The hon. member has put up a scheme whereby the existing situation could be remedied, but if it were adopted, the proposals of the Government would disappear. I should like to be clear on that point.

The CHAIRMAN: That is the way I understand it.

Mr. WILD: The member for Nedlands is correct. If the Minister does not intend to accept the amendments I have placed on the notice paper, we may as well know it from the start. Therefore, I decided that the best course would be to test the feeling of the Committee on Clause 3.

The MINISTER FOR HOUSING: I cannot follow the hon. member's reasoning. It would be possible for the Committee to accept all of his amendments and we could still agree to Clause 3 in its present form.

Mr. Court: Clause 10 depends upon it.

The MINISTER FOR HOUSING: That is so, but under existing legislation, provision is made for approach to a court on the question of rental. This will determine whether it should be a special court or the Local Court, and I have not heard any worth-while argument against setting up a special court for the hearing of these cases.

Hon. Sir ROSS McLARTY: I ask myself whether there is need for this proposed fair rents court. Magistrates have been dealing with these cases over a long period and, generally speaking, I believe their decisions have given satisfaction. The Minister has said that the special court would function until the 31st December only. If it is to be a temporary court to function for only a few months, I cannot see any good reason for it. The setting up of such a court would be fairly costly. It would be a full-time court—

The Minister for Housing: That is, if the amount of work involved necessitated its sitting continuously.

Hon. Sir ROSS McLARTY: Quite so, but if it did not sit continuously, it would be likely to develop into a full-time court. The tendency certainly would be to keep such a court in existence. Would there be any justification for that when the magistrates have shown that they are able to give attention to these cases? If we do not agree to the proposal, no additional hardship will be inflicted on tenants. In the circumstances, I cannot see any practical reason for constituting a special court.

Mr. JOHNSON: The present court functions in accordance with its own practices and rulings, and to say that it gives satisfaction is not the opinion of certain landlords in my district. I have seen determinations that I considered to be more in favour of the tenants than the landlords; in other words, I thought the determinations were too low. It would be much fairer to the landlord to have a completely new and unfettered court, assisted by assessors, as proposed in the Bill, making its own fresh rules in the light of current circumstances. Present rents are exceedingly high.

I have advertisements of houses to let since the 13th March. The rents are exceedingly high and not comparable with Commonwealth-State rentals, most of them being three or four times as much and above the standard suggested by the Real Estate Institute. It would be greatly to the benefit of all concerned—the tenants who wish to be good tenants and pay a fair rent, and the landlords, if such exist, who do not wish to exploit their tenants—and, I might say, I do not believe there are such people as good landlords.

Hon. Sir Ross McLarty: The Minister disagrees with you.

Mr. JOHNSON: He may. The amateur landlord—the person who owns a house against the time of his own retirement or approaching marriage, or for the ultimate use of his own family—is quite a decent person, but the professional landlords, who own houses as a source of income, I would class with doctors, lawyers and similar people as blood-suckers in the community who trade on people's needs.

Hon. A. V. R. Abbott: What about politicians?

Mr. JOHNSON: Does the hon. member prefer to be classed as a politician?

Hon. A. V. R. Abbott: No.

The Premier: As a statesman.

Mr. JOHNSON: I think there is a benefit for all people by the establishment of a completely new court.

Hon. A. V. R. Abbott: The approach will be exactly the same because the Act says it shall be.

Mr. JOHNSON: Yes, but it will be unfettered.

Hon. A. V. R. Abbott: It will be fettered by exactly the same rules.

Mr. JOHNSON: The idea of a separate court is a very good one.

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

Ayes	19
Noes	17
Majority for	2

Ayes.

Mr. Brady	Mr. McCulloch
Mr. Graham	Mr. Norton
Mr. Hawke	Mr. Nulsen
Mr. Heal	Mr. O'Brien
Mr. W. Hegney	Mr. Rhatigan
Mr. Jamieson	Mr. Rodoreda
Mr. Johnson	Mr. Sleeman
Mr. Kelly	Mr. Tonkin
Mr. Lapham	Mr. Sewell
Mr. Lawrence	

(Teller.)

Noes.

Mr. Abbott	Mr. Manning
Mr. Brand	Sir Ross McLarty
Dame P. Cardell-Oliver	Mr. North
Mr. Cornell	Mr. Oldfield
Mr. Court	Mr. Watts
Mr. Doney	Mr. Wild
Mr. Hearman	Mr. Yates
Mr. Hill	Mr. Nimmo
Mr. Hutchinson	

(Teller.)

Clause thus passed.

Clauses 4 to 9—agreed to.

Clause 10—Section 13 amended:

Mr. WILD: I move an amendment—

That all words after the word "amended" in line 2 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

thirty-first day of December, one thousand nine hundred and fifty-four, 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 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.

This largely overcomes many of the objections we have heard to the existing legislation. We have heard a lot—not so much perhaps from the Minister today, but through the Press in recent weeks—about the landlord who puts the gun at the head of the tenant and says, "Instead of your rent being £2 per week, it will be £6 a week, and if you do not like it, out you go." The landlord could do that because both eviction day and increase-of-rent day were the same day.

Under the amendment, the first part of that provision will still apply, namely, that the landlord will be able to say, "Your rent is going up from £2 to £6 per week"; and he will then be able to say to the tenant that he will have to get out, and notice is given and out he goes, but the landlord will be debarred from being permitted to let that house again at a rental greater than £2 per week, which was paid by the previous tenant until an application has been made to the inspector, or the court, as the case may be.

The court may hear the claim and say he can get £3 per week and then the owner would be permitted to let the dwelling at that figure, but until the determination was made he would have to let the house at the rent being paid by the tenant who was evicted. I think the Minister should accept this amendment, which I feel is the crux of the Bill. If this and the other amendment are accepted, there will be an interval of four months, by which time Parliament will again be sitting and so I appeal to members to agree to this amendment. If, in September, we find it is not working out, we can examine the position again.

The Minister for Housing: What is the significance in this amendment of the date in April when you propose later to extend the period till August?

Mr. WILD: That is to separate the date when a man can increase the rent and put a gun at the head of the tenant, from the date when he can evict him—if the second amendment is accepted. At present on the 1st May common law will prevail, but the second amendment would extend the provision to the 1st September.

The MINISTER FOR HOUSING: I appreciate the point of view of the member for Dale and will concede that the amendment would improve the situation to some extent, but nevertheless it would defeat the primary object of the Bill which is to retain, with certain modifications, the status quo, subject to the court, until the end of the year. The Government and I are thoroughly convinced—as I think every member must be on reflection—that the time between now and the date proposed by the member for Dale is not likely to effect a sufficient improvement to allow serious consideration of the protection against eviction being removed.

From the Government's point of view the amendment would undermine the intention and purpose of the Bill. Parliament will be sitting again before many months have passed and I think all this amendment would do, if agreed to, would be to create additional confusion and anomalies. We would be establishing certain procedure now and disturbing it again in August, and I do not think that would be satisfactory to either the landlord or the tenant or that it would be in the best interests of the State. For those reasons, while I do not want it to be thrown at me that I am rigidly adhering to the Bill in every particular, I cannot agree to the amendment.

Hon. A. V. R. ABBOTT: Had the Minister been really sincere in the suggestion that he and the Government were prepared to enter into a reasonable compromise, I feel he would have accepted this amendment because, with one vital exception, it would implement his ideas. The distinction between the amendment and the wish of the Government is that under the proposal of the Minister, as contained in the Bill, landlord and tenant can not get together and agree on what is a fair thing. Surely they should be allowed to agree to a rent and enter into that agreement, as the amendment would allow them to do.

If they did not agree, the rent could not be increased until application was made by the landlord, on whom the onus is placed, to the fair rents court, which has been approved by this Chamber. I admit that in September this provision would go overboard, but that has nothing to do with the amendment and could be argued later. If the Minister agrees to this amendment but opposes the next, the provisions now being discussed would continue until the end of the year, and why should they not, as the court would have power to adjudicate in any dispute, and until that was done there could be no increase in rent?

The MINISTER for HOUSING: It is my wish to be co-operative and understanding in regard to matters raised. I do not know whether it would be satisfactory to the member for Dale and the member for Mt. Lawley to do so, but

if they will agree for the time being to the clause in the Bill I will more closely examine their submissions during the tea suspension and if I then find I am able to agree either wholly or in modified form to what they seek, I will undertake to have the clause recommitted for further consideration.

Hon. A. V. R. Abbott: Why not report progress to a later stage in the sitting?

The MINISTER for HOUSING: I am prepared to report progress to a later stage of the sitting.

Progress reported.

Sitting suspended from 6 p.m. to 7.30 p.m.

The CHAIRMAN: Progress was reported on the amendment to Clause 10, moved by the member for Dale.

The MINISTER FOR HOUSING: I have given careful consideration to the proposition submitted by the hon. member and I desire to make a few further observations with regard to it. In the first place it runs counter to the intention of the Government because it presupposes that, as from a certain date, prior to the expiration of the Act as proposed in the Bill, restrictions shall be removed so far as evictions are concerned.

If that were not so, the amendment would have no significance. What the hon. member seeks to do is to insert words which will presumably still allow evictions to take place, by and large, without restriction after a certain date. But in the matter of rentals, if a landlord takes eviction action, he will not be able to charge a greater amount of rent than that already charged, unless it be varied by a court. I think that is the sense of the amendment.

During the tea suspension I have endeavoured to work out how it would operate, its effect and benefits, if any, to either of the parties. A landlord may be anxious to get rid of his tenant, not because he is a bad tenant, as provision is already made in the Act to cover that situation, but merely because he has taken a dislike to the tenant—and unfortunately a lot of that has occurred over the years. If the landlord sought to obtain a higher rental, it would be simple for him to give 28 days' notice to the tenant. The rental may be £2 a week and having got rid of that tenant, he offers the house to a second person at, say, £5 a week.

Hon. A. V. R. Abbott: He could not do that within the law.

The MINISTER FOR HOUSING: Yes, he could.

Hon. A. V. R. Abbott: No.

The MINISTER FOR HOUSING: Yes, he could offer it to the other tenant at £5 a week, and provided that new tenant—and this is the important part—agreed to that new figure, it would be, in the terms of the Act as amended in 1953, an agreement between the lessor and the lessee.

Hon. A. V. R. Abbott: But once he gives notice, he cannot increase the rent without leave of the court.

The MINISTER FOR HOUSING: What notice?

Hon. A. V. R. Abbott: A notice to quit.

The MINISTER FOR HOUSING: Yes.

Mr. Hutchinson: Not under the amendment. You read it; it stops that.

Hon. A. F. Watts: It expressly excludes agreements to which you refer.

The MINISTER FOR HOUSING: Yes, I appreciate that point. But let me return to the first point I was endeavouring to make. Unless there is to be a termination of protection from eviction for tenants, is there any necessity for the amendment? It is necessary only in order to safeguard the position if there is comparative freedom for owners to evict; and that is a proposition which is not acceptable to the Government because we say that it is not possible, between now and the end of the year, at any rate—it may be longer—to provide accommodation which will be required for the many people likely to be seeking it.

Hon. Sir Ross McLarty: Do not you think this amendment will prevent a great many evictions?

The Minister for Education: How will it?

Hon. Sir Ross McLarty: That is the purpose of it.

The MINISTER FOR HOUSING: I say quite frankly that if it can be shown that it is a reasonable and workable proposition, I shall not be pig-headed about the matter; but I want to assure myself that it is not opening the flood-gates too wide. I will leave it for the time being, merely indicating that at present the amendment is not acceptable, but I am open to conviction.

Mr. WILD: The Minister is quite right in that this would not be operative until the common law provisions came into effect which, if my second amendment is accepted, will be from the 1st September. The member for Mt. Lawley has just indicated that he disagrees with me and he feels that this would be operative after the 1st May. It would, but the same conditions would not apply because if the second amendment is accepted, the tenant would not be put out of the house under common law until after the 1st September. This is really inserted to stop the "bulldozing" and that can only operate when the two dates clash. If we were to leave the position as at the 30th April, when the common law would again prevail, then this second amendment would become operative on the 1st May.

I am open to correction, but in my view the necessity for this comes into operation if the second amendment is agreed to, making the date the 1st September. It would then give us until

Parliament closes a short time before Christmas—at least 2 to 2½ months—to ascertain if it is operating satisfactorily. It is a great safeguard for the reasonable tenant whom, because of some personal dislike, the landlord wishes to evict.

Let us be reasonable about this. If a landlord has a tenant who is paying £2 10s. per week and, knowing the penalty that is in the Act at the moment—up to £500—is it likely that he would turn that tenant out and run the risk of putting someone else in at a rental of £3 or £4 a week without going to the court? I do not think any landlord would do that. We feel that this session of Parliament has been called in order that we may consider and overcome the difficulty that arose out of the conference of managers held last December. We feel that this is one way we can overcome the difficulty which is that the date on which the rent is raised and the eviction date have fallen on the same day.

Mr. YATES: I wish to deal with one point with regard to this proposed amendment. A landlord may give notice of eviction to the tenant and he, knowing that he will have to leave eventually has, in the meantime, found alternative accommodation. That has happened frequently. Without this restrictive amendment, the landlord could then put in another tenant without going to the court and strike a higher rental without the new tenant knowing what the old rent had been. In any event, a number of incoming tenants would be grateful to obtain the accommodation even at a rental of 10s. or more per week. This amendment will assist the tenant or whoever is going to control the activities of the fair rents court because they would have less work to do if no approach was made to the court.

Mr. Lawrence: That would be by agreement. The members on your side of the Chamber are propounding the argument that there should be agreement.

Mr. YATES: No, not at all. In the Act as it stands there is provision for agreement to be made now. We are not suggesting that any further agreement be made because the provision is already there. This would stop an alteration in the rental of the home between the landlord and the new tenant, who would go in when the old tenant leaves voluntarily.

Mr. Lawrence: Then, on that argument, you must agree that the rent tribunals are necessary.

Mr. YATES: I am not agreeing with that, either. We want to be sure that this will operate satisfactorily. I think the amendment moved by the member for Dale is a satisfactory one and it should be accepted by the Minister.

The MINISTER FOR EDUCATION: The submission of the amendment by the member for Dale is evidence of a recogni-

tion on the part of the Opposition that there are likely to be cases of eviction because of the desire by landlords to obtain an increase in rent. I think the Opposition feels that there is a danger here under the Act as it stands and there should be some restriction placed upon landlords who desire to obtain an increase in rent and whose method to obtain such increase would be to get rid of the existing tenant.

The amendment will certainly prevent that because a landlord will see that it would be of no avail to him to put his existing tenant out in order to obtain an increase in rent seeing that he is prevented from doing so by this provision. That is a pretty sound suggestion and it would probably achieve that result. However, if we accept it, it means that we are prepared to agree that for any other reason the landlord shall evict his tenant and we are not going to protect those tenants under any circumstances. The R.S.L. is particularly concerned with evictions which might take place without the cases being heard.

Hon. A. V. R. Abbott: In respect of servicemen?

The MINISTER FOR EDUCATION: Yes. That organisation feels that if a landlord is to evict a tenant, without denying the landlord the right to make use of the property, there should be some tribunal that will hear the circumstances and decide whether it is fair and reasonable that the landlord should be allowed to evict his tenant. I feel that apart altogether from the desire of the landlord to get rid of a tenant in order to increase the rent, there will be landlords who will be wanting to give their tenants notice for a number of reasons. They might have friends whom they desire to put into their houses and they could quite easily come to an arrangement with their friends under which the rent, to all outward appearances, is the lawful rent, but at the same time accept additional payment.

Hon. A. V. R. Abbott: There is a penalty of £500 or gaol for that. Of course one can thief, too.

The MINISTER FOR EDUCATION: It leaves the way open for that to be done. I am sure the member for Mt. Lawley would not tell the Committee that it has not been done in the past and there are not existing already cases where there have been agreements between landlord and tenant to pay more than the lawful rent.

Hon. A. V. R. Abbott: The Bill will not stop that.

The MINISTER FOR EDUCATION: What the Bill aims to do is to provide that before evictions take place there shall be a certain procedure and an opportunity given to the tenant to show that he should not be evicted. Under the amendment, the tenant will not be able to show

that because any landlord will be able to evict his tenant. So the amendment provides no protection for tenants. All it does is to stop landlords who wish to evict their tenants from doing so in order to get higher rents, because they would know that they could not get those higher rents. To some extent it will put a brake on evictions, though to what extent I cannot judge. There would be no inducement for a landlord to get rid of his existing tenant merely to get more rent, but it will not prevent evictions, and we will still have a number of these.

Hon. A. V. R. Abbott: He might have reasons for wanting to do it which are not covered by the Act.

The MINISTER FOR EDUCATION: I think we have given a good deal of consideration to allowing a landlord to get possession of his premises.

Hon. A. V. R. Abbott: You cannot prove a man is not watering his lawn, or is careless.

The MINISTER FOR EDUCATION: The Opposition desire to alter the Act so that a landlord may evict his tenant if he wishes to do so.

Mr. Court: That is, if you take this amendment on its own.

The MINISTER FOR EDUCATION: If the amendment goes into the Act, the result will be precisely as I am explaining. The landlord will be able to evict his tenant if he desires. The only point is that there would be no encouragement for him to do so, because he would not get a higher rent. It need not necessarily reduce the number of evictions, but I know it will. Some landlords are waiting for the opportunity to get increased rents and they would get these rents by getting rid of the existing tenants. Some landlords have told their tenants that after a certain date the rent is going to be so much, and since they cannot pay, they had better look for other accommodation.

Hon. A. V. R. Abbott: That might be a nice way of getting rid of a shocking tenant.

The MINISTER FOR EDUCATION: These landlords have made up their minds what rents they want; in some cases it is 100 per cent. more.

Hon. A. V. R. Abbott: This amendment would stop all that!

The MINISTER FOR EDUCATION: It would not. It will merely take away the encouragement necessary for a landlord to evict his tenant for a higher rent.

Hon. A. V. R. Abbott: A man might come home drunk every night and there might be young children next door, and it would not be possible to evict him.

The MINISTER FOR EDUCATION: That is possible.

Hon. A. V. R. Abbott: He may come home swearing and you cannot evict him.

The Minister for Housing: There is provision for that.

Hon. A. V. R. Abbott: Oh no, there is not.

The MINISTER FOR EDUCATION: I do not think we can frame this on the assumption that all Australians come home swearing. We should make up our minds whether we have reached the stage where protection of tenants from eviction should be removed completely. That is what we do if we put this amendment in. We say to the landlord, "If you wish to evict your tenant for any purpose whatever, even if you are going to lock the place up and let no one go in, you can put your tenant out to do it."

Hon. A. V. R. Abbott: Under the amendment, no one would evict a decent tenant.

The MINISTER FOR EDUCATION: No decent person would evict a decent tenant under the amendment; I concede that. But there are some heartless people who would evict their tenants if they had the power. Should we open the door wide or provide protection in certain circumstances? It is the desire of the Government to provide that there shall be some protection against eviction in certain circumstances. The Government believes that the time has not yet arrived when protection from eviction should be completely removed. It has not been done in any other State, and the circumstances in Western Australia do not justify it being done here.

Mr. HUTCHINSON: The amendment would tend to bring about more consent agreements between landlords and tenants. It appears that the purpose of the amendment is to safeguard tenants from avaricious landlords. It would bring about a state of affairs that would be commended by everyone in the Chamber. The greater part of what the Deputy Premier said on the meaning of the amendment and the probable result was very sound. His summing up on controls was probably the crucial point. I urge the Government to retreat a little further from anachronistic wartime controls still in force. It is the policy of the Opposition and the policy of the previous Government to retreat from those controls. I feel it is also a policy of the present Government.

By the passing of this amendment the Government could show its readiness to retreat a little further. It appears that this relaxation of controls goes somewhat beyond what the Deputy Premier would like, and therein lies the disagreement. I exhort the Government not to take that point of view. The time between evictions and increase of rent, plus added time given to the Government to arrange assistance for possible evictees, is one that can be worked out. I ask the Govern-

ment to go a little further in the retreat from controls, while safeguarding the tenant and at the same time giving the landlords a fair deal.

Mr. LAWRENCE: During the debate every speaker brought forward singular cases and the member for Mt. Lawley gave an instance of a drunken tenant. I would point out the weakness of that instance by bringing forward the case of the drunken landlord. I have here evidence of a particularly glaring case of overcharge of rent. This receipt is for the perusal of any member, but I would ask that the names be kept confidential. It is stamped and signed, and reads as follows:—

Received from——the sum of £22 for rent due for two weeks commencing April 3rd, 1954, and April 10, 1954. Signed (lessor).

This rent was paid for a timber and asbestos dwelling of four rooms and a kitchen. It is furnished, but I would suggest that no member would put that furniture into his wood shed if it was given him. On the first occasion when I visited the premises in company with a sworn valuer, he valued the rental for the furnished house at £6 10s. He thought that a handsome rent. The second valuator I took out assessed the rent at £6 5s. furnished, so the fair rental would be the average of £6 7s. 6d.

Mr. Hutchinson: Why should such a case be confidential?

Mr. LAWRENCE: Because the woman who has been living there for 5½ months is afraid of eviction. She has five children, two of them earning. The eldest boy is an apprentice, aged 17, earning £3 7s. a week clear. The daughter works in a shop in Fremantle earning £3 12s. a week. There is an income of £1 from child endowment. The husband earns £18 10s. a week in the new cement company. The total family income is £26 a week, from which £11 is paid out in rent.

Hon. A. V. R. Abbott: That family can claim all the excess rent back.

Mr. LAWRENCE: This has been paid for 5½ months by agreement.

Hon. A. V. R. Abbott: They can still get a refund if they care to apply.

Mr. LAWRENCE: The woman implored me to keep her name out of it for fear of eviction. During the last 5½ months she has been unable to find any other accommodation. I do not think that the amendment as it stands is acceptable for the reason that it does not allow such a wicked rental to be reduced, but it will allow it to be increased. That was the rent payable on the 28th April, 1954.

Mr. COURT: There has been some misunderstanding about the actual import of the amendment. In my opinion it covers three points. First of all it gives protection to the tenant in respect of eviction

up to and including the 1st September, 1954. There seems to be some disagreement on this.

Mr. Lawrence: What about a tenant subsequent to September, 1954?

Mr. COURT: Secondly, it will give the Government adequate time to review this problem because the tenants are protected. If the two amendments are adopted, and we must consider one with the other, tenants are protected against eviction up to the 1st September. The amendment goes further and says that during the other period mentioned in the principal Act, which is to the 31st December, 1954, the landlord who desires to adopt bushranging tactics is prevented because he cannot evict one tenant in order to get a higher rental from another. Once a landlord does anything to terminate a tenancy, he is held to the rental charged on the 28th April, unless the court alters it.

Mr. Lawrence: The landlord could charge a higher rent by the backdoor method.

Mr. COURT: We can never stop that, even if we put the clause into the Bill twice. Ned Kelly was at his best when the police were at their best. By reading Clause 10 and Clause 18 together, it will be seen that there is adequate protection against eviction until the 1st September, and during that time the argument between landlord and tenant as to an equitable rent can be settled by agreement or in court. Beyond that date and until the expiry of the principal Act on the 31st December next, the landlord would be prevented from seeking an opportunist rent.

Mr. Lawrence: What about a decrease?

Mr. COURT: If a tenant went to court and it fixed a fair rent, surely the court's decision should be accepted! The court might decide that the rent must be reduced.

Mr. Lawrence: The amendment does not say so.

Mr. COURT: But there are provisions in the principal Act to take care of that.

Hon. A. F. WATTS: I can see some point in the argument advanced by the member for South Fremantle. He said that the rent lawfully chargeable might be £11 a week and that it might be excessive in the circumstances. In some cases, that could be so. If the premises were let for the first time after the 31st December, 1950, the sky would be the limit; £11 would be the lawful rent and the court would have no power to reduce it. In those circumstances, the point raised by the member for South Fremantle could arise. Perhaps other words could be inserted to ensure that the rent decided by the court was a fair one for the premises on the 28th April, 1954.

Hon. A. V. R. ABBOTT: As the law stands, a landlord or tenant may apply to the court in respect of premises covered by the Act, and the only ones not covered are hotels. If the premises were new and let for the first time, the rent may be agreed upon and, so long as that agreement lasted, it could be collected, but at any time either party would have the right to apply to the court to fix the rent. Therefore that argument falls to the ground.

The Minister for Education: In theory that would be so; in practice, no.

Hon. A. V. R. ABBOTT: Following the argument of the Minister for Education, should not the Government provide accommodation for tenants evicted in exceptional circumstances? Likes and dislikes will always occur between landlords and tenants, and should not a landlord have a right to select his tenants so long as he charged only a fair rent? A decent landlord with no right to increase the rent would not evict a tenant. Surely the Government, in view of the increased number of houses being built, could provide for what I may term the indecent landlord! A tenant might be objectionable, but the fact could not be proved to the satisfaction of the court.

The Minister for Housing: You are wrong there. Provision is made for the case of a tenant who has been guilty of conduct which is a nuisance or an annoyance to neighbouring occupiers.

Hon. A. V. R. ABBOTT: That means a nuisance in the eyes of the law. If a man went home intoxicated, that would not be regarded as a nuisance in the eyes of the law, though an adjoining tenant might have strong objection to such conduct. Is there any reason why we should not allow the man who owns the house to say, "As long as I charge a fair rent, I am entitled to select my tenant?"

The Minister for Education: Is it not rather significant that no other State has seen fit to go as far as you propose?

Hon. A. V. R. ABBOTT: I do not think so. The position would vary according to the conditions. Owing to the efforts of the previous Government, the housing position here is better than it is in the other States, and if the Minister is able to bump up the rate of completion of homes to 1,000 a year, then surely if a man has a sincere objection to a tenant, he should be able to say so. If it happens that he has a friend who is needing accommodation, why should he not have the right to give the house that he owns to his friend? Is there any reason why he should not?

The Minister for Education: Under normal conditions there would not be.

Hon. A. V. R. ABBOTT: Surely the Government, with the success it has achieved, can deal with the exceptional

cases. The Deputy Leader of the Opposition admits that he is only quoting exceptional cases, so I say that any argument raised against this is fallacious, except in regard to the exceptional cases. The Opposition would deal with the exceptional cases, and very easily, too.

The MINISTER FOR HOUSING: I agree with some of the contentions of the member for Mt. Lawley, particularly as to the desirability of the owner of premises having a say or choice in the matter of who shall occupy those premises. He asks: Is it not possible for the Government, now that the State Housing Commission has built far more houses than previously, to provide accommodation for the extra families that will be involved if the wishes sought in the amendment come into operation?

This gets to the fundamentals of what we were discussing earlier, that is to say, that the entire output of houses will be devoted to eviction cases without any regard for those unfortunate people who have been waiting for homes for five years, and more. It is not reasonable to expect them to continue longer living under those deplorable conditions. In addition, no one can indicate just how great the problem will be—it may be hundreds; it may be thousands. We do not know. As the basic question of shelter is involved, we have to be exceptionally careful. We do not want social problems to arise if, by being cautious, we can avoid them.

I have two propositions I want to put to the member for Dale. First, what will be served by this? It will be possible for a landlord to obtain, at short notice, possession of his premises. But the member for Dale provides, so far as the provision can be policed, that the landlord shall not be able to charge any additional rent, unless he gets the consent of the court. Therefore the landlord will not be able to improve his financial position by taking such action, so he will achieve nothing except the personal satisfaction of having removed from his house an individual whom he does not like. The tenant will not gain anything either because he will be out.

Therefore we will lift the lid off evictions in anticipation of what is to follow by way of amendments, which will be to the disadvantage of the tenant. The tenant is upset in his domestic arrangements, and the landlord has achieved nothing beyond the personal satisfaction of emptying out a person he does not like and who, otherwise, is a good tenant. Perhaps the member for Dale can convince me I am wrong in these contentions.

Secondly, I put this proposition to him: If the Government will not agree to the termination of protection from eviction as at the 31st August, as he proposes—it is the 30th April at the present moment—does his amendment make common-sense? I can state definitely that the

Government cannot agree that at the 31st August no further protection from eviction will be necessary. We say the very minimum is the 31st December. Bearing that in mind, and that it is not the intention of the Government to impose any shorter period than between now and the 31st December, what purpose is served by the amendment on the notice paper? It cannot have effect.

Mr. WILD: In regard to the first point raised by the Minister, I cannot follow him at all when he says that neither party will gain any advantage. If the landlord decided to give the tenant 28 days' notice after the 1st September, the tenant would go out and there would be no gain to the landlord because he could not let it to another tenant at a higher rental unless he went to the court. But there would be an increment to the landlord because if he had said to the tenant, "You are paying £2 a week and you should pay £3 a week," and the tenant left, then, whilst the landlord could not let it at the £3, he could go to the court; and I think in these days there are very few cases—I do not say this applies in all cases—where the court does not raise the rents in some way.

So, they would not both be losers. Whilst a tenant, under the amending clause, cannot agree verbally to an increase, because it has to be by agreement with the inspector or the court, he can say to the landlord, "I am prepared to pay whatever the fair rent court gives." And so he would retain the house at a higher rental and the landlord would receive the rent he wanted. If the Minister is not going to accept the second amendment, the first one will be useless. The Government would be foolish to say to the Opposition, "Unless you agree to a further amendment to the second amendment, taking it to the 31st December instead of the 1st September, we will not accept it."

That would be so because by that time Parliament would not be sitting and if there were the wholesale evictions which the Minister envisages, there would, by about February or March, be a scream to Heaven and the Government would have to call Parliament together again, whereas after the 1st September there would be at least 2½ months of the sittings of Parliament during which to consider the position. I think the Government should accept this amendment and let us then deal with the second one.

Mr. LAWRENCE: Having further examined my contention, I find that it is correct, and I believe the amendment is of no use whatever. In the amending rents and tenancies legislation, No. 45 of 1953, assented to on the 29th December, 1953, Section 5, which amends Section 13 of the principal Act, reads as follows:—

On and after the 1st day of May one thousand nine hundred and fifty-four, the rent of premises for any period during the operation of this Act shall be such as is agreed between the lessor and the lessee, but whether the lessor and the lessee have or have not agreed, or negotiated for agreement, as to the rent the lessor or the lessee may subject to the provisions of Subsection (4) of this section and of Section 15 of this Act, from time to time make application for the amount of rent of the premises to be determined.

Yet when I look at the amendment, I find that it does not mention only the rents subsequent to the 1st May, 1954, but the rents prior to that date—to wit, the 28th April—and that was why I made reference to the case where £11 per week was paid.

I have particulars of 11 instances where on the 28th April they will be paying £3 10s. per week, risen from 12s 6d per week under the threat of eviction, and in another area in Ray Avenue, South Fremantle, the rent has been raised from 30s. per week to £5 10s. per week. Surely the hon. member would not wish to allow such anomalies to continue. Under no circumstances can I agree to the amendment.

Mr. JOHNSON: The amendment moved by the member for Dale contains one important principle—that a landlord should not profit as the result of an eviction by increasing his rent. That is sound, but not sufficiently important to justify removing the protection from tenants. If he proposed to insert a provision of that general nature as well as the protection contained in the Bill, he would have a chance of my support, but I cannot agree to the amendment as at present worded. A letter from a reputable firm of solicitors to one tenant of a group of four houses which are together and have received the same treatment states, under date 22nd February, 1954—

We are acting for your landlord who intends to serve formal notice on you at an early date for possession of the premises and as you are no doubt aware from Press reports, is now entitled to enforce possession on or after the 1st day of May subject to his having given you at least 28 days' prior notice. This letter is not to be taken as formal notice but as a preliminary notification so you may take the earliest opportunity of making inquiries for other accommodation. It may be advisable for you to see an officer of the State Housing Commission, Plain-street, East Perth, without delay and show him this letter, upon which he may be able to advise you.

That lady has been in residence in those premises for more than 17 years and so could not be classed as an undesirable tenant except that she would be unable to pay the rent now being asked for the premises.

Members should examine the "Houses to Let" columns of the daily Press in order to see the rents now being asked for dwellings, and I might add that those who are prepared to advertise the rates at which they are willing to let premises are probably those who consider their rents to be reasonable. I have here all of them since the 13th March and starting at that date the rents quoted are as follows:—£8 8s.; £5 5s.—that is out at Armadale—£6 and then £2 10s. for a caravan which probably cost about £250 and on this basis would return about 120 per cent.; £4 4s. for a place at Rockingham; £8 10s., then £10, £6 10s. and another at £4 10s. at Maida Vale. The next is £8 8s.

Mr. Yates: You do not say what kind of homes they are.

Mr. JOHNSON: Very well. Here is one at South Perth. It is a modern brick and tile home comprising lounge, dining-room, two bedrooms, sleep-out and sewing room, with well-appointed kitchen, bathroom, etc., h.w.s. throughout, and so on. That should be worth about £5,000.

Hon. A. V. R. Abbott: And the rest!

Mr. JOHNSON: The rent asked is £10 10s. per week.

Mr. Yates: That is reasonable for a newly furnished modern home with all conveniences.

Mr. JOHNSON: Even if we take it that that is a reasonable rent, of these advertisements only about one in four mentions the rent asked. I would imagine that even land agents are ashamed of some of the things they have been asked to do. The figure of £10 10s. a week is not being asked for an outstanding house; it is a 2-bedroomed place in a poor sort of suburb.

Mr. Yates: You have blown your argument to pieces by the last statement.

Mr. JOHNSON: I think the hon. member is prejudiced. It is the type of house that any working man on a reasonable margin would expect to occupy; it is no better than the one I live in, and I would be ashamed to ask £10 10s. for my place. It is the normal sort of place a bank clerk occupies, and he gets less than £20 a week and cannot afford £10 10s. for rent. The next day, the only rents quoted in the paper were £10, £9, and £6 a week; the next day, £7 7s., £6 6s. and £5 5s., and so on all the way through.

It merely illustrates my point that landlords are prepared to be publicly avaricious and to ask excessive rentals. The house I just mentioned would cost about £4,500 to build and, allowing £50 per annum for rates and taxes, it would yield 6 per cent. at £6

15s. a week, and at £10 10s. a week, at a rough estimate, would return about 10 per cent. or 12 per cent., and that is outrageous. The normal stocks and shares, for such institutions as banks, which are a sound investment, yield 4½ per cent., and industrial activities 5 per cent., or at the most 6 per cent. The only ones that go higher are speculative.

My point is that landlords, with some exceptions—and I would describe them as amateurs—are an avaricious crowd who believe in getting the most the market will stand. I think that is proved by the type of advertisement in the "Houses to Let" columns of the daily Press. I am inclined to think that most of those advertisements would be for rentals at a higher rate than rent inspectors would allow. That is point 1.

Point 2 is that landlords are prepared to break the law and to blackmail their tenants into assisting them in breaking the law. There are some extravagant cases which no one dares to quote because of the fears of the tenants. This particularly applies to the unfortunate new Australians who have practically no protection, very few friends, and are exploited, unfortunately very largely, by people of their own kind. I know of one case, a 3-roomed house in my electorate, which was let, on a lease prepared by a lawyer, at £7 10s. a week. After the lease had been renewed, it came within the Act because it was a lease for more than 12 months, and after the tenant had paid £7 10s. a week for this 3-roomed joint, it came before the court and a rent inspection took place. The rent was reduced to £1 9s. a week but no refund was made, despite what the member for Mt. Lawley said. Perhaps he was a little off the beam, or perhaps the court did not know the law.

Those who are fortunate enough to be able to get into a house controlled by the Housing Commission pay about £3 a week, and were there enough of these houses landlords would be unable to charge extortionate rents, because no one would occupy their houses. Of course, the answer to the problem is to build enough Government controlled homes, and the proposal to build a large number of flats in Subiaco would be a great help. I have no doubt that when they are erected, there will be no further need for protection.

If the plans that the Housing Commission has come to fruition, the housing situation will be overcome within the next two years, but two years is too long to sit in the street and it is too long for ordinary people who have ordinary incomes, under £20 a week—and that covers the vast majority—to pay rents of £7 7s. and £8 8s. It is essential that protection remain against capricious eviction, and I agree with the member for Dale that there is considerable virtue in the proposition that the landlord should not profit from

his misdeeds in evicting people. But to suggest that the good landlord is the normal landlord is wishful thinking.

Mr. Hutchinson: Rubbish!

Mr. JOHNSON: As well as the case I quoted of the four houses in a group, there is one landlord who has 14 houses who is telling his people, unfortunately not in writing—these homes were originally built a long time ago and probably at a cost of £150 each—

Mr. Hearman: You seem to disagree with the Minister in his view of landlords.

Mr. JOHNSON: The Minister is being polite; he has to be because he is a Minister, but that is not the case so far as I am concerned.

Mr. Hutchinson: That is stupid.

Mr. JOHNSON: The hon. member is entitled to that opinion, but it is one with which the majority of people in Leederville disagree.

Mr. Hutchinson: Unfortunately!

Mr. JOHNSON: These houses were built for about £150 to £200 many years ago.

The DEPUTY CHAIRMAN: The hon. member's time has expired.

Mr. YATES: I am going to make one or two observations for the benefit of the member for Leederville who quoted several instances from cuttings he had obtained from "The West Australian" over a considerable period. I left the Chamber for only two or three minutes and have obtained cuttings setting out instances which show that landlords are not as bad as the hon. member has indicated.

Mr. Johnson: Give us the dates.

Mr. YATES: I will give the hon. member the dates. One is dated the 31st March and the other, the 7th April. This advertisement reads—

Furnished House, Scarborough, owner retaining flat, 5gns. week.

Mr. Johnson That is on the 31st March?

Mr. YATES: Yes.

The Minister for Housing: That is only part of a house.

Mr. YATES: It is a furnished house. The owner says he is retaining a flat. He does not say it is in the same building.

Mr. Johnson: That amounts to £10 10s. a house.

Mr. YATES: Here is another one which reads—

Unfurnished Flat, walking distance to city. Rent £2 p.w. Apply Mrs. Risdon, 277 Hay-st., East.

Another advertisement I have here reads—

Vic. Park, near all cons., fully furn., £6 10s. per week. Chas Osborne, 5 Kintail-rd., Applecross. MJ 1030.

That is a reasonable rental. All those places are advertised and show the name and address of the owner. Here is another one which reads—

Unfurn. house near North Beach, £4; North Beach, £3 10s.; and 2 unfurn. rooms Beaconsfield, £3 5s.; bachelor flat Cottesloe, £3 10s.; s.c. flat Mosman Park 5 gns.

Mr. McCulloch: What about the flats at Mandurah, let at £6 per week?

Mr. YATES: Here is another one which reads—

Furn. flat, Scarbor., 1 bed r., dn. rm., own kitchen and bathroom, £4 4s. per week. BU 11, Boans, Perth.

They are a few which have been taken at random and they show that there are certain people who are advertising houses at reasonable rentals.

Mr. Johnson: Parts of houses.

Mr. YATES: I quoted an instance of one furnished house advertised at £2 10s. per week which is a reasonable rental and shows up well in comparison with the instance quoted by the member for Leederville of an asbestos home let at £4 per week. He was quoting only one type of home and one does not know the position until it is investigated. There are rooms advertised in the Press from day to day at reasonable rentals. There are also houses advertised for rental on lease. For example, there is one at South Perth and another at Melville, the latter being advertised at £10 10s. a week, but evidently it is a very fine home because the owner is asking for a decent tenant to look after the premises.

The Minister for Housing: I think their decency is governed by the amount of money they have.

Mr. YATES: This bogey about the avaricious landlord applies only to a small number. In any case there is only one answer to the problem and that is to make every-one the owner of his own home. If it so desired the State Housing Commission could sell homes, under the old Workers' Homes Act, to workers on a £25 deposit. It could do that by investing the money for home ownership. The commission could operate under the old Workers' Homes Act which at the moment is practically dormant.

The Minister for Housing: Because there is very little money available to build homes under that Act.

Mr. YATES: The Minister can find thousands of pounds for the Subiaco flats.

The Minister for Housing: I have £10,000,000 available for that purpose.

Mr. YATES: The Minister is to have made available to him at least £1,000,000 for the building of war service homes.

The Minister for Housing: Who told you that?

Mr. YATES: The Minister has been advertising for applicants who will occupy second-hand homes under the provisions of that scheme. I know that the Minister had over £1,000,000 made available to him this year to spend on war service homes, but this money has not been used. I am quite certain that the Minister will return £1,000,000 to the Commonwealth, being a surplus from the war service homes fund this year, because he is not able to spend the money.

However, I am not blaming the Minister for that because he is unable to obtain bricks and other building materials. The Minister cannot use war service homes finance to build workers' homes and if the Minister is going to find finance from another source apart for the Commonwealth money made available for the building of the Subiaco flats, he should spend it on the building of houses on a low deposit. The people that are now being evicted would then be able to obtain their own homes at a low weekly rental.

Mr. WILD: I think we have been wandering all over the place. I want to make a final appeal to the Minister and the Government to accept the amendment now before the Committee and also the one which is to follow. The member for South Fremantle has raised a point which I, as a layman, cannot fully understand. I have consulted my colleague on my right and also the Leader of the Country Party, who are both lawyers, and they cannot fully understand it either. Therefore, if they cannot solve the problem how can I, an ordinary layman, overcome the problem raised by the hon. member?

Perhaps the Minister could consult his Crown Law officers over the weekend to ascertain if something could be inserted to meet the wishes of the hon. member. The Leader of the Country Party has suggested that it will require only three or four words to be inserted in the amendment for the problem to be overcome. Therefore, on behalf of the Opposition I appeal to the Minister to accept these amendments and so leave the gate open by retaining the 1st September as the date so that the Government, round about Christmas time, will be able to take corrective action if it finds that this proposition is unsatisfactory.

The MINISTER FOR HOUSING: The member for Dale has agreed with me that this amendment which he foreshadows is meaningless if it be the intention of the Government that protection should continue until the 31st December instead of terminating at the 31st August or some other date prior to the end of December. I have already indicated that the view of the Government is that any time before the end of December would be premature to throw overboard the protection afforded against eviction. For that reason there is no alternative but for the Committee to reject the proposed amendment because

in actual practice it would result in a proviso being inserted in the Act which would have no application or effect whatsoever.

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

Ayes	16
Noes	17

Majority against	1
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Ayes.

Mr. Abbott	Mr. Hutchinson
Mr. Ackland	Mr. Manning
Mr. Brand	Mr. Nimmo
Dame F. Cardell-Oliver	Mr. North
Mr. Cornell	Mr. Watts
Mr. Court	Mr. Wild
Mr. Doney	Mr. Yates
Mr. Hearman	Mr. Bovell

(Teller.)

Noes.

Mr. Brady	Mr. McCulloch
Mr. Graham	Mr. Norton
Mr. Heal	Mr. Nulsen
Mr. W. Hegney	Mr. O'Brien
Mr. Jamieson	Mr. Rodoreda
Mr. Johnson	Mr. Sleeman
Mr. Kelly	Mr. Tonkin
Mr. Lapham	Mr. Sewell
Mr. Lawrence	

(Teller.)

Amendment thus negatived.

Clause put and passed.

Clauses 11 to 15—agreed to.

Clause 16—Section 19 amended:

Mr. COURT: I move an amendment—

That a new paragraph be inserted as follows:—

(b) By substituting for the word "six" in line two of subsection (3) the word "three".

The import of the amendment is that it would only require the purchasers of houses to own them for three months instead of six, but it would still require the two years' residential qualification provided in Subsection (3) of Section 19 of the principal Act. Further, there would be no amendment to the provisions of that Act which provides that the person must require the premises for his own occupation or for occupation by both or either of his parents and so on.

In my second reading speech I referred to some of these people who in good faith had acquired houses since the passage of the December amendment on the understanding that they could have possession of their properties on giving 28 days' notice from the 30th April. But if the Government's Bill eventually becomes law, they will be frustrated, though they were genuine purchasers requiring premises for the purposes covered by the principal Act. This would give relief to such people inasmuch as though they would still have to give some notice after the three months' qualifying period, it would be a considerable reduction in the present six months requirement under the principal Act.

I feel the time has come when a concession could be made in this period of ownership which is required. It could be a gentle step to ultimate decontrol of the entire problem of landlord and tenant and is well worth a trial. I do not think this would result in any untoward demand on the Government for accommodation because the provision under the principal Act has been there a long time and it is reasonable to assume that, with the exception of these people who have just come in as owners, most of these cases have been cleaned up by the Housing Commission or the tenants themselves.

If successful in this amendment, I did propose to move a further amendment reducing the period of notice to be given from the three months proposed by the Government to 28 days.

The MINISTER FOR HOUSING: As has been pointed out, the present provisions are that a person shall own premises for six months at least, then he is required to give six months notice if he requires the premises for his own purposes or for certain members of his family closely related to him. The Bill states that he shall own the premises for six months, but that three months notice will suffice. The member for Nedlands has moved that the premises be owned for three months and three months' notice to quit must be given and it would then be automatic on the part of the court.

Although the position would be a little more difficult for the State Housing Commission in the initial stages, I accept the amendment moved by the hon. member. I would state, however, that I would oppose any attempt to reduce the period of notice to 28 days and I hope the hon. member would meet me in this, seeing that I have accepted his amendment.

Mr. COURT: I appreciate the co-operation of the Minister in agreeing to reduce the period from six months to three months. In view of that concession I shall not pursue the second amendment in my name, seeking to reduce the period of notice from three months to 28 days.

Mr. JOHNSON: I am surprised at the Minister accepting this, and I am going to vote against it.

Hon. J. B. SLEEMAN: I am certainly not in favour of this amendment. Too many of these cases are occurring in Fremantle where foreigners coming to the country buy homes and give the Australian tenants three months' notice to quit. Under this amendment, an owner needs only to possess a home for three months before giving notice of eviction.

Mr. JAMIESON: I am certainly against this amendment for the reason that the State Housing Commission finds it extremely difficult to house all evictees at present. I am aware of many appalling

cases where people are awaiting accommodation and anything likely to cause the wait to be prolonged will not meet with my approval. I have every justification in voting against the amendment.

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

Clauses 17 to 21—agreed to.

Title—agreed to.

Bill reported with an amendment and the report adopted.

Third Reading.

THE MINISTER FOR HOUSING (Hon. H. E. Graham—East Perth) [9.15]: I move—

That the Bill be now read a third time.

MR. WILD (Dale) [9.16]: I wish to put in my final protest to the Government. With a minor amendment moved by the member for Nedlands, the Government has paid no heed to the views of the Opposition. We had exactly the same position last December. As everyone knows it resulted in an impasse and that is where we are heading now. A great deal of consideration was given to these two amendments, and every fair-thinking person in Western Australia will realise it was done to try and ease the position. Whilst we did not agree to the case put up by the Minister in his second reading speech, I personally felt that as he was the responsible Minister and was in possession of the facts, we should concede a little of what we gained in December in conference. However, we were swept aside.

Although the Minister said he wanted to be co-operative, I am firmly convinced that he had made up his mind this evening that he would take no notice of the views of the Opposition. On behalf of the Opposition, I repeat that I am disgusted at the attitude of the Minister and the Government. When, as no doubt it will, this measure comes back to us, I hope the Minister will be in a more co-operative mood.

THE MINISTER FOR HOUSING (Hon. H. E. Graham—East Perth—in reply) [9.18]: I do not wish to detain the House, but I am getting a little tired of the attitude of the member for Dale. Every time he gets on to his feet he gives me the rounds of the kitchen and makes all sorts of "Wild" assertions, in the double sense. Unfortunately, those statements get publicity. The only difference between the Government and the Opposition on this Bill is the desire on behalf of the Opposition to limit the protection to the 31st August, whereas the Government feels that the time is too short and in next to no time it will go through the same

procedure in seeking an extension. All the Government seeks is to extend the period to the 31st December.

Hon. D. Brand: That is, if the situation is as bad as you claim.

THE MINISTER FOR HOUSING: Yes, to be continued to the 31st December. That is the only difference, therefore it is so much tommy-rot for the member for Dale to talk about the Government digging its toes in and refusing to compromise.

Mr. Wild: How far have you gone to meet the Opposition?

THE MINISTER FOR HOUSING: That is the only point of difference.

Mr. Wild: That is the difference, but you will not agree to any compromise.

THE MINISTER FOR HOUSING: The proposition that was agreed to by both Houses of Parliament only a few months ago, that is six months' ownership and six months' notice—

Mr. Wild: And not tried out by your Government.

THE MINISTER FOR HOUSING:—will be reduced by half, namely, to three months' ownership and three months' notice. That was the only other matter of consequence which was raised. Therefore I can see no substance whatever in the irresponsible allegations that the Government stood pat and refused to consider the supplications of the Opposition. We ceased deliberations before the usual time this evening in order to give me an opportunity to consult my colleagues on the feasibility and practicability of a certain proposal submitted by the member for Dale. I therefore protest at these unfair and extravagant statements.

Hon. J. B. Sleeman: Mr. Speaker—

Mr. SPEAKER: Order! The Minister has closed the debate.

Question put and passed.

Bill read a third time and transmitted to the Council.

House adjourned at 9.21 p.m.