sales tax. In the hope of obtaining relief from the sales tax, Senator Willesee and I approached the Taxation Department here, but could get no satisfaction. This was a case meriting special consideration, and so we put up a personal plea to the Federal Treasurer asking for assistance on the ground of hardship. From him we received a reply that he could not do anything as it might create a precedent.

Well, the McDonalds, Quiltys and Duracks did not consider precedent when they settled in the Kimberleys, and their sons are still there. In fact, if we stood on precedent, there would be no one in the North, and if we as representatives of the people cannot receive greater consideration after putting up a case than to be told it would create a precedent, I fear we are lagging behind our conception of a democratic form of government.

The arc light of publicity needs to be turned on the North, particularly as regards future development, and there is a great field in that part of the State to help those who are already there. If we do not look after those who already live there, we shall certainly not be able to put up a very strong case to induce others to go North.

I have always felt that the briefest and most effective definition of democracy was government of the people, elected by the people, for the benefit of the people. The elected personnel in any area has a direct responsibility to the people to present their views and requirements, and this should be paramount, whatever direction may be indicated. If such representation is to be continually overridden and at times completely ignored, there must follow hardship and loss of confidence by people in democratic government.

The function of government must be to govern for the advantage and advancement of the people, and I am beginning to wonder whether democracy, in an endeavour to facilitate the function of government, has not formed instruments of government which, as time goes on, are usurping the powers of government. The first essential of good government—and this is a cardinal rule—is that it must be a government for the people, and this treasured right must never be subordinated to any alienated control.

Consequently, I hope that the remarks I have offered will not be regarded lightly; and if, 12 months hence, I still have the privilege of being here and participating in the Address-in-reply debate, I trust that some measure of progress will have been made, particularly in the direction of treating North-West minor problems on their merits and with a true perspective as regards the background of such problems.

On motion by Hon. H. L. Roche, debate adjourned.

House adjourned at 5.57 p.m.

Legislative Assembly

Thursday, 1st September, 1955.

CONTENTS.

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

QUESTIONS.

"CHAMPION" TRACTORS.

(a) Component Parts.

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

(1) With reference to the latest tractor (45 h.p. diesel "Champion") produced by Chamberlain Industries Pty. Ltd., what components of this tractor are being imported into Western Australia.

(a) from overseas;

(b) from Eastern States?

(2) What is the approximate cost delivered to the works at Welshpool of each of the items imported?

(3) How many of the imported component parts have been ordered to date?

The MINISTER replied:

(1) (a) Engine, bearings and some minor items not procurable in Australia are imported from overseas.

(b) Only items not procurable in this State, such as forgings, are imported from the Eastern States.

(2) The cost of imported items is not available, but it is estimated that the total cost of these would not exceed 30 per cent. of the total cost of the tractor.

(3) It is considered that information regarding numbers of components ordered should be confidential to the company.

(b) Selling Price and Bounty.

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

(1) What is the selling price of the "Champion" tractor expected to be?

(2) Will the Commonwealth bounty be payable in respect of this tractor?

(3) Does the price disclosed in answer to No. (1) include attachments, hood, car seats, etc., to make it usable as a utility as advertised this week; and if not, what extra cost will be involved for these attachments?

The MINISTER replied:

(1) Information regarding the selling price of the tractor is not yet available.

(2) As the Tractor Bounty Act now stands, Commonwealth bounty will be payable in respect of this tractor.

(3) Answered by (No. 1).

(c) Orders and Markets.

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

(1) Have any, and if so how many, orders been received for "Champion" tractors—

(a) from this State;

(b) elsewhere?

(2) What particular market is this high speed tractor designed to serve—

(a) in this State;

(b) elsewhere?

The MINISTER replied:

(1) Information regarding orders received is also confidential to the company, but the new tractor has excited considerable interest, and orders are being booked.

(2) It is believed by the company that the main markets for the agricultural model, which is geared for normal farming, will be the wheat belt and mixed farming areas in all States, as well as the cane fields in Queensland. It is also expected that the high speed model will have an industrial application.

CHIROPRACTIC.

Methods Employed by Mr. K. Martinovich.

Mr. LAPHAM asked the Minister for Health:

(1) Is he aware that at Boulder a chiropractor named Kris Martinovich has met with remarkable success in the treatment of patients many of whom have been for years unsuccessfully treated by specialists?

(2) If the answer is "Yes" will he investigate reports of this person's amazing skill?

(3) If the report is favourable will he investigate the methods employed by Martinovich so that his knowledge can be imparted to others and not lost to posterity?

The MINISTER replied:

(1) It is understood that Mr. Martinovich has achieved considerable success in his work.

(2) and (3) Yes.

WATER SUPPLIES.

(a) Cunderdin-Minnivale Main, Piping Supply.

Mr. CORNELL asked the Minister for Works:

On the 8th June, I was informed by letter from him that a contract had been let to Hume Steel Ltd. for the supply of 42,240 lineal feet of 19⅜in. external diameter piping for the Cunderdin to Minnivale main—

(1) Was this contract executed, and if so, to what use were the pipes put?

(2) If this contract was not executed, what was the reason therefor?

The PREMIER (for the Minister for Works) replied:

(1) No.

(2) After contracts are let the contractor does not request rollings of the suitable steel plate until instructed to do so by the department.

As funds could not be provided for the commencement of pipelaying on this section, due to other more pressing needs, instructions have not been given for contractors to request rollings.

(b) Barbalin, Waddouring and Knungagin Reservoirs.

Mr. CORNELL asked the Minister for Works:

(1) What water is at present held in each of the following reservoirs—

(a) Barbalin;

(b) Waddouring;

(c) Knungagin?

(2) What water was held in these reservoirs at this time in 1954?

(3) Is water being pumped from the G.W.S. main conduit into these reservoirs at the present time?

(4) If not, why not?

The PREMIER (for the Minister for Works) replied:

(1) (a) 30.27 million gallons.

(b) 17.21 million gallons.

(c) 6.00 million gallons.

(2) (a) 25.02 million gallons.
(b) 12.92 million gallons.
(c) 3.65 million gallons.

(3) Yes.

(4) Answered by No. (3).

ROADS.

Collie District, Flood Damage and Financing Repairs.

Mr. MAY asked the Minister for Works:

(1) Does the Main Roads Department hold any funds to meet emergencies, such as storm water damage to roads serving Collie settlers and the coalmines at Collie?

(2) Has the Main Roads Department any knowledge of the damage caused by flooding in the Collie district?

(3) Is he in a position to state what funds can be made available to the local authority at Collie for the purpose of repairing roads serving the coalmines and school-bus routes?

The PREMIER (for the Minister for Works) replied:

(1) The Main Roads Department's annual programme of works includes some unallotted funds to meet emergencies such as flood damage.

(2) Some damage has just been reported by the Collie Road Board in the Muja area. The matter is being examined.

(3) The cost of reinstating roads damaged by recent floods has not yet been assessed. When it has, consideration will be given to allocating money for the purpose.

WHEAT.

(a) Sales, Reduction of Acreage and Australia-wide Policy.

Mr. PERKINS asked the Minister for Agriculture:

(1) Has he any information which indicates that wheat sales are likely to improve considerably?

(2) If not, has he formulated any plan to bring about a reduction of wheat acreage next season?

(3) Will he endeavour to have a meeting of the Agricultural Council called to consider the wheat problem and to formulate a definite Australia-wide policy before farmers have to lay out too much money in preparation for next season?

The MINISTER replied:

(1) No.

(2) Any equitable compulsory plan for the reduction of wheat acreage must be on an Australia-wide basis.

Full information on diversified farming, longer rotations, emphasis on stock husbandry, and growing of legumes in cereal-producing areas assists the farmer in voluntarily making a decision to adjust his total acreage of wheat.

(3) Agricultural production including wheat will be discussed at the next meeting of the Agricultural Council.

(b) Disposal, Storage Bins, etc.

Mr. BRADY asked the Minister for Agriculture:

Have any representations been made to his department in regard to—

(a) a scheme for disposal of wheat stored in bins throughout the State;

(b) further sites for building of additional storage bins;

(c) the grave shortage of bran and pollard in Western Australia following on the closure of a number of flour mills throughout the State?

The MINISTER replied:

(a) I am not aware of any practicable scheme having been suggested. The legal disposal of wheat is the function of the Australian Wheat Board.

(b) Arrangements have been made by Co-operative Bulk Handling Ltd. for the provision of emergency storage for an additional 10,000,000 bushels if necessary.

(c) Reduced sales for export flour have caused a shortage of bran and pollard.

ELECTRICITY AND GAS.

Rates.

Hon. D. BRAND asked the Minister for Works:

(1) Does the "formula" for arriving at gas and electricity rates still exist?

(2) What were the rates per unit applying in the years 1950 to 1954?

(3) What rate per unit applies at present?

(4) Are increases envisaged as a result of the basic wage adjustment, and if so, to what extent?

The PREMIER (for the Minister for Works) replied:

(1) Yes, but because of increased turnover and a close watch on every facet of efficiency, it has not been applied since September, 1953.

(2) The rates were—

ELECTRICITY.

	Jan., 1950.	Jan., 1951.	June, 1951.
	d.	d.	d.
Table A.—Lighting—			
First 100 per month	4	5¼	All units
Next 500 per month	3¼	5	increased
Next 4,400 per month	3	4	by 3d.
All over 5,000 per month	2¼	3	
Table B.—Power—			
First 200 per month	2½	2½	
Next 4,800 per month	2	2	
Next 50,000 per month	1½	1½	
All over 55,000 per month	·9	·9	
Table C.—Domestic: Power—			
All at	1½	1½	

Table D.—Domestic Lighting and Power—

Basic units at "A" Rate.
Balance at "C" Rate.

Table E.—Commercial Lighting and Power—

First 50 units per month	5	6½
Next 950 units per month	4	5½
Next 1,000 units per month	3	4
Next 3,000 units per month	2½	3
Next 50,000 units per month	2	2
All over 55,000 units per month	·9	·9

GAS.

	January, 1950. d.	January, 1951. d.
First 210 units per quarter	·8	1·1
Next 420 units per quarter	·75	1·075
Next 420 units per quarter	·7	1·05
Next 4,200 units per quarter	·65	1·025
Next 12,600 units per quarter	·6	1
Next 126,000 units per quarter	·55	·9
Next 143,850 units per quarter	·5	·8
All over 287,700 units per quarter	·4	·7

	June, 1951.
First 21,000 units per quarter	1·225
Next 21,000 units per quarter	1·150
Next 21,000 units per quarter	1·050
All over 63,000 units per quarter	·950

The following were variations imposed on the basis of the formula :—

Increase per Unit.	(Pence per Unit). *Electricity.*	(Pence per Unit). *Gas.*
September, 1951	·12	·052
December, 1951	·08	·044
February, 1952	·18	·088
May, 1952	·19	·048
August, 1952	·18	·084
November, 1952	·09	·03
February, 1953	No variation	No variation
May, 1953	No variation	No variation
September, 1953	·01	·011
November, 1953		
February, 1954		
May, 1954		
August, 1954	No variation	No variation
November, 1954		
February, 1955		
May, 1955		

(3) The following are the schedule of charges for gas and electricity as from the 15th September, 1953:—

GAS.

1 unit equals 3,412 B.Th.U's.
100 cubic feet equals 14 units.

First 21,000 units per quarter	1·580d. per unit
Next 21,000 units per quarter	1·505d. per unit
Next 21,000 units per quarter	1·405d. per unit
All over 63,000 units per quarter	1·305d. per unit

No master meter rents charged.

Minimum Charge.—A minimum charge of 5s. per month (15s. per quarter) will be made.

ELECTRICITY.

Table "A" Lighting.

First 100 units per month	6·65d. per unit.
Next 500 units per month	6·15d. per unit.
Next 4,400 units per month	5·15d. per unit.
All over 5,000 units per month	4·15d. per unit.

Table "B" Industrial Power.

First 200 units per month	3·65d. per unit.
Next 4,800 units per month	3·15d. per unit.
Next 50,000 units per month	2·65d. per unit.
All over 55,000 units per month	2·05d. per unit.

Table "C" Domestic Power.

Private Residences and purely Residential Flats only—not Hotels, Boarding Houses or Residences partly used for Business—2·65d. per unit.

Table "D" Combined Domestic Lighting and Power.

For Domestic purposes only—does not include Flats, Boarding Houses, Hotels or Residences used partly for Business.

For every 100 square feet of basic area 2½ units per quarter (⅔ unit per month) are charged at the Lighting Rate; all the balance at the Domestic Power Rate.

A fee of 7s. 6d. for inspecting, making plan and determining the basic area, to be paid on applying for this Rate.

Table "E" Combined Commercial Lighting and Power.

Lighting and power for Shops, Offices, Warehouses, Theatres, Public Buildings, State and Commonwealth Buildings and Hospitals, or where light and power mains are not separate—

First 50 units per month	7·65d. per unit.
Next 950 units per month	6·65d. per unit.
Next 1,000 units per month	5·15d. per unit.
Next 3,000 units per month	4·15d. per unit.
Next 50,000 units per month	3·15d. per unit.
All over 55,000 units per month	2·05d. per unit.

Floodlighting .... 4·15d. per unit.

All consumers to be charged one or another of the above rates. Each and every point of supply shall be taken separately for assessment on the above rates.

No master meter rents charged.

Minimum Charge.

A minimum charge of 3s. 4d. per month (10s. per quarter) will be made.

(4) No.

ELECTORAL.

Areas of Assembly Electorates.

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

What are the areas of the following Assembly electorates as a result of the recent redistribution.

(a) Greenough;
(b) Roe;
(c) Narrogin;
(d) Katanning;
(e) Stirling;
(f) Yilgarn-Merredin;
(g) Mt. Marshall?

The MINISTER replied:

In square miles—

(a) 15,570.
(b) 17,604.
(c) 4,661.
(d) 3,316.
(e) 8,723.
(f) 17,867.
(g) 14,101.

MIDLAND JUNCTION ABATTOIR.

Tabling Report of Inquiry.

Mr. NALDER asked the Minister for Agriculture:

Will he lay on the Table of the House the report made early this year on the inquiry into the Midland Junction Abattoir?

The MINISTER replied:

Yes. The report is being printed and a copy will be made available to each hon. member at a later stage of the sitting.

PETROL STATIONS.

Legality of Minimum Distance Regulation.

Mr. ROSS HUTCHINSON asked the Minister representing the Minister for Local Government:

Is the regulation, which restricts the construction of petrol selling stations regarding distance to a minimum of half a mile, ultra vires in any way?

The MINISTER FOR RAILWAYS replied:

Legal advice is "No."

KWINANA.

Berthing of Ships.

Mr. HILL asked the Minister for Works:

On how many days were ships unable to berth at Kwinana during the months of July and August?

The PREMIER (for the Minister for Works) replied:

Eleven.

HOUSING.

Financial Aid for Home Builders.

Mr. WILD asked the Minister for Housing:

(1) Was he correctly reported in the "Sunday Times" of the 27th August, in which it was stated that "on Thursday next a new scheme of supplementary financial aid will be provided for home builders by way of a second mortgage or guarantee"?

(2) If "Yes" is the answer to No. (1), how much money will be provided this financial year for this purpose?

(3) From where will such funds be derived?

The MINISTER replied:

(1) Yes.

(2) Tentatively allocated, £50,000.

(3) Loan funds.

DRAINAGE.

East Maylands Area.

Mr. OLDFIELD asked the Minister for Works:

(1) Is he aware that the residents adjacent to the wet areas in East Maylands are suffering from flooding as a result of the rise in the watertable?

(2) Is it a fact that a scheme has been proposed for the draining of these areas?

(3) If so, what is the estimated cost of such proposal?

(4) If the answer to No. (1) is in the negative, will he have the departmental engineers inspect the area immediately?

(5) Will these areas be drained during the coming summer, and if not, why not?

The PREMIER (for the Minister for Works) replied:

(1) Yes.

(2) Yes.

(3) For the main drains, £38,000. Subsidiary drains would require to be constructed by the local authority. No estimate available.

(4) Answered by No. (1).

(5) Consideration will be given to this suggestion.

BREAD.

Suspension of Revised Prices.

Mr. COURT (without notice) asked the Premier:

(1) In view of the fact that the Wheat Products Prices Committee made its recommendation without a full examination of the financial accounts of the bread industry for the last two years, and as the industry has undergone drastic changes in the past two years since a full-scale review was made by an official authority, such as W.P.P.C., the Wheat Products Prices Committee or the Prices Control Branch, will the Government suspend the operation of the proposed revised bread prices until a full-scale review of the industry's cost structure is undertaken?

(2) Does he agree that failure on the part of any official authority to review an industry on the complete lines established over many years undermines confidence in such authorities?

(3) Does he know why the Minister for Labour did not grant the interview to bakers when it had been promised through a member of the Government parliamentary party?

Mr. SPEAKER: I wish to announce to the House that I have allowed this question without notice to be asked because it deals with a matter of great public importance.

The PREMIER replied:

I wish to thank the hon. member for having provided me with a copy of these three questions earlier in the afternoon. The answers to them are as follows:—

(1) No. The Government will not suspend the action already taken. The members of the breadmaking industry had opportunities to place before the committee any information they wished, but took no adequate steps to bring the information forward.

In supplementation of that, I might add that the president of the Bread Manufacturers' Association did make an appointment for the 18th August with the chairman of the committee, but did not even bother to keep it.

I think it is clear that the bread manufacturers adopted an "in reverse gear" attitude towards this inquiry and therefore the Government would not for one moment consider cancelling the proclamation which has already been approved in Executive Council, which will be published in tomorrow's "Government Gazette", and which will become operative immediately thereafter.

(2) The committee did not fail in its duties. The Government and I think most other people in Western Australia would have very great faith in the chairman of the committee, Mr. Mathea, who is Auditor General for the State.

Hon. A. V. R. Abbott: Is it not rather peculiar to appoint Mr. Mathea when he is Auditor General.

The PREMIER: Not at all.

Hon. A. V. R. Abbott: I should have thought so.

Mr. SPEAKER: Order!

The PREMIER: I should also have thought that most people in the State would have great faith in Dr. Sutton, another member of the committee, and that there would have been great faith also in the third member, namely, Mr. Ulrich. I am sure that anyone who has an adequate case to present to the committee at any time would have a reasonable amount of faith in the committee.

(3) This question is not based on fact, and accordingly those people who prevailed on the member for Nedlands to ask it, misled him.

Mr. Court: They were emphatic about being right.

The PREMIER: I have some personal knowledge of a few of those people associated with the Bread Manufacturers' Association and I know the ability of these particular few to develop emphasis, but the more important consideration is accuracy.

Briefly, the facts surrounding the basis upon which question No. (3) rests is that a member of the Parliamentary Labour Party, at the request I think of the president of the association, asked the Minister for Labour whether he, the Minister for Labour, would be prepared to grant an interview to the president. The Minister for Labour replied that he would be prepared to grant an interview after he had received and studied the committee's report provided he, the Minister, deemed it necessary at that stage to grant an interview to the association or to anyone else. After the Minister received and studied the report, he considered the report was conclusive, and that there was nothing to be gained by interviewing the president of the association or anyone else. The Minister therefore submitted the report and the committee's recommendation for a reduction in the price of bread to Cabinet, and Cabinet approved the committee's recommendation.

BILLS (2)—FIRST READING.

1. Prices Control.
   Introduced by the Minister for Labour.
2. Police Benefit Fund Abolition Act Amendment.
   Introduced by Mr. Lawrence.

BILLS (3)—THIRD READING.

1. Spear-guns Control.
2. Main Roads Act Amendment.
3. University of Western Australia Act Amendment.

Transmitted to the Council.

BILL—ELECTORAL DISTRICTS ACT AMENDMENT.

Third Reading.

The MINISTER FOR JUSTICE (Hon. E. Nulsen—Eyre): I move—

That the Bill be now read a third time.

Mr. SPEAKER: To carry the third reading of the Bill an absolute majority is required.

Question put.

Mr. SPEAKER: There being more than an absolute majority of members present and as there is no dissentient voice—

Dame Florence Cardell-Oliver: I said "No."

Mr. SPEAKER: The hon. member said what?

Dame Florence Cardell-Oliver: I said, "No."

Division taken.

Mr. SPEAKER: There being only one member on the Opposition side, I call the division off and declare the question duly passed.

Question thus passed.

Bill read a third time.

BILL—RENTS AND TENANCIES EMERGENCY PROVISIONS ACT AMENDMENT.

Second Reading.

Debate resumed from the 30th August.

MR. WILD (Dale) [2.40]: This measure has been introduced into the House yearly since I have been a member of Parliament. I think I am right in saying that in two successive years it was introduced on two occasions. On Tuesday when the Minister introduced this amending Bill I interjected and said that I felt he had put up the best argument for further decontrol that I have ever heard since this legislation has been discussed. The more I look into his second reading speech in the little time available, the more am I convinced that my interjection on that occasion was perfectly right.

Before passing on to the provisions in the Bill itself the Minister quoted the great increase in the house-building rate in Western Australia, an increase with which all of us in Parliament and many people outside are in complete accord. As I intend to show a little later, it was an increase rather like the winding up of a clock, which, when in 1953 there was a change in Government, had been wound up to its maximum and was about to start. He further quoted his experience in the Eastern States and told us how he found the housing position in Queensland, New South Wales, Victoria, South Australia and Tasmania.

To use his own words, "In the Eastern States, with the exception of Queensland, New South Wales was getting progressively worse, South Australia and Tasmania were just holding their own, and whilst in Victoria the position had eased somewhat, they were having their difficulties due to being unable to obtain contractors." In all of those States very rigid controls are operating. So surely is it not right and proper to say there is ground for easing controls?

The Minister, when rising to his feet, always chides the other House, as if it was responsible—I rather doubt that wholly because I have said from this side of the House on many occasions that if this House had the opportunity it would have done exactly the same as the Legislative Council. That was, to ease progressively the wartime controls that have been with us for some 16 or 17 years. So I am convinced that had it not been for the action of another place, which he so derides and chides, we would possibly be in the same position as the Eastern States, as regards which he told us that when he went there this year, he found housing getting progressivley worse in New South Wales and only holding its own in the other States. How did the Minister find the position when he took office in March, 1953?

The Minister for Housing: In a hell of a mess!

Mr. WILD: That may be the Minister's view, but let us have a look to see what the position was.

The Minister for Agriculture: You asked the question.

The Premier: Question-time is over for the day.

Mr. WILD: Before passing on to that, I will repeat what the Minister said about the number of houses that were completed in the last financial year, namely, 4,066, while the total building in the State was a little short of 9,000.

Having reached such a stage on the Minister's own admission, I take it he is not going to deny the utterances that have appeared over his name in his week-end newspaper. The report I refer to sets out that the housing position is becoming so easy that he is now able to start on slum clearance and will, if he has not already started to do so, move those unfortunate souls who have been living in evictee home for some years. In his own words, when he spoke in the Perth Town Hall at the civic reception tendered to the various Housing Ministers when they were in Western Australia—he may deny them again but there are some members in this House who heard him on that occasion—he said "The housing position is solved."

Mr. Jamieson: He went on to qualify that statement.

Mr. WILD: We all know about that. The hon. member would do better in pimping on cars parked by members of Parliament! So without a doubt the Minister painted a very pretty picture and put up a good case for further decontrol. Let us look at the materials position as he found it in March, 1953, which by way of interjection just now, he said he found dreadful.

The position in the brick industry as he found it—and bricks form one of the basic materials in house-building—was such that the State Brick Works in Armadale had virtually been completed and were producing in the order of 400,000 extra bricks per week. In addition to that, assistance had been given by his predecessor to small brickyards all over the State, to cement brickmakers and to cement blockmakers in the metropolitan area, and also to two or three of the other major brick manufacturers here.

When we deal with timber, even though the other evening in reply to an interjection by the Leader of the Opposition the Minister said that we had closed many of the mills, did he not find Shannon River, Quinninup, Tone River and Donnelly mills operating with a total production of 185 loads in the square per day, which is equal to sufficient timber to build 5,000 houses per year? Did he not find that those four mills had all been brought into production? In addition to those, we had Jardee, Jarrahwood and Jarrahdale, three mills which, unfortunately have been destroyed by fire. They had all been brought into production.

So I say that the timber position could not have been brighter because the present Minister for Housing had all these large mills in operation when he took office. At the same time, unfortunately for Western Australia, there was a cessation of the demand for our karri in the Eastern States, and the result was that a considerable quantity of that timber, which in the past had been exported to the Eastern States, was available in this State.

Then there was the matter of tiles. When the Minister came into office, he found that the firm of Brisbane & Wunderlich had about completed the additions to its tile factory which doubled the output. Furthermore, we had cement tilemakers, not only all over the metropolitan area but also in many country centres, who had been assisted and sponsored by the Housing Commission under the previous Government and through the Department of Industrial Development. They were in a flourishing condition.

And what of cement? The previous Government gave great assistance, not only with machinery but also by providing other forms of assistance to the Swan Portland Cement Co., so much so that it has doubled its output. Further, we were able to induce one of the largest cement manufacturers to come here, the Rugby

Portland Cement Co., and start production. As members know, that eventuated before March, 1953, and those works are now in production.

In order that use might be made of all the material for which provision had been made by the previous Government, something over 300 British building tradesmen were brought to the State. In addition, we imported a thousand Austrian houses and something over 300 Austrian building tradesmen. Finally, to augment this large building programme that was gradually being stepped up, arrangements were made with Bunning Bros. and the Kauri Timber Co. to undertake the pre-cutting of houses, each to the order of about five per week, which gave us an annual intake of 500 houses. They were both in full production in 1953.

May I say that in March, 1953, if ever a clock was completely wound up ready to go in so far as the provision of building materials was concerned, that was the time. I am not making any charge against the Minister because we all wanted to see the houses built, but he is constantly getting up in this Chamber and talking about the thousands and thousands of houses "we have built". Of course that should be so because the previous Government provided the material and provided an increase in the labour force, and no doubt the Minister was mighty thankful that a very kind Commonwealth Government gave him more money than we had ever had before in order to build Commonwealth-State rental homes. Thank goodness for Mr. Menzies and Sir Arthur Fadden!

Hon. D. Brand: There was also some money from a trust fund.

Mr. WILD: Yes. We realise that at any time when there is some shortage, there will be people anxious to take advantage of it. The Minister has said on two or three occasions, when speaking to proposed amendments to the Act, that there should be a gradual easing off of control. However, each year we say "just one more year", and while I am not going to say that we on this side of the House should not approve of a further extension, I want to tell the Government that we have no intention of agreeing to this measure becoming a permanent one. I appreciate that it is part of the socialist platform to gain control of everything—control the babies from the day they are born until they pass out into the never-never. Surely at this stage we should have freedom from control!

The Premier: The hon. member has at least one supporter of his views in the public gallery.

Mr. WILD: Possibly I have two. That goes to show the great interest of the people in this State in the rents and tenancies Bill. Not two years ago when an amending measure was before us, the gallery was crowded—crowded with people who were afraid that they would be thrown out of their homes, but I think the present attendance in the gallery is indicative of the little interest being taken in rents and tenancies legislation today.

The Minister for Housing: The point is that the workers are at work this afternoon.

Mr. WILD: Are not we all at work? I do not intend to deal with the various clauses of the Bill because we can do that in Committee, but generally speaking there are three or four provisions that it is impossible for members on this side of the House to approve of, though they are prepared to support the second reading with the object of giving this legislation a further life of 12 months. Two or three of the provisions in the Bill to which we object can only have the effect of turning back the clock.

I was rather surprised when I turned up "Hansard"—doubtless the Minister is cognisant of this—to read again that he was the very one who secured the insertion in the Act of the date, the 31st December, 1950, the date from which he said that, in the case of leases there should be freedom for people who desired to get into their own homes. Yet here in 1955, he wants to go back. Whether this is being done in the light of his having had a few sleeps since, we know not, but five years later he wants to reverse the decision. It was his proposal and it became the decision of the House that after the 31st December, 1950, there should be complete freedom regarding leases.

Another proposal in the Bill with which we cannot possibly agree is that of bringing lodgings within the ambit of the rental inspectors. That has never been done. Surely there is a vast difference between the relations of a lodger to the landlady and of a tenant to the landlord of a house! No doubt some members during their earlier years before they assumed marital responsibilities lived in boarding-houses.

The Minister for Housing: It is not intended to apply to boarders.

Mr. WILD: The Minister can correct me if I am wrong, but as I read the provision in the Bill, I take it to refer to any subdivision of a property where there may be a lodger occupying a room within the structure.

The Minister for Housing: But not a boarder for whom meals are provided.

Mr. WILD: Not a boarder, but somebody occupying a room. From my experience of having lived in these places in my single days, this is what can and does happen: One or two fellows might be inclined to kick over the traces. I do not mean to imply that they would return home uproariously drunk, but they

might be accompanied by one or two friends at 11 or 12 o'clock at night and decide to have two or three bottles of beer and a little talk about the races to be held on the following day.

The point is that such a lodger would not be doing anything very heinous or anything that he could not do in his own home if he were a tenant, but in a lodging house, it might be disturbing the occupant of the next room, possibly a light sleeper, so surely the landlady should have the right to ensure that she has tenants who are able to live one with the other! The proposal in the Bill would be interfering too much with the liberty of the individual.

Hon. D. Brand: It would be a retrograde step.

Mr. WILD: As the hon. member says, it would be a retrograde step—something that has not been considered since we have had this legislation. However, I think we can debate this question in Committee. I want to say on behalf of the Opposition that whilst we agree to a further small continuance of the measure for 12 months, we must and will emphatically protest in Committee against some of the clauses that have been submitted by the Government.

MR. COURT (Nedlands) [3.1]: I do not want to speak at length on the second reading because amendments are to be moved, apparently, by the member for Dale and the detailed consideration of them will possibly be more controversial than the general approach to the legislation. The experience during the last 12 months and the legislation that has been introduced by the Government are in themselves a vindication of the attitude that was adopted by the Legislative Council last year, and in particular one of its members, Hon. H. K. Watson, who has been much criticised by this Chamber and by people outside. Even his most vicious opponents will have to concede that he has at least been consistent in his approach to the problem. It is my view that history will record that in the stand he has taken against Governments—of both colours, it should be borne in mind—he was right.

The first essential is to see that people have homes because once a person has a roof over his head he has the first essential for a decent family life and a feeling of stability and respectability. If we are to get to the root cause of the problem, we must make it possible for people to have homes. The easing of controls has done something towards assisting to solve the problem. The Minister in his speech did not give any credit to this side of the argument for making a contribution to the solution of the problem.

Hon. D. Brand: He gives credit to no one but himself.

Mr. COURT: I feel that the action taken in this State to lift these controls, after having been subjected to them for many years, has prevented a permanent condition creeping into Western Australia whereby there would be such a deterioration in the housing problem that it would never really be solved. There are countries in the world which we have discussed on previous occasions that find themselves in a most chaotic housing condition through the prolongation of controls for 30 years and more. Some of them almost despair of solving the problem.

In those countries the private builder of houses for rental purposes and the owners of houses for letting, refuse to indulge in this type of business because of the repressive measures employed. When introducing the Bill, the Minister could have relied on his own performance in this matter in seeking an extension of the legislation. I will not deny that during his administration of the department he has shown considerable energy in trying not only to keep the clock wound up, as the member for Dale said, but to give it an extra wind to speed it on its way; and we are behind him in this. He could have relied on the fact that he has largely overcome the problem; he could have said, "I want some more time under the present controls to complete my job."

Frankly, we would have been battling for something to say in objection to such an approach because we know that time is necessary in the solution of major national problems. If, however, he reads his speech he will appreciate that he invoked a contentious note and virtually put both sides in the position of having to treat the measure on a contentious basis when there was no need for it. I respectfully point out to him that he largely contradicted his own statement of last year when he expressed the hope and anticipation that he could well let the controls, to quote his own words, be discarded or very much watered down by the end of 1955.

But in the Bill he wants to tighten up those controls again. He went to some lengths to explain that the odd points he wants to tighten up are not of great magnitude. Superficially they might not be very far-reaching. But on analysis I think it will be acknowledged by those who have gone into the effect of the amendments that some of them are retrograde steps with respect to the easing of controls and the encouraging of the private owner to let his place or possibly to build anew for letting purposes.

The suggestion that this law is to be made permanent is, I think, the major objection I have to the Bill. This, in itself, is a great deterrent to people who might be thinking of building a block of flats or a house or two for letting purposes; or even letting their existing home. When they feel that this legislation has

been made permanent, with little prospect of ever being lifted, there is every chance that the position will become worse. But when people feel that year by year there will be an easing of controls and that the measure will be reviewed by Parliament, there is hope that they will not be subject to repressive legislation at the whim of Governments from time to time.

The Minister produced some statistics dealing with the increase in rents in this State. We do not want to get too much up in the air over the increase that has taken place. None of us likes to see these costs going up.

The Minister for Housing: It is the increases that are up in the air.

Mr. COURT: Any increase is upward. Some are big and some are small, but they are all upward. We have to review the problem in its true perspective. I feel that in this State, with the absence of control that we have at the moment, we have a degree of honesty in the community that is not apparent in the other States. It is difficult to bring proof that payment of key money is rampant in the other States, but we all have enough sense to know from practical experience and from our associates in the other States, as well as our personal contacts, that payment of key money is just as rampant there today as it was a few years ago; and in some places is getting worse. Whilst it is bad in Melbourne, it is even worse in Sydney.

Mr. Heal: What is the position in Perth?

Mr. COURT: There is no key money paid for residentials in Perth today because people charge their rent openly and fairly, and the tenant has the right to go to the court and have it appraised if he is not satisfied. But when control was exercised, it is no use our trying to deny that key money and other undesirable methods were rampant in this State as well as in the other States.

Mr. Heal: I could take the member for Nedlands and show him six or seven detached houses and a shop where the people were put out and which are still empty, waiting for key money.

Mr. COURT: The landlord who does that is a fool because while they are empty he is receiving no rent. To continue with my line of argument: I consider that the reflection of our rents in the index today in this State is a more honest statement of the position than that in any of the other States, and I would rather that we knew what the true costs were than have these spurious methods employed in an endeavour to deceive people into thinking that the rents are something which they are not. We have to be careful to look at the index figures for rent in Western Australia in their correct perspective. Furthermore, there is a minority of the community here affected by rents. We have to bear that in mind because, fortunately, the large majority of the people in this State are property-owners who are not directly affected by rent.

Mr. Andrew: Do not you think minorities should be protected?

Mr. COURT: None of us would deny that they should or say that we should ignore minorities. The whole structure of a democratic community is a due regard for the rights of minorities as well as of majorities. I have previously maintained in this House, and still maintain, that it is time the whole of our basic wage structure was reviewed so that the community at large could be certain that in the light of the most up-to-date expert examination, the basic wage did reflect a true state of affairs. To the best of my knowledge, it has only been plussed up and plussed up, and one of the objections I had in mind when I asked the question about bread earlier today, was that such methods produced anomalies. There should be a current review by competent people of the whole of the components of the basic wage, and particularly the rent factor—

Mr. McCulloch: The present rent factor or a true one?

Mr. COURT: I am referring to a complete review of the factors making up the basic wage, and particularly the rent factor, as that would give a more honest statement of the position. I am sure the member for Hannans would not claim that he would be prepared to swear that the basic wage components today are a true reflection of current conditions.

Mr. McCulloch: No.

Mr. COURT: For that reason I maintain that the whole question should be properly re-examined in the light of today's experience because in this and the other States there is a very large component of the rent-paying population where the rents are known beyond doubt and with easy reference, because of the fact that the biggest single landlord in this State today is the State Housing Commission. On the question of rent increases, I would also point out that when the measure was introduced last year to provide for a fair rents court, the Government acknowledged that there would be some inevitable rent increases and accepted that proposition.

When the Minister is replying, I would be grateful if he would comment on the experience of the operation of the Fair Rents Court. I do not wish what I am about to say to be taken as a reflection on the magistrate—far from it—but there is some feeling in the metropolitan area that the basis used for valuations in respect of both real estate—that is, the ground itself, and the improvements—is not in line with modern expert valuation practice. I have read the reports of the magistrate and he sets out clearly the

methods he has employed, but the best valuers in this city, and I am not referring to a valuer who just gets registered as a sworn valuer, but in particular to men of the highest qualification as valuers in the true sense of the word, are very concerned as to whether the evidence they put forward in the court receives due weight, in the light of some of the determinations made.

It may be that the Minister has discussed this point with the magistrate and has been able to arrive at the basis of valuation that he has adopted. I feel that a magistrate sitting in a fair rents court cannot get away from the expert evidence when it comes to the valuation of real estate. We are blessed in this city with some able valuers, men who give conservative valuations not based on current market values but on a true and scientific appraisement of value as it should be. The importance of this valuation is apparent when one studies Section 13 (3) of the Act, in which we have laid down the formula of percentage within which the magistrate will make his determination. If the basic valuation is not sound, it follows that the application of the percentage will be high or low in proportion.

I am surprised that the Fair Rents Court has not been used more in view of the information which the Minister put before us in the 1954 session. In the last report tabled in this House, the stipendiary magistrate in charge of the court said that from the establishment of the court a total of 95 applications had been received, and, of course, some of those have been withdrawn and not proceeded with; but I am surprised, seeing that this machinery is available, and in view of the evidence advanced at that time, to the effect that there would be a rush of applications and that one court might not be enough, that there have not been more applications.

It is apparent that there is not a great flood of applications even though the people have reasonable protection while they make application to the court. It follows that with comparatively few applications to the court, it should be able to give them speedy attention and afford applicants the necessary protection. It is interesting also to note that the court has seen fit to increase the rent in some instances, and some applicants have apparently been rather ill-informed as to what rent they should pay. I notice that one person appealed against a rent of £3.7s., which the court increased to £4.4s.

The Minister for Housing: Are you sure that was an application by the lessee and not the lessor?

Mr. COURT: I have not checked that, but it was an increase to 125 per cent. of the original rent. The report merely says that the place is in a good condition, about 15 years old, in an excellent residential locality with the side fences and lawns in poor condition. The rent was increased from £3 7s. a week to £4 4s., which is 125 per cent. of the rent appealed against.

I have no further comments to make at the second reading stage, although there are some amendments I would like to see made to the Bill. I feel that the gulf between what the Government has introduced and the general principles accepted last year is not very great and it should be possible to reach some satisfactory middle course in respect to these matters. I support the second reading.

HON. A. V. R. ABBOTT (Mt. Lawley) [3.21]: In considering a Bill of this nature I think one should regard its effects on the interests of the community as a whole and not on those of a few individuals only. It does not matter what conditions exist in the world today, there are always some individuals who, unfortunately, are unluckier than others. Sometimes it is because of health and at other times it is because the natural ability of the individual does not give him the rewards that the average receive.

So in dealing with legislation one has to be careful that it is in the interests of the community as a whole and not in the interests of only one or two people. I think it is in that light that we should regard this Bill. I was under the impression that that was the Minister's view because of his attitude in days gone by. He has said that controls should be relaxed from time to time and as far as possible. He has also said that the ownership of a house should be regarded with the same justice as the ownership of any other property.

After all, is there any reason why the owner of a house should be penalised and taxed indirectly for someone else's benefit while the owner of shares, or a starting-price bookmaker's shop, or anything else, is not so taxed? If we reduce the rent of a house below the economic reward that a like amount of capital will bring him with any other investment, it is not social justice.

The Minister for Housing: Nobody wants to do that. It is certainly not proposed under this Bill.

Hon. A. V. R. ABBOTT: I am not saying that the Minister does; I am merely dealing with the principle and the way in which we should regard the measure. There will always be a certain number of people who will take advantage of the application of the law. I do not think we can help that and I do not think we can stop it. If the cost to the community of trying to stop it is more than is warranted, I do not think we should take action.

Every person in the community who is not directly engaged in the production of wealth is a load on the standard of living. I do not say that that is not necessary, but

I think we should take into consideration the administration of the rent department, the cost of which would run into some thousands of pounds a year. That is a load on the community. Every inspector is a load on the community and so it goes on. Unless we can see clearly that it is an advantage to the community, I think we should abandon the necessity for this expenditure and also the irritation that it causes. If the economic position and the building situation are such that only a few might find it difficult to obtain accommodation when asked to pay too much, I do not think we need inspectors and legislation to give protection. The protection should be through the Housing Commission.

During his second reading speech the Minister quoted two or three rentals that seemed too high. But surely those three or four people could have been assisted into more reasonable premises by the Minister. I do not know what rentals he is forced to charge at present, owing to the cost of production of the commission houses, but I believe the rentals range from £3 to £4 a week. I think he said—and I am subject to correction—that the rent, even for the small places, was something over £3 a week. After all, that is for sparse accommodation only. Most of these private rental homes are situated in areas adjacent to the city and therefore the cost of fares is quite low. This is not the case with State rental homes.

If a person has to live at Willagee or Fremantle, and he works in Perth, he has to pay a fair sum in fares each week and that really must be added to the cost of his rent. Most of the homes that have been built for a few years are situated in much more convenient areas—areas which are closer to the city and industries generally —than are the homes provided by the State Housing Commission. That is an economic factor that must be taken into consideration and therefore those homes are of more value than the ones erected by the Housing Commission.

For instance, I know that it is proposed to build houses some seven or eight miles up the Wanneroo-rd. The fares that a person renting one of those homes would have to pay to get to and from the city and to and from his place of employment would be considerable, whereas if he rented a home within one or two miles of the centre of the city, it would cost him less for fares and naturally such a home would warrant the payment of a higher rent because of the greater economic value. So while the rentals quoted by the Minister might have seemed excessive, it must be remembered that they are probably payable in respect of houses in close proximity to the city.

The Minister for Housing: I quoted cases where the rentals had been reduced, not increased.

Hon. A. V. R. ABBOTT: That might be so; there are odd cases. I would not like to see this Act made permanent. I think a man is much happier when he owns his own home; he takes more interest in it because it is his little bit of the world; it belongs to him and is his castle and everything possible should be done to encourage that attitude. In other countries where rent restrictions have been applied in an attempt to lower the cost of living, the result has been the opposite; in all cases the reverse has happened.

Take the case of a man who is earning a fair wage and who can afford to build or buy a house. His wife says, "No, we will get a rental home because if we bought a home and we tried to sell it, or do anything with it, we would not get our money back."

Mr. J. Hegney: Do you think his wife would say that?

Hon. A. V. R. ABBOTT: Yes, she would, because I think, by and large, the average woman has a keen sense of responsibility not only for the welfare of her family but also for the value of her home. She does not spend large sums in the betting shops or in the pubs. She raises her children, and the Australian housewife, as I understand her, has the interests of her children and her family at heart. She is also a lover of her home. She is the one who wants full value if, at any time, the family has to dispose of its home.

The Minister for Housing: There is nothing to stop that.

Hon. A. V. R. ABBOTT: No, but every restriction on the amount that can be charged for rent on any premises restricts the value of the home. Every restriction has that effect.

The Minister for Housing: There is not much restriction about this legislation.

Hon. A. V. R. ABBOTT: There is some.

The Minister for Housing: Mighty little!

Hon. A. V. R. ABBOTT: After all is said and done, the rents will be fixed and it will be purely instinctive on the part of the rents inspector or anyone else, when the rent is considered, to fix it at the lowest reasonable figure. That is only logical. He cannot help doing that any more than I could. Human nature is such that one is always out to get as much as one possibly can for himself. I would venture to say that 90 per cent. of the people would probably suggest that Val. Abbott gets too high a salary as a member of this House. On the other hand, some may think that members receive a reasonable remuneration, but, nevertheless, members should approach the outside public to ascertain its point of view.

Hon. Dame Florence Cardell-Oliver: Quite true!

Hon. A. V. R. ABBOTT: So I say that restriction of any kind should always be avoided. Another point that I propose to deal with in Committee is that leases, on the whole, have always been to the advantage of the tenant and not of the landlord. A lease gives a tenant security and an equity in the asset. By having a three or four-year lease of business premises, a tenant has a certain amount of goodwill which enables an incoming tenant to get on his feet. He is also able to realise his position before he arranges a fresh lease between himself and his landlord. If we are to provide in the legislation that a man can accept a lease at any rental and the following week apply for a reduction and the lease stands but the rent is reduced, the position will be that landlords will refuse to grant a lease.

The Minister for Housing: Where is that proposed in the Bill?

Hon. A. V. R. ABBOTT: As I understand it, is not the Minister proposing to bring in a lease for three years under the purview of this Bill?

The Minister for Housing: We will discuss that in Committee.

Hon. A. V. R. ABBOTT: Once that is brought under the purview of the Bill application may be made to the court to fix a rent at any time. It could be made a week after the lease had been granted. An unscrupulous man might say, "I will tender for this lease and promise any amount as rental because I know that one month after the lease is signed, I can apply to the court to have my rent reduced. However, my lease will always stand."

The Minister for Housing: This proposition of yours does not appear in the Bill.

Hon. A. V. R. ABBOTT: It appears in the Bill inasmuch as the Minister is extending the provisions of the Act to provide for a lease of three years or over.

The Minister for Housing: No, only to a very limited extent and it will not apply in the way you imagine.

Hon. A. V. R. ABBOTT: Perhaps the Minister will be able to disillusion me on that point. However, that is the way I read the Bill. I understand that the Minister is intending to bring in, under the provisions of the Bill, a clause for the purpose of fixing the rent on a three-year lease or over. When the Minister was explaining the Bill, I understood him to mean that, to avoid the provisions of the Act, tenants could enter into a lease for three years although they had an escape clause. That is all right for the tenant, but there is no escape clause for the landlord because, if there were, a lease could not be entered into. There can be no escape clause for a landlord when there is a definite term fixed. That is one difficulty the Minister may be able to explain. I think it needs some explanation.

If we provide for leases, as proposed, the landlord will say, "It is heads I lose and tails I lose, so why should I give a lease?" If he grants a lease that is reasonable, the tenant next week may say that it is not reasonable and apply to the court for a reduction and the landlord will still have to adhere to the original terms of the lease. Therefore, why should a landlord grant a lease? For the sake of a few people who will take advantage of such circumstances, I do not think the proposal is worth while.

The Minister for Housing: You are arguing against yourself because what you are assuming is not in the Bill.

Hon. A. V. R. ABBOTT: I think it is in the Bill. I am only putting my point of view so that the Minister, in his reply, can point out to me how it is not.

The Minister for Housing: I will do that in Committee.

Hon. A. V. R. ABBOTT: Very well. This is really a Committee Bill. The Minister who is charged with the responsibility of providing cover for all those who really need it, must have regard for the members of this House. The Minister's attitude is that he does not want protection one minute longer than is necessary. He has altered his attitude somewhat. However, it is a little confusing when he mentions that he is desirous of making the legislation permanent. The Minister may be able to explain, in Committee, why he wants this legislation made permanent.

The Minister for Justice: Nothing is permanent as far as Parliament is concerned.

Hon. A. R. V. ABBOTT: No, but, by Jove, there are a few Acts I would like to alter and I find them very permanent! The Minister has pointed out not once but many times that Parliament consists of more than one House.

The Premier: What prevented you, from 1947 to 1953, from altering those particular Acts?

Hon. A. V. R. ABBOTT: Such opportunities do arise on occasions, but that is by the way.

The Premier: I will not press the question.

Hon. A. V. R. ABBOTT: I support the second reading.

MR. PERKINS (Roe) [3.39]: I do not think any members of this House are anxious to see rack rentals charged against tenants, but I think the Minister must agree that the Act as it stands has worked rather better than he would have us believe when the legislation was under consideration last year. I remember the lengthy debates and the forecast made by

those on the other side of the House in regard to the number of cases the Government thought it would have to deal with. Of course there have not been a great number of cases.

The Minister for Housing: For the simple reason that you made it impossible for tenants to go to the court.

Mr. PERKINS: That does not necessarily apply either. It has not been the fear of reprisals by the landlord that has prevented the tenants from going to the court; it is because their rentals were not raised unduly. In the vast majority of cases the landlords who were receiving rentals which did not give them a fair return on their property, did raise those rentals. But as I have said, in most cases the rise in rentals was not unreasonable, bearing in mind all the circumstances.

The Minister will recall that many of us on this side of the House stressed that there were rights on both sides of this argument. We were aware that unduly high rentals could be a great social evil, but on the other hand landlords are entitled to a reasonable return on their capital. The Minister knows that the Real Estate Institute gave a great deal of consideration to this matter. It arrived at a certain scale which its members advocated, providing a reasonable level of rent. I know of one particular estate that included a number of houses, and I understand that the rentals received were not providing a reasonable return on the capital value of those houses.

When the new legislation came into operation, I am advised that in that particular instance the matter was placed in the hands of a reputable real estate agent and arrangements were made for a proper valuation of the houses, while the rentals were adjusted in accordance with the scale arrived at by the Real Estate Institute. I think, probably, that comparable action was taken by the vast majority of landlords. We know that there are always some people in the community who are anxious to exploit a situation where goods of any kind are in short supply. I have no doubt that there have been cases where rentals have been raised to an unreasonable extent, but under the legislation as passed there was at least some protection provided in respect of the more blatant cases. I think that the measure, with the amendments proposed by the Opposition, will be capable of meeting the situation. The Minister is inclined to go back to the earlier stage before the legislation was amended last year.

The Minister for Housing: No, that is totally false.

Mr. PERKINS: The Minister is going back to the rents that were operating before the legislation was amended last year.

The Minister for Housing: In place of 1939, that is all.

Mr. PERKINS: On the other hand, we know there have been many adjustments since 1939, but there were many difficulties in getting suitable adjustments on the 1939 rents, and the rents operating prior to the amending legislation last year did not by any means in all cases provide a reasonable return on capital.

The Minister for Housing: It even legalised excessive rentals charged in April, 1954.

Mr. PERKINS: There was not a great number of excessive rentals charged at that stage. What the Minister is complaining about is the way the Act has operated since then. The action Parliament took last year is all the Minister is complaining about.

The Minister for Housing: This is a hand-out to the landlords.

Mr. PERKINS: There will be plenty of opportunity for the Minister to explain his point in Committee. I do not want to labour the second reading, but I do want to make the point that there are rights on both sides, and, looked at from a social point of view, I do not think Parliament should pay undue attention to the rights of the tenants. By undue attention, I mean it should not do so all of a sudden.

The policy of all political parties is to encourage people to own their own homes. It will be found, however, that the people who are making the most noise are the poor tenants; they are those who, if they exercised the same amount of thrift that has been exercised by some other members of the community, would probably have owned their own homes long before this. If they are permanent residents in the metropolitan area, it is reasonable to expect that they would have saved enough money to get into their own homes before now.

Sitting suspended from 3.45 to 4.9 p.m.

Mr. PERKINS: I was referring to the desirability of as many people as possible owning their own homes. It is the policy of all parties that people should be encouraged to do this. I have felt that in recent times, particularly with the great prosperity prevailing throughout the community, many more people could have attempted to obtain their own home if they had exercised the same degree of thrift as some of their neighbours. For that reason the remedy for those people who have been complaining about the scale of rents is for them to cease being payers of rent and acquire their own home.

I realise there are people who are transferred in the course of their employment, and that it is not practicable for them to own a home; but a great many people at present living in the suburbs are likely to be here for many years to come, and one would think the right course would

be for them to take the necessary steps to acquire a home. For that reason I say that the question of rentals should be of lesser importance now than it was in the period immediately after the war.

Mr. Court: Many of those people will not buy a house because they reckon they can make more money by investing it and paying a fairly cheap rent.

Mr. PERKINS: I am afraid that is perfectly true. It is an unfortunate fact that many people who could have let homes to others at a reasonable rental have, by the excessively repressive rent legislation that had been in force until last year, been discouraged from continuing as landlords. They have received practically no return on their capital. Most of the rent is swallowed up in maintenance and rates and taxes. The result has been that an undue proportion of the responsibility for providing rental homes has been pushed on to the Government.

I understand that the Housing Commission is now finding it very expensive to maintain its rental homes in good repair. On all these scores, I think the Minister for Housing should approach the question in a realistic manner. If he listens to the advice given him by members of the Opposition, he will be able to send to the Legislative Council, a Bill which is a practical approach to the problem.

THE MINISTER FOR HOUSING (Hon. H. E. Graham—East Perth—in reply) [4.15]: It is suggested to me, by the remarks of the speakers on the Opposition benches, that it is obvious there is nothing greatly contentious in the measure. I think it is generally conceded that the amount of control in the existing statute, or what is proposed, is so insignificant that there could not very well be any great margin of disagreement.

The member for Nedlands thought that because the Bill was largely in the terms in which the legislation was agreed to last year, it was a vindication of the attitude of the Legislative Council. It is, of course, nothing of the sort; it is a practical recognition by this Government that the members of the Legislative Council are the masters of Parliament, and that unless they are prepared to agree to a proposition, it cannot become law. So as to avoid, as far as possible, differences and bickerings, and to give the legislation some prospect of passing, its terms have been trimmed to conform to the greatest degree possible to the viewpoint of the Legislative Council.

Hon. D. Brand: Will that principle apply to all other legislation?

The MINISTER FOR HOUSING: No, but this piece of legislation is one that affects so intimately the welfare of so many of our people that it is absolutely essential that something, however small, be done in order to ease the plight of those people to the greatest possible extent.

I was twitted with not having paid tribute to the private builders for the contribution they had made towards the solution of the housing problem. On numerous occasions I have expressed the satisfaction of the Government at the activities of the building contractors and their tradesmen. It may be true to say that I have not made complimentary references, or indeed references of any sort in respect of the people who are building houses privately, other than to do everything possible to assist them. The fact of the matter is that scarcely any houses, if any at all, are today being built for rental purposes.

Mr. Yates: Flats are, and you class them as houses in your statistics.

The MINISTER FOR HOUSING: Yes, but the number of flats is so insignificant by contrast with the thousands of houses erected, that they are not of particular consequence; although all structures assist to make a contribution towards the solution of the accommodation problem.

Mr. Wild: Do not you think there would be more rental homes built by private people if there were more freedom in regard to rent?

The MINISTER FOR HOUSING: There is virtually 100 per cent. freedom at the present time, and the statistics will reveal that for the year 1955 we have had practically no control, and one would not think that the construction of fewer houses would be commenced than in previous years. Therefore it cannot be suggested that the easing of controls has been responsible for an increased private building programme. At the same time, let us be fair about it. I do not want to make propaganda out of this, but on account of credit restrictions there would no doubt be some lessening in the volume of private building. The point I am making is that private building activity, apart from flats, has not been undertaken for the purpose of letting.

Mr. Court: There was another lead to that proposition, and that was the increased number of houses that came on to the market for letting last year. I do not know whether your officers have any indication of the number.

The MINISTER FOR HOUSING: No, but I follow those columns rather closely and I should say that the average rental advertised is in the vicinty of seven guineas a week.

Mr. Court: That does not follow. For certain types of houses, yes.

The MINISTER FOR HOUSING: Any hon. member is quite at liberty to walk down the corridor to the newspaper room and check what I have said. I am not for one moment suggesting that the rents are too high or too low, but that is the impression I have from frequent reference to the newspapers.

Mr. Court: It is only the high rent ones that are advertised.

The MINISTER FOR HOUSING: That may or may not be true, but it is not my experience, and by that I do not mean my personal experience. Persons who write to me inform me that they have tried desperately all over the metropolitan area and have found it exceedingly difficult and, in fact, impossible to acquire premises at a rental within their capacity to pay. Whilst no doubt some of them might be putting up a story in the hope that the Housing Commission would assist them, that certainly could not be said of all of them, and I am inclined to believe that that would be the general experience. In order to be fair I say that while it may be true that the average rental of advertised dwellings is £7 7s. per week, I personally have doubts as to whether all of those advertised are let to tenants at that figure.

Hon. Dame Florence Cardell-Oliver: Are they furnished or unfurnished?

The MINISTER FOR HOUSING: Both. I am taking an average because I have seen some advertised for £10 10s. or £12 12s. per week. However, enough of that. The member for Nedlands reminded me of what I said on a previous occasion—that it was my hope that before long we could abandon controls as we have known them. I feel that this legislation virtually does that. So far as the person gaining possession of his premises is concerned, if the whole desire of the Government is agreed to, any owner of premises, merely by giving 28 days' notice and without having to supply any reason whatever, will be able to take a case to the rents tribunal. The court has no discretion at all and, in other words, is unable to refuse the application, although it has a very limited discretion in respect of time; a maximum of three months.

The great majority of evictions that have been taking place in the past 12 months or so have not been at the instigation of persons wishing to obtain the premises for themselves, but for the purpose of allowing some other people to enter into occupation, perhaps for very good reasons. But there is certainly no difficulty about any-owner regaining possession of property under the legislation existing at present. I am afraid I cannot answer the question as to what the magistrate in charge of the Fair Rents Court does in determining the capital value of a property. I do not know whose advice he seeks or ultimately adopts. All I know is that, generally speaking, he fixes a capital value of the property and then allows a 5 per cent. or 6 per cent. return to the owner and, where there is furniture, or goods in addition, a return of 20 per cent. is allowed on their value.

Members will appreciate that I am a comparative stranger to the activities of the rent inspector, who comes under the control of the Chief Secretary, but no doubt the information sought by the member for Nedlands could be obtained without a great deal of difficulty. By way of interjection I indicated why there were not the great flood of applications before the Fair Rents Court that was anticipated by me when introducing the measure in the terms of the Bill brought down by the Government. That was a totally different proposition from what the law is at present, and I read a report from the rent inspector's office, which indicated that in more than 50 per cent. of the cases that they have investigated, the tenants had specially requested that no action be taken because of the fear of eviction proceedings being instituted—particularly by the rent inspector—and that very point was mentioned by me when we were discussing the insertion of those provisions some time ago.

Now we have a public officer's report which indicates that the contention of the Government side of the House was correct. Once again the member for Dale seemed to think that because there had been an improvement in the housing position in Western Australia, where the situation is probably better than in any other State, that was an argument against the continuation of controls however slight they might be, but we have had evidence in the last 24 hours that there is no shortage of bread, of bakers or the ingredients of bread, yet an independent tribunal, members of which have had a great deal of experience in this sort of thing, have found that there is an excessive charge for bread being imposed upon the public.

Hon. A. V. R. Abbott: But without full inquiry.

The MINISTER FOR HOUSING: I think the member for Mt. Lawley would be surprised if he knew how full that inquiry was and that if there were coins of lesser value than we have, there might have been an even greater reduction in the price of bread.

Mr. Court: Not fairly.

The MINISTER FOR HOUSING: Quite fairly.

Hon. A. V. R. Abbott: I had as much experience of Mr. Mathea's system as anyone has.

The MINISTER FOR HOUSING: I well remember complaints and propaganda, even in recent days, to the effect that all the price control department seemed to be doing was giving official sanction to price increases, yet this afternoon we have heard from the member for Mt. Lawley that the disposition is to do the opposite and keep prices as low as possible. Apparently there is one line of reasoning on one occasion and a different line the next time. The member for Dale told us how the Legislative Council had decided progressively to decontrol rents and tenancies.

The Government was quite in accord with that, but, of course, that was not what another place did and I repeat that the capital cities of the other States of the Commonwealth since the quarter ended March, 1954, as against the quarter ended June, 1955, had an average increase in rental of 24 points, as against no less than 607 points of increase in Western Australia —and there is nothing gradual about that! It indicates that Western Australia, because of the Legislative Council, is completely out of step with the rest of the Commonwealth, Labour States or Liberal States—

Hon. A. V. R. Abbott: And so is the State Housing Commission, in rents it charges.

The MINISTER FOR HOUSING: The average rent charged by the State Housing Commission in Western Australia is £2 11s. 9d.

Hon. A. V. R. Abbott: For houses constructed at present?

The MINISTER FOR HOUSING: On the average State house.

Hon. A. V. R. Abbott: Never mind about the average! What is the rental for them this year?

The MINISTER FOR HOUSING: I am afraid I am unable to answer that. But a house that is constructed in 1955 on current year's costs will obviously be let at a greater rental than one constructed in 1925 on that year's costs.

Hon. A. V. R. Abbott: Of course!

The Minister for Lands: What is the matter with you?

Hon. A. V. R. Abbott: What is unreasonable about that or about any private owner doing likewise?

The MINISTER FOR HOUSING: There is nothing unreasonable about it, but there were some people who, on houses erected in 1855, were charging 1955 rentals.

Hon. A. V. R. Abbott: What is wrong with that?

The MINISTER FOR HOUSING: The object of the Government was to have a Fair Rents Court constituted to determine what is a reasonable rental. The member for Dale pretended that any success that might have attended the efforts of the State Housing Commission over the past two and a half years was due to the solid foundations laid by himself and his predecessors. I will quote a few figures in connection with that statement. First of all we will have a look at the calendar. In quoting from the price index, the high rentals in Western Australia today, compared with those charged in other States, dated from the time action was taken by the Legislative Council. There can be no dispute about that. Secondly, the improvement in the housing position manifested itself with the change of Government in Western Australia and, before there are any interjections, let me quote these figures to prove that. When the McLarty-Watts Government took office—

Hon. A. V. R. Abbott: Now the Minister should not be shy!

The MINISTER FOR HOUSING: The hon. member may have no fears about that. When the McLarty-Watts Government took office there were 254 houses per thousand of the population of this State. When it ceased holding office there were 256 per thousand of the population. In other words, there was scarcely any improvement, but at June, 1955, the number of houses improved to 272 per thousand of the population.

Hon. D. Brand: Can you give us the increase in population over those years?

The MINISTER FOR HOUSING: I am afraid I am not the Government Statistician.

Hon. D. Brand: You had better not send for the figures either.

The Premier: There has been a very big increase in population over the past 2½ years.

Hon. D. Brand: Not as great as in the previous 2½ years.

The MINISTER FOR HOUSING: That figure of 272 houses per thousand of population indicates the greatest density of houses in the past 50 years of the history of Western Australia. When I spoke in the Perth Town Hall and not, as the member for Dale suggested, in the Perth City Council Chambers, I made the statement that from these statistics it would appear that the housing problem had been solved, having these figures in mind, of course, without quoting them, at that civic reception. But I said, as an enlargement of that fact, that there were still many thousands of people who were seeking houses and accommodation from the State Housing Commission.

I went on to say that I thought that was a desirable state of affairs because it indicated, first of all, an expansion in our population and in the development of the State and also that people desired a higher standard of house today compared with that which they were accustomed to in bygone years. In other words, whereas they were prepared to accept second rate accommodation before, they were not prepared to accept it now. That is broadly what I said. The morning Press, however, came out on the following day with the headlines, "Housing problem solved." Of course, it is a very simple matter to take a few words from a statement of fact based on statistics in order to create a wrong impression.

Hon. D. Brand: The only man who shuddered was the Premier when he read that.

The MINISTER FOR HOUSING: No. As a matter of fact the Minister for Housing shuddered because he thought that if

the Premier had read it, as no doubt he did, there would be no funds allocated to housing.

Hon. D. Brand: It looked as though you tickled the peter.

The MINISTER FOR HOUSING: However, what followed merely showed that the Premier had a fairly good appreciation of the housing problem because he agreed to make funds available—not as much as I would like—sufficient to carry on the commission's activities.

Hon. D. Brand: I wonder what he said in April when he found that £1,125,000 had gone up the spout?

The MINISTER FOR HOUSING: I had many discussions with the Premier on that and he did not appear to be unduly perturbed. As a matter of fact, seeing that members of the Opposition are taking a great deal of pleasure from that circumstance, let me tell them that the overdrawing by the State Housing Commission was only for a matter of three or four weeks, and then the money was paid back.

The Premier: The housing of the people is of supreme importance.

Hon. D. Brand: Very important! And water for the people is important too.

The MINISTER FOR HOUSING: I do not want to deal with the 101 things that were mentioned because it can only be expected that in a measure such as this, party politics are rife.

Hon. A. V. R. Abbott: Not on this measure!

The Premier: Not in Committee!

The MINISTER FOR HOUSING: Let us hope and trust!

Hon. D. Brand: Not now!

The MINISTER FOR HOUSING: I must, however, make some reference to the fact that an Opposition member seems to think that we should pay tribute to Mr. Menzies for making available some money and thereby enabling the Housing Commission to break all sorts of records. Those who know anything about the subject, are well aware that the more money made available to Western Australia by the Commonwealth under the Commonwealth-State housing agreement, the less is left of general loan funds. In other words, if the Premier had asked for £1,000,000 more from loan funds for housing and his request had been granted, he would have had £1,000,000 less for the erection of hospitals, schools, or some other public works.

Mr. Court: Not necessarily.

The MINISTER FOR HOUSING: Yes.

Mr. Court: That does not always follow.

The MINISTER FOR HOUSING: We will not have a debate on that, but, generally speaking, that is the position and the amount is broadly determined by the Premier when dealing with the requests that are made. I hope that we can approach the Bill reasonably in Committee. As I see it, it provides for no irksome controls. I particularly noted that speakers on the Opposition side of the House found themselves in difficulty when discussing the Bill in not being able to find something to criticise or to find fault with.

As I have already indicated, any person or any owner of premises, by giving 28 days' notice to a tenant, as provided, can automatically get repossession. So far as rents are concerned, with certain minor limitations, he can charge whatever he is able to get, subject only to an appeal to the court by the tenant to ensure that a fair thing will be done. There is a growing feeling throughout the Commonwealth of Australia, as has been shown in regard to price control, that where items were decontrolled, they should be subjected to the reimposition of controls.

The Liberal Government of South Australia has reintroduced a measure dealing with price control and that does not mean, necessarily, that every commodity or service is controlled. Nor does it mean that excess prices are being asked or that every trader is overcharging; but it is merely to have the machinery to deal with cases where people go to excesses. That is the position with regard to this legislation. I venture to suggest that members opposite will find it exceedingly difficult to prove that any real hardship will be imposed on anybody under the terms of the measure before us at present.

Question put and passed.

Bill read a second time.

In Committee.

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

Clause 1—agreed to.

Clause 2—Section 4 amended:

Mr. WILD: I move an amendment—

> That all words after the word "by" in line 12, page 2, be struck out and the following inserted in lieu:—
>
> inserting after the word "premises" in line 11 in the interpretation "lease", the words and brackets:—"(Not being an arrangement or contract for the use of lodgings)".

Section 5 (2) of the parent Act was originally inserted to differentiate between a lease and a licence. The legislature did not intend that this section should be used as an indication that lodgings came within its ambit. On one or two occasions I have heard of lodgings being included under that provision, but neither the Government nor the Opposition has heard any forceful argument in years gone by to include lodgings. It is surprising that today,

after the legislation has been in operation for 10 years, an attempt should be made to include lodgings.

There is a tremendous difference between the relationship of a lodger and his landlord or landlady, and the relationship between a tenant and his landlord or landlady. A lodging house might have one or more boarders. Unless the premises happen to be a duplex house, the tenant is given the sole use of the premises and is free from interference. It is possible to have a lodger who is not a drunk and who does not abuse the use of his room, but he might be a noisy man and makes it a practise to bring his friends home late at night and thus disturb his neighbours.

Surely in the interests of the other boarders, the landlord or landlady should have the right to give such a lodger notice. Instead, it is intended to insert a provision in the Act to make the notice 28 days instead of seven. This is an attempt to gradually whittle away the rights of the landlord or the landlady over their lodgers. I ask the Committee to support this amendment.

The MINISTER FOR HOUSING: This is more of a legal argument. By turning to the definition of "lease" in the Act everyone must gain the impression that the terms referred to by the member for Dale are already covered. The relevant words are, "lease includes a contract for the leasing of premises either with or without the use of fittings or furniture or other goods, or the supply or provision of any domestic service".

Surely that definition covers a room which may be supplied with furniture and house linen. Where cleaning, sweeping and the making of beds are included, they would come under the term "supply or provision of any domestic service." By referring to the Act everyone will be convinced that over the years, the apartment houses referred to here were, in fact, covered by the Act.

I remember most distinctly reading what Mr. Watson said in another place to the effect that in his view legislation affecting rents could be abandoned so far as houses were concerned, but the real villains were those who charged exorbitant rentals to unfortunate people, like pensioners, for rooms in houses in the inner metropolitan area. He felt that was the main consideration. In my view, every member of both Houses has been of the opinion that apartment houses and rooms were covered by the Act.

Hon. A. V. R. Abbott: Were they not? Has there been a decision to the effect that they are not?

The MINISTER FOR HOUSING: I do not know if there has been any decision, but the Crown Law Department feels that there is some doubt about the position.

Hon. Dame Florence Cardell-Oliver: What if a pensioner owned a house and charged what he liked for rooms let to lodgers?

The MINISTER FOR HOUSING: I do not think he could do it.

Hon. Dame Florence Cardell-Oliver: I can give you names.

The MINISTER FOR HOUSING: If he was charging an extortionate rental—

Hon. Dame Florence Cardell-Oliver: It is not extortionate for these days.

The MINISTER FOR HOUSING: But if he was letting rooms at £2 a week, he would be disqualified for the pension.

Hon. Dame Florence Cardell-Oliver: You are wrong; you had better find out.

The MINISTER FOR HOUSING: I know the provisions of the Commonwealth Act in respect to income and the percentage of income allowed from rents.

Hon. Dame Florence Cardell-Oliver: So do I.

The CHAIRMAN: The Minister had better proceed.

The MINISTER FOR HOUSING: That has scarcely anything to do with the question before us. The Crown Law opinion is that "lease" appears to cover lodging-houses as well as apartment-houses, but it has been argued that lodgers are not lessees within the meaning of the Act. I should like to hear members opposite deal with the point. The provision will merely place beyond doubt what Parliament previously thought it had legislated to cover. For that reason and because of the necessity for the provision, I cannot agree to the amendment.

Mr. WILD: The Minister, during the second reading, said there had been some doubt as to whether the Act covered lodgers. I had no doubt on that score, as I had never envisaged lodgers coming within the ambit of the Act. There might have been some avaricious people who made exorbitant charges a few years ago, but these matters have settled down. One has only to look at the newspaper advertisements to realise that there seem to be plenty of places available. Even if there is some doubt on the point, I cannot see any tangible reason why we should at this late stage bring in lodgers, especially as the Minister himself has expressed the view in previous speeches that the protection should become less and less.

Amendment put and negatived.

Clause put and passed.

Clause 3—Section 5 amended:

Mr. WILD: I move an amendment—

That all the words after the word "by" in line 17, page 2, be struck out and the following inserted in lieu:—
inserting after word "premises" in line four the following words: and

brackets:—"(not being an arrangement or contract for the use of lodgings)".

The substance of my proposal is to delete what I consider is a very obnoxious provision whereby the Minister wishes to bring under the Act people who have leased premises for three years or more. Two years ago, Parliament determined that, in order to give people the opportunity to get firm contracts as between tenant and landlord, any lease for a period of three years or more should be outside the scope of the Act. The other night the Minister quoted the case of some person at Maylands who was paying six guineas a week and who was offered by the landlord a three years' lease if he was prepared to pay 10 guineas, thus putting him outside the ambit of the Act.

I cannot ignore the fact that this legislation has been before the public for the last 10 years. People knew full well that, year by year, the amount of protection was being reduced, and I say that any man who buys a business and has not a continuity of tenure should not be in business. It is not as if a bomb were dropped all of a sudden. Every year Parliament has made it clear that control was being progressively decreased. Therefore any businessman who in the last four or five years has paid £2,000, £3,000 or £4,000 for goodwill without having a lease of the premises, deserves to lose his business because he is a fool.

For my part, I cannot see any rhyme or reason in seeking to protect such people. The man quoted by the Minister would be in the best position to judge whether he should pay the ten guineas or cut his loss. He would know what his turnover was, what the goodwill was, and what he stood to lose if he did not sign the new lease. If he agreed to pay the 10 guineas, I would conclude that he had weighed up the position and decided that he could still make a profit. The main point is that Parliament made it clear that it would not protect people who went into business without some security of tenure. I ask the Minister to reconsider his decision.

The MINISTER FOR HOUSING: This is a serious matter and one which the Government would not have thought of embodying in legislation had experience not shown it to be necessary.

Hon. A. V. R. Abbott: On how many occasions has it come within the knowledge of the court?

The MINISTER FOR HOUSING: I cannot answer that, for several reasons, and even if I were in charge of the organisation, I doubt whether it would have a complete knowledge of the number of cases. The fact remains that while we thought we were allowing a reasonable thing, that for a lease of three years or more there should be no controls at all, we find the provision has been used by owners of premises as a device to raise the rent beyond a fair thing.

Hon. A. V. R. Abbott: It cannot be used as a device.

The MINISTER FOR HOUSING: In bygone days, as the hon. member said, a lease was a lease, but at present the letting of premises has attached to it certain conditions as embodied in the legislation. By entering into a lease of three years or longer, those restrictions are avoided, and so there is an inducement to an owner, not because he wants to let the premises for three years but in order to defeat the intention of Parliament, to enter into such a lease. I repeat that it is obvious in some cases that have been brought to the attention of the rent inspector that there has been a lease of three years entered into with a tenant with a provision, never heard of in pre-war days, giving the tenant the right to terminate the lease—

Hon. A. V. R. Abbott: But the landlord cannot.

The MINISTER FOR HOUSING: No. He was not concerned with the length of the lease but with getting outside the rent restrictions imposed by the legislation, and by signing a document embracing a term of three years or more, he was able to do that. It is not proposed that this should apply in all cases but only where application has been made to the court and a determination made, shall we say, of £10 per week. If that is the position, then the lessor cannot enter into a lease of three years or more at a figure exceeding £10 per week, but where there is no approach to the court there is no restriction, and none is intended under the terms of the Bill.

Parliament decided that a certain course of action should be taken for certain reasons, but some of the wise guys have found a way of defeating that intention, and here the Government is ensuring that if an application has been made to the court which has fixed a certain figure as the weekly rental, there shall not be any loophole in the legislation which would enable a lessor to charge an amount in excess of that determined by the court. No new principle is being introduced, and this is merely to make effective what Parliament decided last year.

Mr. COURT: I support the amendment, because, in spite of the Minister's explanation, I feel that the provision is undesirable. A trader with a three-year lease has a greater degree of stability in his business than he would have with a weekly or monthly tenancy. Every sound trader in leased premises likes as long a lease as he can get and by tradition it is arrived at by bargaining. The standard

period of lease at the moment is three years. I think all trustee company leases are for three years.

The Minister for Housing: I think you will agree that if the Act stated four years, that standard of lease would be four years, for an obvious reason.

Mr. COURT: I think the Minister is being harsh, as the trustee companies do not fiddle around as between landlord and tenant, and they do not try to juggle one tenant against another. It might be different if they were acting for an agency as distinct from an estate, but whether the provision was four years or more would not affect their general policy. It has been agreed that in view of the economic trend of the last ten years, three years is the maximum period for which it is economically sound to tie premises up, and that is what determines the period.

There is grave doubt whether the clause would achieve what the Minister, in his explanation, said it sought to achieve. Two members of the legal profession have raised two queries in connection with the wording of the portion that the member for Dale now seeks to have removed. The first has reference to the word "part" in line 19, and the second to the words "has been determined" in line 20. It is difficult to understand the significance of the word "part," and the second query is as to whether the words "has been determined" necessarily mean a rent determined by the court.

If any rent agreed by the parties on and after the first day of May, 1954, means that it is a rent which has been determined, the Minister's intention is defeated and it would be dangerous to allow this provision to go in because, with the passage of time, we are, in effect, bringing back practically all leases of three years or more—

The Minister for Housing: No.

Mr COURT: We cannot allow this to go forward with any doubt. Possibly the Minister will say that "has been determined" means determined by the court or the rent inspector, but I think the provision is dangerous in its present form. The Minister referred to an escape clause, and surely that is to the advantage of the tenant. My understanding of the law is that if a document contains escape clauses for both parties, it ceases to be a lease, but if the landlord is bound for three years and the tenant is given certain escape rights, it is in his interests, and if that is the only objection of the Minister to the three-year period, I think it is a poor one as it is actually against the interests of the tenant. I support the amendment.

The MINISTER FOR HOUSING: There is some merit in what the member for Nedlands says. I am informed that the word "part" in line 19 is a misprint and should be "Act."

Hon. A. V. R. Abbott: We must deal first with the amendment before us.

The CHAIRMAN: This cannot be dealt with unless the mover of the amendment would withdraw it.

The MINISTER FOR HOUSING: Would the member for Dale move to strike out all words down to the worth "this," in line 19, and we could have our differences up to that stage and if the Committee disagrees, I could move to alter the other wording?

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

Amendment, by leave, withdrawn.

Mr. WILD: I move an amendment—

> That all words after the word "by" in line 17, page 2, down to the word "this" in line 19, be struck out.

Amendment put and a division taken with the following result:

Ayes	16
Noes	19
Majority against	3

Ayes.

Mr. Abbott	Mr. Nimmo
Mr. Brand	Mr. North
Dame F. Cardell-Oliver	Mr. Oldfield
Mr. Court	Mr. Owen
Mr. Doney	Mr. Thorn
Mr. Hearman	Mr. Watts
Mr. Hutchinson	Mr. Wild
Mr. Manning	Mr. Yates

(Teller.)

Noes.

Mr. Andrew	Mr. May
Mr. Brady	Mr. McCulloch
Mr. Graham	Mr. Norton
Mr. Hawke	Mr. Nulsen
Mr. W. Hegney	Mr. O'Brien
Mr. Hoar	Mr. Rodoreda
Mr. Jamieson	Mr. Sewell
Mr. Johnson	Mr. Styants
Mr. Kelly	Mr. Tonkin
Mr. Lapham	

(Teller.)

Pairs.

Ayes.	Noes.
Mr. Bovell	Mr. Moir
Mr. Cornell	Mr. Lawrence
Mr. Nalder	Mr. Guthrie
Mr. Ackland	Mr. Sleeman
Sir Ross McLarty	Mr. Rhatigan
Mr. Mann	Mr. Heal

Amendment thus negatived.

The MINISTER FOR HOUSING: I move an amendment—

> That the word "Part" in line 19, page 2, be struck out and the word "Act" inserted in lieu.

Amendment put and passed.

Mr. COURT: Does the Minister intend to comment on the second observation I made, because it is rather a vital point?

The Minister for Housing: Will you state the point again?

Mr. COURT: A query has been raised regarding the words "has been determined." One viewpoint has been advanced by a fairly eminent legal brain—it might be that,

through lack of time to do proper research, he is wrong—that those words could include rents mutually agreed upon as distinct from those determined by the rent inspector or the court. Can the Minister clarify the position, because if it does include rents mutually agreed upon, as distinct from those determined by the rent inspector or the court, it will cover a number of leases that the Minister does not intend to include?

The MINISTER FOR HOUSING: It is perfectly obvious to me because there are many references throughout the Act to the words "determination by the court" or by the inspector as the case may be. In every case where the word "determine" or "determination" is used it is coupled with the word "court" or "inspector." I am told that the only departure is where the rents are agreed to by the lessor and lessee. Perhaps it would clarify the position if it stated "the rent of premises has been determined under this Act by the court or the inspector," as the case may be.

Hon. A. V. R. Abbott: Or put it before that—"determined by the inspector or the court under this Act."

The MINISTER FOR HOUSING: Yes, it could be in that form, too. I am advised that there is no need for it because "determined" means by one of those authorities and "agreed" is where the rent is mutually agreed upon. However, I will refer the point to the Chief Secretary and he can have an amendment drawn up if Crown Law opinion is to the effect that it is necessary or desirable.

Mr. Court: You will give us an assurance that it is not your intention to bring in leases other than those where the rent has been determined by the rent inspector or the court?

The MINISTER FOR HOUSING: That is so. Where the rent is mutually agreed upon, there will be no interference.

Clause, as amended, put and passed.

Clause 4—Section 13 amended:

Mr. WILD: I move an amendment—

That paragraphs (a) and (b) be struck out and the following paragraph inserted in lieu:—

(a) by deleting the proviso to paragraph (b) of Subsection (1) and substituting therefor the following proviso:—

Provided that where a lessor gives a lessee notice to quit or terminate the tenancy of any premises the rent of such premises on and after the date of such notice shall not, except by a determination of the inspector or the court, as the case may be, exceed the amount of rent lawfully chargeable, or the amount of rent which was in fact charged, on the first day of the month before the month in which such notice is given.

The proviso to paragraph (b) of Subsection (1) was put into the Act last year to cover the transitory period, particularly in view of the fact that the legislation was to have only 12 months to run. If the Minister and his Government have their way, and this becomes a permanent piece of legislation, one can visualise, in 20 years' time, people will be able to say that the lawful rent chargeable is that effective on the 28th April, 1954. However, the point is that the rent will always be that fixed at some previous date. I think the wording should be in more general terms.

The MINISTER FOR HOUSING: I would like some explanation from the member for Dale. I want to know what he is driving at with his alternatives. What is the significance of the alternatives and where do they lead us? I am in some doubt in regard to the position. Would the hon. member be content if the second alternative were deleted? I would like some more information from either the member for Dale or one of his colleagues.

Hon. A. V. R. ABBOTT: I think the amendment is perfectly clear. It is possible, if the amendment is not agreed to, that before the court deals with a matter the rent may have to be altered. The rent being charged might not necessarily be the lawful one. Let us assume it is not lawful rent or, in other words, it is in excess of the lawful rent but yet the inspector considers it a reasonable figure. Is there any objection to its being recovered?

The Minister for Housing: Suppose the court or the inspector determines the rent at £3 a week and when it comes to giving notice the landlord is charging, say, £5 a week. That is whitewashed under the amendment.

Hon. A. V. R. ABBOTT: No. Assuming the lawful rent was £3 a week, that is the rent he should be charging.

The Minister for Housing: As determined by the court.

Hon. A. V. R. ABBOTT: Or, for some unknown reason, it might be the rent on the 31st August, whereas the rent actually being charged is £4 a week. The tenants appeal to the rent inspector and he says that £4 a week is a reasonable figure. It would mean that that landlord would be entitled to £4 a week. This will leave it to the rent inspector to fix.

The Minister for Housing: It will not. I think it goes beyond that and actually gives a blessing to something in excess of what has been determined.

Hon. A. V. R. ABBOTT: No.

The Minister for Housing: It says, "shall not exceed the determination of the court."

Hon. A. V. R. ABBOTT: That is so. The court has the final determination but the landlord might be charging more than the lawful rent and the court might hold that it was a reasonable rent at the time. Then, of course, the landlord would be entitled to it. But if it were not a reasonable rent he would not be entitled to it between the time when he should not have been charging it and the date of the new determination.

The MINISTER FOR HOUSING: As I suggested by way of interjection, the rent of certain premises—

Hon. A. V. R. Abbott: The lawful rent.

The MINISTER FOR HOUSING: —has, shall we assume, been determined by the court at £3 per week. The lessor ignores that determination and lets the premises for £5 a week. Subsequently he gives notice to quit for some reason, or no reason at all. A new tenant comes along and he is permitted to charge £5 a week. He cannot charge any more than £5 a week without approaching the court. That appears to me to be the proposition.

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

The MINISTER FOR HOUSING: I will resume my seat and let the member for Mt. Lawley say what he has to.

Hon. A. V. R. ABBOTT: Assume that the rent is determined at £3 a week. The tenant pays that for some time and then of his own volition leaves the premises. The lawful rent for those premises is £3 a week. There may be wrongful negotiations and a new tenant comes in and willingly pays £4 a week. He later decides that £4 a week is too much and applies to the court, but the court decides that £4 a week is now a reasonable rent whereas nine months before £3 a week was reasonable. If the court decided that £4 a week should be the rental, the landlord would be entitled to that rent, but if the court thought it was unreasonable then it would go back to £3 a week. It does allow a tenant to agree to a higher rent, and if he does not protest, he will have to pay it.

Mr. COURT: The member for Dale's proposition is that a landlord cannot get rid of a tenant for the purpose of obtaining extra rent. That was the basic proposition on which we agreed to certain legislation last session. As there was a transitory period we had to use specific dates to clarify the restrictive practice so far as rent was concerned. The transitory period is passed. We now want to incorporate something of a more lasting nature to protect the tenant against eviction merely to allow a landlord to get a higher rent. If it could be expressed as simply as that, I think it would be all right. There are two cases that can arise. One is where a landlord is deliberately charging a rent lower than the lawful rent. That does happen on occasions.

Mr. McCulloch: On very few occcasions.

Mr. COURT: There are many reasons why it could happen. It could be a relative or somebody similar in the premises, and it may be a deliberate act on the part of the landlord who may consider that, though the rent should be £5, he would let it to his relative at £3. Strange though it may seem to some members, that does apply more often than they think. If the tenant goes out for some reason or another, it would be unfair to say, "Because you gave this fellow some assistance and kept his rent down to £3 instead of the lawful £5, you are pegged for all time at £3."

The Minister for Housing: Where does it say that?

Mr. COURT: That would be the case if we did not agree to this amendment. We do not want people going to the court unnecessarily and the proviso would overcome that. If there were a change of tenant the owner would be able to get a lawful rent chargeable at the date when he gave notice of eviction. I think the Minister will agree that that is fair. The other case is where the landlord might be doing what the Minister suggested; he might be charging more than the lawful rent or taking a risk on it. In that case the new tenant is fully protected because he can immediately go to the court and have the full protection of the Act.

The Minister for Housing: Unfortunately there is not much protection because he would find himself with a notice to quit.

Mr. COURT: He would be protected for the time stipulated in the Act. If the court determines a rent which is less than 80 per cent. of the rent he is charged he is automatically protected for over 12 months. I cannot imagine any landlord being silly enough to expose himself unnecessarily to that. We want to allow people to have reasonable access to their premises.

The Minister for Housing: To prevent exploitation.

Mr. COURT: If we say to a landlord, "You are pegged for 12 months plus the time it takes for the legal process to get the tenant out," that in itself is an embarrassment to the landlord. I have tried to work out alternative words that we could put in to overcome the Minister's objection and if necessary I could move these amendments when the time comes.

The MINISTER FOR HOUSING: I do not want to appear difficult. I can see merit in what is being advanced in support of the amendment. On the other hand, there is doubt in my mind as to how the rent inspector, the court or anyone else could decide what was lawfully a chargeable rent. There has been more

or less a formula dating from August, 1939, and that was changed to the 28th April, 1954. There was a starting point. I understand that we must have some point to start from, otherwise it would be meaningless. In other words, on what date was rental at a certain figure lawful?

Hon. A. V. R. Abbott: It is the date when it was agreed upon or fixed by the court.

The MINISTER FOR HOUSING: If the rent has already been determined by the court—

Hon. A. V. R. Abbott: Or agreed.

The MINISTER FOR HOUSING: — then it is a simple matter. But where it has been agreed, and an excessive rent has been agreed upon under duress—

Hon. A. V. R. Abbott: What about if a lower rent has been agreed upon?

The MINISTER FOR HOUSING: If it were lower than it should be, the landlord would presumably go to the court. I am prepared to incur possible displeasure by accepting this amendment and the Chief Secretary can put the machinery in reverse gear and move what is now in the Bill as an amendment to what has been submitted by the member for Dale, if it is found that it would make rent control virtually impossible. I would like to point that out now. The Chief Secretary could move in a totally different direction but, in order to secure progress, I will accept it.

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

Clause 5—Section 20B. amended:

Mr. WILD: I move an amendment—

That paragraph (a) be deleted.

I desire that both paragraph (a) and paragraph (c) be struck out. I would like the Minister to tell us why he has changed his mind since the 16th November, 1950. He was the one who moved to have this provision placed on the statute book; and now, five years later, he wants to have it removed.

The MINISTER FOR HOUSING: I do not think that there has been any reversal of form on my part. At the time the amendment was moved by me it was practically impossible to get a tenant out of a house once he was in it; and even if the owner required it for his own use there were all sorts of qualifications as to period of residence, the period for which he had owned the premises, and so on. I felt that people were reluctant to let premises because they were tied over such a long period with a new tenant. Hence the move that was made. Now the Government is saying that what may be common law or practice is a hit-or-miss sort of arrangement. There has to be some period, and the Government felt that 28 days was not a long period.

Mr. Wild: What do you say to 28 days for lodgers?

The MINISTER FOR HOUSING: What is particularly bad about that?

Hon. A. V. R. Abbott: You may have a very objectionable lodger in your house living alongside you.

The MINISTER FOR HOUSING: Suppose he has been there for the last 15 or 20 years?

Hon. A. V. R. Abbott: Suppose he has been there for only one week?

The MINISTER FOR HOUSING: He is still covered by the Act, is he not?

Hon. A. V. R. Abbott: Say he has been there for a week?

The MINISTER FOR HOUSING: He would still have to be taken to court, whatever the period. The Government felt that a reasonable time should be allowed, particularly where families with children are involved, for alternative accommodation to be found. We must not forget, too, that this legislation applies to business premises as well as to dwellings; and to ask a man who is trading in some shop to up-end himself at the expiration of seven days' notice—if he is on a weekly tenancy—plus the comparatively short period of going before the court—is held to be unreasonable. Tenancies on a monthly basis will not be affected. The Government felt that the matter should be put on a uniform basis, irrespective of the type of arrangement between the landlord and tenant, and that there should be 28 days unless there was an agreement providing for a longer term.

Hon. Dame Florence Cardell-Oliver: Suppose the tenants are drunkards or violent people and the owner is a woman. Is she to put up with them for 28 days.?

The MINISTER FOR HOUSING: It could happen that it would be more than 28 days with the law as it is at present.

Hon. Dame Florence Cardell-Oliver: Why could she not give them a week's notice and tell them to go out?

The MINISTER FOR HOUSING: She could tell them to go out, but that would not move them. They could be evicted only by an order of the court, and that takes several weeks.

Hon. A. V. R. Abbott: You are giving them an extra 28 days.

The MINISTER FOR HOUSING: In the case of a weekly tenancy, an extra 21 days; in the case of a fortnightly tenancy, an extra 14 days; and so on. I do not think there is anything unreasonable in this, and it has the virtue of being consistent.

Amendment put and negatived.

Clause put and passed.

Clause 6—Section 29A. added:

Mr. WILD: It seems to me that this clause would give a tenant the opportunity of having a succession of periods of 28 days by certain devious means. This provision is virtually to cover the right of the inspector to go on to premises of his own volition in order to see what is occurring. I can foresee that there could be a certain amount of connivance. There would be nothing to stop a tenant who had an idea that eviction was possible, from sending a friend around to the inspector's office to suggest that he go to the house and find out what was going on. Having done that, the inspector would then serve a notice in writing of his intention to exercise the power given to him.

That would give the tenant protection for 28 days, and there would be nothing to prevent his securing protection for a further similar period by means of connivance. I do not like to think that there would be such connivance, but that sort of thing seems to be among us. We could have this occurring: On the 27th day of the 28-day period, the inspector could say that he had not been able to get round to the matter, and he could serve another notice of 28 days on the tenant; and that sort of thing could go on and on. It is a dangerous power to put in the hands of an inspector.

The MINISTER FOR HOUSING: I wonder whether the hon. member has convinced himself on this point. Does he honestly think that a public servant entrusted with the responsibility of being a rent inspector, chosen because of his tact and integrity, would be likely to enter into such an arrangement with any tenant and keep on issuing notices of intention to do certain things in order to keep that tenant in occupation? I do not think so for a moment.

The position is that a landlord sometimes interferes with tenancies. He will remove the back and side fence of a property because he is engaged in building operations next door. Quite needlessly he will dig a huge channel through the backyard and the children of the household fall into it. That sort of thing occurs, and the tenant does not know what to do. Someone suggests that he go to the rent inspector. The inspector goes to the premises, and the owner is aware of his presence and immediately issues the tenant with a notice to quit.

Surely a tenant has some rights! While he is in occupation he is entitled to enjoy the amenities for which he is paying and have his tenancy undisturbed. I do not think it likely that a rent inspector would abuse the situation. If one were disposed to do so, and mention of it were made to the responsible Minister, it would immediately result in his dismissal, or transfer to some other position.

Clause put and passed.

Clause 7—Section 33 amended:

Mr. WILD: I desire that the following be inserted in lieu of Clause 7:—

> 7. Section thirty-three of the principal Act is amended by substituting for the words "fifty-five" in line three, the words "fifty-six."

I see no reason for rents and tenancies legislation being on the statute book in perpetuity. It has been said on many occasions on both sides of the Chamber that controls should be tapering off; and surely after 10 years' experience, we are not going to put this legislation on the statute book permanently, and have some other Government face up to the task of removing it. The Minister should have another look at this matter, and give Parliament an opportunity of considering the legislation in 12 months' time. If we are sincere, we will all believe that, with the great increase in house building, the day is not far distant when people should be able, of their own volition, to get into their premises and charge whatever rent they desire to charge.

At this stage, I want to debunk something that the Minister has said. He claimed that there had been a great step-up in the rate of housebuilding, yet he still wants to carry on with restricted legislation. He made mention of the number of houses in Western Australia per 1,000 of population in an endeavour to indicate that during his term of office he had stepped it up considerably. He probably had. When he was asked what the population figures were in 1950 he said he was not the Government Statistician, and he did not remember. I have the figures here. They are:—

	Population Increase.	Percentage Increase.
1949	22,500	4.3
1950	29,500	5.3
1951	18,000	3.33
1952	23,000	3.87
1953	19,000	3.01
1954	16,000	2.8

So, in those dark and difficult years when we occupied the Treasury Bench, astronomical numbers of people were coming into the State, but now the increase is gradually tapering off.

The Minister for Housing: Those people are still living here.

Mr. WILD: Yes. Many have provided for themselves. If the Minister comes to my electorate, he will find new Australians who have done something for themselves. Thank goodness, they did not knock at the door of the Housing Commission and ask for help!

The Minister for Housing: I say, thank goodness, too!

Mr. WILD: Let us have the right to look at the legislation year by year. If it is on the statute book as a piece of permanent legislation, it can be reviewed only at the whim of the Government.

Hon. D. Brand: The Minister believes in this principle because I remember his speech on a Bill dealing with a temporary building in the Parliament House grounds. He believes in Parliament having a say.

Mr. WILD: I remember that, too. This is an important piece of legislation, and many people in Western Australia are anxious to know where they stand. It is something that could well be reviewed each year by Parliament.

The CHAIRMAN: The hon. member's amendment seeks to continue the Act for another year. Clause 7 of the Bill amends Section 33 of the principal Act by repealing it. The hon. member will achieve his object by voting against the clause, and if it is defeated, he will have the opportunity to move his amendment.

The MINISTER FOR HOUSING: I expect the member for Greenough will be voting with the Government on this matter because of his attitude when dealing with a Bill in connection with the Parliament House grounds.

Hon. D. Brand: The principle is the same.

The MINISTER FOR HOUSING: The hon. member voted against Parliament having a look at the legislation at intervals. He wanted a permanent measure.

Hon. D. Brand: It could apply in reverse. It will make the numbers just the same.

The MINISTER FOR HOUSING: That is so. The Government feels that the legislation in its present form, with the few minor adjustments we have made this afternoon, is most innocuous. In effect, it provides that to gain possession of premises will require the giving of 28 days' notice, but that in the matter of rentals, they can be whatever is agreed on between the parties with the right of an aggrieved party to approach the court which, without let or hindrance, can decide what the rental shall be. These are sound principles.

This is not now an emergency measure but a piece of social legislation. Instead of Parliament having to spend many hours, as it has every year for the past 16 years, in discussing it, let us lay down some principles which are comparatively innocuous so that all concerned—landlord and tenant—will know exactly where they stand. It must be most disconcerting to property-owners and tenants to have these changes and violent eruptions on occasions. I do not think there is anything extravagant or extreme in the Bill. Let it become permanent, and we can make such amendments as experience suggests are necessary after it has been in operation for a while.

At any time a private member or a Minister can introduce amending legislation if it is warranted. The Bill does not come within my ambit as a Minister, but I suppose I have spent hundreds of hours talking, listening and arguing with other Ministers, the Crown Law authorities and others, about it. Surely we can decide on some fair and reasonable principle, as I think we have, and let the matter rest there, instead of indulging in this annual harangue, of which I, for one, have had too much.

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

Ayes	18
Noes	17
Majority for	1

Ayes.

Mr. Brady	Mr. McCulloch
Mr. Graham	Mr. Norton
Mr. Hawke	Mr. Nulsen
Mr. W. Hegney	Mr. O'Brien
Mr. Hoar	Mr. Rodoreda
Mr. Jamieson	Mr. Sewell
Mr. Johnson	Mr. Styants
Mr. Kelly	Mr. Tonkin
Mr. Lapham	Mr. May
	(Teller.)

Noes.

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

Pairs.

Ayes.	Noes.
Mr. Moir	Mr. Bovell
Mr. Lawrence	Mr. Cornell
Mr. Guthrie	Mr. Nalder
Mr. Sleeman	Mr. Ackland
Mr. Rhatigan	Sir Ross McLarty
Mr. Andrew	Mr. Mann
Mr. Heal	Mr. Hill

Clause thus passed.

Title —agreed to.

Bill reported with amendments and the report adopted.

Third Reading.

Bill read a third time and transmitted to the Council.

ADJOURNMENT—SPECIAL.

THE PREMIER (Hon. A. R. G. Hawke—Northam): I move—

That the House at its rising adjourn till Tuesday, the 13th September.

Question put and passed.

House adjourned at 6.12 p.m.