Legislative Assembly

Tuesday, 6th July, 1954.

CONTENTS.

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

QUESTIONS.

EDUCATION.

As to Provision of High School, Busselton.

Mr. BOVELL asked the Minister for Education:

In view of ever-increasing number of post-primary students attending the Busselton school will he make a detailed statement of the Government's proposal for the establishment of a five-year high school at Busselton and indicate when it is intended to commence this project?

The MINISTER replied:

The Government does not propose to erect a five-year high school at Busselton in the foreseeable future. It is intended, however, to establish a three-year high school there, separate from the primary school, as soon as finances permit. The department has been seeking a site for more than three years. Various sites have been considered and, for various reasons, rejected. The Public Works Department is, at present, inspecting two further proposals for a site for the new three-year high school.

HOUSING.

As to Commonwealth-State Homes, Outstanding Applications.

Mr. HUTCHINSON asked the Minister for Housing:

(1) Are any people whose applications were made prior to January, 1949, still waiting for Commonwealth-State rental homes?

(2) If so, will he give the number outstanding together with the year of application?

(3) How many people are awaiting rental homes whose applications were made in—

(a) 1949;
(b) 1950;
(c) 1951;
(d) 1952;
(e) 1953;
(f) 1954?

The MINISTER replied:

(1) Yes.

(2)

1944	11	
1945	8	
1946	13	
1947	23	
1948	94	
	149	

(3)

1949	298	
1950	593	
1951	1,007	
1952	679	
1953	2,128	
1954	2,155	(6 months)
	6,860	

In addition, there are 2,995 applications recorded, but for various reasons these have not been afforded a priority. These applications are not recorded in date order. Upon perusal of the figures, the hon. member will find that considerable numbers of applications were lodged in 1951,

1953, and 1954. The reason for the tremendous increase in applications is the uncertainty and worry of the people on account or rents and tenancies legislation.

LANDS.

As to Assistance to Settlers, Hills Districts.

Hon. L. THORN asked the Minister for Lands:

(1) Does the Government intend to assist settlers in the hills districts by making bulldozers available to undertake land clearing?

(2) If so, is it intended to give financial assistance to the settlers to an extent sufficient to pay for the work done, and on what terms?

The MINISTER replied:

(1) Following a recent inspection of the Gidgegannup area by representatives of the Public Works Department and the Rural & Industries Bank, the commissioners of that bank are awaiting details of the work required by individual settlers, and provided satisfactory proposals can be submitted to the Rural & Industries Bank for the employment of a P.W.D. bulldozer, the Government will arrange for such a machine to be made available.

(2) Consideration will be given to providing financial assistance to settlers who are able to submit a satisfactory proposal for such assistance.

TRAFFIC.

As to Drunken Drivers, Convictions, etc.

Mr. NALDER asked the Minister for Police:

(1) How many cases of drunken driving have been dealt with during the years ended the 30th June, 1951, 1952, 1953, and 1954, in—

(a) metropolitan area;
(b) country areas?

(2) How many of the above cases have been second or third offences?

(3) What were the total fines imposed for each of the above periods?

(4) How many offenders were given a prison sentence?

The MINISTER replied:

(1) (a) 184, 238, 252, 300.
(b) 131, 170, 166, 238.

(2) 24, 39, 44, 71.

(3) £9,804, £12,515, £13,292, £19,111.

(4) 1, 9, 5, 14.

LIQUOR LICENCES.

As to Number Granted.

Mr. NALDER asked the Minister for Justice:

(1) How many hotel licences were granted in Western Australia up to the 30th June, 1951—

(a) country;
(b) metropolitan?

(2) How many clubs were granted licences in Western Australia up to the 30th June, 1951—

(a) country;
(b) metropolitan?

(3) How many licences have been issued to the folowing sporting bodies up to the 30th June, 1951—

(a) golf clubs;
(b) bowling clubs;
(c) tennis clubs;
(d) football clubs;
(e) cricket clubs;
(f) any other category?

(4) How many licences have been granted for the years ended the 30th June, 1952, 1953 and 1954, to hotels—

(a) country;
(b) metropolitan?

(5) How many licences have been issued to the following sporting bodies during each of the years ended the 30th June, 1952, 1953, and 1954—

(a) golf clubs;
(b) bowling clubs;
(c) tennis clubs;
(d) football clubs;
(e) cricket clubs;
(f) any other category?

The MINISTER replied:

(1) (a) and (b) Hotel licences (all types) including provisional certificates, granted and in existence at the 30th June, 1951:—

	Country.	Metropolitan.	Total.
Publican's general ...	267	122	389
Wayside house	45	–	45
Hotel	–	3	3
*Provisional certificates	3	4	7
Total (all types)	315	129	444

Note.—"Metropolitan area" as defined in Section 183 of the Licensing Act.

* "Provisional certificate" is an authority granted by the court to build an hotel. No liquor can be sold therein until building completed and a publican's general licence issued.

(2) Club certificates granted and in existence at the 30th June, 1951:—

Country	56
Metropolitan	53
Total	109

(3) Club certificates granted and in existence at the 30th June, 1951:—

(a) Golf clubs	21
(b) Bowling clubs	24
(c) Tennis clubs	–
(d) Football clubs	1
(e) Cricket clubs	1
(f) Aero clubs (1), yacht clubs (4) acquatic clubs (1)	6
Total sporting clubs	53
Social clubs	56
Total all clubs	109

(4) Hotel licences (all types) including provisional certificates granted to the 30th June for each of the following years:—

	1952.	1953.	1954.
Publican's General—			
Country	-	1	-
Metropolitan	-	-	1
Wayside House—			
Country	1	-	1
Metropolitan	-	-	-
Hotel—			
Country	-	-	-
Metropolitan	-	-	-
Total	1	1	2
Provisional Certificates—			
Country	-	-	2
Metropolitan	-	1	2
Total (all types)	1	2	6

(5) Club certificates granted to the 30th June for each of the following years:—

	1952.	1953.	1954.
(a) Golf clubs	2	1	2
(b) Bowling clubs	6	3	1
(c) Tennis clubs	-	-	-
(d) Football clubs	-	-	-
(e) Cricket clubs	-	-	-
(f) Yacht clubs	-	-	1
Total sporting clubs	8	4	4
Social clubs	3	3	4
Total all clubs	11	7	8

WATER SUPPLIES.

As to Departmental Finances.

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

(1) What is the accumulated surplus or deficit of the Metropolitan Water Supply Department for the year ended the 30th June, 1953?

(2) What was the surplus or deficit for the year 1952-53?

(3) As a deficit in the Sewerage Department is not anticipated for the year ended the 30th June, 1954, what increase in income from water supply rates for the same period is anticipated?

(4) What percentage of such income will be derived from revaluation?

The MINISTER replied:

(1) An accumulated surplus of £294,653.
(2) Deficit of £70,142.
(3) £126,000.
(4) Approximately 8 per cent.

SEWERAGE.

(a) As to Departmental Rating and Revaluations.

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

(1) What is the estimated income from sewerage rates for the year 1953-54?

(2) What percentage of this amount can be attributed to increased—
(a) rating;
(b) revaluation?

(3) If a deficit for the Sewerage Department is not anticipated, what is the estimated surplus?

(4) What is the estimated total cost to the Treasury of the proposed 1d. reduction in sewerage rates?

(5) As he has stated that the revaluation to date amounts to 51 per cent. increase, can it be anticipated that on completion of the revaluation the departmental income will be substantially increased?

The MINISTER replied:

(1) £438,000.
(2) (a) Increased rating, approximately 19 per cent.
(b) Revaluations, approximately 1.7 per cent.
(3) £25,000.
(4) £22,500.
(5) Not necessarily. Income is governed by the rate in the £ struck, which in turn is governed by the anticipated revenue expenditure.

(b) As to Hold-up, Claremont,

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

Is there any sewerage work in the Claremont electorate held up because of technical difficulties; and, if so, which?

The MINISTER replied:

No.

RAILWAYS.

As to Diesel Cars and Road Services, Costs, etc.

Mr. PERKINS asked the Minister for Railways:

(1) What is the actual cost per mile of running for operating the different types of diesel rail cars excluding any charge for use of the permanent way and general administration?

(2) What is the passenger seating capacity of each type of diesel rail car?

(3) What are the comparable figures for each type of railway road services bus?

The MINISTER replied:

(1) Based on capacity of the vehicle, costs per passenger mile, fuel and wages only, are:—

Wildflower Class .22d. per mile.
Governor Class .30d. per mile.

(2)

Wildflower Class	Unit	Nil
	2 Trailers	128
Governor Class	Unit	40
	Trailer	36
	Total	76

(3)

Type	Cost per passenger mile	Seating capacity
Semi-trailer	.39d.	30 to 38
Rigid type	.32d.	30 to 38

WUNDOWIE PRODUCTS.

(a) As to Quantities, Royalties, etc.

Mr. PERKINS asked the Minister for Industrial Development:

(1) On page 47 of the Auditor General's report, Section "B," for the year ended the 30th June, 1953, figures are given of production and average sale prices of pig iron, sawn timber, acetic acid, methanol, methylated wood spirit and tar at Wundowie. What are the comparable figures for the year ended the 30th June, 1954?

(2) What quantity of each of the above refinery finished products was on hand at the 30th June, 1954, and at what are they valued?

(3) Have any royalties been paid for iron ore used during the year ended the 30th June, 1954?

(4) What was the total income received, and what was the total expenditure (including interest charged on loan fund moneys used) for the year ended the 30th June, 1954?

The MINISTER replied:

(1) Pig iron, 10,490 tons, £22 7s. 6d.
Sawn timber, 5,396 loads, £27 7s. 9d.
Acetic acid, 405,475 lb., 1s. 7.02d.
Methanol, 248,637 lb., 11.34d.
Tar, 50,423 lb., 1.47d.

(2) Acetic acid, 343,175 lb., £16026.
Methanol, 272,375 lb., £7,493.

(3) No.

(4) The present date is a little early for final figures for year just closed on the 30th June. Preliminary figures show that the year's revenue will cover all working costs and depreciation with a small surplus towards interest, as follows:—
Subject to Final Adjustments.

	£	
Income	375,000	
Stock increases	53,000	
		£428,000
Expenditure	387,000	
Depreciation	37,000	
	424,000	
Interest	53,000	
		£477,000

(b) As to Rebricking Blast Furnace.

Hon. A. F. WATTS asked the Minister for Industrial Development:

(1) Has the blast furnace at Wundowie been rebricked? If so, when?

(2) If not, when is it proposed to rebrick it?

(3) If the furnace has not been rebricked, what reserve is being kept to enable continuity of supply while rebricking is in progress?

The MINISTER replied:

(1) No.

(2) All preparations for rebricking are complete. It is impossible to forecast when the furnace will need rebricking but it is not expected that this will be for some time yet.

(3) 3,000 tons.

(c) As to Production and Sale.

Hon. A. F. WATTS asked the Minister for Industrial Development:

(1) What was the total output of saleable pig iron during the years ended the 30th June, 1953 and 1954?

(2) How much of each year's output was sold?

(3) How much of each year's output was sold in Western Australia, and to which firms and in what respective quantities was it sold?

(4) During the existence of price-control legislation (i.e., up to the 31st December, 1953) were prices of pig iron sold for use in Western Australia approved by the Prices Commissioner?

(5) If not, why not?

(6) Have there been any increases in any of the prices charged for pig iron sold for consumption in Western Australia since the 31st December, 1953?

(7) If so, how are such increases justified?

(8) What was the average cost of producing a ton of pig iron during the year July, 1953-June, 1954, and what was the net return, per ton, during the same period?

The MINISTER replied:

(1) 30/6/53, 10,171 tons; 30/6/54, 10,490 tons.

(2) 30/6/53, 7,164 tons; 30/6/54, 6,856 tons.

(3) W.A. 30/6/53, 4,334 tons; 30/6/54, 4,816 tons.

Export 30/6/53, 2,830 tons; 30/6/54, 2,041 tons.

It is felt that revealing the quantities to each firm is disclosing confidential information. A list may be viewed privately by any member.

(4) Yes.

(5) Answered by No. (7).

(6) No. On the contrary, prices have been reduced by as much as £2 12s. 6d. per ton on some grades.

(7) Answered by No. (6).

(8) Cost not including interest, £21 13s. 4d. Average sale price £22 7s. 6d.

(d) As to Withholding Information Regarding Prices.

Hon. A. F. WATTS asked the Minister for Industrial Development:

(1) Referring to questions asked of him on the 23rd June, how does he justify refusing to inform Parliament of the prices

received for the sale of pig iron by a State instrumentality, operating under statute, and controlled by a Minister of the Crown responsible to Parliament?

(2) If he cannot satisfactorily justify such refusal, will he inform the House of the prices for the various grades of pig iron—

(a) sold for consumption in Western Australia;

(b) exported;

in the case of (a) as at the 31st October, 1953, and the 30th April, 1954, respectively, and in the case of (b) as at the time of exportation of the last consignment in each of the cases referred to in his answer on the 23rd June?

The MINISTER replied:

(1) and (2) It is not desirable to publish details of confidential business information regarding export prices. However, the average price obtained for export during the year ended the 30th June, 1954 was £21 3s. 8d. per ton. If more detailed information is sought, it will be made available to the hon. member privately.

Local prices are as follows:—

Type	Grade	Price £	s.	d.
Standard grades	White iron	19	12	6
	Chilling	19	12	6
	Standard 1.	19	12	6
	Standard 2.	19	12	6
	Standard 3.	19	12	6
	Foundry 2.	20	12	6
Special grades	Bath	23	5	0
	W.S. 1.	24	5	0
	W.S. 2.	25	5	0

INDUSTRIAL ACCIDENTS.

As to Report of Committee.

Mr. JOHNSON asked the Minister for Labour:

(1) On the 24th November, 1953, I asked a question relative to the report of a committee set up to investigate industrial accidents. Can the Minister state what has been the result of the consideration given to the report?

(2) Will he make the report available?

The MINISTER replied:

(1) The Government is giving consideration to all aspects of industrial welfare including industrial safety.

The position has been investigated by the chairman of the Workers' Compensation Board, and discussions have been held between my departmental officers and the Commissioner for Health.

(2) If the hon. member will call at the Department of Labour, he may peruse the report mentioned.

STATE HOUSING ACT.

As to Crown Law Ruling.

Mr. JAMIESON asked the Minister for Housing:

(1) Who was responsible for the approach to the Crown Law Department for the ruling given in Bulletin No. 12, issued by the Local Government Department in July, with reference to Section 22 of the State Housing Act Amendment Act, 1950?

(2) Is he aware that from the time of the passing of that Act until this ruling was given, the Housing Commission paid each year an amount to local authorities equal to the rates that would have been payable on the land if it were ratable as privately owned land?

(3) Will he not agree that a precedent has been set which will cause undue hardship on local authorities, if the practice formerly followed is altered?

The MINISTER replied:

(1) Ruling was obtained by Local Government Department.

(2) Yes.

(3) In view of the Crown Law ruling, the State Housing Commission cannot continue to make payment of rates which are not legally payable.

NORTH-WEST.

(a) As to Tax Exemption and Grant, Prime Minister's Reply.

Mr. NORTON asked the Premier:

Will he tell the House the full text of the Prime Minister's reply to the motion moved by the member for Stirling in this House, on the 16th September, 1953, in respect of making north of the 26th parallel a tax-free area for a period of 20 years, and also to the amendment moved by myself to that same motion that the Commonwealth Government make available a special grant to assist in the supplying of essential services and in the developing of that area?

The PREMIER replied:

A copy of the Prime Minister's reply is attached—

397/27.

Prime Minister,
Canberra, 6th January, 1954.

Dear Mr. Hawke,—

I have your letter of 22nd October in which you asked my consideration and advice on a resolution passed by the Legislative Assembly concerning taxation and development of that part of the State lying north of the 26th parallel of latitude.

On the question of granting tax exemption to this area, I would point out that the matter was considered during the preparation of the 1953-54 Budget. Numerous requests were

made at the time for special concessions to particular classes or groups of taxpayers. The Government, however, after considering all factors decided that a bold policy of general tax reduction benefitting all taxpayers in the community, rather than sectional concessions, would contribute more to the development and economic welfare of the country.

While it has not proved possible to accede to the request in the current Budget the matter has been noted for further consideration when tax measures are next under review.

Regarding the request for additional financial assistance to provide, in the northern part of the State, better transport, education, health, water and other services, I would advise that it is open to the Western Australian Government to use any portion of the large amount of money made available to it by the Commonwealth for general revenue or loan purposes, for expenditure in that part of the State north of the 26th parallel. The decision as to where and how these moneys are to be spent is entirely a matter for the State Government and the Commonwealth has no desire to intrude into this field of State responsibility.

The extent of the increase in Commonwealth financial assistance to Western Australia in recent years is not generally realised. Tax reimbursements and special financial assistance grants have increased from £4,495,000 in 1948-49 to an estimated £11,297,000 in 1953-54. Special grants have increased from £3,600,000 in 1948-49 to £7,400,000 in 1953-54. Road grants will have increased in the same period from £1,326,000 to an estimated £2,995,000. On these items above, Western Australia will receive an estimated £21,692,000 in 1953-54 which is equal to an increase of 130 per cent. on the amount received in 1948-49. The Commonwealth will also have made available a total of £365,000 in the last three years for the encouragement of meat production in the Kimberley area.

In addition, the Commonwealth has taken unprecedented action in recent years to assist Loan Council borrowing programmes for State purposes. Thus in 1951-52 and 1952-53 the Commonwealth has arranged special financial assistance for these programmes totalling £284,000,000. The Commonwealth has indicated its willingness to assist the States in a similar way in 1953-54.

Assistance by the Commonwealth to the States on such a huge scale has necessitated some recourse to Central Bank credit. At the present time with increasing demands on our resources which are already fully employed, the Government feels that any further recourse to Central Bank credit could endanger the stability of the economy.

Yours sincerely,

(Sgd). Robert Menzies,
Prime Minister.

The Honourable A. R. G. Hawke, M.L.A., Premier of Western Australia, Perth.

(b) As to Work on Developmental Roads.

Mr. NORTON asked the Minister for Works:

(1) How long is it anticipated that road construction gangs of the Main Roads Department will be required for constructing developmental roads for oil prospecting companies on their prospecting areas?

(2) (a) How many gangs are employed at the present time on road construction in oil prospecting areas in the North-West?

(b) How many units of heavy earth moving equipment are employed at the present time on road construction on oil prospecting leases in the North-West?

(3) How many Main Roads Department gangs are employed at the present time on construction and maintenance work on main roads in the Gascoyne electorate?

(4) How many units of heavy earth moving equipment are at the present time engaged in construction and maintenance of main roads in the Gascoyne electorate?

(5) Is it the intention of the Government immediately to send extra gangs and equipment to the North-West to make up for those gangs and equipment which have been diverted to oil prospecting areas?

The MINISTER replied:

(1) It is expected that a road construction organisation of the Main Roads Department will be in the Learmonth-Warroora area until the end of the year.

In the Kimberleys a gang will be employed until November, the commencement of the wet season.

In both these areas the work being done will benefit an increasing number of road users due to the general activity.

(2) (a) Three—One each at Learmonth, Mt. Anderson and Fitzroy Crossing.

(b) Five at Learmonth and two at Mt. Anderson.

(3) One gang of 22 men on works in the vicinity of Carnarvon; one gang of 10 men at Minilya; one maintenance gang of two men at Winning Pool-Bullarra; one maintenance gang of two men on Exmouth-Pt. Cloates whaling station.

(4) Thirteen units.

(5) Gangs in Gascoyne and Kimberley districts have already been increased considerably in men and plant. The plant position on roads other than oil roads is better now than it was before the commencement of works on oil roads.

(c) As to Press Statement re Roads.

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

Will he clarify the statement which appeared in the "Daily News" on Friday last, under the heading "It's the North's Turn Now For Roads," in the following respects:—

(1) How many of the 152 men at work on roads in the districts between Geraldton and Carnarvon are—

(a) Employed on the North Coastal Highway north of the Murchison River?

(b) Employed on the North Coastal Highway south of the Murchison River?

(2) What are the localities and the roads on which the 203 other men in other northern districts are employed?

The MINISTER replied:

I am grateful to the hon. member for having given me ample notice of this question. As a result I have been able to get the information which is as follows:—

(1) (a) Nil.

(b) Nil.

The figure of 152 quoted in the article represents the number of men employed by the Main Roads Department's engineer for the Geraldton main roads district which was misquoted as "Geraldton-Carnarvon."

(2) Various roads in the following districts:—

Carnarvon	22
Ashburton	8
Roebourne	10
Marble Bar	11
Port Hedland	13
Wallal	6
Broome	13
Derby	4
Halls Creek	4
Gibb River	4
Wyndham	44
Exmouth	3
	142
Oil roads:	
Learmonth	16
Mt. Anderson	5
Freney	5
	168

Various local authorities' roads 24

Engineers, clerks and surveyors bring the total to 203.

As the roads organisations move about from day to day, it is not possible to give more specific information.

FERTILISERS ACT.

As to Regulations.

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

(1) What steps, if any, have been taken to prepare regulations under Sections 8A and 11A (2) of the Fertilisers Act, 1928-53?

(2) Can he state when such regulations are likely to be gazetted?

The MINISTER replied:

(1) Steps have been taken to prepare regulations under Sections 8A and 11A (2) of the Fertilisers Act. A comprehensive investigation on the moisture content of superphosphate was initiated in September, 1953. This is a co-operative project between the Government Chemical Laboratories and the Department of Agriculture. These investigations must proceed for at least one year to determine seasonal variations before a maximum moisture content can be prescribed by regulation.

(2) Answered by No. (1).

DAIRYING.

As to Economic Operation of Farms.

Mr. MANNING asked the Minister for Agriculture:

(1) (a) Have the factors which mitigate against economic operation of certain dairy farms been determined?

(b) Has it been determined what steps are necessary to bring such farms to an economic efficiency?

(c) Has consideration been given to ways and means of implementing the necessary steps? If so, what is being done?

(2) Has any survey been made of the agricultural potential of Crown lands along existing main lines and roads?

The MINISTER replied:

(1) (a) Many factors affecting the economic operation of dairy farms are well known. However, the degree to which they are effective in individual cases cannot be ascertained without detailed examination.

The report of the Commonwealth-wide dairy survey carried out by the Bureau of Agricultural Economics in association with the State Departments of Agriculture at the request of the Dairy Industry Investigation Committee, is not yet available. This investigation was to endeavour to obtain more precise information on factors affecting the cost of production in different regions.

(b) All steps which are conducive to a general increase in production on such farms.

(c) Backward farms are progressively being improved within the limits of available finance by Government departments in clearing, pasture establishment, and technical advice.

(2) No agricultural survey has been made of all Crown lands, but this information has been obtained in some cases where land settlement has been deemed practical and desirable. The hon. member would assist if he were more explicit with regard to the area he has in mind.

WAGE MARGINS.

As to Opposition to Increase.

Mr. JOHNSON (without notice) asked the Premier:

Is there any truth in the Press report which stated that the Premiers at Canberra had expressed opposition to the possible rise in wage margins?

The PREMIER replied:

No. The point of view expressed by the Premiers in connection with this matter, was that an increase in margins to skilled tradesmen was likely to take place some time during the current financial year. In that event, each State Government would be forced to meet increased expenditure and, consequently, the Prime Minister and his Government should, in deciding the amount of taxation reimbursement to the States for the current financial year, take that probability into consideration.

TRANSPORT BOARD ROYAL COMMISSION.

As to Distribution of Report.

Mr. ACKLAND (without notice) asked the Minister for Transport:

Has he made a distribution to members of this House of the report of the Royal Commissioner who inquired into allegations of bribery in the Transport Board? If not, will he make one available in the near future?

The MINISTER replied:

Speaking from memory, I believe a report has been presented to this House. However, I will make inquries and if it has not been presented I will ensure that one is made available.

BILL—RENTS AND TENANCIES EMERGENCY PROVISIONS ACT AMENDMENT.

In Committee.

Resumed from the 1st July. Mr. Moir in the Chair; the Minister for Housing in charge of the Bill.

The ACTING CHAIRMAN: Progress was reported after Clause 17 had been agreed to.

Clause 18—Sections 20A and 20B repealed:

The MINISTER FOR HOUSING: I have caused to be circulated some amendments I propose to submit. At first glance they appear to be rather formidable and likely to require a great deal of time to analyse fully in order to gain an appreciation of their meaning and intent. However, they are not nearly as involved as might appear and it will be seen that in two cases I desire the Bill to be recommitted.

These amendments have been drawn, very largely, in the terminology employed by the member for Dale and it has been my endeavour, since last we met, to go as far as possible in the matter of a compromise and, where possible, we accept the propositions the hon. member has submitted. However, the Government is not prepared to agree to the first of the hon. member's propositions—that is, to allow Section 20A to remain. That would have the effect of wiping out of existence Sections 17, 18, 19 and 20. If my amendments are agreed to, the propositions submitted by the member for Dale will be inserted in their proper places in the Act as it existed up to the 30th April. I do not think it necessary to delay the passage of the Bill further because it will take us at least until the tea adjournment to discuss the rest of the measure and after that it can be recommitted.

Mr. WILD: I will accept the explanation of the Minister. When I first saw his amendments I thought it might be necessary to ask for progress to be reported but they are not as formidable as they seem. To some degree they are in line with the amendments I had on the notice paper. As I said on Thursday, my amendments were drawn up rather hurriedly and I was not sure whether they were in their right places. Apparently the Minister has consulted the Parliamentary Draftsman in this regard and I agree with the Minister's proposition that we should proceed with a further discussion of the measure.

Hon. A. V. R. ABBOTT: I was a little confused after hearing the Minister. It seems that the first amendment is to delete Section 20A. in line 18 and substitute therefore the word "section." That would leave Section 20B. Section 20A was passed last year and reads as follows:—

> On the thirtieth day of April, 1954 the provisions of Sections 17, 18, 19 and 20 of this Act shall cease to operate and the provisions of Section 20B of this Act shall operate in their stead on and after the first day of May, 1954, and during the operation of this Act.

From what the Minister says it would seem that he is in agreement with the principle, but can not agree to these sections being deleted. Section 17 would have to be deleted. It is very confusing and I would like the Minister to give us an explanation.

The Minister for Housing: Section 17 is one of the sections which will receive attention if I get the Bill recommitted.

Hon. A. V. R. ABBOTT: That means we can deal with that section later.

The Minister for Housing: Yes.

Mr. WILD: I move an amendment—

(1) That the words "Sections 20A and" in line 18 be struck out and the word "Section" inserted in lieu.

I am not clear about this and I think I had better persevere with my amendment. I want to hear the Minister's reasons for wanting to delete Section 20A. and leaving in Sections 17, 18, 19 and 20.

The MINISTER FOR HOUSING: Section 20A is the villain of the piece. It is the provision that repeals the machinery sections of the Act as they concern evictions. It is followed by Section 20B which lays down the more or less automatic 28 days' notice to quit without there being any discretion left to the court. Members will appreciate the seriousness of this, because this is the second session called for the purpose of meeting the situation. Sections 20A and 20B are responsible for for all the evictions that are taking place at the moment, following the giving of 28 days' notice. To meet the situation, it is necessary to get rid of those sections and allow the provisions to ease the tempo. That is what the amendments I have circularised are intended to do. The first amendment of the member for Dale is substantially in the Act at the moment as Section 20B; that is, the amendment to Section 20B (i).

Hon. A. V. R. Abbott: Was that passed in the 1951 Act?

The MINISTER FOR HOUSING: Yes. Since the 30th April that has gone by the board. The intention is to leave Section 20 in the Act and it will provide for the serving of the 28 days' notice. In the amendments I have circulated, it will be seen, on the bottom of pages 1 and 2, that almost identical wording is employed as that used by the member for Dale in his proposed Subsections (2) and (3).

I feel that the Committee should agree to the proposition of doing away with Sections 20A and 20B because they have caused all the fuss and bother. Having disposed of them, it is our task to apply ourselves to the Act in order to make some system workable that will accord in certain respects to the principles espoused by the Opposition, at the same time making it acceptable to the Government. It will have the effect, at the discretion of the magistrate, of stemming the flow of evictions so that they will not be as numerous as they are at the moment. Accordingly, I ask the Committee to defeat the amendment submitted.

Mr. COURT: I suggest that we report progress until after the tea suspension. It appears that the Minister has gone quite a way in his amendments to give affect in the Act in better legal form, to the principles suggested by the member for Dale in his amendment. It is impossible to try to read these into the Act while the Bill is being debated. From what I can understand from the comments of the Minister and from my own reading of Sections 20A and 20B, he is trying to achieve by some other means the result sought by the Opposition in moving to delete the reference in the Bill to Section 20A. It might be possible in the quiet of some other room to work out the true effect of these amendments, and I trust the Minister will report progress.

The PREMIER: There will be no objection to reporting progress until after tea provided there are speakers available to go on with the Address-in-reply debate between now and the tea suspension.

Progress reported till a later stage of the sitting.

[*Continued on Page 273.*]

ADDRESS-IN-REPLY.

Fourth Day.

Debate resumed from the 24th June.

MR. BRADY (Guildford - Midland) [5.13]: I welcome the opportunity of speaking to the debate on the Address-in-reply as this will enable me to deal with a number of matters affecting my electorate and draw the attention of Ministers to some of the requirements of my district. I have, course, spoken about some of them before, but I find it is necessary to deal with them again.

From the Speech made by His Excellency on the opening day of Parliament, it would appear that the State can look forward optimistically to a rosy future, particularly if all the activities mentioned by the Governor are continued. One is pleased to read that primary production is still going ahead, and that the Government has taken action respecting further areas with a view to bringing them into production. A perusal of the Speech by His Excellency indicates that the activities mentioned are State-wide and, while they point to a rosy future for the State, it would appear that the matter of governing the country is to be a very difficult one indeed, and Ministers will have a full time job in trying to keep up with the activities.

To turn to a specific item mentioned in His Excellency's Speech, it is pleasing to note that the Government is to deal with the Argentine ant problem and that a sum of £500,000 is to be spent by the Administration in an attempt to rid this State of the pest. The necessity for this measure is overdue. Without doubt the ant has got a strong grip on the metropolitan area. As a resident near the Swan viticultural area, I fear that the Argentine ant will attack the dried fruit industry and ruin it. I have some evidence of this because

when I went down the river which flanks the vineyards of Middle Swan, I saw what I believe to be ants swarming in millions along the banks. I have also inspected some of the grazing land near the river and seen Argentine ants in thousands. They have thus made their appearance in the grape country, and if they get a hold, they will play havoc with the vines. I would like to see them destroyed in that district as they are being eradicated in the metropolitan area.

In his Speech the Governor said that the basic wage of the worker was 6s. 3d. below the figure at which it would have been determined if the Arbitration Court had not pegged it. In the near future I hope to see the pegging of the basic wage abolished, and also if possible to see pegging of margins disappear. As I said in my opening remarks, it appears that the future of this State is rosy. Everyone engaged in industry, commerce and finance has benefited, but for the wage or salary-earner the future does not present as bright an outlook. It would appear that the wage or salary-earner has, to a large extent, been called upon to make sacrifices.

It was said that if margins and the basic wage were pegged, prices would stabilise and even fall. After an experiment of approximately 12 months of wage-pegging, we find that in many cases prices have continued to rise. Yesterday my attention was drawn to one example. A wholesale fish merchant told me that wholesalers were selling schnapper to the retailers in the metropolitan area at 1s. 11d. per lb., yet retailers were selling it for 3s. 9d. to 4s. 5d. per lb., or at a profit of 200 to 250 per cent. Since price fixing was lifted last year suppliers of fish to the Government hospitals have increased the charge by 2d. or 3d. a lb. This is an indication of what goes on in food prices. For my part I sympathise with the wage-earner.

The Governor's indication that price control was likely to be introduced is timely. It would appear that price control could well be applied to such commodities as refrigerators, radiators, washing-machines, radios and similar articles because the prices charged for these items at present are exorbitant. If price control were applied to these articles, then the housewife would be able to purchase a washing-machine or refrigerator reasonably, and not have to pledge part of her income for so long a period as previously.

Mr. Ackland: Do you believe that stock on the hoof can be controlled?

Mr. BRADY: The thought of pegging the price of fat stock on the hoof has not occurred to me, but I would say that if meat prices rise to such an extent that the wage-earner is prohibited from getting a reasonable supply of this commodity because of its high cost, then I consider it will be necessary to peg the price. After all, a working man must live, and in Australia because of our way of living, meat takes a very prominent place in the requirements of the home.

I am not sure that the price of meat is not already too high as a result of a number of factors—the bad system of auctioneering, middlemen getting more than a reasonable profit, and too many people engaged in buying and selling meat in the retail trade. From the Labour Party's point of view, as well as from my own, it is essential that the man on the land shall get a fair price for his product, and if the man on the land is obtaining a fair price he should be contented. We are all affected by the existing situation, and we sink or swim according to the fairness we display to each other in our transactions.

Next I shall touch upon that phase of the position indirectly by dealing with the question of exports from this State. Whilst the future appears rosy for the large proportion of primary producers, consideration should be given by the Government to the smaller section of them because we are losing certain export markets for their products. The export markets for pork, eggs in shell, wheat, flour and fruit are in jeopardy.

Hon. Sir Ross McLarty: And for certain dairy processed foods.

Mr. BRADY: I agree. These are some of the facts that have been brought to my notice in recent weeks.

Mr. Ackland: Those exports have been priced out of the world's markets.

Mr. BRADY: That is so, but there are other aspects as well. For some time pig producers were led into the belief that a fat type of bacon was required on the English market. They went for that class of pig in a large way, but almost overnight they were informed by the buyers and consumers in Britain that lean bacon was desired. As a consequence hundreds of pounds have been lost by individual producers.

With regard to the export of dried and fresh fruit to the Near East markets, we are losing our trade in grapes because we are being priced out. I believe grapes from Spain, America and Canada are selling cheaper, and we are losing our market as a result of this competition. Everyone knows the story about the future of wheat, and, of course, we are losing our markets fo. flour. As a representative of an electorate in which these industries are established, and in which flourmilling is carried on, I thought I should high-light these instances in the hope that the Government will consider assisting the industries I refer to and giving some form of relief. If it is possible, the Government should do so.

These industries are responsible for £25,000,000 of our export income, out of a total of £107,000,000; in other words nearly one quarter of the existing export trade

is placed in jeopardy. So I feel the Government should give consideration to the matters I have outlined even though the outlook for this State as a whole is optimistic as regards oil, the expansion of our primary production, including sheep, mutton and other commodities. There are other factors of our assured exports that we should not lose sight of, but I have mentioned these in passing.

Putting the essential requirements first, in my electorate the most pressing need is education and all those facilities which go with it, such as the provision of high schools, primary and infant schools, playgrounds, technical schools, etc. Members will recollect that for many years I have been pressing for the provision of higher educational facilities in the Guildford-Midland electorate. For upward of 15 years we have been using public halls as schools. While the position has eased in regard to primary and infant schools, the situation with reference to higher grades of educational facilities and buildings are worsening, just as the infant and primary schools went through a similar stage. Today my electorate is in serious need of a high school. It has been projected for over 20 years, and as far back as eight or nine years ago, the former Minister for Education, Hon. J. T. Tonkin, promised that the provision of a high school for Midland Junction would be a No. 1 priority. I was pleased to hear from the Minister for Education the other evening that, provided loan funds were available, he hoped to go on with the erection of a high school at that centre.

Hon. Sir Ross McLarty: You will be all right! The Premier has just come back with plenty of loan funds.

Mr. BRADY: If loan funds are available, I hope to see the Minister honour the undertaking given. If that is done, it will make it possible for the technical school in Midland Junction, which is overcrowded, to shift into existing school buildings, and allow that school to be used for technical education. Even if this is carried out, the school will not be able to cope with all the requirements of technical education, the provision for which is long overdue. In recent times my attention has been drawn rather forcibly to the fact that many students from my electorate have to go to Perth for their technical education.

It is a wrong policy that requires students living as far away as Swan View to come to Perth for technical education. All of the requirements should be available at Midland Junction. During last week, I rang up the superintendent of technical schools in Midland Junction and had a talk with him. He told me that students from Midland Junction were journeying to Perth to get technical education in matters not dealt with at Midland Junction. At the Leederville Technical School, all the requirements for the building trades, such as carpentry, joinery and woodwork, are provided. With the expansion of industry and bearing in mind the presence of the Government Railway Workshops, the provision for technical education, particularly in the building trades, should be increased at the Midland Junction Technical School. There should be no need for apprentices or juniors to travel to Perth or Leederville in order to get the requisite technical training.

I was surprised to learn that students and apprentices in the blacksmithing trade have to go to Fremantle from Midland Junction. It is almost unbelievable that they should have to travel so far in this year of 1954 in order to get technical education. The railway workshops have been operating for 50 years and are supposed to have a technical school to cater for such students and apprentices. I understand, however, that apprentices have to come to Perth for training in the electrical, boiler-making and sheet-metal trades.

Steps should be taken to ensure that in the near future all those trades are catered for at Midland Junction. This would obviate the need for apprentices travelling to Perth and cluttering up the city with their means of transport, be it cars, motor cycles or bikes, or else incuring the expense of paying train fares. The more the Government can do to decentralise technical education, the better it will be for the State and for the youth concerned.

I understand that certain educational requirements are not being provided at Midland Junction. I hope they will soon be made available, so that lads taking mathematics for the University Junior Examination and so forth will be able to obtain their training in Midland Junction. The other evening, when travelling home from the House by the 10 o'clock train, I asked a trainee where he was going. He replied that he was on his way home after studying mathematics at the Technical College. I asked him where he lived, and he replied "Swan View." I asked, "How do you get home?" and he said he had to ride a bike for about three miles after leaving the train at Midland Junction. It is absurd that a lad should have to come to Perth to get his training and then travel 11 miles to Midland Junction by train and another three miles by bike in order to return home. A young lady told me she was living beyond Greenmount and had to come to Perth to get tuition in book-keeping and accountancy. Later on I intend to deal with youth requirements.

I wish to direct attention to a phase of education which I consider is very urgent, leaving aside the technical school requirements of my district. Believe it or not, in the Midland Junction High School ground at present, there are about 1,000 children trying to get recreation. There is not an acre of playing ground available

for them. There are 730 children in the high school and 300 in the primary school attached to it. This state of affairs applies to all the school grounds with the exception of one.

At Midvale, which has a new school, there is an area of five acres, but approximately only half-an-acre is available as a playground because much of the remainder is under water. The school was built in what was originally a swamp. The number of children attending the Midvale school is 350 and will probably be 450 or 500 next year and the playground for that number is half-an-acre. The Morrison-rd. school has a playing-ground of only ¾ acre and Bassendean has about one acre of playground. All the schools are short of playing-grounds, which leads me to believe that the department is not able to cater for the schools.

Certain schools have applied to the Midland Junction Council for playing areas, but were told that they were not available. The local governing bodies have not had regard to the house-building expansion that has taken place and there is a serious shortage of playing areas in the metropolitan area. Consequently, it is incumbent upon the education authorities to secure large areas of land in order that the school children may be properly catered for. In the Guildford-Midland electorate, it is imperative that something should be done.

I mentioned that the school at Midvale, which was opened this year, has 350 children in attendance and next year will have 450. Between 200 and 300 homes have been built there, and the only applicants who could get homes were those with three or four children. Thus there are between 500 and 1,000 children growing up and the needs of the schools in the matter of playing-grounds will be considerable. I hope that the Minister for Education will take note of what I have said about the requirements regarding high schools, technical schools and playing areas.

Adhering to the principle of first things first, I wish to emphasise the necessity for additional hospital accommodation in my electorate. Early this year the matron of one of the private hospitals announced that after the middle of the year, she would take no more maternity cases. A maternity hospital is being provided and I believe will be ready to receive cases in October. Requirements for general cases are as urgent, if not more so, than for maternity cases, owing to the expansion in all directions.

About six years ago a petition was circulated in the district, and it was estimated that 30,000 people would have a call on a hospital if it were built in the Midland Junction area or on the boundary of the Toodyay electorate, where the maternity hospital is located. That number applied to the people between Moora, the nearest hospital outside Perth and the metropolitan area. Today the number would be between 50,000 and 60,000. The Bassendean Road Board claims to have a population of 9,000. If that be so, Midland Junction must have a population of 10,000.

Some indication of the expansion that has taken place may be gained from the number of doctors in the Guildford-Midland electorate. There are no fewer than 15 doctors practising in that and the adjoining areas, and we have only one private hospital to deal with general cases. That hospital has about 15 beds. It seems that the need for hospitalisation is as bad as the need for educational facilities. I hope that the Minister for Health will bear in mind the urgent hospital needs of the district.

In the Midland Junction Railway Workshops loco. traffic and other sections there must be about 2,500 employees, and in the event of a major disaster occurring, there would not be private hospital accommodation available in Midland Junction to take the serious cases. In fact, I doubt whether the Royal Perth Hospital or the private hospitals in Perth could find accommodation for them.

The Midland Junction abattoirs are expanding. The Minister for Agriculture opened a new section today. A large number of men are employed there. In addition, secondary industries are being started in the district. I understand that the accident rate in the railway workshops is fairly high. I have been told that the safety committee has not been operating as well as it should. I am led to believe that there is no representative of the unions on the safety committee. If the unions had a representative on the committee, I feel sure that the tendency would be for a decline to occur in the accident rate.

Despite the fact that we have been agitating for a general hospital at Midland Junction for eight or 10 years, the foundations have not yet been laid. I hope that the Government will take steps to provide a building. I understand that certain land has been acquired for the site of a general hospital in conjunction with the maternity hospital and that additional land has been acquired from a lady living in the vicinity. Less than five years ago a panel of doctors ranked Midland Junction as No. 1 priority for the establishment of a general hospital. Since then I believe there has been some slight deviation from that idea and that one is to be built at Kwinana and a chest hospital at Hollywood. There is a general hospital at Fremantle, and I cannot see why another should be built at Kwinana, where industries have been started only recently, while we at Midland Junction have been waiting for one for 20 or 25 years.

There are several other matters with which I should like to deal simultaneously in order to make my point. These relate to road transport, pedestrian accidents, street lighting and amenities for the travelling public. In recent months, I have been amazed at the big increase in the number of accidents to pedestrians. Almost every week now, one reads in the morning Press—particularly after the week-end—of numbers of people having been run down on our roads. It is quite common for four or five accidents to occur during that period. I have here a number of Press cuttings which show, among other things, that the week-end before last, three accidents occurred.

In "The West Australian" of Monday, the 28th June, under the heading "Three Die in Night Road Accidents," there appeared the following:—

> Three people—two pedestrians and a regular soldier who was a car passenger—died as a result of traffic accidents in the metropolitan area on Saturday night.

That is typical of what we read in the Press nearly every Monday morning with regard to road accidents in the City of Perth. In the "Daily News" of Saturday, the 26th June, there was an article, at page 2, headed "Speed the Biggest Killer in W.A. Accidents." It read—

> Excessive speed was the biggest single killer in road accidents in the first quarter of this year, according to a summary of traffic accidents issued by the Government Statistician. Speed caused seven fatalities in country districts in that period and one in the metropolitan area. There were six deaths caused by inattentive driving, out of a total of 42 for the quarter.

Statistics therefore indicate that for the quarter there referred to, no less than 42 people were killed in traffic accidents.

The most pathetic aspect of it all is the number of elderly people and young children among the victims. It is a terribly galling state of affairs when so many of the old people in the metropolitan area must look forward to ending their lives in road accidents. I hope the Minister for transport will, sooner or later, see the necessity for calling together all the authorities concerned with our road traffic in order to deal effectively with the position.

According to the statistics, approximately 67,349 motor vehicles have been placed on the roads of the metropolitan area in the last five years. That is a vast number in anybody's language, and includes cars, hire cars, wagons, vans, utilities, buses and motor cycles. In view of that huge expansion of our traffic, it is about time that the authorities concerned with road transport, pedestrian safety, motor vehicles, speed limits and traffic accidents were called together in an endeavour to find a way of providing a far greater measure of safety for pedestrians. At present, there seem to be too many authorities dealing with the problem. In the metropolitan area, local government bodies have a say in regard to parking and speed limits. The Traffic Branch of the Police Department deals with safety and speed limits.

Then there are the National Safety Council, the Transport Board, the transport companies and a number of other authorities such as the Local Government Association, and the Road Board Association, as distinct from local governing bodies themselves, all with certain powers in relation to speed limits, parking areas, pedestrian crossings, and so on. I am convinced that the Minister should call them together to lay down a common plan for the protection of pedestrians. In recent times, children have been run over in my own electorate, and I know one father who now faces an account for approximately £170 because his son, returning from purchasing something in a shop near his home, was run down by a motorcar.

In yesterday morning's paper there was a report of a boy, aged 3½ years, being run down in the metropolitan area. Too many pedestrians are being injured in road accidents, and it is about time a meeting such as I have mentioned was called in an endeavour to solve the problem. If one writes to the authorities about the matter, the department concerned points out that it is doing its best and that the responsibility lies somewhere else.

Recently I tried to get the Police Department to install a pedestrian crossing to safeguard the slow-learning children at Midland Junction. I wrote to the department and stated that some of the women's organisations in my electorate were concerned about the safety of these children, numbering about 15 or 20. I have seen the children standing at the side of the road, in charge of a nurse or female attendant, for anything up to 20 minutes waiting for the traffic to allow them to cross. When they have crossed one end of the bridge at Guildford, they have to wait for perhaps another 20 minutes to cross the road at the other end. The reply I received from the Traffic Branch of the Police Department stated inter alia—

> This matter has already received attention by an officer of this Branch, as a result of a letter making the same request received from the Guildford Municipality dated 27th November, 1953, and as a result of his report in regard to same, I sent the following letter of acknowledgment to the Town Clerk, Guildford Municipality:—
>
> Further to my letter of the 1st December, 1953, acknowledging re-

ceipt of your letter dated the 27th November, 1953, in regard to a cross-walk in Market-st. for the benefit of children at the Harper's Home and at the Guildford-rd. at the Swan-rd. intersection.

Attention has been given to this matter, and as a result, as there are no footpaths in Market-st. from Guildford-rd. to the school and as this street is narrow and not busy, it is considered that a cross-walk is not necessary in this street.

In regard to Guildford-rd., which is a busy thoroughfare, I am not in favour of putting down cross-walks in busy thoroughfares, unless they can be controlled by police, and there are not sufficient police available to control all the cross-walks.

Cross-walks on busy roads lead children into a false sense of security who are taught to use the cross-walks, and they would not take the care when crossing a road at a cross-walk, as they would if there was no cross-walk there.

A number of motorists would not be aware of the presence of the cross-walk and this might lead to the possibility of an accident.

I regret, therefore, that I am unable to accede to your request.

That is the view of the Traffic Branch in connection with providing cross-walks at this particular locality in Guildford.

Mr. Moir: Do you not think there should be some proper indication given of where a cross-walk is?

Mr. BRADY: I am going to deal with that question. I feel that the time has arrived, owing to the huge increase in the number of vehicles on our roads, when the number of pedestrian cross-walks in the metropolitan area should be quadrupled, and it is the duty of the authorities concerned to see that that is done in order that pedestrians may cross the roads in safety.

Mr. Moir: The cross-walks should be policed.

Mr. BRADY: I agree that there should be something to indicate where a cross-walk is and that some means should be devised of ensuring the safety of pedestrians when crossing roads. When in Sydney two years ago, I saw in various places, and particularly near the hospitals, pedestrian crossings at which a signal was provided so that a person wanting to cross the road had only to press the signal in order to indicate to road traffic that he desired to cross. Having done that, he had the right of the road against all vehicular traffic.

Something of that description could well be introduced in our metropolitan area without waiting until the necessity is emphasised by the son of some member or the relative of some Cabinet Minister being knocked down and killed. One frequently sees elderly persons waiting in fear and trembling, afraid to cross the road, until some charitable person takes them across, and I repeat that that sort of thing should not be necessary. The elderly people to whom I refer have probably never owned motor vehicles, and never will, but that is no reason why, when desiring to go about their normal everyday affairs, they have not at least as much right to cross a road as any vehicular traffic has to use it.

Hon. C. F. J. North: Subways should be provided.

Mr. BRADY: I agree, but if we are not to have subways, there should be indicators installed at pedestrian cross-walks and pedestrians should have the right of the road. In fact, the pedestrian at present has the right of the road when using a cross-walk, and so the argument put up by the police that children would be likely to be run over on a cross-walk reflects to some extent on the travelling public, the Police Department and the powers-that-be. I have felt it incumbent upon me to stress this matter because I represent an electorate in which the traffic becomes denser every day.

It is for that reason that I am drawing the attention of the Minister and of the Government generally to the necessity for protecting the pedestrian public, and I say again that it is for the elderly people and young children that I feel most of all. A pamphlet produced by the Traffic Branch of the Police Department points out that pedestrians have some rights, and yet motorists often pay no regard to them at all. The pamphlet states—

> "Cross-walk" means any portion of a roadway specially marked by the local authority for the direction of pedestrians.

Members would do well to encourage local governing authorities to quadruple the number of cross-walks in order to provide some measure of road safety for pedestrians. In the foreword of this pamphlet one reads—

> Traffic laws in general have a twofold purpose—the promotion of safety and the facilitation of traffic.

That implies safety for pedestrians as well as for the drivers of vehicles. The foreword continues—

> Our streets are not laid out to accommodate the heavy motor traffic which is forced upon them, nor are the parking facilities adequate to allow parking in the congested areas. This condition is regrettable, and it makes necessary the most careful regulation of vehicles. Further, it must be borne in mind that the parking of cars is a privileged use of the road.

In this regard, I would remind the House that in two or three of the main streets of Perth, one can, daily, see double parking all day long, while in the outskirts of the city one can see, for almost a mile on both sides of the roads, cars parked all day.

In the foreword it is also stated that it was regrettable that our streets were not able to carry the type of traffic that is running on them. That is self-evident when one sees the way buses are driven in the metropolitan area. As recently as 10.30 a.m. today when travelling to the abattoirs I saw a stationary Beam bus at the corner of Sayer-st., Midland Junction, depositing passengers. A railways bus, about 7ft. 6ins. wide, was following behind and instead of pulling up behind it, the driver decided to go around the Beam bus and by doing so he had to cross the single white line in the centre of the highway on to the wrong side of the road.

That is typical of the way buses are being driven today. Furthermore, instead of these large vehicles pulling off the highway itself to the side of the road so that following vehicles have free access, they are being stopped at the various intersections on the highway, thus constituting a grave danger to traffic. The omnibus companies seem to consider they are a law unto themselves, and I am afraid that if Parliament or the transport authorities do not do something about the matter, the time will come when such practices will become the usual custom and buses will continue to pull up on the highway itself instead of going to the side of the road to deposit their passengers.

Mr. Ackland: Are not private motorists responsible for that by parking where they should not?

Mr. BRADY: I admit that some private motorists are parking their vehicles in the wrong places. I will cite a case where the local governing authority or the Main Roads Department is to blame. Some members may have noticed that only recently the main road in the Guildford area has been repaired. A kerbing has been built up along the edge of the highway out from railway property near Bell Crossing, and buses depositing passengers at that spot cannot pull to the side of the road. As a result, cars have to queue up behind any stationary bus until such time as it moves off again.

The Main Roads Department made a bad mistake in this instance because it should have built the kerb to form a bay off the highway itself to allow any bus to pull to the side of the road and permit oncoming traffic to pass. I consider the time is overdue for the Minister for Transport to have some regard to this position. The article in the "Daily News" stated that speeding is responsible for most accidents. According to the traffic bylaws vehicles should slow down when crossing intersections. In fact, I think the law is that the maximum speed at which a vehicle can cross any intersection is 16 miles an hour. However, if members were to stand at any intersection in the metropolitan area, except along Hay and Murray-sts., they would find that 95 per cent. of the vehicles cross intersections at a speed of 25 to 35 miles an hour.

It is at these intersections that most pedestrians cross the road and as a result they are in great danger under our existing traffic control. I will leave the subject at this stage because I think I have said enough to make members of the House and the Minister for Transport realise how dangerous the position is. I hope that something will be done to solve the problem.

Representing, as I do, an industrial area, where the majority of my constituents are wage and salary-earners, I wish to protest against the continuance of the pegging of wages and margins. As I said before, I hope that this year both the State and Commonwealth Arbitration Courts will waive their decision to peg the basic wage and margins so that the workers will get what they are entitled to. For too long have they been asked to contribute towards the stabilisation of this country's economy while those in the commercial and primary producing spheres have got off scot free.

In many instances they have had the benefit of their taxes being reduced, despite the fact that their profits have risen, and yet the wage and salary-earners have been forced to forgo a rise of 6s. 3d. in the basic wage to which they are justly entitled. As a result of the basic wage being pegged, there has emerged one satisfactory feature and that is that the white-collar workers and the ordinary wage-earners have come together. They have joined in an effort to present a common front in protest against this iniquitous system that is strangling them in this time of economic reprisals or sanctions inflicted by biassed people.

That is the only satisfaction I have got from the action of the Commonwealth and State Arbitration Courts and I hope that both these types of workers will continue to act together to achieve a measure of social justice. I also trust that the Minister for Labour will see his way clear to introduce legislation to improve the Factories and Shops Act. As members know, two years ago, during the regime of the previous Government, I endeavoured to bring down a number of amendments to that Act, but on both occasions those who are now sitting in Opposition made sure that my amendments were not considered by members. At the present time workers in the metropolitan area have

their conditions governed by legislation that is at least 15 or 20 years behind the times and reform is overdue.

I now wish to refer to another vital subject, namely, youth organisation. Earlier I discussed education, from technical, secondary and primary points of view, but I now intend to deal with the teenagers and those who have left school. I hope the Minister for Education will take action to foster the activities of the National Safety Council. I have studied the council's activities for some years. I have watched the work done by its officers, and I consider it is doing a laudable job in the community. It is my earnest wish that a branch of this council be established in the Midland-Guildford electorate in order that young people will be encouraged to take part in its activities as well as in its subsidiary organisations.

Today we are living in an age where we must give youth all the education possible, and by that I mean education in its widest sense. Youth should not only be taught education in the schools but also should be given an opportunity to learn the economic conditions of this State and what the nation expects of them. I wish to interpolate here to point out some remarkable things that have taken place in the last 48 hours. In the Eastern States only recently a member of Parliament more or less referred to what is happening in regard to our near neighbours and what we may have to face in the not-too-distant future. The article I have here is worth quoting. It reads—

> LABOUR MAN HITS AT CHINA VISIT.
>
> MELBOURNE, Sun.—It was a pity that Mr. Attlee's visit to Australia would be "a detour on his return from a pilgrimage of shame to the masters of Red China," Mr. S. M. Keon, Labour M.H.R. for Yarra, said today.
>
> "This visit by the leader of the British Opposition is only part of a vast campaign of pressure which the British Government will bring to bear in an effort to disguise the fact that its policy of appeasement is placing this country in greater danger than when Singapore fell and the Japs were advancing on New Guinea," he said.
>
> He was speaking in a "Labour hour" broadcast.
>
> Mr. Keon said that Mr. Churchill had been unusually frank about British policy when he said recently that he was "less concerned about Asia and the South Pacific than Europe—because he lived in Europe."
>
> Mr. Keon added: "We live in Australia and put Australia first.
>
> "In doing so we must ask what does the recent Communist conquest of Indo-China mean?
>
> "Once more—for the final time—we have given notice to those nations willing to fight Communist imperialism that, in a show-down, we will let them down."

I am tying up the comments in this article with my remarks on education and the necessity of having our youth well-educated, informed, and trained in every way so that they may prove fit and proper citizens of this country of ours.

Let me remind members that only last month the Press in Singapore featured several articles on an incident that occurred there when thousands of school children isolated themselves in the school building rather than do national training. These children were of school age and a number of them were in their teens. They had been asked by their parents and the authorities to do two hours' training per week but they were not prepared to do this. Therefore I wish to emphasise the point that we cannot give our children enough education, especially those in the teenage group who, in the next ten years, will be the country's leaders.

I wish to connect my remarks with what Mr. Keon said regarding what happened in Singapore last month and what Mr. Halliday said when addressing the Victoria League at its annual meeting recently. He said, "The wealth of a nation lies not in bricks and mortar but in its youth." Later, in his address Mr. Halliday was reported as saying—

> For many young people education finished at 14 or 15 years of age, and they then developed to adulthood by what they saw and heard among those with whom they associated.
>
> They found, in the main, that the interests of the majority of Australians concerned how much could be gained rather than how much could be given, "something each way" on Saturday, and a few drinks after work.
>
> "The general education of young people is being placed in the hands of the uneducated person who has not been trained in discernment, or to be a contributing person to a democracy," Mr. Halliday said.

Mr. SPEAKER: The hon. member's time has expired.

On motion by Hon. L. Thorn, debate adjourned.

Sitting suspended from 6.15 to 7.30 p.m.

BILL—RENTS AND TENANCIES EMERGENCY PROVISIONS ACT AMENDMENT.

In Committee.

Debate resumed from an earlier stage of the sitting. Mr. Moir in the Chair; the Minister for Housing in charge of the Bill.

Clause 18—Sections 20A and 20B repealed (partly considered):

The CHAIRMAN: Progress was reported on the following amendment moved by the member for Dale:—

(1) Delete "Sections 20A and" in line 18 and substitute therefor the word "section."

Mr. WILD: I have had a look at the amendments submitted by the Minister, which all relate to the repealing of these two sections, and I cannot agree with the contention put forward by him that those amendments will meet the wishes of the Opposition. I contend they are in the wrong place, and I therefore must insist that the amendments standing in my name remain. At present a man applies to the local court; it is a normal process. If these two sections are deleted we will go back to where we were before, and applications will be made under the old rents and tenancies legislation. We have had the ordinary court to deal with the matter, and people have known where they stood. If the clause is agreed to, there will be confusion all over again. The Committee should insist on my amendments being accepted.

The MINISTER FOR HOUSING: It seems to me that the member for Dale does not admit the existence of the situation which I feel is obvious to everyone else; namely, that the new Sections 20A and 20B are responsible for the position which confronts us today. They were the cause of the special session being called, and of this one taking place earlier than usual. Obviously the only way to overcome the position which has been created is to remove those offending sections. Then it is a question of what is to be inserted to take the place of what is provided in Sections 20A and 20B. By and large, we are using the verbiage employed by the member for Dale himself. As a matter of fact, there is scarcely any departure from that verbiage.

Hon. A. V. R. Abbott: Only 100 per cent!

The MINISTER FOR HOUSING: No; the form is identical. That is to say, the lessor will give 28 days' notice to quit. If the lessee is still in possession the case will be referred to a court. That procedure applied in prewar days before there was a rents and tenancies Act. The court will hear the case and give its decision, and there is only one departure from its being automatic; that is, the onus is thrown on the tenant to establish some reason of severe hardship. Then it is possible for the court in its wisdom to grant some extension of time. That is the provision sought to be inserted by the member for Dale himself.

Hon. A. V. R. Abbott: Is not the distinction that under your amendment a tenant can go on applying as many times as he likes? He can get four months and then apply for and obtain another four months, and go on doing that till the Act terminates.

The MINISTER FOR HOUSING: Only if he is able to prove—and that is the word—to the court that there is a reason of severe hardship.

Hon. A. V. R. Abbott: There may be severe hardship on both sides.

The MINISTER FOR HOUSING: That may be so; but frankly I do not know how it could be on both sides, because we have already made provision which is automatic for the owner of premises who requires them for his own purpose, to obtain possession. Therefore, the objection is fictitious. Not for one moment will I consider agreeing to the amendment to delete the offending sections that are responsible for the existing situation. But I say that by broadly using paragraphs prepared by the hon. member, and inserting them in the proper place, to a very great extent we give him that which he seeks. I ask the Committee to reject the amendment.

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

Ayes	20
Noes	21
Majority against	1

Ayes.

Mr. Abbott	Mr. Nalder
Mr. Ackland	Mr. Nimmo
Dame F. Cardell-Oliver	Mr. North
Mr. Cornell	Mr. Oldfield
Mr. Court	Mr. Owen
Mr. Doney	Mr. Perkins
Mr. Hearman	Mr. Thorn
Mr. Hill	Mr. Watts
Mr. Manning	Mr. Wild
Sir Ross McLarty	Mr. Hutchinson

(Teller.)

Noes.

Mr. Andrew	Mr. Norton
Mr. Brady	Mr. Nulsen
Mr. Graham	Mr. O'Brien
Mr. Hawke	Mr. Rhatigan
Mr. Heal	Mr. Rodoreda
Mr. Hoar	Mr. Sewell
Mr. Jamieson	Mr. Sleeman
Mr. Johnson	Mr. Styants
Mr. Kelly	Mr. Tonkin
Mr. Lapham	Mr. May
Mr. Lawrence	

(Teller.)

Pairs.

Ayes.	Noes.
Mr. Mann	Mr. J. Hegney
Mr. Bovell	Mr. Guthrie
Mr. Brand	Mr. McCulloch
Mr. Yates	Mr. W. Hegney

Amendment thus negatived.

Clause put and passed.

Clauses 19 to 22—agreed to.

New Clause—Section 20C added:

The MINISTER FOR HOUSING: I move—

That the following be inserted to stand as Clause 19:—

19. The principal Act is amended by adding the following section—

20C. Upon any application pursuant to the provisions of section thirteen of this Act being lodged by a lessee (other than a lessee under notice

to quit, or to terminate the tenancy of premises) with the Court or an inspector (as the case may be) for the amount of the rent of the premises to be determined, a notice to quit or terminate the tenancy shall not thereafter be issued in respect of those premises until after the expiration of a period of three months from the date of the lodgment of such application or its determination by the Court or the inspector (as the case may be), whichever is the later:

Provided that where the amount of the rent determined by the Court is less than ninety per centum of the amount of the rent being charged or requested by the lessor at the date of the application as aforesaid, a notice to quit or terminate the tenancy shall not be given to any such lessee until after the expiration of a period of twelve months from the date of that determination of the rent by the Court.

The verbiage used here is almost identical with that proposed by the member for Dale with regard to the earlier portion. There is a difference in that the member for Dale proposed that where an application was made by a lessee for the rent to be determined, notice to quit should not be given until after the expiration of three months or the earlier determination of the rent by the court. My amendment makes it three months or the determination of the application by the court, whichever is the later.

The Government's proposition has considerable merit because it is obvious that the owner of premises is taking steps to get rid of his tenant only because of the rent factor. Where the tenant makes an application for the determination of a fair rental, the landlord can get his own back by giving 28 days' notice to quit. The Government feels it should not be quite as easy as that. The Opposition thinks similarly, but assuming the tenant is able to have his application for a fair rental heard within a week, then it means that at the expiration of one week the landlord can give the 28 days' notice to quit. He does that only out of pique or spite because the tenant is not prepared to accept the rental which is too excessive and which, incidentally, is proved to be excessive, probably, by the determination of a lower figure by the court.

The desire of the Government is to do everything possible to restrain and discourage those lessors who show a disposition to push the rents up to outrageous figures, and who if unable to get away with that, take it out of the tenant by giving the 28 days' notice.

Hon. A. V. R. Abbott: The landlord could not do that if you allowed the other amendment of the member for Dale because he could not have got to the court within four months.

The MINISTER FOR HOUSING: When was this?

Hon. A. V. R. Abbott: Just now. You disallowed it.

The MINISTER FOR HOUSING: I did nothing of the sort! The only thing I disallowed was the deletion of the words "Section 20A and." That is the only difference until we come to the proviso. The member for Dale suggested that where the rent determined by the court was less than 75 per cent. of the rent being paid by the lessee, an eviction action should be denied the owner for a period of 12 months. The Government feels there is too much margin in 75 per cent. The Deputy Premier gave an indication of that when he said that the fair rental might be £3 and the landlord asks for £4 and is still able to get away with it without any penalty or inconvenience to himself.

When it comes to business premises the difference between £3 and £4 can be magnified many times. If we have something which will make the landlord particularly careful whilst still allowing some margin for error we will be doing something that is good. If he says that he will be on the safe side and make the rent a little bit less than he would like, that surely is all to the good. I should say, although I do not know anything about it, that because of the situation at the present moment there should be an adjustment of the State basic wage in the vicinity of 15s. That took place when it was known that the Government was concerned about the situation and there was every prospect of their being an earlier meeting of Parliament, which, in fact, there is.

If we do not place sufficient deterrents in the new legislation, then I suggest the steep increases which have taken place will be only a foretaste of what will occur later. Members can see for themselves, by comparing the amendment I have circularised with that of the member for Dale as appearing on the notice paper, that in principle there is not a great deal of difference between us, but in detail there is some modification.

Mr. WILD: The Minister apparently agrees with the contention of the Opposition up to a point, but it seems that he has accepted our amendments with one hand while the other he has got out a sharp knife with which to stab them in the back. I agree with the first portion of the Minister's amendment. We inserted the three months' provision because of the fellow who puts the rent and the eviction notice virtually together. It prevents the landlord from being able to give the tenant notice of eviction while he has an action before the court.

But there must be something to ensure that the tenant gets his application before the court as quickly as possible, and that is why we said we would give him three months to get before the court; otherwise

he had to take what was coming to him. Under the Minister's proposition, the moment he does that he will get three months, at the least. That defeats the intention of the amendment put forward by the Opposition. I therefore cannot agree to the fixed period of three months, which is covered by the words "whichever is the later." I say it should be, "whichever is the sooner."

In the second portion of the amendment the Minister has raised the question of the 75 per cent. He wants to make it 90 per cent. There is no flexibility in 90 per cent. We might as well say 95 per cent. A man needs to have a pretty decent sort of judgment to get within 10 per cent. of what the magistrate will order. We want to get at the man who is overcharging in rent. We think that 75 per cent. is reasonable. It could be 70 per cent. or 80 per cent. That gives some latitude whilst at the same time it stops the racketeer.

If the landlord charges more than 75 per cent. he is getting to the stage of being unscrupulous. It might as well be 100 per cent. as 90 per cent. I oppose the amendment as it is at the moment. If the Committee agrees to it I will move to delete the word "later" and insert in lieu the word "sooner" and will then move to delete "90 per cent." and insert "95 per cent."

The MINISTER FOR HOUSING: I do not think the member for Dale understands the provision that he himself sought to have inserted. This is not a question of a tenant being able to keep the owner of premises tied up for a certain period. The tenant will not be the determining factor as to when his application for a fair rent determination will be heard.

Mr. Wild: But he could help to delay it.

The MINISTER FOR HOUSING: How could he?

Mr. Wild: I can think of many ways.

The MINISTER FOR HOUSING: The tenant applies for the determination of a fair rental. That puts a prohibition on the owner immediately from giving notice to quit. The tenant makes application to the court for a date for his case to be heard. The matter then depends on the court itself. If there is a delay of two weeks or two months, it is on account of the state of the business before the court.

I do not know whether it is possible to make application to any court for a particular matter to be heard in two and a half months time merely for the purpose of getting the landlord tied up, or instead of 2½ make it four months, five months or six months, because apparently the member for Dale feels that the tenant will be in a position to make the proceedings protracted. I should say, particularly if we have a special fair rents court, that he would be able to make application to the court today and have it determined next week. The Government wants to stop the owner of premises taking out his spite on the tenant by immediately saying, "Because you approached the court, take 28 days' notice."

Hon. A. V. R. Abbott: What about the position where a landlord and a tenant came to an amicable arrangement for an increase in rent because it was perfectly lawful for them to do so? You are making this retrospective and saying that even if the tenant and the landlord do agree and the tenant appeals, the landlord cannot increase the rent, not beyond what the court says but beyond the rent that has been charged for 12 months.

The MINISTER FOR HOUSING: I do not think I am making anything retrospective, because I am using the verbiage used by the Opposition.

Hon. A. V. R. Abbott: All right.

The MINISTER FOR HOUSING: However, in that regard, the position is as I have emphasised on several occasions; in the great majority of cases, the tenant has had no alternative other than to sign on the dotted line. However extortionate the rental may have been, the tenant has been compelled to accept the position, because the alternative was 28 days' notice On the face of it the tenant has amicably agreed with his landlord, but this was during a period of duress—a period when there was no alternative open to him. If the rental is fair and reasonable and the tenant takes it to the fair rents court, there will be no departure from the existing figure.

Lurking at the back of the minds of the members for Mt. Lawley and Dale is the fear that the lessor will suffer some sort of handicap or injustice, which, of course, will not be the case. He could be brought down from a terrifically high figure to a fair rental, but he would be getting a measure of justice and he would be brought down by the court only if he were overcharging. Of course, it could happen in certain cases that the rent would be a figure higher than that being charged. That is why we want a court that will fearlessly and without instruction hear a case and make a determination on what is considered to be a fair figure in this year 1954.

I do not think the objections to the 90 per cent. are valid. Take the case of a place that might be in the opinion of the landlord, worth £5 a week rent. The landlord is after £5 but the court decides £4 10s. That would not affect the landlord one little bit, but if he went beyond that figure, it would, and it would make him particularly careful because he would not want to lose the right to evict. I might be prepared to listen to 85 per cent., but probably it would require a skilled mathematician to work out the margin. I think a round figure of 90 per cent. is fair and reasonable.

Mr. WILD: The Minister has not convinced me regarding the first part of his proposed new clause. He based his argument on the fact that the landlord might vent his spite on the tenant and, because the tenant had made application to the court, the landlord, as soon as the determination had been made, might give him 28 days' notice. Very few landlords would do that.

Mr. Heal: Quite a few, I think.

Mr. WILD: We differ on that point. The unscrupulous fellow is fairly well covered. With regard to the second part of the proposed new section, whether the figure be 75 per cent, or 90 per cent., the tenant will get justice if the landlord tries to over-reach himself, because he will not be able to give the tenant notice for a period of 12 months. I cannot visualise many landlords giving their tenants 28 days' notice merely because they had approached the court. There would be the odd case only. After all, if a landlord has a good tenant who has paid his rent regularly over the years and has looked after the premises, why should he give him 28 days' notice when the new tenant might be far worse? It is not a valid argument to say that the landlord would take it out of his tenant merely because he made application to the court.

With regard to the figure of 90 per cent., I would be prepared to accept 80, which I think is a fair thing. As I said, I could have made the figure 70 or 80, but I think the margin should be more than 10 per cent. The Minister also said that he did not see how a tenant could delay proceedings. As the Minister probably knows, if a lawyer does not want to have his case heard quickly, there are all sorts of ways in which he can delay proceedings; he can be sick, busy, or his client can be away in the country. If the court sits only on Tuesdays and Thursdays, it would be quite easy for a man to have a case deferred for some time. I think we should limit the period in which the tenant must get his application before the court.

The MINISTER FOR HOUSING: Up to date the spirit of conciliation and co-operation has been very much one-sided. The Opposition has not conceded one point.

Hon. A. V. R. Abbott: What rot you are talking! I will not have that.

The MINISTER FOR HOUSING: The records of "Hansard" will show that every amendment of which notice has been given by the Opposition has been insisted upon.

Hon. A. V. R. Abbott: No, it has not.

The MINISTER FOR HOUSING: The only alterations were the concessions which have been made by the Government. I agree with the member for Dale, but I part company with the conclusions he drew. He said that the great majority of landlords would not take it out of their tenants merely because they had approached the court for a determination of a fair rental. He also told us that landlords would let their tenants continue in occupation because they had been there for years and had proved themselves to be good tenants. I agree, but such a landlord would not be affected or worried as to whether there would be a limitation of three months on his ability to evict. If the figure was one month or 12 months, it would not worry that landlord.

Hon. A. V. R. Abbott: Would it matter if there was no hardship on the tenant?

The MINISTER FOR HOUSING: That is a totally different matter.

Hon. A. V. R. Abbott: No it is not, because you have a provision in the Act which is a hardship.

The MINISTER FOR HOUSING: Of course I have.

Hon. A. V. R. Abbott: Then why do you want more than that.

The MINISTER FOR HOUSING: It is not here.

Hon. A. V. R. Abbott: You do not want it.

The MINISTER FOR HOUSING: As a matter of fact, it is not in the Act yet. I am seeking to put it in.

Hon. A. V. R. Abbott: It is in the Act already.

The MINISTER FOR HOUSING: But in a totally different form from that envisaged in the amendment.

Hon. A. V. R. Abbott: Giving the magistrate absolute discretion.

Mr. Heal: Is not that fair enough?

The MINISTER FOR HOUSING: As a matter of fact, it is not absolute discretion, but we can debate that when we come to it. The member for Dale said that the overwhelming majority of landlords will not want to evict their tenants merely because they appeal to the court for a determination of a fair rent. Therefore they will not be the least bit interested.

But it is the scoundrel that we are after; the man who will take it out of his tenant merely because the tenant has approached an independent tribunal for the determination of a fair rental. As I said before, it is likely that a tenant who seeks such a determination will have to wait only a week or two for the court to make a decision and then the landlord is as free as the air. Surely, we should not have any sympathy for the type of landlord who will vent his spleen on his tenant, and it is only fair that we should take away from him, for a short three months, the right to evict.

Hon. A. V. R. Abbott: Even if the tenant suffers no hardship?

The MINISTER FOR HOUSING: We are not concerned about the suffering of hardship but about the owner of premises

taking vindictive action against a man who applies to a court for justice. The landlord suffers nothing; he still gets his rent in full, as determined by the court.

Hon. A. V. R. Abbott: No, he does not.

The MINISTER FOR HOUSING: Yes, he does, because for that three months, and during the life of this legislation, he will be entitled to the fair rent determined. No harm will be done to the decent landlord, who is in the great majority, and it will have a salutary effect on the landlord who has not much in the way of principles. What is wrong with that? I would like to hear the member for Dale, or some other Opposition speaker, on this point. If there were some merit in their contention, I would concede the point. This is not anybody's political platform; it is only what we consider to be the honest and reasonable thing to deter a landlord from seeking to kick out his tenant because he asks for a fair rental. There is nothing wrong in the three month provision. If the Opposition can convince me, I will concede the point but they must be prepared to concede a point or two themselves.

Hon. A. V. R. ABBOTT: I want to be willing to give way to the argument put forward by the Minister, particularly if he can convince me that what he says is correct. The Committee has already reinstated Section 20 of the Act which lapsed on the 1st May. Accordingly, it does not matter whether a landlord gives notice or not. He cannot get possession of his premises without applying to the court.

The Minister for Works: He never could.

Hon. A. V. R. ABBOTT: He could.

The Minister for Works: How could he?

Hon. A. V. R. ABBOTT: By going into the premises.

The Minister for Works: He cannot do that.

Hon. A. V. R. ABBOTT: Of course he can.

The Minister for Works: Under what rule of law?

Hon. A. V. R. ABBOTT: Under common law. Section 20 (5) states—

> On the hearing of the application, the court shall consider the particular circumstances of the case and having regard to the substantial merits of the case, make such order as the court thinks just.

Is not that fair? Why should there be absolute protection for three months if the court thought otherwise? Let us consider the landlord and tenant who, since the 1st May, have agreed to a rent allegedly under duress—but they have agreed!

The Minister for Works: That is the kind of agreement between the hangman and the prisoner.

Mr. Brady: Is an agreement under duress an agreement?

Hon. A. V. R. ABBOTT: No, I do not think it is; it is alleged that it might have been an agreement under duress. That is not my argument; it is the Minister's. This amendment goes through and the tenant immediately applies to the court. The court says, "I think you have been charged a bit too much: you have agreed to it, but I think it is a bit too much; he should only get 89 per cent." That will encourage the tenant, because he will have a whole year's lease. Accordingly, there will be numerous applications by tenants to get their rent reduced by 89 per cent., because, at any rate, they will get three months.

The Minister for Works: Are not you a bit off the beam? It does not provide for a reduction of 89 per cent?

Hon. A. V. R. ABBOTT: By 11 per cent. In that case under the proposed amendment, although it has been agreed to, the man gets a yearly tenancy because the amendment says—

> Provided that where the amount of the rent determined by the court is less than ninety per cent. of the amount of rent being charged.

"Charged," let members note; and that can only happen if it were agreed to at the date of the application.

Hon. A. F. Watts: He wanted 75 per cent. instead of 89 per cent.

Hon. A. V. R. ABBOTT: Yes, but he did not want the word "charged" in. Why have three months protection? Why not leave it to the discretion of the magistrate who will consider the particular circumstances of the case and see whether there is any hardship on the tenant? There may be none at all. Having regard to the substantial merits—and why should not he regard the substantial merits—he will make such order as he thinks fit. What is wrong with that? Why does the Minister want these provisions?

The Minister for Housing: The member for Dale first suggested three months.

Hon. A. V. R. ABBOTT: I know he did, because he opposed the reinstatement in the Act of this particular provision. If it were not in, then some protection would be warranted, with that I agree. But when the Committee decided that a lot more protection was needed, then the member for Dale was prepared to suggest the protection he advocated was not required. It is an absurdity. Every member of the Government has been urging that we leave matters to the discretion of the magistrate, but now they want to take it from the magistrate, and make it three months. I know the Minister intends to amend on recommittal the section I read out. It is a little more severe. It says "severe hardship" instead of "hardship." Can anyone make a distinction between the two?

The Minister for Housing: They are your own words.

Hon. A. V. R ABBOTT: Not mine.

The Minister for Housing: The words of your party.

Hon. A. V. R. ABBOTT: That might be so. We should leave it to the discretion of the magistrate because he will still have discretion under the other section.

The Minister for Housing: Very limited.

Hon. A. V. R. ABBOTT: I would not call it that, if it is subject to the substantial merits of the case.

The Minister for Housing: Read the amendment on the notice paper.

Hon. A. V. R. ABBOTT: The words now used are, "on account of any reason of severe hardship." Those are used instead of "having regard to the substantial merits.

The Minister for Housing: Proved by the lessee.

Hon. A. V. R. ABBOTT: The substantial merits always have to be proved by the lessee.

The Minister for Housing: The merits of weighing up the lessor on the one hand and the lessee on the other; but this is one-sided.

Hon. A. V. R. ABBOTT: He still has to weigh up and hear what the tenant and the landlord have to say; he then has to see if there is severe hardship, and if there is, he can suspend it for four months. If at the end of the period the tenant wants to make an application, he can hear the tenant and the landlord, and if he thinks there is more hardship, he will give another four months. That makes eight months. After that, the Act will almost expire and I do not know what will happen.

Having given discretion to the magistrate, we do not want to take it away in the case of rent. We do not want to say, "It is not a case of hardship; he must have his three months; we are not going to have this application to the court." The the tenant might say, "The landlord came to me and said, '£5 10s. will be a fair rent,'" and the landlord might say, "No, I asked the tenant what he thought." Whether that is a request or not I do not know.

Mr. COURT: If the amendment envisaged by the member for Dale is moved, I hope the Minister will agree to the inclusion of the phrase "whichever is the sooner." I would not like to vote against an amendment with which I agreed in the main. What the Minister is endeavouring to do is 90 per cent. anyhow of what was envisaged in the amendment put forward by the member for Dale. There are two differences which are material to the viewpoint of the Opposition. The Minister has stated three months, or the date of determination by the court, whichever is later. In other words, the determination could be made by the court after one month. The three-months period will still run, after which notice of eviction can be given. On the other hand the court may not be able to hear a case until the fourth month, in which event notice of eviction cannot be given until after its determination.

The original amendment was satisfactory in that it did impose some known time limit on the parties. Assuming the court did not make a determination after the expiration of three months, the normal procedure of eviction would have to take place. Practically, the original amendment of the member for Dale, and in certain respects approached by the Minister for Housing in another direction, was sound. For that reason I propose to move for an alteration to that part of the proposed new section.

Regarding the provision of 90 per cent. in lieu of 75 per cent., I do submit that the 10 per cent. as envisaged by the Minister is an inadequate tolerance. There should be at least a 20 per cent. tolerance. To illustrate this, a genuine error was made in the last 24 hours by two agents, neither acting for a particular party. One fixed the rent for a house at Campsie-st., Shenton Park, at five guineas, and the other at six guineas.

The Minister for Works: Did they both inspect the premises?

Mr. COURT: Yes. It is let furnished at five guineas, but in all sincerity it could have been let at six guineas. Had that been the case and the matter taken to court, and the court decided that the rent should be five guineas, there would be a difference of one guinea, which was the difference between the two valuations. This represents a difference of 16 per cent.

There is a case of business premises in West Perth at present subject to negotiation. One party offered £20 a week, and two others, equally competent and convinced as to their ability to make a living and a profit from the premises, offered £27 rental. There was no duress. Here is a difference of £7. The premises are being valued and the rent has not yet been determined. The fact is that here is a genuine difference of opinion among hard-headed businessmen not subjected to duress, of £7. If this amount is taken as a percentage of £20, the margin of tolerance is very great. If the landlord accepted £27 and finished up in court, and the court decided that £22 was a fair rental, he would immediately be in trouble, not because he held the gun at anyone's head but because of a genuine mistake.

The Minister for Works: What trouble would he be in?

Mr. COURT: He then has to charge a fixed rent.

The Minister for Works: What is wrong with that?

Mr. COURT: The landlord will then be unable to deal in the premises—

The Minister for Works: But that is no great hardship.

Mr. COURT: The original amendment envisaged a 25 per cent. tolerance, and if the tolerance is increased from 10 to 20 per cent. as envisaged by the Minister, it would be more practicable. I support the motion provided those two parts of Section 20C are amended.

The MINISTER FOR HOUSING: I am glad to hear from the member for Nedlands that a proposition submitted by the Government was 90 per cent. acceptable. In other words, it indicates that the Government has gone 90 per cent. towards meeting the Opposition's wishes.

Hon. A. V. R. Abbott: I do not think the member for Nedlands said that.

The MINISTER FOR HOUSING: His statements will be on record. I am prepared to amend my own amendment from 90 to 80 per cent.

Hon. A. V. R. Abbott: What about cutting out the three months?

The MINISTER FOR HOUSING: That was put there by the Opposition.

Mr. Wild: You have reversed it.

The MINISTER FOR HOUSING: In the amendment of the member for Dale he envisaged the position where a landlord was denied the right of eviction for a period of three months when the lessee approached the court. That appears on the notice paper and cannot be disputed. Here again I have accepted 50 per cent. of the principle that he has laid down. Upon reflection all members will agree that three months will be the maximum. No application would remain before the fair rents court for that time before its determination and if such a stage were reached then we would have a dozen fair rents courts if necessary to keep pace with the applications.

This argument condemns the Opposition because it indicates that there is such unrest on the part of the people over the high rental charges, that they have approached the court. In 99 per cent. of the cases the court has effected reductions. Had the court made reductions in odd cases there would have been no inducements for lessees to make applications. It costs a fair amount of money to make an application and there is a further risk on the part of the lessees that at the expiration of three months there would be the 28 days' notice to quit. My proposition is not stacked in favour of the tenant. The Government appreciates the viewpoint that there should be some penalty in cases where tenants are seeking justice. That penalty is not severe. After all, the landlord will be getting the full fair rental, except that he will, for three months lose the right to evict the tenant. That proposition is fair and reasonable.

The Government is anxious not to impose restrictions upon lessors but only to pass legislation that will block the gaps, which are perfectly obvious now, with regard to evictions, and also to see that there is no super-exploitation of tenants. Therefore at this stage I am not going to move for the alteration of the 90 per cent. to 80 per cent. in accordance with the wishes of the Opposition in case members opposite want to move an amendment to put the provision in the original form, which I shall oppose. If the Opposition does not press the point, then I am prepared to reduce the 90 per cent. to 80 per cent.

Mr. WILD: We do not want to split straws over a small amount of time. The Opposition considers that three months will be quite sufficient for an applicant to get his case heard. In view of the fact that the Minister has agreed to 80 per cent. I am prepared to give this assurance that I will not press my earlier amendment to delete the word "later" with a view to substituting the word "sooner."

The MINISTER FOR HOUSING: I ask leave to delete the word "ninety" with a view to inserting the word "eighty."

Leave given.

New clause, as altered, put and passed.

Title—agreed to.

Bill reported with amendments.

Recommittal.

On motion by the Minister for Housing, Bill recommitted for the further consideration of Clauses 10 and 17.

In Committee.

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

Clause 10—Section 13 amended:

The MINISTER FOR HOUSING: The amendment I shall move is to delete certain words from a proviso that was inserted last week at the instance of the member for Dale, following the deletion of a few words. It provides that where, after the 30th April, a lessor gives a lessee notice to quit, the rent of such premises on and after the date of such notice or the 1st August, 1954, whichever is the later, shall not exceed that payable in April without a determination by the court. Upon reflection, I am unable to satisfy myself that, because a landlord took the bull by the horns immediately following the 30th April and charged an extortionate rent, he should necessarily be granted a Queen's pardon for the period between that date and the 1st August.

Hon. Sir Ross McLarty: It is not a matter of a Queen's pardon. It was the law.

The MINISTER FOR HOUSING: To do so was lawful, but it is definitely wrong morally. If a rent were excessive on the

1st August and later, surely it was excessive in June or July and the tenant should not be mulcted in of the excess amount! The amendment will make the provision accord with what we agreed to in Clause 20 and, in order to be consistent, the Committee must accept my proposal.

Under Clause 23, the lessee would not be bound to pay the amount of the increase and would be entitled to recover it from the lessor. In other words, we give authority to the lessee to take action, if he so desires, to recover any excess amount he has paid from the 30th April to the 1st August. The proviso as it stands would permit of a select group of lessors retaining, without a challenge, the amount of the excess paid. It would be ridiculous if 99 per cent. of the lessors were required, under action by the tenant, to refund the excess amount and a small percentage were allowed to retain this extra money. I move an amendment—

> That the words "or the first day of August one thousand nine hundred and fifty-four (whichever is the later)" be struck out.

Where, after the 30th April of this year, a lessor gives notice to quit, the rent of the premises shall be as it was in April unless otherwise determined by the court.

Mr. WILD: The amendment is wrong in principle. What a man does within the law should stand. What else can a man do except obey the law? We are being asked to penalise these landlords. Take one who has given the tenant notice to quit after the 30th April. The tenant has left and has been replaced by a newcomer who has made an agreement with the landlord. If the tenant makes an application to the court, the landlord will be required to refund the excess that the tenant was prepared to pay while it was within the law.

Only a brief period from April to the 1st August is involved, so the amount could not be much. It would be a dangerous principle to declare one day that a certain thing is the law, and then later to tell a man who has obeyed that law that he must refund money received quite lawfully. We should not change our minds by saying that the law of a couple of months ago was not right and that we are going to alter it. On those grounds, I must oppose the amendment.

Mr. JOHNSON: The hon. member argued that if a man obeys the law, what is done is legal and we should not take action against him. That is a sound principle, but in the case in question, the man was not obeying the law because there was no law on the subject.

Hon. Sir Ross McLarty: Of course there was.

Mr. JOHNSON: There was no law to regulate the amount of the rent, but people realise that there are certain moral laws. Therefore anyone who charged an excessive rent was not obeying or disobeying the law, and that is where the argument of the member for Dale breaks down. We agree that if a landlord overcharges, it should not be permitted. I have never heard even the Opposition suggest that, because price control has been abolished, anyone should charge the utmost possible for articles he has to sell. That would not make sense and the argument of the member for Dale does not make sense.

Hon. Sir ROSS McLARTY: I think the argument of the member for Dale in regard to the Minister's proposal should receive the serious consideration of the Committee. Although in some cases there may have been need for retrospective legislation, I am not generally keen on it. When dealing with taxation and matters of that kind, retrospectivity is undesirable, but I do not think there is any doubt that in charging these rents, excessive or otherwise, landlords were acting within the law, and without any idea that retrospective legislation would be introduced. Had they known of the likelihood of such legislation, in some cases the excessive rents would probably not have been charged, but in any event it is exceedingly difficult in any class of business, when retrospective legislation is applied, to make the persons concerned return money they have collected and in certain cases the repayment might involve considerable hardship.

Mr. Johnson: That could apply only to people who had overcharged considerably and who therefore had plenty of money.

Hon. Sir ROSS McLARTY: I think it might inflict hardship on some of those compelled to refund the money. I support the member for Dale.

The Minister for Housing: As I have already pointed out, we agreed to Clause 20.

Hon. Sir ROSS McLARTY: That is unfortunate. We intended to oppose it, but it went through. Would you agree to recommit it?

The Premier: Not this year.

Hon. Sir ROSS McLARTY: Then we will have to do it in another place.

The MINISTER FOR HOUSING: The fact is we have agreed that in practically all cases the money over and above the rentals charged during April of this year shall be refunded if the tenant cares to make application. It would be anomalous if we had a different formula in respect of the minute percentage of people likely to be affected here.

Hon. A. V. R. Abbott: Would those who have signed leases for long periods be affected also?

The MINISTER FOR HOUSING: Definitely, if the court decides on a lower figure. I have given instances, as I have

seen the documents. A person in Royal-st., East Perth, who was on a weekly tenancy—I think the place has been on that basis since it was erected—now has an 18 months' lease at a higher rental. That woman wrote to me to see what could be done in the matter and I pointed out that she had practically no alternative but to sign the lease at the higher rental as otherwise she would almost certainly receive the 28 days' notice to quit. I agree that, generally speaking, legislation should not be retrospective, but this rents and tenancies measure had as its parent the Increase of Rent (War Restrictions) Act which was assented to on the 20th December, 1939, and we find that that measure was retrospective in its application for a period of four months, in that it pegged rents as at the 31st August, 1939.

Mr. Wild: That was wartime legislation.

The MINISTER FOR HOUSING: It was made retrospective to cope with a certain situation.

Mr. Wild: Yes, a state of national emergency.

The MINISTER FOR HOUSING: At the present moment there is a state of emergency in respect of housing with all these cases coming before the court. I say now that this week, for the first time since I have been Minister for Housing, it is impossible to house all those evicted under court orders, as there were 30 such orders last week in the two courts, and the rush has only just started under the provision for the automatic eviction on 28 days' notice. The situation has arisen because of a bad law caused by a lack of appreciation of the situation by the Legislative Council.

Hon. Sir Ross McLarty: Your amendment will not prevent eviction.

The MINISTER FOR HOUSING: No, but I say that the present situation developed because of a bad law and during the period from the 30th April to the present, knowing that all these notices to quit had been issued, tenants have had no alternative but to agree to the higher rentals asked, no matter how unfair they were.

Hon. A. V. R. Abbott: You would not agree to extend the Act to the beginning of September.

The MINISTER FOR HOUSING: We need not go over that again. I have already given the particulars so that the member for Mt. Lawley may refer to them and have said that such an amendment was moved in another place by Mr. Simpson and was defeated by votes of Liberal Party members, no division having been called for.

Hon. A. V. R. Abbott: But you voted against the provision in this Chamber, although you will not admit that.

The MINISTER FOR HOUSING: If the member for Mt. Lawley will shut up for a moment I will. I voted against the extension to August, 1954, because I was voting for an extension to December, 1954.

The Premier: That is the point.

Hon. A. V. R. Abbott: You would not permit the extension to September.

The MINISTER FOR HOUSING: No, because I wanted the extension to December and the hon. member knows that irrespective of what this Chamber thought, the final determination lay with the Legislative Council. It is recorded in "Hansard" that an amendment moved by Mr. Simpson to extend the protection for that period was defeated by Liberal Party members in another place.

Hon. A. V. R. Abbott: And by the Labour Party.

The MINISTER FOR HOUSING: I do not think that can be said as no division was called for. I was in that Chamber listening to the debate at the time and my attention was focussed on the person of Hon. H. K. Watson. I noted how he voted, but cannot answer for the others. At all events the amendment was defeated in another place and Labour members there could not do that without the assistance of the Liberal members.

Hon. A. V. R. Abbott: How do you know you would not have got it—

The MINISTER FOR HOUSING: It was in the charge of Mr. Simpson, who had the right to call for a division.

Hon. A. V. R. Abbott: Had not your members the right to call for a division?

The MINISTER FOR HOUSING: That question should be addressed to them. Having agreed that the lessee may approach the court for a refund of the excess rent over and above a fair figure, it would be the height of stupidity for this Committee to except a small handful of landlords who are covered by this provision. On the ground of consistency the Committee must agree to the amendment.

Mr. HEAL: I rise to stress to the Opposition that in the last six months many tenants have been forced into signing agreements to pay excessive rents, under threat of 28 days' notice. There are many city offices in the West Perth electorate and many tenants and lessees there have been affected. As an instance, a prominent insurance society wrote to an individual—

> I have been instructed by the local board of directors to inform you that it is proposed by the Society to increase the rental of rooms Nos. 6 and 7 to £10 19s. and room No. 12 to £6 10s. per calendar month as from the 1st July, 1954. Additional charges —electricity as per meter and P.C.C. rubbish clearance. These rentals are

in accordance with valuations supplied to us by the Society's valuators. We would appreciate your concurrence to this increased rental by signing the agreement at the foot hereof and the return of same to us not later than the 24th instant.

The agreement reads—

I hereby agree to the above increase of rental to be operative as from the 1st July, 1954.

Hon. L. Thorn: The increase may have been small.

Mr. HEAL: I do not know what it was, but the person concerned said he could not afford to pay it, but that if he did not agree he would receive 28 days' notice.

Hon. A. V. R. Abbott: The increase was fixed as reasonable by an expert.

Mr. HEAL: The tenant said it was beyond his capacity to pay.

Hon. A. V. R. Abbott: Was the firm referred to a reputable one?

Mr. HEAL: A prominent insurance company.

Hon. A. V. R. Abbott: I refer to the valuers.

Mr. HEAL: I have heard nothing against them, but my point is that the tenant had a gun pointed at his head. I support the amendment.

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

Ayes	21
Noes	20
Majority for	1

Ayes.

Mr. Andrew	Mr. Norton
Mr. Brady	Mr. Nulsen
Mr. Graham	Mr. O'Brien
Mr. Hawke	Mr. Rhatigan
Mr. Heal	Mr. Rodoreda
Mr. Hoar	Mr. Sewell
Mr. Jamieson	Mr. Sleeman
Mr. Johnson	Mr. Styants
Mr. Kelly	Mr. Tonkin
Mr. Lapham	Mr. May
Mr. Lawrence	*(Teller.)*

Noes.

Mr. Abbott	Mr. Nalder
Mr. Ackland	Mr. North
Dame F. Cardell-Oliver	Mr. Oldfield
Mr. Cornell	Mr. Owen
Mr. Court	Mr. Perkins
Mr. Doney	Mr. Thorn
Mr. Hearman	Mr. Watts
Mr. Hill	Mr. Wild
Mr. Manning	Mr. Yates
Sir Ross McLarty	Mr. Hutchinson
	(Teller.)

Pairs.

Ayes.	Noes.
Mr. J. Hegney	Mr. Mann
Mr. Guthrie	Mr. Bovell
Mr. McCulloch	Mr. Brand
Mr. W. Hegney	Mr. Nimmo

Amendment thus passed.

The MINISTER FOR HOUSING: The next amendment is merely to tidy up that which has already been inserted in this clause. I move an amendment—

That at the end of paragraph (a), the word "and" be added.

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

Clause 17—Section 20 amended:

The MINISTER FOR HOUSING: In this clause I wish to add some words as suggested by members of the Opposition. In order to do so, there is one small amendment which must first be passed. I move an amendment—

That in line 10, after the word "amended", the paragraph designation, "(a)", be inserted.

Amendment put and passed.

The MINISTER FOR HOUSING: I move an amendment—

That in line 13, before the word "and", the following paragraphs be inserted:—

(b) by substituting for the words in lines two, three, four and five of Subsection (5) the words, "may from time to time on account of any reason of severe hardship proved by the lessee, suspend the operation of any judgment or order thereon for such period or periods not exceeding four months at any one time as the Court may determine";

(c) by deleting the words, "unless for good cause shown," in lines three and four of Subsection (6); and

(d) by repealing Subsection (7).

This is to give effect to that which we discussed earlier. The member for Dale, under Clause 18, has on the notice paper an amendment to include certain words and it is proposed to have them substantially written into Subsection (5) of Section 20 with a departure in respect of the time granted at the discretion of the Court. It is necessary to survey the situation in order to determine the point that has been reached.

There is a separate provision which enables a lessor to take eviction proceedings against a lessee when he requires the premises for himself or certain near relatives. As we have now re-enacted certain old sections, there is provision in the Bill for action to be taken against certain bad tenants. Subsequently I propose to tidy them up in order that bad tenants may be disposed of and so make them conform to the spirit of the legislation as we are considering it at the moment. Therefore, there is a section left which

deals with lessees of premises not required by the lessor for his own use or because of an unsatisfactory tenant. The proposition is that the lessor can give 28 days' notice to quit.

The next stage is for the case to go before the local court which will grant an order for eviction unless the lessee is able to prove that, on account of severe hardship, he should not be evicted, in which case the magistrate will have certain discretion. Even with the wording that I have adopted, it is difficult to envisage too many cases where the lessee could make a plea of any special conditions, because, by and large, all such cases are in the same mould. No tenant cares to be evicted. However, it would appear that there would be nothing to prevent the magistrate from granting eviction orders in the great majority of cases and I realise that some of my colleagues will not be pleased with that statement.

The onus is definitely placed on the lessee to establish that he would suffer severe hardship because of eviction and only then could a magistrate exercise some discretion. It was proposed that the period granted should be for four months and no longer. However, under the proposition I am submitting, the magistrate, on application, could extend it for a further period or periods, none of which should exceed four months. He could grant one month to give a family an opportunity to find alternative accommodation. If it were unsuccessful, the people could be granted another month and the number of extensions would be left to the magistrate's discretion.

If these cases were coming off the line a little more slowly, those that involve severe hardship could be dealt with by the State Housing Commission, but that is not possible at the moment because there are too many of them. However, this legislation may be responsible for steadying that flow. Nearly every tenant would have quite a good case. But this is to be for some special reason; any reason of severe hardship proved by the lessee. Everybody will suffer some hardship; what will constitute severe hardship I am unable to envisage. That will be at the discretion of the magistrate. That is the proposition, and I think it is fair and reasonable, embodying the principles submitted by the member for Dale but modified in order to be more realistic in view of the situation that confronts us.

Mr. WILD: I feel that this is where we are at the cross-roads. By adding a few words here and there and changing words around, the Minister has completely altered the context of what we are endeavouring to get the Committee to agree to. We have argued the point about the severity of evictions over a number of days—not only now, but in April and last November or December. I suppose we could go on arguing for another 12 months and still not reach agreement. But surely, after penalising for all these years the man who owns a home, we have reached the stage where he should be able to do what he wishes with his own property. If Parliament agrees that the amendments inserted in the Act last year were too severe, surely we are not going to do what the Minister suggested and take retrospective action, reverting to the position of three or four years ago and giving the magistrate the right to say that a proposition is fair and reasonable so that the man can go back to the court and gain another four months, and then another four months, and so on, indefinitely!

What really is the difference between hardship and severe hardship when a man is going to be thrown out of his home? I cannot visualise how a magistrate could split straws in that way. Perhaps a two-unit family might regard it as a hardship to be thrown out of a home, but the magistrate might say they could find rooms in a hotel, or something like that; whereas a family would find it a severe hardship. I think that in most cases the magistrate is on the side of the tenant. The Minister seems to think that the magistrate might give a family man one term and after that say that he must go out; but I consider that once a magistrate had committed himself to saying that the family man was suffering severe hardship then if, at the end of four months, that man said he could not find other accommodation, the magistrate would still have to agree that severe hardship existed, and give him another four months.

In his contention, the Minister is very wrong. This is retrospective legislation. It is taking a step back about three years, and surely Parliament cannot agree to that. The idea of our inserting four months was to give the Minister a breathing space. He has said tonight that, for the first time since he became Minister, he has not been able to cope with the situation. He has told us of the increased number of houses being built. If people are being thrown out at the rate of 30 a week, I do not think that will last for long; and I feel certain that the Minister will find it will be only a matter of three or four weeks. There must, of course, be people who waited till the end to see what would happen. Parliament did nothing in April, and it is inevitable that there must be a peak period of evictions under the provision for 28 days' notice after the 30th April.

We had exactly the same experience when we were sitting opposite, about three years ago, and there was a flood of evictions. The graph went upwards for six or eight weeks, and the drop was just as sharp. I feel certain the Minister is looking at the matter pessimistically at the moment. I know how difficult it is because I have been in the same position as he. One does not know how one is going to

house the people, and one asks: Where can I put them? But I can assure the Minister that in a couple of months he will look back and say it was not so bad, after all. The point I want to make is that it is very wrong to be going back to three years ago, and to start giving the magistrate discretionary power whereby he can grant successive periods of four months indefinitely. I move—

> That the amendment be amended by inserting after the word "words" in line 2 of paragraph (b) the words "shall grant the application but in all cases other than those specified in Subsection (6) of this section, the court".

I emphasise that I want it to be mandatory. I want to give the magistrate power to grant the four months, if he can; but as I read the Bill and the Act, there is nothing to say that the magistrate shall do it.

The MINISTER FOR HOUSING: I reject the amendment on the amendment, and I trust that the Committee will agree with me. The hon. member is astray a little in some of his facts. He talks about turning back the hand of time three years. What I am seeking to do, in certain cases and with a very limited discretion to the magistrate, is to turn back time for 67 days, back to the 30th April. We have been in a rare sort of mess since that date on account of lack of appreciation of the circumstances likely to develop. We are not going back to exactly what there was 67 days ago. Responsibility is now placed fairly and squarely on the lessee to establish special considerations of severe hardship.

Hon. A. V. R. Abbott: He always had to.

The MINISTER FOR HOUSING: Not just an ordinary tale; it has to be severe hardship. So we are going back only a few days, and then in a modified form. Accordingly, what the member for Dale is trying to make the Committee believe would be the case is a gross exaggeration. He talked about the situation that developed in 1951 and likened it to the situation today. The circumstances are entirely different. The crisis he, as Minister for Housing, had to face was where an owner desired to obtain possession of the premises for his own occupation, and could keep only one house or one shop, as the case might be.

In this instance—and I would point to Fremantle—there are certain owners who have given notice to quit to occupiers of whole terraces of houses. For that reason, the crisis or emergency today is far greater than that which occurred three years ago. It is perfectly true that the Housing Commission is erecting far more homes today than it was then, but, as the member for Dale knows, not all the homes erected by the commission can be allocated to evictees. War service homes go to particular persons; and under the State Housing Act there are certain requirements. Therefore only Commonwealth-State rental homes would be available. There are quite a number of emergent cases which have nothing to do with evictions, and such people must be given consideration or, in other words, homes. That has no regard whatsoever for the backlag of thousands of people who have been enduring hardship over the past years; and particulars of them were given to the member for Cottesloe this afternoon.

The remarkable thing is this, that the Liberal Party brains trust—the big four—who investigated the Bill, made their submission to this Committee, couched in the following words:—

> Upon the hearing of any summons for the recovery of possession of premises (being premises first leased prior to the first day of January, one thousand nine hundred and fifty-one) the Court hearing such summons may at its discretion, on account of any special reason of severe hardship which may be proved by the lessee, suspend the operation of any judgment or order thereon for such period not exceeding four months from the date of the hearing as the Court may determine.

It will be seen, therefore, that the Government by and large is conforming to that amendment prepared by the member for Dale and three others. There is a difference of outlook in respect of the time factor, and that is all. It is as to whether there shall be a period not exceeding four months, or whether the court shall have discretion.

As I indicated, it would be a very small percentage of cases going before the court that would be deemed by the magistrate to come under the heading of severe hardship. Therefore what the hon. member seeks to achieve would hardly be disturbed, but there is equity in the Government's proposition inasmuch as where there is severe hardship, not the landlord, the member for Dale or the Minister for Housing but the court, after having had proof from the lessee that there would be severe hardship, has the discretion to grant a period of exemption, and a further discretion to extend that period if, after going into all the facts, it deems it necessary so to do.

The whole tenor of this Act—as I trust it will be without being emasculated at the other end of the building—is to make it easy to kick tenants out. Therefore, is any magistrate likely completely to invert the whole intention of the Act and stand rigidly by that provision and decree more or less that every lessee before the court shall be regarded as one likely to suffer severe hardship if eviction processes are allowed to continue? No. The proposition of the Government is fair and reasonable. If there be anything wrong with it at all, it is that it is too generous; that we are going too far in the direction of the Opposition, because I do not think it will stop

too many cases. I have already said that I cannot envisage a case where there would be severe hardship. If my instructions be right, the overwhelming majority of cases would be given automatic eviction.

Let me here say I think that is a terrible thing under present circumstances. It would mean no more money to the landlord. He does not want the place for himself and although there is a decent tenant in it, he merely wants the personal satisfaction of booting someone out to put someone else in. That might be said to be an inherent right in a capitalistic or civilised country—call it what we will—but we must have a little compassion for those at the receiving end of the boot. If it can be shown by the lessee that there are some extenuating circumstances which are out of the ordinary, the magistrate should have the authority to deal with the case on its merits and not be instructed by Parliament that, irrespective of the circumstances, he must kick the tenant out.

Mr. COURT: The Minister had delivered a rather impassioned oration, but the amendment we are considering is that moved by the member for Dale. If the Minister will consult with the Parliamentary Draftsman I think he will agree that Section 20 in its present form—that is, if it is amended strictly in accordance with the Minister's amendment on the notice paper—would not be very conclusive as to what the court shall do when it has an application before it, because vital words have been taken out. I suggest the Minister give consideration to these words, free from the other matter mentioned by the member for Dale—that is, as to whether the magistrate shall have the right to give successive periods of relief. If the member for Dale moves his other amendments, I will deal with them then, but at the moment the principal matter before us is whether we will make the section more tidy than it appears to be at the moment.

Mr. JOHNSON: The amendment on the amendment is an attack by the members of the Opposition upon the magistrate. The Opposition desires that the magistrate shall grant every application that comes before him so that all that will be left to his discretion is the deferring of exceptional cases for some limited period not exceeding four months. Magistrates are trained in law and we should believe they have been appointed to their positions because they are trustworthy. We should not assume that they are dunderheads who should be guided by stiff rules all the time.

To my mind, the discretion they have in regard to housing is far too limited. It is all very well for those who take the attitude of a cash register in regard to property and have no regard for anything but the cash result, but I remind members that in this particular clause we are dealing with people who are suffering from hardship—people with one or more legs, arms, hearts and suchlike. We are not dealing with people who can afford to live at an expensive hotel, but with those who are in need and want. I trust there are not too many of them. Even one is too many. This is not a matter of accountancy, but of dealing with real people. We should trust our magistrates.

Mr. Yates: We must have a law to guide them.

Hon. A. V. R. Abbott: You said you could not because you put in assessors.

Mr. Yates: They are not obeying the law now. They are giving two months extension without the necessary provision being in the Act.

Mr. JOHNSON: The object of the amendment is to make it mandatory that every application shall be granted, and to give the magistrate no discretion. Let us remember two things, firstly, that the magistrates are real people who have been appointed because they are good people and so should have some discretion, and, secondly, that we are dealing with the housing of people who are in exceptionally difficult circumstances and are not just cash registers that have run out of change.

The MINISTER FOR HOUSING: I am inclined to agree with the member for Nedlands that my remarks were directed to the number of amendments that were outlined by the member for Dale. I do not think the first one will make much difference either way, and I have not any rooted objection to it. What we did, paying a compliment to the Opposition, was to take the amendment, as appearing on the notice paper, and put it in, more or less holus bolus, to become part of the Act.

If the member for Dale feels that his own amendment can be improved upon and tidied up, who am I to deny him that privilege? He proposes that the court shall grant the application in all cases where there are bad tenants, which is my intention, and also that in these other cases which we have been discussing, which is the intention of the legislation, the same thing is to apply provided discretion is left to the magistrate where there is severe hardship. It is in respect of those, where the member for Dale sought to give limited discretion, that he and I violently part company, but as regards the amendment he has just moved, I will not, in the circumstances, oppose it.

Amendment on amendment put and passed.

Mr WILD: We have argued this question on the earlier part, so I will not waste time but will test the feeling of the Committee. I move—

> That the amendment be amended by striking out the words "from time to time" in line 3 of paragraph (b).

The MINISTER FOR HOUSING: For reasons I have already given and which I think the Committee understands, I must oppose the amendment.

Hon. A. V. R. Abbott: If we agreed to extend the four months' period a bit, would the Minister agree to this amendment? He says the four months is too short.

The MINISTER FOR HOUSING: I do not know whether it is too long or too short. I prefer to leave that to the magistrate.

Hon. A. V. R. Abbott: Does the Minister not think we could agree to this and perhaps give protection until the end of this year?

The MINISTER FOR HOUSING: If the hon. member introduces an amendment this time next year—

Hon. A. V. R. Abbott: That would be too long. Would the Minister accept six months instead of four months?

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

Ayes	19
Noes	20
Majority against	1

Ayes.

Mr. Abbott	Mr. Nalder
Mr. Ackland	Mr. North
Dame F. Cardell-Oliver	Mr. Owen
Mr. Cornell	Mr. Perkins
Mr. Court	Mr. Thorn
Mr. Doney	Mr. Watts
Mr. Hearman	Mr. Wild
Mr. Hill	Mr. Yates
Mr. Manning	Mr. Hutchinson
Sir Ross McLarty	*(Teller.)*

Noes.

Mr. Andrew	Mr. Norton
Mr. Brady	Mr. Nulsen
Mr. Graham	Mr. O'Brien
Mr. Hawke	Mr. Rhatigan
Mr. Heal	Mr. Rodoreda
Mr. Hoar	Mr. Sewell
Mr. Jamieson	Mr. Sleeman
Mr. Johnson	Mr. Styants
Mr. Kelly	Mr. Tonkin
Mr. Lapham	Mr. May
	(Teller.)

Pairs.

Ayes.	Noes
Mr. Mann	Mr. J. Hegney
Mr. Bovell	Mr. Guthrie
Mr. Brand	Mr. McCulloch
Mr. Nimmo	Mr. W. Hegney
Mr. Oldfield	Mr. Lawrence

Amendment on amendment thus negatived.

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

Bill again reported with further amendments, and the report adopted.

House adjourned at 10.8 p.m.

Legislative Council

Wednesday, 7th July, 1954.

CONTENTS.

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

QUESTIONS.

SEWERAGE.

As to White Gum Valley and Fremantle District Connections.

Hon. E. M. DAVIES asked the Chief Secretary:

(1) Is it the intention of the Water Supply, Sewerage and Drainage Department to complete the sewering of premises in the White Gum Valley district?

(2) If the answer to No. (1) is in the affirmative, has any consideration been given to including that area of land recently rehabilitated by the Fremantle City Council and bounded by Amherst, Blinco, Montreal and Fothergill-sts., Fremantle, on which a number of industries are now established?

The CHIEF SECRETARY replied:

(1) It is the ultimate intention to sewer the White Gum Valley district.

(2) The area mentioned has not been specifically considered but can be included in the general scheme.

KWINANA.

As to Installation of Bulk Handling Facilities.

Hon. L. C. DIVER asked the Chief Secretary:

(1) Has the Government reserved any land for the installation of bulk handling facilities at Kwinana?