

# Legislative Council

Tuesday, 13th April, 1954.

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

## QUESTIONS.

### CHILD WELFARE DEPARTMENT.

#### *As to Tabling Report.*

Hon. J. G. HISLOP (without notice) asked the Chief Secretary:

In view of the profound public interest that the report by Mr. R. H. Hicks on child welfare would engender, and in view of the fact that no mention is made of any appointment of or co-ordination with professional persons, the absence of whom from the vital posts in any modern system of child welfare would be a disaster, I ask again will the Minister lay the report on the Table of the House?

The CHIEF SECRETARY replied:  
No, not at present.

### HOUSING.

#### *(a) As to Rent for Flats at Nedlands.*

Hon. H. K. WATSON (without notice) asked the Chief Secretary:

According to a statement published in "The West Australian" on the 20th March last, the Chief Secretary said that tenants in a block of flats at Nedlands, now paying £2 12s. a week, had been told that they would have to pay £6 6s. a week or get out. Will the Chief Secretary indicate where those flats are situated, who is the owner, and what was the source of his information?

The CHIEF SECRETARY replied:

The flats are situated at 50 Broadway, Nedlands, and are owned by Mr. J. J. Plunkett. The information was given by two of his tenants who called at the office of the rent inspector.

#### *(b) As to Commonwealth-State Homes Built and Sold.*

Hon. L. A. LOGAN asked the Chief Secretary:

(1) How many houses have been built in Western Australia under the Commonwealth-State Housing Agreement?

(2) How many of these houses have been sold?

The CHIEF SECRETARY replied:

(1) 8,139 to the 31st March, 1954.

(2) 1,461.

### RENTS AND TENANCIES LEGISLATION.

#### *As to Letter from Maritime Unions.*

Hon. A. F. GRIFFITH (without notice) asked the Chief Secretary:

(1) Does he know that members of this Chamber have received a letter dated the 8th April, 1954, from the Maritime Unions' Committee enclosing a copy of a resolution passed by that union at a recent meeting, the resolution reading—

That this meeting of unions associated with the Maritime Unions' Committee and other interested organisations whole-heartedly support any action taken by the Western Australian Labour Government to protect people under the Rents and Tenancies Emergency Provisions Act, 1951.

If the Legislative Council refuses to accept proposals from the Legislative Assembly that will protect the masses, we, the unions and organisations represented, definitely state that in the event of any member of any such union or organisation being subjected to any undue hardship by the application of the Act, as amended, it is our firm intention to seriously consider industrial action similar to that taken by us on the 22nd day of February, 1952.

(2) Does the Minister agree with this type of attempted intimidation of Parliament of which he, in this House, is the Government leader?

(3) If the Minister considers this type of intimidation undesirable, will he recommend to his Government that action be taken to prevent a recurrence?

The CHIEF SECRETARY replied:

I am not aware that members of this House have been circularised, and I do not recall having received a copy of the communication myself or having seen one. During my parliamentary career I have on many occasions received letters that one could say were of a threatening character,

some from organisations that professed to be of Christian character. There are some people who, particularly around election time, circularise members, asking them to do all sorts of things and threatening the guillotine if they do not. When I have received such communications, I have generally just put them aside; but if the hon. member cares to let me have a copy of the letter of which he complains, I will have it examined in order to see whether it infringes any law. I may say that if it does so, the present Government, the same as any other Government, will not be loath to take action.

### INDUSTRIAL.

#### (a) As to Waterside Dispute, Carnarvon.

Hon. A. F. GRIFFITH (without notice) asked the Minister for the North-West:

(1) Is it a fact that Mr. E. L. Roach, secretary of the Waterside Workers' Federation, recently visited Carnarvon and, following his visit, the waterside workers are now on strike in that port?

(2) Is it a fact that the State Shipping Service ship "Kabbarli" left cargo valued at £50,000 on the wharf at Carnarvon yesterday when the seamen refused to handle it?

(3) Is it a fact that residents of Carnarvon will be faced with an acute food and beer shortage if the waterfront dispute at that port continues?

(4) Is it a fact that there is a possibility that the stoppage may spread to Broome and Port Hedland?

(5) What is the agreement which the Minister refers to in the report issued in today's issue of "The West Australian" to the effect that the Government has had an agreement with the A.W.U. for working North-West ports since 1919?

(6) Does the Government intend to take advantage of certain sections in the Arbitration Act which it proposed to repeal last session, in order to discipline the members of the union now bringing about a state of affairs under which the town of Carnarvon is likely to suffer an acute food shortage, or is it prepared to condone this state of affairs until Mr. Roach decides to advise these men to continue work?

The MINISTER replied:

In reply to the hon. member's speech, I will endeavour to do my best. The answers are—

(1) It is a fact that Mr. Roach visited North-West ports early this year.

(2) I am not aware of the exact value of the cargo which the "Kabbarli" could not pick up, but I believe it to be in the vicinity of the amount stated by the hon. member.

(3) No, it is not a fact that residents of Carnarvon will be faced with an acute food shortage. The Government is watching the position carefully, and it is my intention to proceed to Carnarvon tomorrow morning. That town can be supplied by road, and I will ascertain the position when I arrive there. My office has not yet received any intimation of any food or beer shortage at Carnarvon.

(4) Nobody can predict where trouble may occur, but I imagine that the possibility of trouble similar to that experienced at Carnarvon occurring at the ports mentioned by the hon. member, would be remote.

(5) The agreement referred to has not been registered or dealt with by the Arbitration Court, but is an agreement between the A.W.U. and the port authority—at the present time the Harbour and Light Department. In the past it has been between the union and the Harbour and Light Department, the Railway Department where it worked jetties, or the Wyndham Meat Works where they worked the jetties. That has been the procedure for working North-West ports since 1919, and they have been remarkably free of trouble. That agreement is in existence today, and is based on comparable rates and conditions as applying to waterside workers in other and similar ports. It is the Government's intention to stand by that agreement with the A.W.U.

(6) No consideration has been given to the first portion of this question at the present stage. I would suggest that the union which the hon. member refers to is not yet formed in that port. I have no conclusive proof of that, but would be prepared to say, on the evidence I have, that members of the union to which I believe the hon. member refers have only made application for membership and have not yet been included. The latter portion of this question relates to the supply of food at Carnarvon, and I have already dealt with that subject. The question asks, "Is Carnarvon likely to suffer an acute food shortage?" and the answer to that is, "No". The question continues, "Is it prepared to condone this state of affairs until Mr. Roach decides to advise these men to continue work?"

I can only answer that by saying that the Government will do everything possible to bring this dispute to a very swift end. We are hoping that it will end to-night. A call has been made for labour to report at 6.40 this evening to commence work on the ship; and if the work does not proceed, it will then be the fault of the seamen. As to disciplinary action, if the hon. member was referring to the Seamen's Union, I would point out that action has already been taken in regard to the "Kabbarli".

*(b) As to Action by Seamen.*

Hon. C. W. D. BARKER: In view of the question that has been asked of the Minister for the North-West and to avoid any misunderstanding, I would like to put a further question to the Minister which can be easily answered.

The PRESIDENT: The Minister has the option whether he will answer it.

Hon. C. W. D. BARKER: Thank you, Mr. President. Without notice, I ask the Minister for the North-West:

Is it not a fact that the strike at Carnarvon, unlike the one referred to by Mr. Griffith, does not involve the wharf labourers? The wharf labourers offered themselves for work, but the seamen would not provide steam to enable them to work.

The MINISTER replied:

As I have mentioned already, the wharf labourers are reporting for work at 7 o'clock tonight.

**NORTH-WEST.***As to Extension of Dairy Bull Subsidy.*

Hon. C. W. D. BARKER asked the Minister for the North-West:

(1) Is the dairy bull subsidy still operating?

(2) What amount was paid in regard to that subsidy?

(3) Will the Government give favourable consideration to such a scheme being made available to beef cattle breeders in the North in order to ensure that the quality of beef, of which there is a world shortage, will be improved?

(4) Will the Government also make representations to the Commonwealth Government to assist financially in such a scheme?

The MINISTER replied:

(1) Yes.

(2) The total expenditure for the period 1934-35 to 1952-53 inclusive was £3,107. For the financial year 1952-53 it was £30 15s. 0d.

(3) No. The Government is not aware that financial inability to purchase stud bulls, at present, constitutes any serious hardship to the beef industry.

(4) Answered by No. (3).

**BETTING.***As to Prosecution of S.P. Bookmakers, Geraldton, etc.*

Hon. L. A. LOGAN asked the Chief Secretary:

In view of the Minister's reply to my question on starting-price bookmakers that Geraldton was not singled out for attention, will he inform the House of other places in the State that are being treated with the same severity as Geraldton, and furnish proof of such treatment?

The CHIEF SECRETARY replied:

No. It is not practicable or reasonable to compare one town with another. Much

depends on local conditions, the size of places, the greater persistence with which some persons pursue their calling and the extent of action necessary to maintain reasonable law and order.

**QUESTIONS BY MEMBERS.***(a) As to Giving Notice.*

Hon. A. F. GRIFFITH: I desire, without notice, to ask the Minister for the North-West the following question:

In view of the answer given by the Minister to my previous question, namely, that Carnarvon is not suffering, nor will it suffer, a food shortage, will he hasten to correct the Press reports that appeared in last night's "Daily News", and also in this morning's issue of "The West Australian", that Carnarvon will suffer an acute food shortage if the dispute continues?

The CHIEF SECRETARY: Mr. President, may I claim your indulgence for a moment? Ministers have been very tolerant in answering the questions that have been asked tonight. Always in the past it has been the procedure for members to give notice of questions. This afternoon that procedure has been departed from greatly. No objection is taken so long as straight-out answers can be given at the time, but in other circumstances the situation becomes rather difficult and embarrassing. I do not think Ministers should be asked to give answers to questions of such a description without notice. I hope that this practice will not become a fever that will be catching, and that members will follow the procedure that has existed in the past and give notice of all questions to be asked.

The PRESIDENT: I agree with the Chief Secretary. It is only on matters of extreme urgency that questions are asked without notice, and in each case I have always pointed out that it is necessary to supply the Minister concerned with a copy of the question at the earliest possible moment. I suggest that we should continue to follow the practice laid down in the past, namely, that notice be given of all questions.

*(b) As to Justification for Asking.*

Hon. A. F. GRIFFITH: With your indulgence, Mr. President, I would point out that in the past I have not endeavoured to hold up the proceedings of the House. As you yourself said, when an important matter is before the House, questions without notice could and should be tolerated. Surely the welfare of the community at Carnarvon is an important matter!

The Chief Secretary: Do you not think that the members who represent Carnarvon can look after their own people?

Hon. A. F. GRIFFITH: The Chief Secretary cannot refute the fact that I can have my own ideas on this matter.

In regard to the attempted intimidation of members of this House, referred to by the Chief Secretary, I would point out that the first item on the notice paper to be dealt with is the Rents and Tenancies Emergency Provisions Act Amendment Bill, regarding which I and other members of this House have received threats of impending industrial strife.

The PRESIDENT: I would point out to the hon. member that there cannot be any debate on questions.

# **BILL—RENTS AND TENANCIES EMERGENCY PROVISIONS ACT AMENDMENT.**

## *First Reading.*

Received from the Assembly and read a first time.

## *Second Reading.*

**THE CHIEF SECRETARY** (Hon. G. Fraser—West) [4.57] in moving the second reading said: It is not my intention to delay the House with the introduction of this Bill. Members know full well all that has occurred in recent years in regard to this legislation. It has been on the statute book for many years. As it is a continuance measure, each session a Bill has been introduced and amendments have been made to the Act. Over the years attempts have been made to amend the legislation along other lines, but without much success.

Last year, on the introduction of a new measure relating to rents and tenancies, we found that the House took up the attitude that it had been adopting down through the years, namely, to whittle down the powers under the Act; and it was successful in its efforts. The amendments passed effected alterations to the legislation which the Government viewed with great concern. We regarded the position seriously at the time of the report of the conference managers, but today we have still more serious views because of the large number of people who have applied to the rents and tenancies section and to the State Housing Commission.

All those applications impressed the Government and made it realise that the position was even more serious than had been anticipated. Because of that, the Government gave very serious thought to the situation that would develop at the end of April. It decided to call Parliament together so that it could give further consideration to the matter. Members who probably were previously unaware of the real situation may have found out since Parliament rose how serious the position will be after the 30th April when the legislation agreed to at the last session comes into force.

In the course of the debate, it is possible that some members will adopt a different attitude from that which they displayed a few months ago. I refer in particular to metropolitan members, because we know that in some country areas there is no problem of shortage of accommodation. It is mostly in the metropolitan area that this problem arises. As a result of investigations by members representing metropolitan constituencies, or as a result of knowledge gained in the past few months, they will possibly adopt a different attitude to the Bill. It is not my intention to speak at length on the introduction of the measure because there are so few changes being sought in the provisions of the present Act.

Hon. A. R. Jones: Has the Minister not read the Bill?

The CHIEF SECRETARY: That is a stupid question to ask of the Minister who was responsible for drafting the Bill!

Hon. A. R. Jones: What the Minister has said was just as senseless.

The CHIEF SECRETARY: I was responsible for the drafting of the Bill. Can the hon. member show me where I am wrong in this respect? There is very little difference between the provisions of the Bill and those of the Act.

Hon. N. E. Baxter: What about the constitution of the fair rents court?

The CHIEF SECRETARY: I shall come to that. There is not a great deal of difference between the Bill and the Act that has operated throughout the years. If hon. members will look back a couple of years, they will appreciate that the restrictions were much greater than what we are now seeking to impose. Because of that, it is not necessary to flog the Bill.

There are three main points, two possibly of greater importance than the third. They are, firstly, the question of rent; secondly, evictions; and, thirdly, the provision inserted to safeguard the position in case Parliament is a long time dealing with the Bill, or if there is a gap between the Act and the new Bill coming into operation.

Dealing with the question of fair rents, the Government proposes to set up a special body. Can anyone cavil at the constitution of the court visualised? The Bill proposes that a magistrate be appointed as chairman, that the Government appoint a representative of the tenants, and that the Real Estate Institute appoint a representative of the landlords. The duties of the last two are mainly to act as assessors. Without fear of contradiction, I assert that there can be no fairer approach.

In the past Bills dealing with rents have been introduced. We have previously said, "There is the basis for the rents." Then a year or two later we have declared, "We gave that basis previously and now we provide a 20 per cent. increase." After

another year we said, "We will give you another 10 per cent." I do not consider myself fitted to say to any tenant or landlord "You have to pay 30 per cent. more," or, "You may receive 30 per cent. more". But under this proposal a court, the metropolitan fair rents court, will be set up to determine such questions.

The Bill goes further. It does not restrict the powers of the court to determine rents on the 1939 or the 1953 valuations. We propose to say to the court, "There is the problem. You deal with it and assess a fair rent." Can any member suggest a fairer proposition? I know it will be said that the landlord or tenant can go to the court today. Is anyone in this State satisfied with the decisions given by the court at present? It is usual for one party to disagree.

Hon. L. C. Diver: How many persons have approached the court since the 1st January?

The CHIEF SECRETARY: I have not the figures. The fact remains that the courts which have heard cases have given different decisions for Perth, for Fremantle, and for other parts of the State. Can anyone suggest that that is consistent? Of course not. This is an endeavour to get down to a fair basis, where the decisions, whether right or wrong, will be consistent. Today the decisions are totally inconsistent. Everyone concerned—tenant, landlord and Government—desires a fair decision for all parties. So I ask members to examine the Bill carefully and treat this matter, not as a political football whereby one party may gain some advantage, but with an honest mind.

Hon. N. E. Baxter: Is the Minister insinuating that members of this Chamber are using the Bill as a political football?

The CHIEF SECRETARY: The hon. member is interpreting my remark in a totally different manner from what I intended.

Hon. N. E. Baxter: It sounded like that.

The CHIEF SECRETARY: I did not accuse members. I made a request. When a person makes a request he does not make an accusation. I requested members in considering this legislation to do so on a fair basis, and not to consider it from a political viewpoint. I would like them to take notice of the situation as it is occurring in this State.

Hon. A. R. Jones: What is occurring?

The CHIEF SECRETARY: The hon. member must have knowledge of the situation unless he has shut himself up for the past 12 months. He knows there is an acute shortage of accommodation in this city. He knows that, because of that fact, there are many people who want to take advantage of the position. Because of the protective legislation, numbers of tenants have been placed in a disadvan-

tageous position. That is what is occurring. I am sure the hon. member must know that is so.

Hon. A. R. Jones: I have not found that to be the case.

The CHIEF SECRETARY: I do not know whether the hon. member is deaf or blind.

Hon. F. R. H. Lavery: If the member comes down to the West Province, I can show him what is happening.

The CHIEF SECRETARY: There is no need to go down to the West Province. I can show him what is happening in the metropolitan area.

Hon. A. R. Jones: I have been around the metropolitan area.

The CHIEF SECRETARY: Would the hon. member say there is no acute shortage of accommodation?

Hon. A. R. Jones: I say that it is no more acute than it was 12 months ago or is likely to be in six months' time.

The CHIEF SECRETARY: That does not answer the question.

Hon. L. C. Diver: Are there not vacant homes in Stirling Highway?

The CHIEF SECRETARY: I would like to see them. I travel along that route often but I have not seen any—that is provided, of course, the rent for the premises is fair. If there is one house vacant in the metropolitan area today it is because tenants cannot pay the rent demanded, or because the house is condemned by the local authorities as unfit for habitation. There are people living in the metropolitan area today in houses that would have been condemned many years ago were it not for the acute shortage of accommodation.

If members are not aware that there is an acute shortage, they need only contact the local health authorities to discover how many houses that should have been condemned are still being occupied. That applies even to Nedlands. I would not be surprised to know that there was a number condemned by the authorities years ago. That applies to all districts in the metropolitan area. The authorities have gone so far as to issue a condemnation order, but not enforce it. Members who are unaware of the position can also go to the road boards to make inquiries. It is unfortunate that this legislation has to be considered by some members who are not aware of the situation.

Hon. A. F. Griffith: Will the Minister tell us whether the proposed legislation will cover Commonwealth-State rental homes in regard to the fair rents court?

The CHIEF SECRETARY: No. We have no power to do that.

Hon. A. F. Griffith: Will the legislation bring shops in Medina under the fair rents court?

**THE CHIEF SECRETARY:** Again, no. Government instrumentalities have not been brought under the legislation. However, if some member will move an amendment along those lines, consideration will be given to the proposal.

**Hon. A. F. Griffith:** The Minister knows that Commonwealth-State rental homes cannot be brought under the legislation.

**THE CHIEF SECRETARY:** Then why does the hon. member make such a stupid interjection, if he knows that to be the position? He asks whether the legislation will cover Commonwealth-State rental homes, all the time knowing that it cannot be done. He calls that a sensible interjection! The situation is acute. It is possibly not as acute as it was four or five years ago, but still it is acute. We believe that something must be done about it; and I think that 99 per cent. of members will agree with that statement, although they may differ as to the methods to be used. In the Bill we suggest one method. We say that we are setting up a body which will be untrammelled by any instructions, and whose job it will be to say what is a fair rent. We give to the tenants and the landlords the right to approach this court in order to get a decision. Is there anything fairer than that? If there is, I hope that members, during the course of the debate, will tell me what it is.

The other main point is the question of evictions. From the point of view of importance, I suppose I should have spoken on that aspect first, because where a person might be able to get over the problem of high rents, it is almost impossible to get over the matter of being put out into the street, or to deal with the position when he is told that he is to be put out of his home. We therefore want very serious consideration given to this phase. In the course of the debate it will be said that there is no one in the street today. There have, however, been people in the street. Others have gone to their assistance and got them out of their trouble. I am not saying whether they deserved to be in the street or otherwise, but they have been forced there.

The protective legislation so far as evictions are concerned, which was carried last year, ceases to operate at the end of this month. Again I say this point is more important even than the rent phase, and something should be done about it. Ever since this Government has been in office it has been faced with a fairly large number of evictions. I do not know the actual figures, but I would say they average about 10 or 11 a week. The State Housing Commission has been able to cope with that number, and that is why people have not been put in the street. If we lift immediately the protection that has been operating for years, it is anticipated there will be such a great number of evictions that the Housing Commission will not be able to meet the situation.

**Hon. A. F. Griffith:** Have you any idea of the number?

**THE CHIEF SECRETARY:** That is impossible to forecast; but who do know, from the number who have been to the rent office and to the State Housing Commission; by contact with people who have not been to the Housing Commission or the rent office; and by the large number who have shown us letters, that the position is serious. I saw quite a large number when I was going around in connection with my electoral rolls.

**Hon. A. F. Griffith:** What do you call a large number?

**THE CHIEF SECRETARY:** I did not count them, but there were so many that I was impressed with what would occur after the 30th April. A large number showed me letters stating that after the 30th April they would have to seek fresh accommodation. I have a large number of letters here, but I will not weary the House by reading them at this stage. Later, when we are in Committee, I shall, if necessary, produce them. These letters will give members some idea of what will occur after the end of this month.

**Hon. A. R. Jones:** Will the Minister believe that some people are asking their landlords to give them eviction orders so that they can get a State Housing Commission home?

**THE CHIEF SECRETARY:** Yes. That has been going on for years.

**Hon. A. R. Jones:** They are some that you might have been considering.

**THE CHIEF SECRETARY:** No. Quite a number wanted to receive eviction orders because they desired to be put in the pool for new homes, but their actions were not very effective because of the protective legislation that was in existence whereby they had to abide by certain considerations before they could be classed as being suitable for assistance by the State Housing Commission. Members should not forget that the State Housing Commission, in all cases, had an officer at the court when the eviction proceedings were being heard, and in some cases they relaxed and did not wait until the eviction order was granted, but took some notice of when the eviction order was given. They investigated all those cases at the time they arose, and not many of those who wilfully obtained an eviction order were successful in having accommodation provided by the State Housing Commission.

The position is serious. Just to cut off suddenly on the 30th of this month the protection that has been granted will, we feel, throw a burden on the community, and the events that would occur after that would, I believe, make the members of this Chamber feel very sorry that they were parties to allowing that to happen.

Hon. H. K. Watson: Why do you say, suddenly? Everyone has had four months' notice.

The CHIEF SECRETARY: Yes; but what is four months' notice? How many homes can a person build in four months? And four months is not very long in which to obtain other accommodation, as the hon. member would know if he, like hundreds of other people, had tramped the streets trying to find alternative accommodation. Such people, when threatened with eviction, have come to me footsore after having tried day in and day out for weeks to find accommodation. I say that four months is a short time when dealing with housing accommodation.

Even in the protective legislation, we are prepared to go further than hitherto so far as this type of legislation is concerned, namely, by altering the notice period from six months to three months. So we believe we have gone a long way in that respect. We have every sympathy for the person who owns a place. We know there are hundreds of people who own their homes but are compelled to live in rooms because they cannot get possession of those homes. We are sympathetic towards them, and that is why we are prepared to relax the six months period to one of three months. So I say that in connection with rents, we are putting up something that is entirely fair; and, on the other point, we are halving the period of notice that must be given by an owner to obtain possession of his premises.

The final point is that if the Bill is to become an Act, it is necessary that the court be set up and the assessors appointed. As we knew that the present Act, if it remained in force, would make an alteration to the position on the 30th April, it was necessary to have preparations made so that the status quo should continue; in other words, that the Act operating up to the 30th April should carry on until such time as the new Act was proclaimed; and we have made provision for that in the Bill.

Summing up the position, the Bill is chiefly concerned with three main points. There may be some other matters of detail, but the three main points are the setting up of the fair rents court; protection from eviction; and bridging any possible gap in legislation. These being the three main points, I feel confident that this Chamber will, at any rate, agree to the second reading of the Bill. Members might want some alterations in the measure, and we will deal with their suggestions when they are put forward, but I am confident they will agree to the second reading. In view of that, I do not intend to speak further. I move—

That the Bill be now read a second time.

HON. H. K. WATSON (Metropolitan) [5.25]: I agree with one of the Chief Secretary's remarks and that is that it should not take the House very long to make up its mind what to do with the Bill, the object of which is to repeal two of the three major amendments which Parliament made to the principal Act in December last. Those two amendments were to come into operation on the 1st May, and the Bill proposes to repeal them before they come into operation; before they have been tried out or given a fair test of any description. In a word, the Bill is calculated to confuse and bamboozle the public mind; and it is also an invitation to this House to stultify itself. That is how I view the Bill which has just been introduced by the Chief Secretary.

Dealing first of all with one of the major questions—the question which has been described as evictions but which I will express the other way round, namely, as giving the owner of a property the control of his own house—I would just ask the Chamber to remember that prior to December last the position regarding an owner's control over his property was this: The State Housing Commission had full control over the thousands of houses coming within its jurisdiction. It could give a tenant seven days' notice and he had to get out; but, because the Commission had the power to give that notice, that is not to say that the tenants were kicked out. The power was there; that is all. Similarly, any landlord who first let his premises since the 1st January, 1951, could do what he liked with his premises. He could give any tenant 28 days' notice.

So far as tenanted properties were concerned, in December last there was a very large proportion where the landlords did have complete control over their own properties and could have a say as to the persons who should be the tenants of their property. Last December, Parliament, in its wisdom, decided that the owners of properties which had been let as far back as 1939, and in the intervening period prior to 1950, should be put on the same basis as all other owners, and have the right to say whether they wished to have "A" as a tenant, or "B" as a tenant. After all is said and done, that was merely restoring to them a right which had been theirs from time immemorial up till 1939 when wartime legislation, on account of the exigencies of the situation, took that right from them.

Hon. A. F. Griffith: How did that particular portion get into the Act? Was it not on the amendment of the present Minister for Housing?

Hon. H. K. WATSON: No. That portion has been in the Act since 1939, but the position is that the present Minister

for Housing did move an amendment in another place which excluded any owners since 1950. The Bill seeks to repeal the decision which Parliament made in December last. It proposes to single out the 1939 owners—or anyone who let property between 1939 and 1950—and say to them, "You shall have no control over your own property. It shall not be within your power to say whether "A," "B" or "C" shall be the tenant; the tenant who is there shall stay there, and we intend to see that he stays there." That is one of the proposals in the Bill. My submission is that it lacks justice; it lacks commonsense; and it offends first principles. For that reason I am against that particular proposal.

I suggest, too, that it is ridiculous to say that if what we decided in December last is not repealed there will be a flood of evictions. After listening to the speech of the Chief Secretary, one would almost imagine that after the 1st May we will find half the houses in the metropolitan area vacant because everyone will be evicted. But when a landlord changes a tenant, or gives notice of eviction to a tenant, he does not give notice to that tenant with a view to leaving the house vacant. His idea is to let it to some other person, and shortly after the eviction takes place, the house will be occupied by some other tenant. I do not imagine for one moment that all these people have been given notice of eviction. Where notice of eviction has been issued the houses will not remain unoccupied, because other tenants will take the place of those outgoing tenants.

Hon. G. Bennetts: At higher rentals.

Hon. H. K. WATSON: There are good tenants and there are bad tenants, and I think the time is long overdue when we should put all owners on the same basis and let them have the say as to who shall be their tenants.

Hon. E. M. Davies: Landlords have had the power all along to evict tenants if they are not satisfactory.

Hon. N. E. Baxter: Since when?

Hon. E. M. Davies: You know when—always.

The PRESIDENT: Order!

Hon. H. K. WATSON: We have been told that we will have all these trials and tribulations on the 1st May. But let us cast our minds back to the removal of other controls which have occurred from time to time. When the petrol control was lifted, we were told that the quantity of petrol which we had been receiving would be greatly reduced. We know that that did not happen.

Hon. A. R. Jones: We were told no petrol would be available.

Hon. H. K. WATSON: Yes. When Parliament removed price-control in December last, again we were told what would

happen. The scaremongers and the pessimists said that prices would rise. I remember my friend on my left talking of "black Monday"—he was referring to the Monday following the lifting of controls.

Hon. H. Hearn: He has made it "blue Monday" now.

Hon. H. K. WATSON: We were told also that the price of petrol would increase; yet what is the position today? The price of petrol has been reduced by 3d. a gallon since controls over prices were lifted.

The Minister for the North-West: Not in the East.

Hon. H. K. WATSON: To take an even more pertinent illustration from the Act itself, let us cast our minds back to 1951 when Parliament decided, largely at the instigation of this House, that any person who owned his home and wanted to live in it himself should have the right to give notice to the tenant and thus obtain possession. In such cases there was a possibility that some tenants would be inconvenienced. We may remember that Hon. J. T. Tonkin, just prior to the arrival of the date from which this was to take effect, suggested—as has been done in this case—that a special session of Parliament should be held to pass legislation in an effort to stop the flood of evictions that would occur on the 1st May.

However, that suggestion was not adopted; the 1st May arrived and the promised flood of evictions did not occur. There was not the chaos or the distress that had been prophesied and trumpeted round the countryside two or three months before for political purposes. Certainly there may have been a little strain for the first few weeks, but the then Minister for Housing was equal to the task. He provided emergency accommodation for the comparatively few cases that required urgent consideration. He was always on top of the job, and the result was that although in 1951 we did advance quite a step in the direction of giving owners control of their own homes, it was not with the dire results that had been forecast by the scaremongers.

I suggest, therefore, that at this point—that is, on the question of removing what we decided in December last regarding the power of eviction—four months' notice has already been given. Members may recall that when the 1953 legislation first left this Chamber, the position was that all house properties should cease to be within the control of the Act as from the 31st December, 1953; free from rent-control and free from eviction-control as from that date. That was the first decision of this House, but, as a result of the conference held between the two Chambers, the decision was postponed for four months. So members cannot say that this position has now been suddenly thrust upon the community. Landlords and



tenants have both had four months in which to think things over, discuss matters between themselves and find out where they stand.

The second major amendment which Parliament made to the principal Act in December last, and which this Bill proposes to repeal, relates to rents. If members will refer to Section 5 of the 1953 Act, which amended Section 13 of the principal Act, they will recall that last year Parliament amended the parent Act in so far as rents were concerned to this extent: It repealed the provisions of the Act which provided that the basic rent should be the 1939 rent, plus 20 per cent., plus 10 per cent.

The measure repealed that provision and set out that the rent should be such as was agreed upon between the landlord and the tenant or, failing agreement, such rent as would be fixed by the court. In addition, Parliament also provided a formula in the Act which was designed as a guide to landlords and tenants in arriving at their decisions and as an instruction to the court, within certain limits, regarding the basis which it should follow in fixing a fair rent upon application either by the landlord or the tenant.

Parliament also provided that in cases where there was a tenancy of over 12 months' duration, or a lease of 12 months, the rent of such leased property should not be altered by the court or anyone else during the currency of the lease. That proposal will also be withdrawn if the Bill is agreed to. We made those adjustments in the Act, and we did it in December last, because we felt that the rents of 1939 properties should bear some relation to realities; that the rents of 1939 properties should carry and earn a fair rent no less than State Housing Commission properties and no less than properties which had been let since 1951.

The formula which was put into the Act provided that the court in determining a rent should fix it at such a figure as would give a net return on the present-day capital value of the premises of not less than 2 per cent. per annum and not more than 8 per cent. per annum. Members may recall that we left the margin for the reason, as I have already mentioned, that when Parliament is legislating it cannot legislate for every individual case; it can legislate only for the general body throughout the State and we have to leave some discretion to the court.

So a margin was given, of not less than 2 per cent. per annum and not more than 8 per cent. per annum, leaving it to the discretion of the court to arrive at any percentage, within those limits, on the present-day capital value. It was necessary to have that range because the Act was dealing, in that one broad general formula, with all kinds of properties from the largest building in St. George's Ter-

race to the smallest shack at Exmouth Gulf, Wittenoom Gorge, or some other spot. While 2 or 3 per cent. per annum would be a fair net return for a property in St. George's Terrace, or a big city building in the Terrace, a net return of 8 per cent. would be little enough for a man who was prepared to venture his capital at Roebourne, Wittenoom Gorge, or some other place up north, or even down at Esperance.

There was a specific reason for putting that formula into the Act. Prior to that time, as I have said, the Act laid down these principles: The rent that a person was entitled to obtain was the 1939 rent—that is, the rent chargeable in 1939—plus the permitted increase. The law, as it then stood, provided that a person could appeal to the court and that the court in its determination would take into account any relevant considerations. But the Supreme Court held that notwithstanding all those provisions in the Act, the courts were limited, and that would still be the position in the case of the proposed fair rents court, as provided for in the Bill.

In the absence of some definite instruction and some definite formula, the court can do nothing more than correct small anomalies, but always with the basic principle in mind of keeping rents at the 1939 figure, plus the permitted adjustments provided by the Act. That was laid down by Mr. Justice Virtue in a judgment to which I referred last December when discussing this matter. It was a judgment on a case between the Perpetual Executors Trustees and Agency Company (W.A.) Ltd., as the executor of the will of W. A. Laker, deceased, appellants, and the Perth Hat Mills Ltd., respondents.

To emphasise this point and impress upon the Minister how he really does not appear to appreciate its significance, I would like to read an extract or two from the judgment. After citing various sections in the Act, Mr. Justice Virtue has this to say—

It is apparent therefore that the rent fixing power of the Court under the original Act was intended purely for the correction of anomalies in a limited class of case and did not contemplate that the general policy of Parliament to maintain in all cases the level of rents at the relevant date should be interfered with by determinations under the fair rent provisions, at any rate so far as premises actually erected at that date were concerned.

Subsequent amendments to the original Act provided for arbitrary percentage increases on existing pegged values, and at the time these were introduced there was a general

right under the Act to have a fair rent determined where special circumstances justified the charging of a rent different from the standard rent. But the basis of determination of a fair rent remained, and no real intention was manifested to depart from the previous policy of the Legislature that, subject to this percentage increase, the general 1939 level was the basis of the rental value of premises. The new Act has introduced further percentage increases, it has given a general right to apply for a fair rent, subject to a restriction as to multiple applications, and it has at the same time widened the discretion of the Magistrate by repealing the provisions of the former Act indicating the circumstances to be taken into consideration in assessing a fair rental and instead making the factors to be taken into account matters for the rent fixing tribunal's own discretion. Though this is so I have come to the conclusion that by retaining the principle of arbitrary percentage increases over 1939 values, and by retaining and incorporating standard rental values fixed under the old Act as the basis of rentals chargeable under the new Act, the Legislature has indicated that its policy is still to retain the principle of the previous Acts, namely, that the 1939 level of rentals subject to the percentage increase provided by subsequent amendments is to be maintained as the standard of rental values not to be departed from save in exceptional circumstances.

So it can be seen that unless we have some formula in the Act, the fair rents court would still have its hands tied, whether it be the present court, a new court or any other court. The Chief Secretary says it is untrammelled. That is not the case. It is bound hand and foot, and unless Parliament gives it the necessary discretion and directs it how to exercise that discretion, it will continue to be bound hand and foot.

The House should impress that point on its mind. The powers of the court are not untrammelled; and unless it is directed, the court would be bound hand and foot to say to an individual, "Your rent is the 1939 rental, plus one or two increases that have been given." But the court cannot do justice or carry out what the Chief Secretary desires it to carry out. I submit that the formula put into the Act is a fair and reasonable one. Within the limits of the formula contained in the Act, we find that the Real Estate Institute—whose members collectively act for many thousands of owners—has recommended to its members to adopt the table which it has circulated.

I have a copy of the table here and, in my opinion, it is extremely fair and reasonable. The institute sets out the specified rents for houses which are unfurnished, single-unit dwellings, from a value of £500 to £7,000, with a rise in each value of £100. In this table is set out what the institute considers a fair net annual return on a house worth £500, £600, £700, £800, and so on up to £7,000. Let us consider, for example, a house with a capital value of £3,000. My inquiries suggest that the average rented house has a value in the vicinity of £3,000. Working on the table prepared by the Real Estate Institute, a net annual return equivalent to 4 per cent. per annum on the present-day capital value of the premises is suggested.

Hon. L. Craig: That is very low.

Hon. H. K. WATSON: It is. The institute has recommended to its clients, for whom it acts, to adopt a rental of £120 per annum net.

Hon. E. M. Heenan: How binding is its recommendation?

Hon. H. K. WATSON: The institute is not prepared to act for owners who are not willing to keep within those limits.

Hon. E. M. Heenan. Who constitutes this illustrious body?

Hon. H. K. WATSON: It is composed of the most reputable real estate agents in the metropolitan area.

Hon. L. Craig: The rental is lower than that charged for the Commonwealth-State rental houses.

Hon. E. M. Heenan: Does this body decide who is reputable and who is not?

Hon. L. Craig: Lawyers have a similar body that decides who is reputable and who is not.

Hon. H. K. WATSON: I would say that perhaps the author of this Bill, the Government, decided who was reputable and who was not, and also what sort of a body this is, because it is the Real Estate Institute that the Government has mentioned in the Bill as having the right to nominate a member to the fair rents court. So apparently the Government feels that the organisation has a high standing and reputation. As I was saying, on a £3,000 house, the table that has been worked out produces only 4 per cent. per annum; £120 per annum net, plus rates, taxes, outgoings, repairs and so on. The two trustee companies probably act for the largest number of owners in this State, and we find that here again a similar system has been formulated within the limits of the formula set forth in the Act, whereby the rents being asked compare more than favourably with those charged by the State Housing Commission.

Hon. C. W. D. Barker: What would the average rent be?

Hon. H. K. WATSON: If we take the illustration of the £3,000 house, the rent would be roughly £3 7s. This is arrived at in the following way:—£120 per annum net, plus £26 for repairs—that is 1 per cent. of the value of the house. Let us assume that on a £3,000 property, the land is worth £350 and the house £2,650. We then have £20 to £30 for rates. In Nedlands it would probably be £20, but at Floreat Park the rates would most likely be £30. Let us take £25 as an average and the insurance at £3. This gives a total of £174 per annum or £3 7s. per week. That is a pretty fair indication of the scale that has been recommended for properties from £500 to £7,000, with rising values of £100.

I also notice that the Property Owners' Association has decided that it will accept the formula circulated by the Real Estate Institute. My point is that inasmuch as practically all the rents that have been decided upon in pursuance of what we did in December last are fair, reasonable and equitable, and the formula and the proposition which was put into the Bill at that time being workable, I see no reason at all why it should be repealed. For that reason also I am against the Bill.

It has been suggested that in the Act as it now stands there is one weakness. On the one hand we say the owner and the tenant may agree on the rent. If they do not agree—and they do not have to agree—then either party can go to the court to have a fair rent determined. It has been said that this might be all right, but by the same token the landlord can give the tenant 28 days' notice. It is suggested that in those circumstances the landlord can say to the tenant, "Your rent is going up"—and he may mention some extortionate figure—"You have to agree to pay it; if you do not, out you go and you will get 28 days' notice."

There may be a few landlords who would take that stand, but I suggest they are very few and far between. None of the owners represented by the institutions I have just mentioned would take such a stand. I am convinced that the owners represented by the Real Estate Institute and the trustee companies would not take a stand such as that. We would, of course, find the odd bushranger around town, but we would always find him. Parliament does not and cannot legislate for odd cases. It has to legislate for a population of 600,000, and I submit that the Act as it stands, taken by and large, does not require any amending at all, and that the Bill before us is as unnecessary as it is provocative.

Even if we decide to endeavour to track down and catch up with the odd case of the ruthless landlord, that is no reason why we should repeal everything that was done in December last. If the House feels that the Act should be amended in order to catch up with such a landlord, all that

is required is a clause similar to the one that I have circulated and to which I would draw the attention of members. It states that if any landlord gives a tenant notice, then, as from the date he is giving that notice, the landlord cannot increase the rent of those premises at all unless he goes to the court and procures a court order.

I suggest that that would effectively stop any unscrupulous landlord from trying to take an unfair and unwarranted advantage of his tenant. It is stated in black and white that if he gives notice to his tenant, he will not gain by it because he cannot increase the rent of the property by one penny unless he first goes to the court. I do not deny there is a weakness, but we cannot expect by Act of Parliament to catch every odd case and cover every eventuality. We have to deal with the general body. But if it were decided to do that and to stop even the odd landlord from exploiting the tenant, that would be an effective way of doing it. One small clause is wanted and there is no need to withdraw half the legislation that was passed in December.

The third proposal is for the setting up of an elaborate organisation which is to be described as a fair rents court. I would ask what is wrong with the present court. All that is wrong is that it has not had a formula to govern it. Give it a formula and the present court will do all that is necessary, with a minimum of expense. We must realise that the two magistrates who operate the court—and particularly Mr. McMillan, in Perth—are men of very long experience of this question. They are trained in hearing evidence on it, are competent, and are capable of giving a fair decision, provided Parliament does not tie their hands but will give them a guide and tell them what discretion they can exercise, and within what limits.

The composition of the proposed fair rents court is certainly one that does not appeal to me. It is to be composed of a magistrate and two laymen. With things as they are at the moment, I can well imagine the secretary of the Mental Nurses Union being one of the laymen. Members may smile. But let us remember that within the last fortnight, the secretary of that union has been appointed to the State Electricity Commission to give that body the benefit of his knowledge of that business, and it may well be that he can be appointed to the fair rents court to give that court the benefit of his knowledge of real estate.

There is a second member to be appointed. Say that the secretary of the seamen's union were appointed. In that case, I should consider that the court would be pretty well loaded. Members may refer to the fact that the Bill provides that the third member is to be nominated by the

Real Estate Institute. I am not so sure that the institute has either the desire or the capacity to nominate a member.

Hon. L. Craig: What member of a big firm could devote the time that would be necessary? It would be a full-time job.

Hon. H. K. WATSON: That is the point. It is not as though this would be a committee that would meet once a month, or once a quarter, or once every six months. This would be a full-time job, and we could not expect any qualified real estate man, running a business and fully occupied, to take on this job. That is the point; and it is essential that, if there are to be two extra members of the court, they should be skilled and qualified. Mr. Craig has hit the nail on the head. We could not find a real estate man with the time to take on a job of this kind, because it would be a full-time occupation.

Again, the operation of the fair rents courts in the other States does not inspire confidence. For example, there is a fair rents court in Victoria, and my opinion is that it does extraordinary things. Such a court may go out to West Perth to value a property at the corner of Thomas-st. and Hay-st. While the court is there, it decides that it may as well do the whole block and, without rhyme or reason, makes a blanket valuation of all the houses in the street and in surrounding streets. That is how the Victorian court operates.

So I am not in favour of this proposal to vary the composition of the court. We have a fair rents court today, and it is a very fair court. It has its limitations. Remove them, as was done in December last, and all will be well. But, before the court has been given a chance to operate under the improved conditions, the Government comes down with a Bill to clip its wings and virtually tie it to the 1939 rents.

The whole essence and basis of a fair rents court is surely that it should be of a permanent nature. Even if it had any other merit, I suggest that its constitution should form no part of this Bill. It should be in another Act altogether. Let us consider it on its merits in another Act with a view to deciding whether it should become a permanent instrumentality in our set-up or not. I suggest it forms no part of a temporary Bill such as we are considering at the moment.

I would like to say a word or two about the manner in which the Government, during the past few months, has been conditioning the people, and engaging in political stunting in conditioning the people and this House, with a view to the acceptance of this legislation. For example, on the 5th January, 1954, only five days after the end of the year and the commencement of the operation of the amendments that were made in December, the Minister for Housing, in response to an inquiry by a

tenant as to the prospects of obtaining a State Housing Commission home, wrote in these terms—

I have refrained from writing you further to my acknowledgment of the 16th ultimo in order to have an idea as to what would be the fate of the Rents and Tenancies Act.

You are, of course, aware of what has been done by the Legislative Council and that the State Housing Commission can, I feel, anticipate a flood of evicted persons within a very short space of time, many of whom will, no doubt, comprise families with a number of young children.

Hon. E. M. Davies: That is borne out by the facts.

Hon. H. K. WATSON: For statements of that nature to go out over the signature of the Minister in official correspondence in the course of ordinary administrative work is most improper. I do not think it is in accordance with the standard required of a Minister. It almost looks as though the Minister's idea was, "I do not think there will be too many evictions on the 1st May, but, by Heavens, between now and then I will stir things up and see how many I can manoeuvre!" That seems to have been the approach. I think it was an unfortunate approach.

We find, too, that the officers of the State Housing Commission have been spreading the same tale during the past four months to anyone who goes down to their office. One officer of the Commission even went before the Grants Commission and assured it that we were in for a very serious time on the 1st May because of this legislation that the Council had passed in December last.

Hon. C. W. D. Barker: They would have a good idea, would they not?

Hon. A. R. Jones: It was not the Legislative Council that passed it, anyway.

Hon. H. K. WATSON: No; it was Parliament. I think the Minister was going quite beyond the bounds of his duty in writing this letter in the terms in which he did. Then we find that the maritime unions carried a resolution on the matter. One would think that the Minister and the Government would have deplored such a resolution. But what do we find? We find that the Minister for Housing quotes it and virtually advances it as a reason why this House should pass this legislation. The resolution was as follows:—

That this meeting of unions associated with the Maritime Unions' Committee and other organisations wholeheartedly supports any action taken by the Western Australian Labour Government to protect people under the Rents and Tenancies Emergency provisions Act, 1951. If the Legislative Council refuses to accept proposals from the Legislative Assembly that

will protect the masses, we, the unions and organisations represented, definitely state that, in the event of any member of any such union or organisation being subjected to any undue hardship by the application of the Act, as amended, it is our firm intention to seriously consider industrial action similar to that taken by us on the 22nd day of February, 1952.

Hon. H. S. W. Parker: Did they say their members would not evict any more of their tenants?

Hon. H. K. WATSON: No. That reminds me that in 1952 some of those who went on strike had, in fact, evicted some of their own tenants.

Hon. H. S. W. Parker: That is so.

Hon. H. K. WATSON: If these men cannot find one ground for striking, they will find another, and keep the Rottnest queue as big as it is at the moment. The Minister for Housing has said that even though he anticipates a bit of pressure for housing on the 1st May, he has not made any arrangements for emergency dwellings, and has no intention of doing so.

Hon. E. M. Davies: Quite a lot of local authorities will not have them.

Hon. H. K. WATSON: If the job is too big for the Minister for Housing, there is a recognised thing for him to do, rather than try to put the blame on the Legislative Council. The Minister for Housing in 1951 rose to the occasion; and I see no reason at all why, if the present Minister for Housing really wants the Act to work, he could not make it do so.

The Chief Secretary: Are you proud of the buildings that the Minister for Housing in 1951 established for evictees?

Hon. L. Craig: Are you proud of your present Minister for Housing?

The Chief Secretary: Yes; he is doing a good job. Is the hon. member proud of the dwellings provided in 1951? I do not suppose he has ever seen those houses. He should have a look at them, and then he would not speak in eulogy of what the Minister for Housing did in 1951. Have a look at them!

Hon. H. K. WATSON: The Government has also been screaming about how high rents will be after the 1st May. I very much regret that even the Chief Secretary has not been blameless in this matter.

The Chief Secretary: Do you want some evidence? You can easily get it. I have it here. Look at it; tons of it!

*Sitting suspended from 6.15 to 7.30 p.m.*

Hon. H. K. WATSON: I was speaking of the manner in which the Government has been high-lighting this question of probable increased rents after the 1st May. The Chief Secretary, when moving the second reading of the Bill, invited us in his characteristic style not

to make a political football of the measure. There is no intention on my part of doing anything of that sort. My attitude to legislation has always been the same; I am not concerned with Government policy or Government fears.

It seems to me that the Bill has been introduced solely with the purpose of making a political football of it. Two elections are impending, and Ministers and supporters will doubtless travel around the country stating how high rents have been increased. They will not talk about the increases in railway freights or other charges levied by the Government.

Hon. Sir Charles Latham: Or water rates.

Hon. H. K. WATSON: Quite so.

The Chief Secretary: You are telling them something they can do.

Hon. H. K. WATSON: I am telling the Chief Secretary something that his confreres have already made up their minds to do. More in sorrow than in anger, I must direct attention to a couple of the Chief Secretary's shortcomings. In "The West Australian" of the 20th March last, there appeared this statement—

The Chief Secretary (Mr. Fraser) last night made available details of specific cases where landlords had given tenants notice to quit in anticipation of the lifting of tenant protection on April 30. He gave instances also of demands for increased rents.

Then follows a list which includes the following:—

Another woman paying £5 5s. a week for two rooms at Daglish cooks in laundry. Another girl living in the same house pays £2 a week for a sleep-out.

So the statement goes on to give illustrations of high rental charges, not for houses, but for rooms. I suggest that those illustrations given by the Chief Secretary in support of his case for this Bill prove nothing at all unless it be misrepresentation and incompetence on the part of the Chief Secretary. I remind the House that as far as room-letting is concerned, one of the major alterations we made to the measure in December last was to provide that the rent inspector could, of his own motion, fix the rent for rooms. We gave him power to enter premises, inspect the premises, and inspect the books on the application of either the landlord or the tenant. When the Chief Secretary cites such illustrations of the high prices being charged for rooms, which may be described as room-racketeering and which we believed we had dealt with successfully in December last, we are entitled to ask what the rent inspector is doing.

Hon. Sir Charles Latham: Why did he not give instructions to the rent inspector?

Hon. H. K. WATSON: Exactly. In the last two or three days it has been publicly admitted that in not one case has the rent inspector fixed the rent, although this provision became operative on the 1st January last and, incidentally, is to remain in operation until December next—a whole 12 months. Notwithstanding all the illustrations that the Chief Secretary quoted, in not one case has the rent inspector fixed the rent.

The Chief Secretary: No; you have ruined what good we did by further amending the Act.

Hon. H. K. WATSON: Yet the Chief Secretary now has the temerity to quote those illustrations to the House as a reason why we should pass this Bill. I for one am certainly not impressed by his action. The Chief Secretary mentioned that he could give other illustrations of high rentals being charged to tenants and he quoted one. I have one as good as his.

A woman in 1946 acquired a small wood and iron house at South Perth worth £450. She did not pay £450 for it; the house was a gift and £450 was the value stated for purposes of stamp duty when the transfer was put through the Titles Office. That is a very small amount. There may be four or six rooms in it and I think the front verandah is enclosed with asbestos sheeting. For that house, valued then at £450 and possibly worth £1,000 now, the woman is receiving £6 per week—£3 for one half and £3 for the other half.

I want to know what the rent inspector is doing in that matter, because I understand that this case was dealt with by a rent inspector in 1950 and that the rent was fixed at a figure substantially below £3 per week for each half. I believe that the rent was increased somewhat by the court on appeal, but was still fixed below £3 per week for each half. My information is that the owner is collecting £6 per week—£3 for each half—for that house today. I suggest that the rent inspector could well have a look at those premises. I do not mind telling him where they are and who owns them. The premises are situated at 111 Brandon-st., in South Perth, and the landlord is a Mrs. Ruby Hutchison who, I understand, is contesting the Suburban Province election.

The Chief Secretary: You are giving a kick to the political football.

Hon. H. K. WATSON: The Chief Secretary, when providing instances of people who were given notice to get out, and were told that the rent would be increased is reported as follows:—

These cases, Mr. Fraser said, had been the subject of complaints to rent inspectors of his department. They had been investigated and verified.

When the Minister comes out now and says that the cases which he publishes have been inspected and verified, the average member of the public—indeed most persons—would be inclined to take the statement at its face value and assume that what the Minister was saying was correct. One statement he then proceeded to make is this—

Tenants in a block of flats at Nedlands, now paying £2 12s. a week, have been told they will have to pay £6 6s. a week or get out.

The Minister told us that that statement was verified and found to be correct.

It so happened that I heard a rumour of precisely similar purport concerning a property in Nedlands, and I made it my business to inquire into the matter. It occurred to me that the two properties were the same. So earlier this afternoon I asked the Chief Secretary, without notice, a question concerning the matter, and he was good enough to give me a reply. He told me that the property was at 50 Fairway, Nedlands; that the owner was Mr. J. J. Plunkett; and that two tenants had furnished him with the information.

I do not know whether the Chief Secretary or his officers saw fit to hear the other side of the story, or indeed to find out whether there was another side to it, but my information is that these premises are owned by Mr. J. J. Plunkett who has never at any time told the tenants that the rent will be increased to £6 6s. a week or that they must get out if they do not pay it. Not only has he told me this, but I have a letter from him, written to me over the week-end, as follows:—

In reply to your inquiry, I have not given any notices to any of my tenants or to Mr. J. G. Plunkett's or Mrs. J. S. Plunkett's tenants as to what the rent will be on the 1st of May. Furthermore I have not given any eviction notices to any of the above tenants. Our rent increases on the 1st of May will be in accordance with the Real Estate Institute's formula.

Yours faithfully,  
J. J. Plunkett.

That is a direct denial of the statement made by the Chief Secretary. We are told that the tenants are going to be kicked out if they do not pay an increased rent. The owner says it is all nonsense and that he has told them nothing of the sort. I happen to know at least one tenant in that same block of flats who certainly had no such intimation from the owner. My point is that if this particular illustration is baseless, as it is, it is reasonable to assume that the others—we have not been able to check them—are based on equally flimsy ground and that on investigation they will be found to be without any foundation in fact.

The outstanding characteristic of any legislation or Act of Parliament is, or should be, its stability. When an Act goes on to the statute book it remains there for some reasonable time. When a person reads an Act of Parliament he is entitled to assume that it will remain as such until it has had an opportunity of working; so I submit that any person who bought a property since last December, when the present Act was placed on the statute book, did so on the assurance of Parliament that he could get possession of that property by giving 28 days' notice after the 1st May.

I believe quite a few people in good faith and acting in the belief that Parliament meant what it said, did purchase properties with the idea of gaining possession of them in accordance with the provisions of that Act. What are we going to do with those people? Are we going to sell them down the river and say to them, "That is what we intended in December, but the Minister for Housing is now putting on a show and we are going to run for cover. We are very sorry that although you bought the house in the confident belief that you could obtain possession of it 28 days after the 1st May, you will have to wait until December, and then the December after that."?

That may be some members' idea of Parliamentary government, but it is certainly not mine. I suggest that the Act, having been put on the statute book in December last, should remain in operation at least for its duration, that is, until next December. I can find nothing in the Bill which warrants its being given a second reading. I am opposed to everything it contains. I am opposed to the proposal to remove the rental formula out of the Act; I am opposed to the proposal to deny a section of owners full control over their properties; and I am opposed to the proposal of this so-called fair rents court.

If the Bill is to be given a second reading at all, I trust that it will be for one purpose and one purpose only, namely, as Winston Churchill once put it, "When it gets into Committee to cut its ugly throat from ear to ear," and convert it into a Bill consisting of one clause only, designed to tidy up what we did in December last, by saying that when a landlord gives a tenant notice he shall not have the right to increase the rent without first going to the court. If, after the Bill has been in Committee, it makes its appearance with any of the existing provisions in it, I reserve my right to vote against it on the third reading.

**HON. C. H. SIMPSON** (Midland) [7.50]: I wish to inform the Leader of the House, and members generally, from the outset, that it is my intention to support the second reading of the Bill. As has been intimated, by the notice that I have cir-

culated, I intend, at the appropriate stage, to move certain amendments. In the main I am in agreement with the observations of Mr. Watson. It may be that I shall traverse somewhat the same ground, at least in some respects, in putting my point of view before the House, but in certain instances my conclusions may differ slightly from his.

The Bill is not an easy one to follow. The legislation was consolidated in 1951, amended twice in 1952, and again last year. Now we are faced with a fairly substantial series of amendments, which make the Bill complicated and hard to follow. The measure before us seeks to repeal five sections and amend 14 others, as well as adding considerable new matter and drastically revising the present Act.

As has been outlined by Mr. Watson, when the Bill emerged from this House last year it was found unacceptable in another place and the conference which was arranged produced a compromise which I think was generally regarded favourably. It was, however, recognised as a compromise between conflicting points of view. It made provision for protection to tenants, and gave four months' grace in which the Government could act to meet a situation which it claims has developed.

The Chief Secretary: Did you think it could wave a magic wand and overcome the difficulties?

**HON. C. H. SIMPSON**: I will deal with that a little later on. During that time, any tenants of either rooms or houses had the right to appeal to a court for a fair determination of rent. In regard to rooms, either the landlord or tenant had the right to apply, but in case the landlord might be inclined to evict the tenant for having told tales out of school, as it were, the rent inspector was empowered to go in of his own motion, and determine the rent when he had reason to believe that it was not fair.

The other day I asked a series of questions to find out what the Government had done to provide for the time when there would be possible evictions, and I was told it had done nothing to provide emergency accommodation because it did not believe such accommodation would be satisfactory. I would point out that on a previous occasion, when the position was even more critical, the then Government was faced with somewhat the same situation and, anticipating what would happen, took steps to meet the emergency, with the result that it did not have to call Parliament together to alter what had been done.

The Chief Secretary: No, but your Government was so ashamed of what it had done that it stopped it shortly afterwards, and the accommodation provided is a standing monument of disgrace to those responsible.

Hon. C. H. SIMPSON: I will give details of those houses, and I think it will be agreed that if they are not quite up to the standard of the average house, it is, in the main, the fault of the tenants that went into them. There were 175 of those houses altogether and they were sited at Scarborough, Willagee, Hilton Park, Ashfield and Swan View.

The Chief Secretary: And Naval Base, also.

Hon. C. H. SIMPSON: There may have been some there. They were built as an emergency type of dwelling and the design made provision for a bedroom, living room and kitchen, bathroom, lavatory and septic tank. Each of them had its own septic tank unit, and in the latest types an internal lavatory and wash-house were provided. The average cost was £1,150, some being a little less or a little more as the designs varied. Those were not rental houses but were sold under the Workers' Homes Act for £5 deposit on an amortisation scheme which, I think, gave 40 odd years to complete the purchase. At all events, the rent amounted to £6 per month, which is a very cheap rental—

The Chief Secretary: Some of them were rental homes.

Hon. C. H. SIMPSON: The owners of those homes had the right to put in gardens or improvements, or add to them or sell them. The construction time for those dwellings was about eight weeks, and in that way the Government was able to erect, all told, about 15 units per week, which was sufficient to keep pace with the actual evictions that occurred, the result being that no one who received notice to quit was short of accommodation and all had roofs put over their heads.

I am told that some of those houses were disgraceful, but I can show members one which is close to where I am living at Bassendean and which, but for the efforts of the owner, would be a hovel. It is a two-roomed, flat-gabled skillion place, very small, and providing accommodation only for a man and his wife; but the remarkable thing about it is that the owner, who has only about 10 per cent. vision, being blind in one eye and defective in the other, and although he has an invalid wife who requires a great deal of his time, has converted the place almost into a palace by tithivating the garden and the lawns and planting flowers and shrubs; so much so that the house took second place in one class of the recent garden competition and was photographed and illustrated in the daily Press.

Hon. E. M. Davies: That was the garden, not the house.

Hon. C. H. SIMPSON: Yes; but that house is comfortable and the owner would rather live there than in the finest home he could be given elsewhere.

The Chief Secretary: I could take you to see some of them and if you could do anything with them—

Hon. C. H. SIMPSON: I repeat that it depends a great deal on the class of tenant that goes into a house, as to whether it is fit to live in, or not.

Hon. Sir Charles Latham: See how nice the gardens look at some of the camps at Northam.

Hon. C. H. SIMPSON: As I said just now, the position which developed during the term of office of the previous Government was more critical than the present, and I think that will be realised when I remind members that when that Government came into office in 1947 it had to a large extent to create the machinery for building houses and producing the necessary materials as well as collecting trained personnel essential to get ahead with the building programme. Those were the retarding factors in the early part of the Government's regime.

The Chief Secretary: Of course they were not in the time of its predecessor! The war was not over until 1945, and that Government went out of office in 1947.

Hon. C. H. SIMPSON: I am just saying that at that stage there was a backlog of work to be overtaken. Of course, there was the war and the machinery had not been sufficiently far advanced to cope with the situation. In 1947 there was a 2.4 per cent. increase in the population of this State. In 1948 the increase was 2.64 per cent. and in 1949, when the impact of the migration scheme was felt, it rose to 4.3 per cent. In 1950, the record year, the rate of increase was 5.3 per cent. and in 1951 it eased to 3.13 per cent.

I have not any later figures, but, at all events, they would not be nearly up to the peak year so far as the impact of migration was concerned, and in the meantime the process of manufacturing materials and providing houses had reached a very high pitch—so much so that the present Minister for Housing, in another place, said that the Government had made a magnificent effort and that for the period 1946 to 1954 this State had built 39,000 houses, which compares more than favourably with any other State in the Commonwealth. I am emphasising that when the previous Government was faced with a critical position such as now exists, it met the challenge by providing the necessary accommodation. So I am inclined to think that there was not the will to meet this situation on the part of the present Government. It preferred to play politics and convene a session of Parliament, which action could be construed as trying to embarrass both the Legislative Council and Federal parliamentary candidates in their forthcoming elections.



The Chief Secretary: What would you say if certain political parties in this State prevented the Government from meeting the situation? That would not be playing politics, would it?

Hon. C. H. SIMPSON: I ask the Chief Secretary this question: If there had been an Assembly election, which had been arranged for, is it conceivable that Parliament would have been called together in the middle of that election, thus preventing candidates from going around canvassing in their electorates and visiting their constituents, and at the same time giving their opponents a free go? I do not say that that was the thought behind it, but actually it has been done. I put it to the Chief Secretary that actions speak louder than words.

The Chief Secretary: You did not answer my interjection.

Hon. C. H. SIMPSON: Getting back to the Bill, it provides that a fair rents court shall be established, firstly to take in the metropolitan area. But later extensions may be made if the situation warrants. I ask: What is the difference between a fair rents court, as envisaged in the Bill, and the court which now deals with these matters?

The Chief Secretary: Courts.

Hon. C. H. SIMPSON: It is a court.

The Chief Secretary: Courts.

Hon. C. H. SIMPSON: It is fair and it deals with rents; the people who actually deal with these cases are experienced men and they are most competent. All that would happen is that they would be given a new name. They would be called upon to deal with rents only, and evictions would be left to the discretion of other courts.

The Chief Secretary: They will get assistance, which they do not have now.

Hon. C. H. SIMPSON: But no formula is laid down to guide these magistrates or courts, or tell them how they shall assess a fair rent. It bears the impress of being a permanent tribunal, and again I ask the question: Why was this not brought in as a separate Bill altogether, instead of being incorporated in a temporary measure which, after all, is due to expire on the 31st December of this year? I can tell members at once that I am against the formation of such a court because I think there will be a tendency, in spite of any assurance that we might receive, to make it permanent.

After all, if members of this House were persuaded to vote for the measure and set up a fair rents court, at the end of the year, or whenever the legislation was reviewed, it would be only logical to say that they would support the continuance of that court. There would also possibly be other courts around the country, all costing a lot of money, and we might easily create a situation where different magistrates, with different

methods of assessment, would be arriving at different rental figures for practically the same type of house. I do not say it would happen, but it could happen.

I put it to you, Mr. President, that if the conditions of prosperity which we have enjoyed during the last few years eased for the time being, and we had a depression, such as we have had before, we would probably find that a good many people in the metropolitan area would go to the country to live, as they did previously. There would then be empty houses and, instead of a shortage of homes—houses at a premium—we would have the spectacle of owners being only too willing to have caretaker tenants at small rentals so that their properties could be looked after. Those situations have developed in the past and with the outlook for our primary products not being as good as it was—and with the possible threat of synthetics to our wool products and the rather unhappy position of the gold industry—such a state of affairs could conceivably happen again.

As regards the amendments I have circulated, and which I propose to introduce during the Committee stage in an endeavour to assist the Government, I would mention that the first amendment proposes to retain Section 20A which this Bill seeks to eliminate. My amendment proposes to retain that section and extend the period of grace from the 30th April until the 31st August next. That will give the Government another four months in which to try to solve the situation. It will have an additional advantage. By that time Parliament will be sitting and there will be a further period in which to examine the effects of the legislation.

The Chief Secretary: Apparently you are not going to talk on the Address-in-reply, if it is to be finished before the 30th August.

Hon. C. H. SIMPSON: Not necessarily; I am talking about the Bill and its effects.

The Chief Secretary: You said that you wanted to assist the Government. How can you assist it if your proposal is to expire on the 31st August?

Hon. C. H. SIMPSON: I am prepared to assist by giving the Government another four months' grace, during which time it will be able to attempt to solve the situation and possibly take steps to meet any emergency situation that might arise. Parliament would be sitting by that time and during the intervening period the people concerned would be able to see what effect the legislation had had and, if necessary, other legislation could be brought forward. The new clause would be consequential on my first amendment and that, as I say, will give the Government time to prepare for the

changeover. It has been said that there is a period of only four months' grace, but I think members are forgetting the 28 days' notice that must be given at the end of the period. So, in effect, there is five months' grace.

The conference of managers, last session, suggested that as from the 30th April, the right of repossession would lie with the landlord under the old common law conditions. Under present-day circumstances there are a large number of anomalies, and one finds cases where a substantial house, built prior to 1939, commands only a moderate rental because, in the first instance, the rent is fixed. A number of years ago, before the inflationary period commenced, a tenant who had continued in occupation could be charged only an extra 32 per cent. on top of the 1939 rental.

But we find that a new house, jarrah-framed and not nearly so comfortable—and which obviously could be built much cheaper than the other type of house had the two been built at the same time—is let at a rental corresponding to its present-day cost. In many cases, the rental of that inferior house is double that of the more substantial premises. I cannot see why the rental of a house cannot bear some relation to its true value. I have heard it said that a man who built a house perhaps 10 or 15 years ago, built it fairly cheaply and the rent that he has received over that period has gone a long way towards recouping him for the cost of the house. But if he had invested that money, he would have been getting interest on it, and thus the argument used is not a sound one.

Furthermore, if the house caught fire, or the owner had to sell it for some reason or other, and the premises had to be replaced, the owner would have to pay the present-day building costs, which are probably three times those incurred in building the house in the first instance. So I cannot see that there is much substance in the argument that the owner enjoys a great deal of increment from the value of that house, either. After all, the deflated value of money has increased the value of the house. It is not the effect of money retaining its value, which it has not.

At Narrogin, the Minister for Housing was reported as saying that the Government had no wish to become a super landlord. That report appeared in "The West Australian" of the 5th March last. He went on to say that he also regretted that the old pioneering spirit did not seem to exist among the people any more. He said men were not willing to undertake the job of erecting their own houses. He did make an exception, inasmuch as he said that new Australians were doing that job, and very often at the cost of a great deal of self-denial in order to establish themselves in their own homes.

I think the Minister was quite right because there is a tendency—which, by the way, the Labour Party encouraged over the years—for people to look to the Government for everything and demand better and cheaper houses at lower rentals.

Further, because the property belongs to the Government, they generally take far less care of it. I have seen this lack of care occur in many houses built under the Commonwealth-State rental scheme and, moreover, the tenants have been occupying them for only five or six months. In those houses the walls were scratched, and generally no pride in them was indicated by tenants.

Hon. F. R. H. Lavery: Have you not seen that happen in houses built by private enterprise?

Hon. H. S. W. Parker: Yes, and the tenants were put out.

Hon. C. H. SIMPSON: In earlier years the tenants were put out of the houses if such a state of affairs existed; but, by and large, there was a greater inclination on their part to keep the houses they occupied in fairly good order, because they realised how much the landlord would stand. However, with the Government—

The Chief Secretary: Have you ever tried to make it possible for tenants to buy Commonwealth-State homes?

Hon. C. H. SIMPSON: As a matter of fact, our Government did proceed along those lines.

The Chief Secretary: But the tenants could buy them for cash only and that is the big bugbear.

Hon. C. H. SIMPSON: I do not know about that; but they were permitted, under certain conditions, to buy them.

The Chief Secretary: That is the reason why the people cannot buy them; the Commonwealth is demanding cash for them.

Hon. C. H. SIMPSON: If sufficient pressure were put on the Commonwealth Government, that state of affairs could be rectified. Over the years, when this Bill has regularly come before the House, the attitude of members, at least of those on this side of the House, has been to oppose the continuance of controls, and they have always been consistent in seeking for a return, at the earliest possible date, to pre-war conditions. It seems to me that the Bill before us will tend to perpetuate controls. The court, if it became a permanent feature under law, could lay down that no variation in rents would be allowed without its sanction.

That would have the same effect as was, in some cases, brought about by the Prices Control Branch, which would fix a price for a certain commodity which price would become both the maximum and the minimum. I know that it was supposed to be the maximum; but, as a rule, when that price was declared, every trader

would keep to it with the result that in many instances it was more than would have been charged had there been no control. I think the same could happen with rents, because if houses became plentiful—and that is the answer to both the rents and the accommodation question—one could safely say that the problem of rents would solve itself. If competition for tenants became acute, it would be found that the rentals would be extremely reasonable.

Members will recall that when the Commonwealth Government took office in 1947, petrol was rationed. We were told it would be dangerous to lift this control; and that if we did, many people would go short and the price would sky-rocket. Instead of that, the Government found no difficulty in obtaining the necessary petrol when rationing was abolished, and the price was actually reduced. Before last December we were told that if price-control were lifted, the cost of living would rise on account of commodities increasing in price.

Hon. G. Bennetts: It has not come down in any way.

Hon. C. H. SIMPSON: That has not happened, and in many cases prices have dropped. We were told that there was a likelihood of petrol going up; but, in actual fact, the price of petrol has been reduced.

Hon. F. R. H. Lavery: Because of price-control in the Eastern States.

Hon. C. H. SIMPSON: That would have no effect on items such as groceries in this State.

Hon. F. R. H. Lavery: You were referring to petrol.

Hon. C. H. SIMPSON: I do not think the action of the Government has any effect on the position. I went into this matter pretty carefully at the time when the prices legislation was under discussion, and I discovered that there was an independent body which practically fixed the world price for petrol, and the variations in price made from time to time were contingent on the cost of freights far more than anything else, and there was not much that the Government could do to influence that central body or the shipping companies that fixed the freights. I have here a cutting of an interesting letter which appeared in "The West Australian" on the 8th March. It reads as follows:—

#### 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 Hous-

ing 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.

That does not exactly square with the resolutions that have been passed by the Waterside Workers' Union and others on the housing position generally and the implied threat to members of Parliament that if we do not do something about it they will do something which may not be to our advantage. One possible solution to the housing problem could be for the Commonwealth Government to subsidise owners who desire to build their own homes. This is done in some other countries and the principle of subsidies has been applied to various industrial and primary industry products. That is something to which Governments might give some thought. We are dealing with the rents question, and some of us may be under the impression that there are many more rents to be adjusted than there actually are.

I extracted some figures from the 1953 Year Book which show—I notice, too, that the Minister for Housing gave this information also—that there were 39,000 homes constructed since 1946; that the increase in the State's population had been phenomenal, namely, 135,000; and that the total State population is 627,000. Of that 135,000 increase, over 1,000 have settled in the metropolitan area. According to the Year Book, the dwellings erected in the metropolitan area numbered 80,790, and the total number of dwellings built in the State was 139,062.

I added the estimated increase since—on the basis of the regular output of houses—that is, 14,000. This made an estimated total of 163,000 houses today, which I think is fairly near the mark. As I have said, 80,790 houses were built in the metropolitan area for the period covered in the 1953 Year Book and, adding the estimated increase since, I made the total 88,000, which I consider is fairly correct. I also estimated that the total for the rest of the State was 75,000 houses.

I now refer to home occupation in the metropolitan area and I will quote again the total number of homes; it is 88,000. The owner-occupied homes, to which those rents did not apply, would be 60 per cent.; and the tenant-occupied homes, 40 per cent. Of that 40 per cent., roughly one-third would be owned by the Government. They would be either Commonwealth rental homes or railway houses; or they might be police quarters or teachers' quarters or various types of houses which are provided by the Government for its servants and which are Government-owned. So the

question of any adjustment of rentals so far as they are concerned would not come into the picture.

Of the remaining privately-owned tenancy houses we estimate that between 20,000 and 25,000 have been constructed since the 31st December, 1950. As members know, all houses constructed since that date had their rentals adjusted automatically on the actual cost of construction, and they do not enter into the picture in relation to this Bill. Of the remaining houses, I think we can safely say that quite a big proportion are rented on terms that are satisfactory to landlord and tenant. So that this danger of eviction, this possibility of rental houses being affected refers really to a very small proportion of the total number of houses in the metropolitan area, and I can tell the House that from my own experience the question of rental difficulties outside the metropolitan area is practically nil; in fact, in some places in the country there are houses to let.

Again referring to the Year Book, one disturbing feature of the housing situation is that 56 per cent. of the population resides in the metropolitan area, and 44 per cent. in the rest of the State. The outer metropolitan area is not included: I refer to places like Gosnells, Mundaring, the Fremantle Road Board area, Swan, Armadale-Kelmscott, and Rockingham and Medina. But, if we add the figures for those places, we will find that the proportion of people in this State living in the metropolitan area is nearer 61 per cent., with 39 per cent. in the country.

The conclusion I draw from that fact is that it is not only unhealthy so far as the country and the State are concerned to put such a large concentration of people into such a small area, but it is also dangerous in this age of atomic weapons. It would be much better for the State as a whole if some means could be found for dispersing our population more evenly over the country. That would have a direct effect on rentals, because some of the people going into the country would obviously vacate houses in the metropolitan area.

Hon. G. Bennetts: If you gave them decent conditions they would.

Hon. C. H. SIMPSON: That is a question to which I think the Government might apply itself. To sum up, I draw the following conclusions:—Firstly, the Bill 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. Thirdly, the Government is not prepared to give the existing Act a trial, and is trying to stampede Parliament into accepting a panic measure for purely political reasons; and, lastly, no proof can be given

of an alleged emergency. Nevertheless, for the reasons I have stated, I intend to support the second reading.

**HON. A. R. JONES** (Midland) [8.25]: I rise to add my contribution to this debate for several reasons. The main one is that in the past I have always opposed control of any sort. I have opposed price-control, rent and tenancies control and the control of building materials, etc. I opposed them then, and I oppose them now. Eight years after the war, I feel that if we are ever going to dump controls completely, now is the time to do so. We have had continuing legislation brought down year after year, and I have never supported the previous Government in that type of legislation as it referred to the continuance of price-control on commodities or materials, because I felt it was never necessary.

Another reason that has prompted me to say something on this debate is that the Minister never convinced me, at any rate, that there was any real need to alter the existing legislation. The Minister suggested that we should not make this a political issue, or a political football. As one member said, however, the Minister has at least bounced the ball. That being the case, I will proceed with my small contribution.

The Chief Secretary: You intend to kick the ball!

Hon. A. R. JONES: Another reason for my speaking to this Bill is that I feel the Government has not been one little bit concerned. I am convinced that the Government itself does not believe that there is likely to be a crisis, or it would have made some attempt to meet that crisis. We have ample proof of this in a reply which the Minister gave to questions that were asked by Mr. Simpson. If, on the other hand, the Government believed that there was going to be a crisis, the answers to the questions indicate that the Government was grossly negligent. On the 7th April, Mr. Simpson asked the following question:—

What steps, if any, has the Government taken to provide accommodation, emergency or otherwise, for possible evictees?

The Minister replied:

The Government has increased its house building programme to the utmost to provide additional permanent homes for those in need. Although the previous Government arranged for the erection of 237 small cottages for purchase by evictees and 150 small temporary rental flats, owing to the great dissatisfaction expressed by the occupants of this type of emergency accommodation it is not the intention of the present Government to proceed with the erection of emergency housing.

An answer such as that would indicate that the Government did not expect a crisis; but if it did, it was grossly negligent in not providing additional facilities.

The Chief Secretary: Would you continue building those shambles that were built by your Government?

Hon. A. R. JONES: The only excuse was that the type of house was not liked by the evictees. I feel sure that many of us, indeed possibly all of us in this Chamber, have lived in houses that we did not like. I know darned well that I have!

The Chief Secretary: But they were not built by the Government.

Hon. H. Hearn: It was before the welfare State.

Hon. A. R. JONES: That is quite right. Even though those houses were not all that the people or the Government desired them to be, they were at least able to house people; they were something that the people would not or could not provide for themselves.

Hon. H. Hearn: It was emergency accommodation.

The Chief Secretary: It must have been an emergency for the houses to have been as bad as they are.

Hon. A. R. JONES: No matter how humble they were they still represented a home.

The Chief Secretary: We are going to give them decent homes.

Hon. A. R. JONES: We have given the people decent homes, and I will tell the Minister what has happened. In one case at Wongan Hills, a Commonwealth-State rental home has been erected for about 18 months. It was occupied for 11 months, and then lay idle for seven months. It still lies idle to my knowledge because, after that 11 months, it was considered unfit for habitation. The person carrying out the building at present has had to make repairs to floors because they were burnt in both the lounge and kitchen, and repairs to taps and water equipment. He had to paint the house internally and externally before it was ready to be let again. While to the best of my knowledge the job has not yet been completed, the contractor carrying out the work estimated that it would cost £150.

Hon. C. W. D. Barker: The hon. member is not holding that house up as an average one? That is one case out of how many?

Hon. A. R. JONES: If the hon. member had listened to what I said, he would know I conveyed that that is what people do with decent homes which the Government provides. As mentioned by Mr. Simpson, when a home is privately owned or let by a landlord, a little more interest is taken in it, because the tenant knows that he may suffer through the bad graces of the owner if he causes any damage to

the property. If a property is owned by the Government it does not seem to matter at all.

If we were to continue the present policy of giving everyone protection from being evicted from any type of home, we would not encourage present-day tenants to build homes of their own. Even members opposite must honestly believe that the best thing is for people to own their homes; yet they will bring down legislation to give protection and further protection to tenants. Eventually, in the next generation, people who never thought of owning their homes will look to the Government to provide them for all time. The Minister suggested we should not make this matter a political football. I am not going to.

The Chief Secretary: It sounds like it!

Hon. A. R. JONES: The Minister said earlier that I had been asleep when I made some interjection in a second reading speech. That statement is definitely wrong, because I have not been asleep over this matter. I felt it very urgent to inform myself of what was going on and to find out if an emergency would be created by the legislation passed during the last session. I visited two suburbs selected at random; I did not know whether the homes were rented or privately-owned. In Hollywood I went down one street; and in Shenton Park I went down another street, until I came upon residents who were renting homes. In not one instance in the six homes I so visited were the tenants given to understand by the landlord that the rent would be raised or that they would be evicted. I also went to three homes in Nedlands, and those were more costly houses. None of the tenants was given to understand that the rent would be raised or that they would be evicted.

Further, I contacted a land and estate agent in Perth who is the agent for 200 homes. He collects the rents, and in many instances looks after the repairs, renovations and everything to be done in regard to rental and maintenance on behalf of the clients. I do not know the number of clients, but I assume there would be several to make up the 200 houses involved. He has received no instructions from any of the owners that the rentals will be raised or that the tenants will be evicted. Without adding anything further, I feel I have informed myself sufficiently to give intelligent consideration to the legislation introduced by the Government. I have found nothing to suggest that there will be any wholesale evictions. I would like to refer to one other point before concluding. In common with other members, I received a notification containing a motion passed by the waterside workers' union and other unions.

Hon. L. A. Logan: Treat it with contempt.

Hon. A. R. JONES: It has been suggested that I treat the matter with contempt. I am not worrying about it. I want to make this point: Every member comes into this House to give all legislation his closest attention. Naturally the opinions and findings of members vary considerably. I would oppose the second reading of a measure, whereas the Minister who introduced it would look very hard to every member to give him whatever support was possible.

We are divided in our opinions; but I venture to say that if pressure is brought to bear on members to view some proposed legislation favourably, there is a distinct possibility that instead of bringing about the desired effect, that pressure will have the effect of turning members against the legislation. I am sure that that would be the effect in my case, and in the case of many other members. Not many members are the least bit scared by pressure brought to bear on them. I hope the news will go back to people who bring pressure to bear on members that from my point of view—and I feel sure from the point of view of other members—such pressure has the opposite effect. I shall wait until the Minister has replied to the debate to see if he can convince me on at least one point before I determine whether I should support the second reading.

HON. E. M. HEENAN (North-East [8.37]): The remarks of the three previous speakers have been directed to prove to this House that the legislation which is now introduced by the Government is unnecessary. Mr. Watson went so far as to say that it is unnecessary and provocative. However, the Government, which represents the people of the State, finds that this legislation is necessary. The Minister who controls this Act thinks it is necessary. The Minister for Housing thinks it is necessary. As Mr. Watson pointed out, the officials of the State Housing Commission, who are in everyday touch with the housing position in this State, think it necessary. And, lastly, the important union at Fremantle thinks it is necessary.

Hon. H. S. W. Parker: No, it did not. It did not think the legislation was necessary; only if it affected its members.

Hon. E. M. HEENAN: I can assure the House that a big section of the community thinks it necessary.

Hon. N. E. Baxter: There is a big section that does not, too.

Hon. E. M. HEENAN: My mention of the union brought some laughter. I have taken pains to read through the letter and the motion. I am one who was elected to this House and took the oath that other members have taken, and no threats by outside groups will deter me from fulfilling my duties to the people of this State; and

I am sure they will not deter my colleagues. However, there is nothing in this letter to get excited or upset about.

Hon. L. Craig: It is very impertinent.

Hon. E. M. HEENAN: Surely it is right and proper for various sections of the community to write to us and express their views one way or the other.

Hon. L. A. Logan: And say that they will go on strike? Read the lot of it!

Hon. E. M. HEENAN: I will read it if my friend who is rather rude, will keep quiet. All the motion says is that, "subject to any undue hardship"—and it goes on to say that they will seriously consider industrial action. What is wrong with that?

Hon. H. S. W. Parker: Read the whole of the motion.

Hon. E. M. HEENAN: I am not going to waste the time of the House by doing so. The hon. member has a copy. I have referred to the important phrases.

Hon. H. S. W. Parker: It says, "If it affects any of our members".

Hon. E. M. HEENAN: If they are being subjected to any undue hardship.

Hon. H. S. W. Parker: "Our members".

Hon. E. M. HEENAN: The previous speakers have assured the House that there will not be any undue hardship. I presume that Mr. Parker will do the same. So the resolution is quite innocuous. There is not going to be any hardship, so none of their members can be subjected to hardship at all. In any event, all they are going to do is to seriously consider industrial action.

Hon. N. E. Baxter: We know what that means.

Hon. E. M. HEENAN: If that resolution upsets any members in this House, they are easily upset.

Hon. Sir Charles Latham: You tell us how it has applied at Carnarvon—this serious consideration of industrial action!

Hon. E. M. HEENAN: I am referring to the resolution, a copy of which has been sent to us; and I repeat that Mr. Watson, Mr. Simpson, and Mr. Jones have all assured us that if there is no rent control or practically no rent control, at the end of this month, it is not going to harm anyone. Mr. Watson said that someone will go out of a house and someone else will go in. Everyone will be happy, and there will be no shortage of accommodation, and everything will be all right. So these lumpers are worrying about something which according to Mr. Watson and others, has no possible chance of occurring.

Hon. L. Craig: It is nevertheless very impertinent.

Hon. E. M. HEENAN: It depends on one's point of view. I have received far more impertinent letters in this House since I have been here than that one. That does not worry me.

Hon. H. L. Roche: What did you do with them?

Hon. E. M. HEENAN: I have done the same with them as with this. I read them and tore them up. Let me assure the members of this House that I agree with the Government, and the Housing Commission and its officers, and the Minister, and with a big section of the community that the housing problem in this State is very acute. Mr. Simpson just quoted some very illuminating figures, which I am sure impressed us all, regarding the increase in our population in recent years due to immigration. It has been as high as six per cent. For every 100 people in this State, there were six additional migrants. Then people are marrying younger now. That is not an idle statement. It is obvious that the birthrate is increasing, and the population is growing at a rate with which housing has not been able to keep up. Undoubtedly there is an acute housing situation. If that is an idle or exaggerated statement, or if any member honestly thinks it is so, I can understand his attitude in voting against the Bill.

Hon. N. E. Baxter: Would you say it is more acute now than 12 months ago?

Hon. E. M. HEENAN: It is a matter of degree. I hope the situation is improving; I think it is. There is little hope for the future unless we get it under way sooner or later. I am no expert at it. My electorate is on the Goldfields; but I have friends down here, and I keep my eyes open. Mr. Fraser and his department are out to do their best, and I know the Housing Commission is doing a good job. I have visited its premises from time to time, and the officers are men of integrity, who are trying to do their best to cope with a difficult situation.

From my own observations, from the reading I have done, and from what I can find out, I am convinced that the housing situation is acute, and that a lot of people are suffering as a result. There are not sufficient houses or accommodation to go round. We are on the verge of winter, and winter is a bad time for men with wives and children to be faced with lack of accommodation or inability to obtain it.

Hon. L. C. Diver: That is a reflection on the Government, is it not?

Hon. E. M. HEENAN: No. I think it is due to circumstances largely beyond our control, dating back to the war. For years this country was engaged in a life-and-death struggle, and we were not able to afford men and materials for the building of houses. During those vital years house building stopped. Since then there has been a steep increase in population. I know that thousands of houses have been built. I think the previous Government did its best to cope with the problem and the present Government is doing its best under existing circumstances. I put forward that argument, that there is indeed

an acute housing problem, and that the present is not the time to throw overboard all controls.

I quite agree that some tenants have not played fair. I am satisfied that that is so. I also know that a lot of landlords have not played fair and that injustices are occurring on both sides. Under the Act as it was amended in December last, practically all semblance of control would disappear. As Mr. Watson said, a court has been set up, but the court would not be invoked unless tenant and landlord had failed to agree. How foolish any tenant would be not to agree with his landlord on the matter of rent! If he did not agree, he would be at liberty to apply to the court, which would probably fix his rent, but at the same time the landlord could give him notice to get out. It is true to say that practically all semblance of control will cease at the end of this year.

Normally, we do not want controls, but members will recall that it was important to control certain vital commodities during the war years. An acute housing shortage still exists; there are not enough houses to go around. If any member can prove that statement to be exaggerated, I shall be ready to agree with him that further control is unnecessary. Suppose a body of men were out in the desert and had only a certain quantity of water, surely they would exercise some control on account of the emergency! If there is no emergency in relation to housing at the present time, then I must be entirely on the wrong track. Mr. Watson was laudatory in his remarks about the existing court, but there will not be many applications to the court.

Hon. N. E. Baxter: Why not?

Hon. E. M. HEENAN: If the landlord and tenant agree upon the rental, well and good, but if they do not agree, and the court is asked to fix a fair rent, the landlord at the same time can give the tenant 28 days' notice to quit. Thus, anyone who wishes to remain in his home would be wise to agree to pay the rent that the landlord asks.

I consider that the establishment of a fair rents court would be a very wise move. The proposal is that the court shall consist of a magistrate and two assessors. One of those assessors shall be appointed by the Real Estate Institute. This body, no doubt, consists of a lot of good people, but I point out that to be a land agent in this State, a man does not have to pass any examinations and there are few requirements to which he has to conform.

Land agents sell houses and handle thousands of pounds of people's money. In addition, they advise clients about values and mortgages and other transactions, and I think that some standard of examination should be necessary. Last year, admittedly we did tighten up the Act,

but not to the extent that I consider advisable. This institute is a body that has constituted itself and I suppose that as a group, it is a representative body. We have been told tonight of a body named the Property Owners' Association which, according to one speaker, had advised its members to do something or other. There is a tendency for people to group together and call themselves by a name that sounds important. I should like to know whom the Property Owners' Association of Western Australia represents.

Hon. L. A. Logan: What does the name imply?

Hon. E. M. HEENAN: I was amused to learn that the Real Estate Institute has recommended a formula. It decides who are going to be admitted to this august body and, having drawn up a formula, recommends that its members abide by it. Who are members? I should think that the people who own houses in the suburbs have no interest in the Property Owners' Association. Probably that body makes recommendations that are of no consequence whatever.

Hon. C. H. Henning: Just like the maritime unions.

Hon. E. M. HEENAN: If the Real Estate Institute recommends to someone who owns a block of flats or a couple of houses, that he adopt its formula for rent, what notice will he take?

Hon. L. Craig: I know that already it is having effect.

Hon. E. M. HEENAN: However, the institute is going to have a member on this fair rents court, and the Minister is going to have a member on it, and the chairman will be a magistrate. The court will not be tied down to any formula, and that, I think, is a very good thing.

Hon. H. S. W. Parker: They can guess whatever they like—no principles.

Hon. E. M. HEENAN: The magistrate will not guess and treat the matter idly.

Hon. H. S. W. Parker: He is told in this Bill to guess. He is untrammelled.

Hon. E. M. HEENAN: Where does the Bill say that he is told to guess?

Hon. H. S. W. Parker: He is told that he can give what he likes.

Hon. E. M. HEENAN: The hon. member said he was told to guess.

Hon. H. S. W. Parker: It is the same thing, is it not?

Hon. E. M. HEENAN: He is not told to guess.

Hon. H. S. W. Parker: All right.

Hon. E. M. HEENAN: No formula is established, but I presume the magistrate will be a man who has had training and experience, and will be specially fitted for this job. He will have the assistance of an assessor from the Real Estate Institute.

Hon. H. S. W. Parker: And he will be cancelled out by the other assessor.

Hon. E. M. HEENAN: The magistrate will also have the benefit of an assessor appointed by the Minister. I take it that the magistrate, who will be a man of experience, learning and capacity, will go into questions like capital value, condition of the house and fair return for the money outlaid.

Hon. L. Craig: You have seen what Judge Virtue said about that.

Hon. E. M. HEENAN: Yes, but that has nothing to do with this fair rents court. In spite of what Mr. Watson said, I do not think Mr. Justice Virtue's decision would have any bearing on this court; but in case it did we could easily slip an amendment into the Bill that the court so established shall be free in all respects to assess rentals, undeterred by the decision in that particular case.

Hon. Sir Charles Latham: Do you think you would get in an amendment of that nature, as easily as you say; that is, to set aside a judge's decision? It is unusual.

Hon. E. M. HEENAN: Of course not. It is the most usual thing in the world.

Hon. Sir Charles Latham: For a Parliament to do that, because a judge gives a decision?

Hon. E. M. HEENAN: Yes. A judge gives a decision on some section of the Traffic Act which allows a loophole, and the department administering the Act recommends an amendment, and up it comes and we pass it. Is not that what we do?

Hon. Sir Charles Latham: Yes, but not in the instance you are suggesting now.

Hon. E. M. HEENAN: If this House decides that it is a good thing to set up a fair rents court and that the court shall be unfettered and not tied down to the 1939 formula, it can make the necessary provision. If there is some fear that Mr. Justice Virtue's decision might hamstring the court in some way, we could, in the Committee stage, quickly insert an amendment to make quite clear that the points that Mr. Watson is afraid of will not apply to the fair rents court.

What does anyone want except a fair rent? I agree that many landlords, especially those who own big premises and are landlords in a big way, are fair. They want a reasonable return for their money, and a reasonable amount to cover rates, taxes and depreciation. They are reputable people. Mr. Craig and others will know the names of the companies and individuals who come within this category; they are decent men. But there are many people who own dwellings which they have subdivided and converted into flats and from which they are getting an inhuman rake-off.

Hon. L. Craig: There is no control over them now.



Hon. E. M. HEENAN: I say it is time a fair rents court did something about them.

Hon. H. S. W. PARKER: We have it now.

Hon. E. M. HEENAN: Yes, but we will not have it after the 30th April.

Hon. H. S. W. PARKER: Yes, up to the end of the year.

Hon. E. M. HEENAN: Not after the 30th April, because these people will agree to the rental. I think the arguments I have put forward are not exaggerated. They are logical to the best degree that I can make them. I really think there is a situation that needs careful handling. I would like to see a fair thing done to both sides. I hope, on the one hand, that the landlords will get a fair rent, and, on the other, that the tenants will not be called upon to pay unfair and exorbitant rents. That is why I think a fair rents court constituted of a magistrate and two assessors will protect both sides. I hope the House will at least agree to that provision.

HON. H. S. W. PARKER (Suburban) [9.7]: It seems to me that the Government has gone about this matter in an entirely wrong way. The duty of every Government is to encourage people to provide dwellings.

The Chief Secretary: You will put us on the right track, will you?

Hon. H. S. W. PARKER: I will show the Chief Secretary where he is wrong. The object of the Bill should be to encourage the construction of dwellings, but what does the Bill do? The Government says it cannot build dwellings because it has no money. It is unable to do it.

The Chief Secretary: Who said that? It is doing it every day.

[The Deputy President took the Chair.]

Hon. H. S. W. PARKER: I did think seriously of supporting the second reading of the Bill, but apparently there is no need to do so. I was under the impression that the measure was brought down because the Government was unable to provide the necessary dwellings. What is it doing to try to get the necessary dwellings? It is, in effect, saying to all landlords, or to all persons who have money to invest and who might be encouraged to build houses for other people to live in, "Do not be a fool! Do not do it, because if you do we are going to put all sorts of restrictions upon you. First, if you build a house no one will tell you what the rent will be because you will have to go before a court consisting of a magistrate, a member of a society and a nominee of the Government." Those two cancel out and can be ignored entirely because, one representing the landlords and one the tenants, they will always disagree and the matter will be left to the magistrate to decide.

The Chief Secretary: Where is it stated that either of the parties must go to the court?

Hon. H. S. W. PARKER: Either landlord or tenant can go to the court.

The Chief Secretary: You said they could not fix the rent until they went to the court.

Hon. H. S. W. PARKER: In effect, they cannot because either party could go to the court. If a wealthy man decided to build a number of houses to let he could not calculate what his return might be, because the tenants might not agree to the rent asked and could then go to the court and, if the court then fixed the rate at 2 per cent., no tenants would want to pay more than that. This measure would give no encouragement to people to build houses to let. The idea of the court contained in this Bill is stupid, as there are no principles laid down in regard to the basis it must use to fix the rent. Such a court could just make a guess and no appeal is provided. Of course, there is the appeal against the magistrate's decision if he is acting on a wrong principle, but there is no principle here and no basis laid down. For that reason I say that the provision has no value.

The Chief Secretary: Mr. Watson says there is the 1939 percentage and you say there is none. Who are we to believe?

Hon. H. S. W. PARKER: I thought the Minister, being in charge of this department, would realise that under the present law there is a basis laid down—from 2 per cent. to 8 per cent.—but the Bill would wipe that out. I think that provision should remain, and that we should not give a magistrate power to do as he thinks fit. There is under the Bill no security for an investor as he would not know what rate of interest he would be likely to receive and would have no control over his property. I believe any owner should have full control over his own property although I object to a landlord blackmailing a tenant. For that reason I feel there should be some basis laid down upon which the rent could be fixed.

Furthermore, I feel that rents should be controlled for longer than just up to the end of this year. After all, this measure provides that at the end of the present year all controls over rents and evictions are to go by the board. I think there should be a separate measure dealing with rents and that any landlord should have the right to deal with his own property as he thinks fit. In December last the rents were fixed at a figure of from 2 per cent. to 8 per cent. gross, and there was provided the right to terminate a tenancy together with the right of the inspector to fix rents. But presumably he has not been asked to do anything. For four months the Government has sat tight and done nothing.

We have not been given any figures to show whether there have been any actions for eviction in the local court or the Supreme Court but I am sure that if there had been any the information would have been made available to us. In 1951, when we altered the law to permit a landlord to secure his own house for his own use, we were told that there would be chaos and that all sorts of troubles would arise, and the then Opposition became quite hysterical about the situation. We find, however, that there was no trouble on that occasion.

But at the end of 1953 the present Government became hysterical over prices. We were told that all sorts of things were going to happen when we decided that it was time to get back to normal and revert to the old system of supply and demand wherever possible. The position there was similar and prices did not rise. I read in the Press that allegations were made at a meeting of the Trade Unions Industrial Council at the Perth Trades Hall that supporters of the Liberal Government were trying to keep down prices until after the Federal and Legislative Council elections in May. That was in February last.

Then there was another report relating to the trade unions affiliated with the Australian Labour Party, which stated—

We are of the opinion, the Council's secretary, Mr. Chamberlain, said, that a close concerted effort is being made by the Liberal-Country League, the Employers' Federation, the Chamber of Manufactures and other bodies, to keep prices in check until after the elections.

That was a hysterical statement, and similar statements are now being made as to what will happen at the end of this year when this measure is thrown out and the law, as passed in 1953, takes effect. What a good job we did in keeping prices down from last December until the present! Who knows that we might not do the same thing in regard to rents?

We were threatened then with various things just as we are being threatened now by irresponsible people who think they are going to run the country. They say they will take action only if any of their members are interfered with, so apparently they do not care about the general public. Take Carnarvon at the present moment, as an instance. There are always efforts made to scare members of this Chamber, but I do not think they have any effect.

Why go through all this tedious and expensive business of having a separate fair rents court composed of a magistrate and two other individuals who, although they must be employed full-time and fully paid, have no training whatever in court procedure or the taking of evidence, when for some 10 or 15 years the court operated

quite successfully with a magistrate alone doing the same work? Why not continue that system and keep to the basis laid down in the legislation last year, which has not been given a trial yet? If that is not satisfactory, why not put the matter on the same basis as the Commonwealth-State housing scheme as regards the fixing of rents? Surely that must be reasonable!

The Chief Secretary: You would not agree with that if the Government put it forward.

Hon. H. S. W. PARKER: Put it forward and see. At this particular time, just prior to Federal and Legislative Council elections, it is popular to attack landlords and rents. I am contesting an election very shortly and there are 27,002 people on the roll for my province. I have not had one complaint from any individual tenant or any body of tenants, and I think I can safely say that the Suburban Province, so far as numbers are concerned, is the largest in the State and would be the province most seriously affected by this measure. I sincerely trust that if the Bill has been introduced for political purposes, it will have misfired badly by the 8th May next. Another fallacy is the statement that so many people will be evicted if this legislation is not agreed to. If people are evicted, someone else will take their places.

Hon. F. R. H. Lavery: They will be coming off verandahs and out of small rooms where people with families will have to live.

Hon. H. S. W. PARKER: Is it not about time that that happened?

The Chief Secretary: If people are going out and others are taking their places, it will not be any improvement.

Hon. H. S. W. PARKER: A little while ago the Government said that it would house everybody, but now that it is put to the test, we are being asked to help it out of its troubles.

Hon. E. M. Davies: We helped you when you were a Minister.

Hon. H. S. W. PARKER: So the hon. member should have done. I would be delighted to help the Government, but do not forget that for many years I have opposed all controls, including those embodied in this legislation. The hon. member must admit that I have been consistent.

Hon. E. M. Davies: You introduced it when you were a Minister.

Hon. H. S. W. PARKER: If the hon. member wants to help people, and his own Government, he ought to push these people a little. As I mentioned the other night, some evictees are put into dreadful hovels because there is nothing better for them. I am not blaming the Government for that, but these people should be pushed out because while they are permitted to stay in such places, at nominal rents,

many of them do not want to get out and secure a decent home for themselves at a decent rental. They should be pushed into building their own self-help houses.

The Chief Secretary: Did you say that you had always opposed this legislation?

Hon. H. S. W. PARKER: For some years I have done so.

The Chief Secretary: No. You said that you had always opposed it. Did not you introduce a similar Bill?

Hon. H. S. W. PARKER: Not always; and, as the hon. member knows, people sitting in his position have to introduce certain Bills.

The Chief Secretary: I merely wanted you to make a correct statement.

Hon. H. S. W. PARKER: Let me put it this way: I have opposed it for the last five years. For every evicted tenant there is a vacancy and no landlord will evict a good tenant, because he will not take the risk of getting a bad one. Of course, some landlords will overcharge and I would like to see this Bill altered in such a way that whatever the rent agreed to between the parties may be, either party shall have the right of appeal to the court to have that rental placed within the 2 to 8 per cent. category. In other words, whether they agree or not, the landlord cannot charge more than 8 per cent. To my mind, the Bill will do nothing to help solve the housing difficulty; on the contrary, it does everything possible to discourage the building of houses by private individuals for renting purposes.

HON. N. E. BAXTER (Central) [9.25]: We all agree that the housing situation is not 100 per cent., but at the same time there is not the terrific shortage of houses or panic within our community the present Government would have us believe.

Hon. R. J. Boylen: You would not know.

Hon. N. E. BAXTER: I do not know from where that comment came—

The Chief Secretary: You are speaking for Beverley, I hope.

Hon. N. E. BAXTER: —but if the hon. member mixed with the general public as much as I do, he would know.

Hon. E. M. Davies: That makes me laugh!

Hon. N. E. BAXTER: That comment comes from a member who spends more time gazing into the water at Fremantle than he does in discussing matters with his electors.

Hon. E. M. Davies: Have you discussed it with any of your electors?

Hon. N. E. BAXTER: Since 1950 this Chamber has made sincere attempts to amend the rents and tenancies legislation in an effort to get a fair deal for both tenants and landlords in this State.

At times it has been frustrated, but I think the time has come for us to get back to normal by doing away with controls such as these.

Hon. F. R. H. Lavery: You are not even sincere now.

Hon. N. E. BAXTER: During December I felt that some control was necessary but as this Government has made the problem a political football, I feel that control is no longer necessary. When introducing the Bill, the Minister had the temerity to request members not to treat it as a political football.

Hon. F. R. H. Lavery: Why do you not accede to his request?

Hon. N. E. BAXTER: I take that request as an insinuation that members have been treating it as a political football. Today the present Government and its supporters are treating it as a political football; members of this House are not treating it as such. When I look round the Chamber and think back over the years to 1950 when the legislation was again before this House, I am reminded that in all instances members have dealt with it on its merits.

To refer only briefly to the circular all members received from the maritime unions committee, I think every member in this Chamber regards it as I do, as so much eye-wash and rot, and there is little chance of any of us being intimidated by such a communication. So much for the maritime unions. When Mr. Simpson spoke, he mentioned the emergency homes built by the previous Government to house evictees. The Minister condemned those houses severely; but although they were not mansions, they at least provided roofs over the heads of people who had nowhere else to go.

Hon. F. R. H. Lavery: Do you want that to continue for ever?

Hon. N. E. BAXTER: I am not suggesting that that state of affairs should continue for ever—

Hon. F. R. H. Lavery: You seem to be.

Hon. N. E. BAXTER: —but at that time evictions averaged 25 a week, whereas today the average is 10. I mention those figures for the hon. member's benefit. Even today, with only about 10 evictions a week, the present Government is not prepared to build emergency houses for the evictees.

Hon. F. R. H. Lavery: Do not be ridiculous!

Hon. N. E. BAXTER: The present Government prefers these evictees to camp in the parks or the streets, on the beaches or perhaps in tents and humpies made of tin. I did not catch the hon. member's interjection.

Hon. F. R. H. Lavery: I said, "Do not be ridiculous", and I repeat it.

Hon. N. E. BAXTER: The hon. member may repeat it again.

Hon. F. R. H. Lavery: Use your commonsense.

The DEPUTY PRESIDENT: Order!

Hon. N. E. BAXTER: For many years people have lived in houses far worse than the emergency homes built by the previous Government. I could take the hon. member who is interjecting, into my electorate and in some of the country towns I could show him houses that would not compare with these emergency dwellings. People have lived in such premises for years and are still living in them. Has this Government done anything for them? I would like to see these people living in decent homes, but if we cannot build them fast enough, we have to make do with what is available.

Hon. F. R. H. Lavery: But we are trying to get over the problem.

Hon. N. E. BAXTER: This Bill will not help to build houses, even though the hon. member might think it will. Apparently he thinks this Bill will assist in that direction.

Hon. F. R. H. Lavery: This Bill does not aim at building homes.

Hon. N. E. BAXTER: In fact, it will defer the building of homes. If the hon. member has studied the newspapers recently, he will have noticed that the last Commonwealth loan was over-subscribed to the tune of some £17,000,000.

Hon. Sir Charles Latham: It was £37,000,000!

Hon. N. E. BAXTER: Thank you, Sir Charles! The point I wish to make is that rather than build houses today, from which they cannot obtain a just return, people invest their money in loans, from which they get an average and fair interest. If that fact will sink into the minds of the people who submit a Bill such as this, they might realise that if we placed on our statute book legislation which would give a fair return on bricks and mortar—which, before the rents and tenancies legislation came into being, was regarded as one of the most secure investments, we would get some houses built. There is no doubt that people will not invest their money in the building of houses because of legislation such as this.

I would now like to refer to the fair rents court which is proposed in the Bill. I agree with Mr. Watson that there is no formula laid down for the guidance of this court and, unless such a formula is stipulated, the court will be almost powerless. It will be forced to rely on the old 1939 rental standard, and then add the percentages that have been granted in order to arrive at some basis for fixing rents. It took us from 1950 until last year to arrive at a basis on which a rental could be computed. It was suggested in this House in 1950, and the question was again raised last year, and finally we got something in the legislation which would give

a fair deal to both the landlord and the tenant. However, the present Government now wishes to upset the issue.

When the Minister was introducing the Bill, he stated that the decisions given by the courts varied in Perth, Fremantle, and other places. It is only natural that the decisions would be different. They would still vary even on the formula proposed, for the simple reason that the rental of houses in various areas must be different according to the values. That is where this legislation falls down. Apparently all it is attempting to do is to tear to pieces the legislation passed by this House in December, 1953, and to return to the state of affairs that existed prior to that date. This is a retrograde step which will get us nowhere. The proposed new fair rents court will not get us anywhere, either, because, as other members pointed out, apart from the magistrate there will be two other representatives, and the decision made by one will be nullified by the other. Even though I intend to support the second reading, I certainly will have something to say on amendments when they are submitted in Committee.

HON. L. CRAIG (South-West) [9.35]: I want to state exactly where I stand in this matter. I believe that the Government, and those members who do not comprise the Government, are earnest in their endeavours to do the right thing by both the landlords and the tenants. They have different approaches to the problem, which is a serious one, to that of those people who may lose their homes. It also constitutes a serious problem to those people who have to depend on the income obtained from these homes. The present Act, which will come into force on the 30th April—

Hon. Sir Charles Latham: The 1st May.

Hon. L. CRAIG: Very well, the 1st May, if the hon. member wishes. That Act provides that an owner, in consultation with the tenant, may fix a rent, and if they cannot agree, the Local Court shall determine what, in its opinion, is a fair and equitable rental. However, the weakness of that provision is that if the landlord is dissatisfied with the decision given by the court, he can give 28 days' notice to the tenant, who must get out. That is definitely a weakness, because there may be a clamour for cases to be heard before the court, and, as a result, a case may not be heard within 28 days.

Therefore I consider that the amendment suggested by Mr. Watson should be agreed to; namely, that any owner evicting a tenant because he is unwilling to pay a higher rent, shall not be able to claim from a new tenant a higher rental without first approaching the court for a decision. That is equitable, because it would prevent a tenant being evicted

merely because he objected to the higher rental demanded by the owner. It would also ensure that the owner must approach the court for the determination of a fair rent. That is the main principle between the landlord and the tenant which is in the Act that will come into operation on the 1st May next. The Bill now before us proposes to alter that provision by establishing a fair rents court which, in effect, would be the same as a local court.

It has been pointed out by other members that the representative of the landlords—who may be a real estate agent—and the representative of the tenants would disagree, and it would be for the magistrate to make a decision in the same way as all questions heard before the Arbitration Court are determined by the president of that court. I believe exactly the same procedure would be followed in the fair rents court. Therefore, the decision would be left to the magistrate, which is done in the Local Court today.

The weakness of the new proposal in the Bill is that no instructions are given to the fair rents court. According to my knowledge as a layman, any court, whether it be the High Court of Australia or a court presided over by a judge or magistrate, has a book of rules according to which the judge or magistrate gives his judgment. The Bill proposes to break down that principle in the fair rents court, because the magistrate will have no rules to guide him, and that is definitely a weakness. Such a guide already exists in the present Act because the magistrate has the discretion to fix the rent, but such discretion can be exercised only when the return on his house is between 2 per cent. and 8 per cent. on the capital value. That is a very moderate rate of interest on an investment. Today those people who own houses and who let them before December, 1950, are receiving, in most cases, an extremely low return on the value of their houses, whereas those who have built, or owned, or acquired houses since that date are receiving very high rents; certainly, many of them are.

Modern flats and modern houses that are being built today are returning generally from 10 per cent. to 12 per cent., and in some cases a higher percentage, on the cost of those flats and houses. I see lots of them and I know that to be so. There is no restriction on that whatsoever; whereas the poor people, by virtue of a date—and goodness knows what a date has to do with it!—are controlled as to the value of their buildings, which is quite out of keeping with cost relative to the that building. That is a great weakness, and no laws that any Government makes that might create injustice between two sections of the same people can ever continue those injustices, because the people will not be satisfied with them. They will

break the law, or will go on to the black market, or do something of a similar nature.

The present Act provides that all people, whether before 1951 or after, can, on the application of either the tenant or the landlord, have their rent determined irrespective of the age of the building; and the magistrate is given a latitude of from 2 to 8 per cent. Surely, there is nothing unreasonable about that. It not only raises the income or the rent of the pre-1951 house, but it tends to and will bring down the rents of the places that have been built since that date. Do not members see that there is no control whatever on these very high rents that are being charged today? The provisions already in the Act will not only raise the income of the people who are not getting enough, but will bring down the rents which are higher than they should be. It is the most equitable system that one can possibly have.

In my opinion, there is nothing to justify the establishment of a new court. It will function in exactly the same way as the present court is functioning. I do agree, however, that the tenant must be protected from eviction solely for the purpose of increasing the rent. Nevertheless, there are many other reasons than those dealing with rent why some tenants should be evicted, because they have not played the game; and I do not think any member of any party would wish those people to be kept by the law in buildings which they are not looking after properly. I support the second reading, but I will assist Mr. Watson in endeavouring to secure the amendments that have been enumerated.

**HON. SIR CHARLES LATHAM** (Central) [9.45]: I was rather surprised that the Government did not wait and see what effect the legislation would have on the community before introducing an amendment to it. It is a most unusual procedure, particularly since the legislation was given such serious consideration by a conference of the two Houses, after which they came to the conclusion that it would see us through until Parliament met in the normal way. But somebody has got hold of the ear of the Ministry and has stamped it into believing that something dreadful is about to happen. I have a good deal of knowledge of Ministers, and I am amazed that they should allow themselves to be stampeded. They are men of common sense; they are men with a knowledge of the public and of its requirements. From time to time we have read statements made by Ministers in the House, but in reality there are very few cases in existence, particularly of the kind to which the Minister has referred. Tonight Mr. Watson has answered some of the statements made by the Minister about the very people to whom he referred. This only goes to show what little credence we can place on some statements.

The Chief Secretary: Are we to believe the tenants or the landlords? Mr. Watson believes the landlords.

Hon. Sir CHARLES LATHAM: And the Chief Secretary believes the tenants. In the past, I have heard it said in this House what dreadful things would happen if we lifted restrictions and controls, but up to date nothing has happened. If we go back to past years, we will find that nothing untoward has happened; the prices of groceries and other commodities have not gone up, as some members would have us believe. In some instances, they have come down.

Hon. E. M. Davies: That is very rare.

Hon. Sir CHARLES LATHAM: Many of them have come down. It is certainly a buyer's market at the moment; all the advertising that is done will show the hon. member that.

Hon. E. M. Davies: What happened when your Government took control off bricks? It was soon put back again.

Hon. Sir CHARLES LATHAM: That was only because the Government desired to distribute those bricks in certain channels; it was only for a very short period.

Hon. E. M. Davies: When you saw that they were going into brick fences, you re-imposed controls.

Hon. Sir CHARLES LATHAM: There were no brick fences; only a few brick walls.

Hon. E. M. Davies: You know as well as I do that that happened.

Hon. Sir CHARLES LATHAM: The public outside this House are just as intelligent as the people inside it, and do members not think that people would realise that if they violated the law or did certain things, Parliament would amend the law to prevent that happening? I dare say the landowners are just as anxious to get a fair deal as members who have spoken. But members should not think for one moment that these people would get any assistance from this House if they did anything unscrupulous. I will oppose the Bill, and if I find I have made a mistake and landowners are unscrupulous enough to exploit the public, then they will get no sympathy whatever from me because I will endeavour to amend the law to see that they do not do so again. We are getting away from the real facts.

The Chief Secretary: You are.

Hon. Sir CHARLES LATHAM: Not us particularly, but the Minister. The difficulty does not lie in the houses, but with people living in rooms; those people who will not permit themselves to be shifted into a house. The Minister sneers at the cheap type of house, but I would remind him that during the depression years we introduced a cheap house that cost from £250 to £260. Those houses built 20 years ago are still in existence. They cost the

people very little. They have been sold since for over £1,000. Of course the value of money has changed. One cannot expect the same rent to be paid for a house costing £1,500 as one originally costing £250. Instead of the Government sneering at that type of building, it should build more of the cheaper type and give great satisfaction to the public.

The Chief Secretary: Let the hon. member go up and see if he would live in some of them.

Hon. Sir CHARLES LATHAM: If the Minister built a cheap type of house costing £1,500 and another type at £3,500, and offered them both for rental at proportionate figures, I have no doubt that people would rent the £1,500 type. I do not know whether the present Government is doing this, but we were accepting a deposit of £50 for a house and I think the figure was reduced to £30.

The Chief Secretary: Trying to get rid of them.

Hon. Sir CHARLES LATHAM: There is no question about getting rid of them. There is not one empty. But I can take the Minister to South Perth alone to five empty houses today with no furniture and locked up. If he looks at the week-end newspaper, he will find plenty of them for sale.

Hon. F. R. H. Lavery: At what price?

Hon. Sir CHARLES LATHAM: At the price of a new house.

Hon. F. R. H. Lavery: £6,000 or £7,000?

Hon. Sir CHARLES LATHAM: At the present-day value.

Hon. E. M. Davies: One would not expect that amount to be paid for an old house.

Hon. Sir CHARLES LATHAM: The construction in some of the old houses is far better. In those days they put more mortar between the bricks. I am sorry the Government has not set out to build the cheaper type of house, because, with a small garden around it, most people will be happy in them. Let me remind the Minister of this: All the housing in the group settlement for the dairying industry, which industry is feeding the people at present, was made up of the cheap type of dwelling. The goldmining area was developed, not by an expensive type of house, but a cheap type.

The Chief Secretary: Does the hon. member want me to get into an argument with local authorities by building cheap houses?

Hon. Sir CHARLES LATHAM: If the Minister has trouble with the local authorities, let him amend the Act and I shall give him my support. During the depression period, some of the local authorities objected to the then Government putting up cheap houses when a beneficent man like Sir Charles McNess gave us a sum of

money to provide homes for people. Every one of those houses is occupied today; not one is empty. The people are very happy in them. It is no use thinking that every person can afford to pay the rent for a £4,000 or £5,000 house. They cannot do so. There has always been a type of individual who prefers to live in rooms. That has happened ever since I can remember; ever since I was a boy.

Hon. L. Craig: That was a long time ago.

Hon. Sir CHARLES LATHAM: Yes. It has continued and will continue in future. Young people often leave home and board with other people. I believe some of them are exploited, but legislation on the statute book already protects them. They can apply to the court to determine a fair rent, but very few have done so. I do not think this House has a right to compel them to apply for the fixing of a fair rent if they do not desire to do so. At the same time I do not think they have the right to ask us to listen if they have not the pluck to take the opportunity made for them.

It is very unwise for the Government to introduce this legislation without giving the Act an opportunity to function. If after the 1st May the Government finds actually occurring, all these serious things we have heard about, there is nothing to prevent it from calling Parliament together and putting forward the cases. I have not heard any complaint though I have travelled about. As a matter of fact, the people in Western Australia are more satisfied today than I have ever known them to be, even under a Labour Government.

Hon. C. W. D. Barker: They have every right to be.

Hon. Sir CHARLES LATHAM: Listening to the speech of Mr. Heenan, one would think that this legislation will result in more homes being provided for the people. It will do nothing of that sort. All it seeks to do is to make an adjustment between the person who owns the house and the person living in it. All the necessary provisions to cover that relationship are in the statute book.

I hope all that is anticipated will not happen, and if landlords do anything unfair, then I shall be the first to support the Government in any measure it introduces. The cases brought up were hypothetical cases, and I do not regard any one of them as genuine. For that reason, unless the Minister in his reply can convince me that I am wrong, I intend to oppose the Bill as I did when the Bill was introduced last year. I could not understand the amendments when the conference managers reported to the House last session, but since then I have had an opportunity to compare the amendments with the Bill and I think those amendments are very serviceable.

HON. A. F. GRIFFITH (Suburban) [9.57]: I hope that when the Minister replies to the debate he will give a little more information than he gave when he introduced the Bill during the second reading. He accused Sir Charles Latham of getting away from the facts. I do not think we can accuse the Minister of the same thing because, much to my surprise he did not give us any facts. The Minister has always been very capable in introducing Bills, and he usually supplies the House with all sorts of information concerning measures brought before the House. On this occasion he made a speech which, in his own words, would not occupy much time; and it was obvious it would not occupy much time, because he did not have very much to tell us.

For a number of years Parliament has been amending the rent legislation. I think members will agree with me when I say that all those amendments which have been introduced have left us virtually in the same position in regard to rents and tenancies on each occasion. They have left us with three classes of landlord—the 1939 landlord, the 1950-51 landlord, and that class of landlord known as the State Housing Commission.

If my memory serves me correctly, the 1951 landlord was established by an amendment in another place by the present Minister for Housing, who said at the time—and I give the purport of his words—that he thought some relief should be given to certain sections of landlords. He introduced an amendment which provided that relief would be given to those who let subsequent to a certain date, about 1951.

Of course, we all know that the State Housing Commission has never been subject to legislation that has been brought down by this Parliament. When I interjected and asked the Chief Secretary a question relative to State rental homes, he said that my interjection was senseless, or words to that effect, and that I knew the Commonwealth-State rental agreement was not subject to this Act.

*Sitting suspended from 10.1 to 10.26 p.m.*

*[The President resumed the Chair.]*

Hon. A. F. GRIFFITH: I was saying that the amendments that have been passed from time to time have really landed us in exactly the same position on each occasion. We find that the position today is that we have the 1939 landlord, the 1950-51 landlord, and the landlord we know as the State Housing Commission. I also remarked that the position of the 1950-51 landlord was brought about by an amendment introduced in another place by the present Minister for Housing, and that House generally supported the amendment at the time because it was felt that some relief should be given to those people.

In December, during the last session of Parliament, when the Bill was being debated, I said, and I must say again, that the position exists today as it did before, where we have the State Housing Commission which knows no law but its own; which has the right, under its Commonwealth-State rental agreement, to increase the rent from time to time, and does not hesitate to do so, which it levies upon the tenants who occupy the houses it lets. The Chief Secretary knows that that is a fact. I asked a series of questions last year concerning the increase of rent of Commonwealth-State rental homes, and it was quite openly admitted, although there was an endeavour to cloak the matter in excuses, that the rentals of those houses had been increased from time to time.

It was also quite openly admitted that the other landlord, the 1950-51 landlord, could charge what he chose, or could make arrangements with his tenant to charge, a certain rental for the premises when he let them to the tenant, and he can still do so. But all the time we single out the 1939 landlord and say to him, "You shall not have the right to receive an equitable return for the amount of capital you expended in the purchase of the building." I suggest that that is not a reasonable state of affairs; and neither is it a reasonable state of affairs for the Government to beat up a state of political hysteria in the metropolitan area, as it has successfully done with the threat that if this legislation is not amended there will be wholesale evictions on the 1st May. I repeat what other members have said, that the Government was not prepared even to give this legislation a trial. And so some days before the time for it to commence operation this special session is called, and we are presented with a Bill of this nature.

Had the Chief Secretary been present at the moment, I would have liked to put to him the fact that I am wondering how the proposed fair rents court would operate. The Minister said that the magistrate would have as colleagues on the bench a member of the Real Estate Institution and a person appointed by the Government to represent the tenants, but that the court would not be given any basis upon which to fix rents. If that is so—as I believe it is—at what point will the magistrate start? He will find himself in charge of a duly constituted court, with the two persons I have mentioned appointed to advise and guide him; but, as Mr. Parker said, the vote of one of them will cancel out that of the other, and then the magistrate will decide the matter.

Will he endeavour to fix rents on the 1939 basis, on the 1950 basis, or in accordance with a formula laid down in the Commonwealth-State rental agreement? I do not believe a satisfactory answer can be given to that question. The Bill specifically tries to depart from a set of circumstances which, to my mind, are satisfactory at the moment, and which have

operated well for a number of years. As other members have said, applications can be made to the court, and they are being made at present, and the magistrate is dealing with them. The Act, as amended last session, provides a line of demarcation upon which the magistrate shall fix the rents and gives him something definite upon which to make a decision. It states that the rent may be agreed between the landlord and tenant on the basis of not less than 2 and not more than 8 per cent., and provides that, where agreement cannot be reached between landlord and tenant, either may make application to the court. I admit that there is a weakness in the Act as it stands at present, and I believe it has been seen by the Government, which is now seeking to engender as much political hysteria as possible in the present situation.

Hon. R. J. Boylen: No; the Government is trying to give you a chance to correct the position.

Hon. A. F. GRIFFITH: I think everyone on the Government side, including the hon. member, realises the fear which exists in the minds of the people today, causing many of them to report to the Chief Secretary's Department. A great number of those who do so have had no notice to quit, but fear that if they do not agree to some demand that they imagine the landlord is going to make, he will say, "You are out and I will let my premises to someone else."

Hon. R. J. Boylen: You must exclude me from those remarks.

Hon. A. F. GRIFFITH: They fear that in those circumstances the landlord will put them out and relet his premises to somebody else for a greater rent, but I suggest that the amendment on the notice paper in Mr. Watson's name would, if agreed to, correct that state of affairs. That amendment, if it became part of the Act, would mean that where the landlord and tenant failed to agree and the landlord gave the tenant 28 days' notice to quit, he could not charge a greater rent to any other tenant subsequently in those premises, without first making application to the court. Surely, when he realised that he could not get a greater rent from any subsequent tenant, without going to the court, the landlord would not evict any but an undesirable tenant—in which case he would have a perfect right to get rid of him.

With the indulgence of the House, I now ask the Chief Secretary on what basis the magistrate would fix the rents if the House agreed to the setting up of a fair rents court as outlined in the Bill, taking into consideration that during his second reading speech he said there would be no strings attached to this court; that it would not be governed by any particular set of circumstances, and would just do what was a fair thing. Would the



magistrate start on the basis of the 1939 rents, or the 1950 rents, or would he compute the fair rent on the basis of the Commonwealth-State rental agreement?

The Chief Secretary: Not being a magistrate, I could not tell you.

Hon. A. F. GRIFFITH: That is the answer that I expected, and it is what would be in the mind of the magistrate if given that power. He would not know where to start.

The Chief Secretary: I did not say that.

Hon. A. F. GRIFFITH: I heard what the Minister said.

The Chief Secretary: I do not know what would be in the mind of the magistrate.

Hon. A. F. GRIFFITH: Does not the Minister agree that it is better—I think it is the duty of Parliament when dealing with legislation of this sort—to lay down the basis upon which the court shall make its findings? If that is not done, the magistrate will have to refer to the case quoted by Mr. Watson, in which Mr. Justice Virtue gave judgment. That is the only basis upon which the court could operate, unless we follow Mr. Heenan's advice and pass an amendment to alter the position. In talking to me the other day, a man who owns a large block of flats said that he would be prepared, by arrangement with the Housing Commission, to put out all the present tenants of his flats and put in their places returned soldiers or others chosen by the Commission.

Hon. G. Bennetts: What about family units—

Hon. A. F. GRIFFITH: Why does not the hon. member wait and make his own speech? This man said he would be prepared to let his flats be occupied by tenants of the choice of the State Housing Commission; returned soldiers, if the Commission wished. He said, "I will accept them on the basis of the 1939 rent, provided that the State Housing Commission is prepared to let its tenants into its houses on the same basis."

Hon. R. J. Boylen: I would like to try him out.

Hon. A. F. GRIFFITH: Of course it is not practicable. It is not practicable to continue to allow the State Housing Commission to charge the rent that it does under the agreement and, at the same time, penalise the 1939 owners to such an extent that they find it difficult to get an increase in their rents. I believe that if in December of last year the Government had produced a Bill in this House under which the 1939 owners would be given some relief, some increase in rent, the attitude of members of this Chamber would have been a lot different. I said then, and I say again, that there was no attempt by the Government at that time

to give any relief to 1939 owners; if there had been, the story would have been entirely different.

Hon. C. W. D. Barker: We are all agreed that the landlords should have a fair rent.

Hon. A. F. GRIFFITH: Why did you not introduce an amendment when the Bill was before us last year?

Hon. E. M. Davies: Your Government was in office for six years.

Hon. A. F. GRIFFITH: Obviously Mr. Barker cannot answer the question I asked. Like all other members, I realise that there are bad landlords and bad tenants, but I suggest that the bad landlords will be caught up in their own webs if the House agrees to Mr. Watson's amendment.

People who possess property own it for one of two reasons, either to live in it themselves or to let it as an investment and so gain an income from it. I am sure you, Mr. President, will agree that no landlord wants to get rid of a good tenant. If he has a good tenant who will care for his house and see that it is kept in good repair, the landlord is anxious to keep that tenant even though he may be paying a lower rental. My experience has been that in many instances landlords and tenants have agreed to increase their rents. A lady rang me the other day—one of my constituents—to ask me if it was lawful for her to increase her rent by agreement. She said, "For 15 years I have been getting 22s. 6d. for the house and now my tenant wants to pay me another £1 a week. Is it lawful for me to take it?"

I spoke to a solicitor in town the other day and he told me the case of a man who had bought a house for £2,800. A woman came to this man and said, "Will you let me have the house that you have bought and I will pay you £5 5s. a week rent?" The man thought that was a reasonable return for a capital outlay of £2,800 and agreed to let the house to her. She said, "Can I have a lease because I want some security of tenure?" He said that she could and then asked her for how long she wanted the lease. She replied, "Three years." He agreed and the lease was drawn up for that period. The next day the woman applied to the court for a decrease in the rent and the court fixed the rent at £2 a week. That landlord must now accept £2 a week for the next three years. So while the Chief Secretary can faithfully point out that there are rapacious landlords who will exploit their tenants, I would remind him that there are also tenants who will take advantage of any situation that arises.

The Chief Secretary: Of course, he would not be rapacious!

Hon. N. E. Baxter: No. There is nothing rapacious about that.

Hon. A. F. GRIFFITH: I do not think he would be classed as rapacious. Would the Minister like to invest £2,800 and get £5 5s. a week return from it?

The Chief Secretary: A man would be doing pretty good to get £5 5s. a week on a home costing £2,800.

Hon. A. F. GRIFFITH: Let us assume that he was doing, in the Minister's own words, pretty good. Is there anything wrong with doing pretty good in a property deal?

The Chief Secretary: It all depends on what is right and what is wrong, and your opinion of what is right and what is wrong.

Hon. A. F. GRIFFITH: Is there anything wrong with a man who buys a property for £500, waits for it to appreciate in value and then sells it for a greater sum? There is nothing wrong with that. I am quite certain that the Minister could not see anything wrong with it. Is there anything wrong with a man who buys a motorcar, a piano or any other article, waits for it to appreciate in value and then sells it at a profit? There is nothing wrong with that.

Hon. R. J. Boylen: It all depends.

Hon. A. F. GRIFFITH: On what?

Hon. R. J. Boylen: Motorcars do not appreciate in value; they depreciate.

Hon. A. F. GRIFFITH: That is a surprising statement for the hon. member to make. If he casts his mind back to the time when we had control over the purchase of motorcars—

Hon. R. J. Boylen: I am talking about today.

Hon. A. F. GRIFFITH: But I am talking about the time when we bought second-hand cars and paid for them according to the model, irrespective of the value. If a person bought a 1930 model car and it was valued—

Hon. R. J. Boylen: That is history. Talk about the present.

Hon. A. F. GRIFFITH: I am.

Hon. R. J. Boylen: They do not appreciate now.

Hon. A. F. GRIFFITH: They do. I know of some motorcar transactions where 1939 and 1940 models were involved; the vehicles were being sold for almost as much as they originally cost.

Hon. R. J. Boylen: I am talking about new cars and not 1939 models.

Hon. A. F. GRIFFITH: I will leave that phase because members—

The Chief Secretary: I do not see anything about motorcars in the Bill.

Hon. A. F. GRIFFITH: —can judge the position for themselves. I shall vote for the second reading of the Bill because I believe there is a necessity for Parliament to tidy up that one particular aspect that was left out as a result of the de-

liberations last year. I suggest that Mr. Watson's amendment will have the desired effect and I feel that the establishment of a fair rents court would get us exactly nowhere. Since the Minister is unable to tell us the basis on which he thinks magistrates will calculate rentals, it leaves me in a state of wonderment and I am not prepared to support a clause of that description.

In conclusion, I would mention that much has been said about this particular subject being a political football. Without any doubt, at the end of 1954 and 1955 the Government will finish up premiers because at football they are really good. We have been told of all the dreadful things that will happen if this measure is defeated and all the dreadful things that would happen if other measures were defeated. These things have never happened and are not likely to happen. When it suits the Government it subscribes to literature which it distributes among the people.

The Chief Secretary: What clause is that in?

Hon. A. F. GRIFFITH: With such literature it informs the people that the previous Government arbitrarily increased the rents of Commonwealth-State rental homes. Now, when it suits it, the Government forgets all about that; but, so far as I am concerned, it will not be permitted to forget when election time arrives.

HON. L. A. LOGAN (Midland) [10.51]: I have just been told to sit down, but as other members have had a chance to speak, I also intend to avail myself of the opportunity. In introducing the measure, the Chief Secretary said that in the main it dealt with two features. Firstly, it referred to the fair rents court; and, secondly, it dealt with the security of the tenant. By an interjection to Mr. Jones, he also said that it did little to alter the existing legislation. He conveniently forgot to mention that it constitutes a great departure from the provisions contained in the Bill passed by Parliament last December. I will admit that that measure probably does not alter greatly the legislation already on the statute book, but at least it does bring us back to the restrictive legislation that we tried to get rid of and undoubtedly it is time that such legislation was thrown overboard.

For my part I would like the Chief Secretary to tell us what is the true position with regard to the housing problem in Western Australia. In fact, I defy anybody to give the real answer. When a similar measure was passed in December last I thought we would have an opportunity of ascertaining the true position this year and then we could legislate as we should. However, year by year the position is becoming more confused be-

cause we are trying to amend something that cannot be amended satisfactorily. When we analyse the position, we find that we should place all controls aside for a while, and I think that perhaps only a dozen individuals would be affected as a result. Surely that is the correct procedure to follow rather than to legislate for the individual. I want to be in the position where I can legislate in respect of a state of affairs that really exists.

In dealing with the fair rents court, Mr. Heenan went to a great deal of trouble to explain what the court would do. He also went to great pains to point out that he did not have much faith in the Real Estate Institute. Therefore he cannot convince us that it will be a court that will operate satisfactorily when he states that he has no faith in one of the representatives who will sit on it. What will happen is that one representative of the court will nullify the decision made by the other, and we might as well remain in the same position that we are in today.

When trying to explain the real position, Mr. Heenan gave us a classic example of what happens when controls are lifted. Very often in this House he has advocated the right of those in the goldmining industry to sell gold on the free market. For a short time free gold was readily available and it was sold at a higher price. Today, however, the demand for gold is being met and free gold is not being sold. The same principle applies to houses. If controls were lifted we would eventually find that the demand was not as great as we are led to believe. As a result of publicity in the Press and information obtained from other sources, we have been informed that landlords will increase their rents to anything from £6 to £10 per week. A tenant who is able to pay a rental such as that would have an equity and an asset which would enable him to purchase a home of his own, and there are plenty of houses advertised with vacant possession.

Hon. G. Bennetts: Have you ever seen them?

Hon. L. A. LOGAN: Yes, I saw one the other day which was purchased at £2,500. That house had never been lived in and the price included the value of the land. A man would not be placed in the position of paying £6 or £10 a week for a house, because he could buy one or build one himself. Over the last few weeks I have contacted people who represent almost 1,000 householders in Western Australia. The only indication I have had of any alteration in the present set-up is that one lady who owns houses intends to increase the rental of her homes, and one other landlord will increase his rent from 27s. 6d. to 32s. 6d. a week. All the others were quite satisfied. Therefore I fail to see where all these evictees will come from.

If the Minister will study the figures in regard to those people who have approached the rent inspector or himself, he will probably find that they are tenants who have not played the game and when the opportunity is given to their landlords to evict them they will take advantage of it. There definitely are tenants who will be evicted because they have not played the game with their landlords. So let us discover the true position and legislate accordingly. I oppose the Bill.

**THE CHIEF SECRETARY** (Hon. G. Fraser—West—in reply) [10.57]: I did not know until tonight that I had so many supporters. Of all the members who have spoken only two have said straight out that they will oppose the second reading; all the others have said they will support it. So my task, in replying to the debate on the second reading, is an easy one. However, there are one or two points to which I must refer. I suppose that some of my supporters will stray off the track when the second reading is passed.

Hon. N. E. Baxter: Yes; you have only a short breathing space.

**THE CHIEF SECRETARY**: And I will find that out in a few moments. In introducing the Bill I confined my remarks to the Bill itself and kept them as brief as possible. I did not go out of my way to explain why the Bill was introduced. I pointed out that there were three main features in the measure and I asked members to judge it on those features. In the main, members have dealt with the Bill from that point of view. Nevertheless they raised certain doubts. It has been said that we, as a Government, had no justification for calling this session together. Some members contended that we should have waited until something occurred.

I have never before heard so many suggestions to close the stable door after the horse has bolted. That is exactly what would happen after the 30th April because it would have been useless for Parliament to try to remedy the ills about October next as it would not have been able to achieve that object.

Hon. A. R. Jones: You have not let the horse in yet.

**THE CHIEF SECRETARY**: The horse is in and has been in for some years. Admittedly, the latch on the door has been getting looser, but what members suggest will loosen it even further. As a Government, we feel it is not yet time to open the door wide because we know what is going to occur. I can assure members that we do not want this control to continue any longer than is necessary. We have called this special session of Parliament together because of information supplied to us regarding what is likely to occur after the 30th April. I have been twitted for not having given any reasons, and since most

members propose to support the second reading, I do not intend to give many now. If members want them later, I will supply that information. Nevertheless, I will give a few reasons for this legislation, particularly in view of the statements made by Mr. Logan when he said that we did not have any knowledge of the position. Members should have a look at these documents I am holding in my hand.

Hon. L. A. Logan: Why do you not get back to what I said?

The CHIEF SECRETARY: Would the hon. member repeat it?

Hon. L. A. Logan: I said that probably those people who went to the rent inspector and the Minister were the type who did not play the game.

The CHIEF SECRETARY: I propose to show members some information not from persons who went to the Minister but from agents acting on behalf of their clients. They will then see that the boot is on the other foot. I will not quote any names, but members are at liberty to have a look at these papers. Perhaps some of them can even see the name of the firm. In one of these letters the rent, at present £2 18s. 6d., is to be raised to £4 10s. a week from the 1st May. That applies to the tenants who occupy the premises at present; for new tenants it will be £5 5s. a week.

Hon. N. E. Baxter: What type of house is it?

The CHIEF SECRETARY: This refers to flats.

Hon. Sir Charles Latham: Would that be Sherwood Court?

The CHIEF SECRETARY: No.

Hon. N. E. Baxter: They are probably worth £5 5s.

The CHIEF SECRETARY: Members have said that our fears are groundless, and that the Government has no reason for introducing this legislation; but here we have a case of a contemplated rise from £2 18s. 6d. to £4 10s. and £5 5s.

Hon. N. E. Baxter: That is all right.

Hon. L. Craig: It might be all right.

The CHIEF SECRETARY: Here is another one, which indicates that the agent has been instructed to say that as from the 1st May the rent will be £6 a week; the present rent is £2 1s. 10d. Is that all right to the hon. member's way of thinking?

Hon. N. E. Baxter: It may be; it depends on the property.

Hon. E. M. Heenan: Is that not a case for the fair rents court to decide what is right?

The CHIEF SECRETARY: In the Bill we provide for the appointment of a court whose sole duty will be to assess rents on a fair basis.

Hon. L. C. Diver: Provision was made in December to meet the needs of those people, but you have not used it.

The CHIEF SECRETARY: Provision was also made that after the 30th April all eviction protection would go. Everything leads back to one point. The agents ask if the tenant will agree to an increase of rent from £2 1s. 10d. to £6; but what would happen if the tenant did not agree? He would most certainly go out.

Hon. N. E. Baxter: You are only assuming that would happen. There is no eviction notice.

The CHIEF SECRETARY: There are none so blind as those who will not see! So there we have at least two cases. Here we have another one. All these examples are based on the 1st May, 1954. This letter states—

Your rent for the premises you now occupy will be increased to £4 4s. a week.

We were told, "No, they will not put good tenants out." The tenant referred to has been in the place for 13 years.

Hon. H. S. W. Parker: It was not possible to put him out.

The CHIEF SECRETARY: Oh, yes, it was; it goes back to 1941. In any case, even if it were 1946, there is legislation on the statute book. The present provisions also state that where there are bad tenants, they can be given notice and be made to get out. Here is a man who has been in the house for 13 years; yet we are told, "Only the bad tenants will go".

Hon. H. S. W. Parker: The landlord is not putting him out; he is only increasing his rent.

The CHIEF SECRETARY: The rent now is £1 10s. 3d., and from the 1st May it is proposed to raise it to £4 4s. The house itself is 50 years old.

Hon. L. Craig: You are 50 years old and still pretty good.

Hon. H. Hearn: What is the capital value?

The CHIEF SECRETARY: I do not know. There is no capital value. If it is done on business lines, the amortisation period will be 40 years and then it will be written off.

Hon. L. C. Diver: Do you apply that reasoning to State-owned houses when assessing the rent?

Hon. A. F. Griffith: Does the Minister suggest that when a house is paid for, it is written off?

The CHIEF SECRETARY: When these matters are dealt with on business lines, the premises owe nothing at the end of the amortisation period; if it did owe anything, its capital value would not be very great. In spite of that we find members wanting to increase the value of that house, which was built in 1904; they want

to give that house a capital value that would be eight times what it cost to build it at that time.

Hon. J. G. Hislop: Is that one of your strong points?

The CHIEF SECRETARY: This deals only with fair rents and why it is necessary to establish a fair rents court.

Hon. J. G. Hislop: If this is one of your strong points, it has no strength at all.

The CHIEF SECRETARY: I do not know what strength the hon. member wants. Is it not a strong enough point to necessitate the establishment of a fair rents court when we find a suggested increase in rent from 30s. to £4 4s. a week? A lot has been said about the State Housing Commission rentals. Let me tell members that those rents are on a par with all the houses that have been built since 1939. They are based on the costs. Any house built before 1939 under the old Workers' Homes Act is treated in the same way in respect of repayment by way of rent as a house built by the State Housing Commission today.

Hon. Sir Charles Latham: That was a sale.

The CHIEF SECRETARY: Why do members get up and say that the State Housing Commission rentals are high? I assure members that those rentals are based exactly the same as those applying to premises built since 1939. No one can deny that, so why try to camouflage the real position?

Hon. H. S. W. Parker: Why were the rents for the Manning Park houses put up recently?

The CHIEF SECRETARY: Because when houses were first built the cost had to be assessed. The rise and fall clause was included in the contracts after the war years and contractors were as late as 18 months to two years in submitting final accounts. When the rise and fall costs were ascertained, it was necessary to make adjustments to the rent.

Hon. N. E. Baxter: That is not correct. I know a property that was rented in 1946 and the rent was not increased until 1950, four years later.

The CHIEF SECRETARY: That may be so, but do not tell me what I am saying is not correct. I know the procedure. Members can go down and examine the position themselves.

Hon. A. F. Griffith: Would you call that increase in rent an arbitrary increase?

The CHIEF SECRETARY: No. All those provisions are made. It does not matter whether it is a State Housing Commission property or one of the houses occupied before January, 1951. Both come under the present Act. Increases in rent were made because of the additional costs. One cannot make a fair comparison between the treatment of private individuals and the State Housing Commission. Mr. Simpson, Sir Charles Latham and other

members suggested that the Government had done nothing to meet the situation and that it should build emergency houses. It was suggested that we should build a house of a type costing £1,500. If a contractor made an offer to build a worth-while home for that figure, the State Housing Commission would embrace him with both arms. As a member of the Cabinet, I say definitely that I will never vote in favour of building shacks for the very many evictees such as were erected by the previous Government. I would rather see the people in the streets than in that type of home. There is only one bedroom and the conveniences are so cramped as to be almost useless. The previous Government was so ashamed of them that it ceased building them.

Hon. C. H. Simpson: Because the acute position had been caught up with.

The CHIEF SECRETARY: Under no consideration will I, as a Cabinet Minister, vote for a proposition that the State Housing Commission or anyone else should build homes similar to those. Homes built by the Government today will stand for all time, not merely to meet an emergency. Complaint has been made by some members that the Government has done nothing. I admit quite freely that we do not desire nor do we intend to build the type of emergency home which some members are so satisfied with. We did set out to do something to overcome the situation such as the flats at Subiaco and the Maniana project. What happened to those? Talking about politics and political footballs, did not some members of the Opposition go out of their way and enlist the aid of the Federal Minister so as to prevent finance being made available for those projects? They did it successfully, too. Those were two proposals we entertained in order to meet the acute situation that we expected to develop after the 30th April.

Hon. H. Hearn: To finish the flats at Subiaco by that time?

The CHIEF SECRETARY: No. I mentioned the Maniana project also. That was expected to be completed by June of this year, but the homes have not even been started to date because politics came into the picture. That was why, in introducing the Bill tonight, I asked members to treat this question on its merits. The provision of homes and the fixation of a fair rental are not matters to be kicked around.

It is from that angle, notwithstanding all the innuendoes regarding this being a political question, that I ask members to view this Bill. This legislation has not been introduced because the Legislative Council elections are to be held next month. When all is said and done, what effect will this legislation have on the outcome of those elections? It is too stupid for words to suggest that it will

have any effect, and it is too stupid to suggest that the Government convened the special session to gain a political advantage. It was called because the present Act expires on the 30th April. Whether or not the Legislative Council elections were to be held on the 8th May, this session would have been convened. The Government wanted to do everything possible to assist people before the new Act operates.

Hon. L. C. Diver: The old Act does not expire.

The CHIEF SECRETARY: It has been changed in such a way as to render it useless. We have every justification for introducing this Bill. We believe it is fair. Mr. Parker, in an effort to belittle the Bill and the court, said we have to put up a case first and put up a schedule as well. But if we had embodied a schedule in the Bill he would have said, "You want to create a court, but you hamper it with a schedule. Why not let it function freely?" Now we have proposed a court to consist of a magistrate and two assessors. We tell the court, "Here is a job for you to do. Do it." Mr. Parker went so far as to say that the court could only make a guess.

Hon. H. S. W. Parker: It can only guess.

The CHIEF SECRETARY: The hon. member knows that no court can guess anything.

Hon. H. S. W. Parker: Except this court.

The CHIEF SECRETARY: Oh, except this court! No court can guess at anything.

Hon. H. S. W. Parker: This is not a court. You call it one, but it is not one.

The CHIEF SECRETARY: If the hon. member will read the provision relating to the formation of the court, he will see that there is set down exactly what the court shall take into consideration—all things relevant. If all things relevant are taken into account, I cannot see by any stretch of imagination how it can be said that the court is going to guess. We do not fetter it by fixing 1939 as the basis. I do not know whether Mr. Watson intended it or not, but he gave me the impression that he was contending, in effect, that we were saying to the court that 1939 should be the basis. Was that the hon. member's contention?

Hon. H. K. Watson: Definitely. And that has been held by the Supreme Court as being the correct interpretation.

The CHIEF SECRETARY: Let the hon. member read the Act, in which certain things were specially left out.

Hon. H. S. W. Parker: The judge interprets the law, and he says it is not as stated in the Act.

The CHIEF SECRETARY: The old Act provides, in Section 11 (1) (a), the following:—

Where the lease is entered into before the specified day and the rent being charged pursuant to the lease does not exceed that lawfully chargeable in accordance with the provisions of the repealed Act—

That was specially put into the 1951 Act—as last in operation, the rent during the term shall be the rent so being charged.

That is from the old Act, which specially laid down that the basis had to be 1939. There is another section which reads—

In determining the amount of the rent, the inspector or the court, as the case may be, may take into consideration such factors as the inspector or the court considers relevant, but shall not, during the fixed term, alter the rent referred to in Subsection (1) of Section eleven of this Act, of premises leased for a fixed term.

That was the old Act, in which it was provided that the court had to take into consideration what was in the repealed Act, which was the 1939 basis.

Hon. H. S. W. Parker: That is what the Supreme Court ruled on.

The CHIEF SECRETARY: Wait a minute! That bound them to the 1939 basis. What does the 1954 Bill propose? It proposes that in determining the amount of rent, the inspector or the court, as the case may be, may take into consideration such factors as the inspector or the court considers relevant, and it stops there, which shows that the court is not bound to the 1939 basis. It leaves the court the right to take into consideration whatever it considers relevant. I submit to Mr. Watson that he is wrong in his contention.

Hon. H. K. Watson: I disagree.

The CHIEF SECRETARY: Well, there is the proof. In the previous Act, the court is bound to the 1939 basis, but that is specially left out of this measure. I ask the hon. member to look at it again.

Hon. H. S. W. Parker: So the court could take into consideration the question of the tenant having a cat?

The CHIEF SECRETARY: If it thought that was relevant, yes.

Hon. H. S. W. Parker: Or a dog.

The CHIEF SECRETARY: I am not surprised at that suggestion coming from the hon. member, because he always looks to the extremes.

Hon. H. S. W. Parker: Precisely!

The CHIEF SECRETARY: I know the second reading will be carried, and I do not want to delay the House any longer. I referred to one or two cases previously, and mentioned that I have here pages of

them. I could give members something about good tenants. I can refer to one who has been in premises for 17 years, but has been told that after the 1st May the premises will be required.

Hon. L. Craig: That power has always existed.

The CHIEF SECRETARY: That is so; but this is to take place after the 1st May, because the eviction provisions go overboard. That tenant has been in occupancy for 17 years. Yet we are told by members that it is only bad tenants who will be affected.

Hon. A. F. Griffith: How much notice does the Commonwealth—

The CHIEF SECRETARY: I am not going to answer any more questions!

Question put and passed.

Bill read a second time.

#### *In Committee.*

Hon. W. R. Hall in the Chair; the Chief Secretary in charge of the Bill.

Clauses 1 and 2—agreed to.

Clause 3—Section 4 amended:

Hon. H. K. WATSON: I move an amendment—

That in line 2 the word "Court" be struck out.

The clause, with the inclusion of the word "Court", is really incidental to Clause 6, which relates to the establishment of a fair rents court. In other words, Clause 3 proposes to delete the present interpretation of "Court", which refers to the Local Court or a court presided over by a stipendiary magistrate. I suggest that, as a matter of convenience, the Committee could take the vote on this clause as determining whether there shall or shall not be an alteration in the structure of the court; whether the existing court shall continue or whether a fair rents court shall be substituted in its place. Acceptance of the amendment would have the effect of providing that the existing court shall be the court to hear these appeals and that a new court shall not be established.

The CHIEF SECRETARY: I hope the Committee will not agree to the amendment. This is one of the vital clauses of the Bill, and it is vital because of the intention expressed by quite a number of people regarding an increase of rents after the 1st May. We think the question is so serious that it is necessary for someone with authority to be able to determine these rents. I quoted only two or three cases previously, but I have pages of them here. I do not want to weary the House by referring to them all, but I will pick some from the first page to show members why we consider it necessary to appoint a fair rents court. After I have given some of these illustrations, members will be in a better position to appreciate the need for a fair rents court.

The first case is that of a family occupying premises having a 40ft. frontage—a timber-framed and asbestos dwelling about 40 years old. The tenant has recently installed a new bath supplied by the lessor and lined the old bath-room with imitation-tiling metal sheets. He has also laid a path of cement bricks alongside the dwelling. This is evidently a good tenant. The place is partly furnished, the furniture being valued at £200. The present rent is £7 10s. a week, and the lessor has advised the tenant that the rent will be increased after the 1st May to £9 per week. The previous tenant was paying £5 5s. per week.

Here is another case. A woman with a family of small children, occupies premises with a 17ft. frontage. It is a semi-detached brick dwelling and the whole place is in bad order, being about 60 years old. The place was partly furnished, the furniture being valued at £71. The standard rent of 12s. 6d. was increased to 17s. 6d. when the place was unfurnished. The present rent is £4 5s. a week and a fair rent assessed by the inspector is £1 12s. 6d.

In another instance, the house is a jarrah weatherboard structure with a roof of corrugated, galvanised iron. The lessor put in a few old sticks of furniture and charged £8 per week. The lessee did not complain and signed a lease for two years, and now the lessor is demanding £10 a week. The department considers that a fair rent is £3 10s. This shows what is actually happening.

Hon. L. C. Diver: They could get a place somewhere else.

The CHIEF SECRETARY: Does the hon. member think they would remain under those conditions if they could get a place elsewhere?

Hon. H. S. W. Parker: What action has been taken against that landlord?

The CHIEF SECRETARY: None at all, because the tenant is afraid of being evicted. It all comes back to that—fear of eviction. People will do anything to avoid that. Another case is that of a house built of asbestos and having a tiled roof. The house has been subdivided and one-half has been let unfurnished at £5 10s. The lessee of the other half, which consists of bedroom, kitchen with dinette furnished, and a room unfurnished is paying £4 10s.

Hon. H. K. Watson: The rent inspector, if so disposed, could deal with that.

The CHIEF SECRETARY: What is the use of giving powers to the rent inspector if he cannot use them?

Hon. H. S. W. Parker: Why cannot he use them?

The CHIEF SECRETARY: What is the use of his using them? When people complain to him, he explains that if they take action, they are liable to be evicted.

Hon. H. S. W. Parker: If they are evicted, other people will go into those houses.

The CHIEF SECRETARY: We want to protect the people who are in those houses. The danger is that someone else will go in at a higher rent and that is why we want a fair rents court. Here is another case. A rent of £3 was fixed by the court. The owner put in £100 worth of second-hand furniture and let the place for £7 10s. Another tenant paying £10 a week, plus electricity and gas, has another family consisting of a man, wife and three children living with him and paying £4 per week in order to help meet the rent.

Quite a large number of people find their rentals so high that the only way of paying them is for the wife to go to work because the husband cannot afford the rent out of his wages. These people have to pay the high rent; they have no option in the matter. This is the point I am trying to hammer into the minds of members, but they will not appreciate it.

Hon. L. C. Diver: Those tenants have not looked around very much.

The CHIEF SECRETARY: The hon. member should go around and see for himself, but not as Mr. Jones did. He visited nine places and thinks he knows all about it. I know what is happening. I know of six semi-detached dwellings for which the rent before the war was 8s. per week each. The rent now is £1 and the tenants have been informed that after the 1st May it will be £3.

Hon. N. E. Baxter: It will settle down.

The CHIEF SECRETARY: I have pages of such cases. The rent inspectors have not taken action because of the risk of tenants being evicted and also because of the agreements that may be made after the 1st May. What was the use of an inspector's going to the trouble of assessing a rent if after a few weeks the owners by agreement could increase the rental or put the tenants out? Thus it was useless to go on. Here is an opportunity to put the whole thing on a proper basis. I have told the inspectors that action would be useless and would jeopardise the position of tenants on account of the risk of eviction. I said, "Wait until we can get the Act on to a more solid basis." Then the rent inspectors will act.

We want a fair rents court. The only alteration for which we are asking is to replace by a special court the court now presided over by a magistrate. I thought that this proposal would appeal to members. If we had a special court dealing with rents, owners and tenants would obtain quicker decisions. Does not everybody desire that? If owners are not getting the rent they desire because of this legislation, should not

they be able to get to the court and obtain a decision more expeditiously? This is the method to give them the right to get that fair rental. In view of all the circumstances, I appeal to members to defeat the amendment so that we can set up this court, and then by the time the House meets again, if it is not the success we anticipate, there will be ample opportunity to deal with the problem.

Hon. H. S. W. PARKER: I refer members to the interpretation of "court" in the present Act. They will see that courts are already provided. They exist, and their procedure and practice is known. They are quick, and the magistrates are available all over the country. The amendment will wipe them out and put in their place a particular magistrate in this, that and the other district. Two particular assessors are to be appointed and they will obviously wipe out each other because one represents the landlord and the other the tenant. So the court boils down to not the magistrate for the district, but a particular magistrate. We should carry the amendment. Why is it necessary to wipe out the definition of "rates" and "repealed Act"?

The CHIEF SECRETARY: I gave the reason for this when Mr. Watson spoke about adopting the 1939 basis. We want to take that out to allow freedom to prevail all the time.

Hon. H. S. W. Parker: Why "rates"?

The CHIEF SECRETARY: We cannot see that there is any need for the inclusion of the definition of "rates." If it is taken out, provision is made that rates will be included. The hon. member gave the impression that he was talking about courts all over the State.

Hon. H. S. W. Parker: That is so.

The CHIEF SECRETARY: This is the metropolitan fair rents courts and it deals with the Perth and Fremantle magisterial district.

Hon. Sir Charles Latham: Would that include Midland Junction?

The CHIEF SECRETARY: Yes. The Perth and Fremantle magisterial district goes to about the Moore River and then to within 10 miles of Calingiri, and it ends just the other side of Jarrahdale, and strikes the coast at about Safety Bay. That is the area which would be covered by this court. If there are many cases listed in other portions of the State, the Minister can appoint fair rents courts in those parts.

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

Ayes	.....	17
Noes	.....	8
Majority for	.....	9



## Ayes.

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

## Noes.

Hon. C. W. D. Barker	Hon. G. Fraser
Hon. G. Bennette	Hon. E. M. Heenan
Hon. R. J. Boylen	Hon. A. L. Loton
Hon. E. M. Davies	Hon. F. R. H. Lavery
	(Teller.)

## Pair.

Aye.	No.
Hon. J. Cunningham	Hon. H. C. Strickland

Amendment thus passed; the clause, as amended, agreed to.

Clause 4—agreed to.

Clause 5—Section 7 amended:

Hon. H. K. WATSON: This clause relates to the fair rents court, and in view of the previous decision I submit that, purely as a matter of drafting, it should be deleted.

Clause put and negatived.

Clauses 6 to 9—consequently negatived.

Clause 10—Section 13 amended:

Hon. H. K. WATSON: I move an amendment—

That all words after the word "amended" in line 2 be struck out and the following inserted in lieu:—

"by adding at the end of paragraph (b) of Subsection (1) the following provisos:—

Provided that where after the second 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.

Provided further that, in respect to premises first leased since the twentieth day of December, one thousand nine hundred and fifty-one, nothing contained in the last preceding proviso shall preclude the inspector or the Court, as the case may be, from determining that the amount of the rent of any such premises shall be an

amount less than the amount of rent lawfully chargeable on the twenty-eighth day of April, one thousand nine hundred and fifty-four.

This is the critical clause in relation to the determination of rents, and that which seeks to delete the formula at present in the Act and the restriction on the court being able to adjust the rent during the terms of a lease extending over a period longer than 12 months. At present if two parties agree to a lease for more than 12 months, the court cannot alter that rent at the request of either party during the currency of the lease, but if the clause, as printed, were agreed to, the formula would go and the court would have power to alter the rent at any time.

If the amendment is agreed to, the rent will be that agreed upon between landlord and tenant or, failing that, the rent fixed for the court according to the formula, but subject to the proviso that if a landlord gave a tenant notice, he could not increase the rent after that date without obtaining leave of the court to do so. Under the Act as it stands, a landlord can lawfully give notice on the 2nd April, that on the 1st May he proposes to institute proceedings for the recovery of premises, and therefore if we make that date the 2nd April instead of the 30th, the position will be protected and a landlord giving notice to a tenant will not be able to increase the rent beyond that payable today unless he goes to the fair rents court. I suggest that that will meet all the requirements and counter the objections raised against the Act as it stands at present.

The CHIEF SECRETARY: I hope the Committee will not agree to the amendment. We have lost the provision for the fair rents court, but the court remains, and we think it should not be tied to any basis in coming to a decision.

Hon. H. K. Watson: This will put the brake on evictions.

The CHIEF SECRETARY: That is what the hon. member thinks.

Hon. H. Hearn: Prove that it will not.

The CHIEF SECRETARY: I could not prove anything to the hon. member, but we believe the court should be untrammelled in coming to a decision. We think that all factors should be taken into consideration by the court—

Hon. H. K. Watson: The Act provides for that at present.

The CHIEF SECRETARY: Yes, but it also provides other things that we feel are wrong.

Hon. H. K. Watson: Yet you agreed to them!

The CHIEF SECRETARY: Yes, and Ned Kelly's victims agreed because they had no option. That was the best bargain

we could get at the time, but that did not make us like it any better. We think the court should be left free to take into consideration such factors as the inspector of the court considers relevant. I ask the Committee to oppose the amendment.

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

Ayes	18
Noes	7
Majority for	11

## Ayes.

Hon. N. E. Baxter	Hon. L. A. Logan
Hon. L. Craig	Hon. A. L. Loton
Hon. L. C. Diver	Hon. J. Murray
Hon. Sir Frank Gibson	Hon. H. S. W. Parker
Hon. H. Hearn	Hon. H. L. Roche
Hon. C. H. Henning	Hon. C. H. Simpson
Hon. J. G. Hislop	Hon. J. McI. Thomson
Hon. A. R. Jones	Hon. H. K. Watson
Hon. Sir Chas. Latham	Hon. A. F. Griffith

(Teller.)

## Noes.

Hon. C. W. D. Barker	Hon. E. M. Heenan
Hon. G. Bennetts	Hon. F. R. H. Lavery
Hon. E. M. Davies	Hon. R. J. Boylen
Hon. G. Fraser	

(Teller.)

## Pair.

Aye.	No.
Hon. J. Cunningham	Hon. H. C. Strickland

Amendment thus passed; the clause, as amended, agreed to.

Clauses 11 to 13—disagreed to.

Clause 14—Section 17 amended:

Hon. H. K. WATSON: Clauses 14 to 17 really depend on the result of Clause 18; of that group Clause 18 is the critical one and it is a question of whether we should defer consideration of Clauses 14 to 17 until after consideration of Clause 18 or whether we should deal with them now.

The Chief Secretary: Why not debate the whole lot and we can take the one decision as being final.

Hon. H. K. WATSON: Mr. Simpson desires to move an amendment to Clause 18, but for my part I propose to oppose the clause as it stands or even as it would be if amended.

The CHAIRMAN: I think the best idea would be to postpone Clauses 14 to 17 until the end of the Bill.

Clauses 14 to 17 postponed.

Clause 18—Sections 20A and 20B repealed:

Hon. C. H. SIMPSON: I move an amendment—

That all the words in lines 1 and 2 be struck out and the following words inserted in lieu—

Section twenty A of the principal Act is amended—

(a) by substituting for the words "thirtieth day of 'April' in line 1 the words "thirty-first day of August"; and

(b) by substituting for the word "May" in line 7 the word "September."

The joint effect of the amendment will be noted in conjunction with Clause 10 which restrains a landlord from increasing his rent when he evicts a tenant, unless he obtains the sanction of the court, in that the present date of the transition period is moved forward four months. That is, the date becomes the 31st August instead of the 30th April, which will give the Government four months' grace to make the necessary arrangements. In the light of the experience of this Bill, when it becomes an Act, Parliament, while in session, could introduce an amendment if considered necessary.

Hon. L. C. DIVER: I hope the Committee will not agree to the amendment. From the debate on the second reading, it is obvious that there are a number of people who purchased houses on the assumption that they will obtain vacant possession of them after the 30th April next. They have purchased these premises in good faith and according to the law as it now exists.

Hon. G. Bennetts: How many of such people would be affected?

Hon. L. C. DIVER: I have as much knowledge of that, as the hon. member has of the number of evictions that he says will take place. If members will turn to the 1951 legislation, they will note that the last words in that Act are "and no longer". Even in that year, it was never envisaged that this legislation would still be on the statute book in 1954 and that efforts would be made to try to continue it in perpetuity. I trust that members will vote against the amendment so that the legislation passed last year will come into effect on the 30th April.

Hon. F. R. H. LAVERY: It is all very well for Mr. Diver to shed tears of blood over those people who bought houses on the assumption that the legislation passed last year would be put into effect, but he makes no mention of the thousands of people who are on the State Housing Commission priority list for houses but who, because of the number of people being evicted, are getting no nearer to obtaining a house. Since the 11th March, I have made representations on behalf of 28 people whose landlords propose to evict them.

Hon. H. S. W. Parker: Propose to evict!

Hon. F. R. H. LAVERY: They have been notified that they will be evicted after the 30th April. I also know that over 200 names of people who will be evicted after that date will be submitted by other members, and yet representations are being made for people who will be affected by the Bill because they have bought homes in the belief that they will obtain vacant possession. We have people living in

camps at Woodman's Point, Melville and in the Naval Base flats, but members do not seem to care about them.

Hon. H. K. WATSON: I agree with the views expressed by Mr. Diver. Mr. Simpson's amendment has merit to this extent: Whereas the Bill extends the period during which eviction is prohibited until the 31st December, the amendment would bring that date forward to the 30th September. My reasons are similar to those expressed by Mr. Diver as they concern those who have purchased homes under the law as it stood on the 1st January. I think it would be well for the Committee to pass this clause in its entirety and that Sections 20A and 20B should remain undisturbed.

The CHIEF SECRETARY: I find myself on the horns of a dilemma. Mr. Watson's amendment is to delete the whole and let evictions commence as from 1st May. Mr. Simpson moves that it be from the end of August. The Bill provides for the end of December. I prefer Mr. Simpson's amendment to that suggested by Mr. Watson. But I am in the unhappy position of opposing Mr. Simpson's amendment and later having to oppose the other. It might have been better for Mr. Watson's amendment to have come first. We could have defeated that and then perhaps have opposed Mr. Simpson's amendment. I think we might then have effected some improvement.

Hon. H. K. Watson: I share your desires, but for precisely the opposite purpose.

The CHIEF SECRETARY: We want this legislation to continue to the 31st December. This is desirable because of the number of evictions that will take place after the 30th April. It would not be possible for Parliament to deal with the matter before the 31st August.

Hon. A. R. Jones: Why not?

The CHIEF SECRETARY: Parliament would only have met a few days previously.

Hon. L. A. Logan: You could suspend Standing Orders.

The CHIEF SECRETARY: Will the hon. member give us the power to do so?

Hon. A. F. Griffith: You have done so now.

The CHIEF SECRETARY: Members might be in a different frame of mind and not permit it. The logical date is the 31st December. Indeed, all such legislation is continued till that date. I suggest that members defeat the amendment and let the Bill stand as it is.

Hon. C. H. SIMPSON: I hope the Chief Secretary will agree to the amendment after a second look. It is a compromise

between the date he wants and that suggested by Mr. Diver. It would give the Government another four months in which to meet the situation and tenants would have an extended period of protection. Perhaps there is some misunderstanding concerning the time when legislation would be introduced to deal with the situation which might develop. If protection ceased on the 31st August, 28 days' notice from then would take it to late in September. We could then see how it worked and how many evictions there were. There have been claims with which we are not altogether satisfied and which the Chief Secretary himself has advanced as to those who are threatened with evictions. But a number of those were people able to make alternative arrangements. The number left was few.

But in any case we would have the facts before us regarding people who were being evicted. Mr. Diver mentioned people who had bought a house under the law as it stood on the 1st January hoping to get possession of their houses subsequent to the 30th April after giving the necessary 28 days' notice. I admit they have a case. But that could be overcome by adding a proviso that where such cases have proved their bona fides, they would be exempt from the provisions of the amendment. That would cover them and keep faith with them. The amendment will give breathing space for another four months and is worth while trying. I hope the Chief Secretary will support the amendment and that a proviso will be added to cover those cases mentioned by Mr. Diver.

Hon. H. K. WATSON: There was a reason I intended mentioning previously why Mr. Simpson's amendment does not seem important. Had the Committee not agreed to put the proviso in Clause 10, there would be some merit in the amendment. As the Committee has agreed to the proviso and as it has imposed a break on evictions, any modification of Sections 20A and 20B of the principal Act would virtually conflict with that proviso. The proviso in Clause 10 is made on the basis of the principal Act remaining unaltered in regard to Sections 20A and 20B. There may be confusion if Sections 20A and 20B are altered to operate from any date other than the 1st May. In the absence of the proviso, there would be a much stronger case for acceptance of Mr. Simpson's amendment.

Amendment put and negatived.

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

Ayes	.....	7
Noes	.....	17
Majority against	.....	10

# Legislative Assembly

Tuesday, 13th April, 1954.

Ayes.	
Hon. C. W. D. Barker	Hon. E. M. Heenan
Hon. G. Bennetts	Hon. F. R. H. Lavery
Hon. E. M. Davies	Hon. R. J. Boylen
Hon. G. Fraser	(Teller.)

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

Aye.	Pair.	No.
Hon. H. C. Strickland	Hon. J. Cunningham	

Clause thus negatived.

Clauses 19 to 21—disagreed to.

Postponed Clauses 14 and 15—disagreed to.

Postponed Clause 16—Section 19 amended.

Hon. H. K. WATSON: I move an amendment—

That paragraph (a) be deleted.

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

Postponed Clause 17—disagreed to.

Title—agreed to.

Bill reported with amendments and the report adopted.

## BILL—INDUSTRIAL ARBITRATION ACT AMENDMENT.

Received from the Assembly and read a first time.

House adjourned at 12.43 a.m. (Wednesday).

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

## QUESTIONS.

### RAILWAYS.

(a) As to Oil-burning and Steam Locomotives.

Mr. MAY asked the Minister for Railways:

(1) How many oil-burning locomotives are operating throughout the W.A.G.R. at the present time?

(2) Is it true that 15 steam locomotives were converted to oil-burning during the coal shortage?

(3) Is it true that the operating cost of oil-burning locomotives is 9s. 6d. per mile as against 6s. per mile for coal burning locomotives?