

not because under the Act it automatically became a gazetted route and, therefore, a new license was not being asked for.

A new license applies only to an ungazetted route for a start, and then to every bus over and above one extra when granted to a gazetted route. The Tramway Department would not have asked for either because it would have just replaced the trams with busses. So it would not have had to make application for a new license, but the Minister never gave it an opportunity. I tell him quite frankly that Section 10 has nothing to do with the matter. It has four provisions. Firstly, the board can make its investigations and report; secondly, it defines a new license; thirdly, it brings in the routes that were not gazetted when the measure became law; and fourthly, in the matter of Crown transport, the Transport Board has complete control. The Minister cannot deny that Section 11 was the appropriate section to use.

The Minister for Transport: I do deny it.

Mr. MARSHALL: When he used Sub-Section 3 (e) of the Government Tramways Act, he did something contrary to law. He started on Section 11 because the board had made inquiries and found the system inadequate 12 months previously, on his own statement. I do not think I have told any lies, but I believe the Minister read out one or two. I do not blame him for them because the brief was constructed for him by others of whom I am becoming suspicious. If I live long enough I will have a thorough investigation made into the share registers of private omnibus companies operating in the city, as I am becoming sceptical about it all. I do not propose to apologise or withdraw and I think it is a healthy sign for motions of this sort to be moved, as they will keep Ministers aware of the fact that there are members on this side of the House who are watchful of them.

I hope the Minister will accept my assurance that nothing I have said was meant as an attack on him personally or on his reputation as a citizen. I hold him and all the members of his family that I have known in the highest esteem, but I know that the Minister has been subject to severe pressure, and I believe he took the line of least resistance and performed a wrong action and was deserving of censure for it.

Question put and negatived; the motion defeated.

BILLS (2)—RETURNED.

- 1, Rights in Water and Irrigation Act Amendment.
- 2, Water Boards Act Amendment.
Without amendment.

House adjourned at 11.3 p.m.

Legislative Council.

Thursday, 11th August, 1949.

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

BILL—PRICES CONTROL ACT AMENDMENT (CONTINUANCE).

Received from the Assembly and read a first time.

BILL—PLANT DISEASES ACT AMENDMENT (No. 1).

Returned from the Assembly without amendment.

BILL—INCREASE OF RENT (WAR RESTRICTIONS) ACT AMENDMENT (No. 4).

In Committee.

Resumed from the previous day. Hon. G. Fraser in the Chair: the Chief Secretary in charge of the Bill.

Clause 3—Sections 18F to 18L added (partly considered):

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

That in line 2 after the word "sections" a new section be inserted as follows:—

18F. (1) The provisions of sections eighteen G to eighteen L, both inclusive, of this Act shall not apply in relation to premises, being a dwelling house, which are required by the owner for his own personal occupation or that of any person who ordinarily resides with and is wholly or partly dependent upon the owner.

(2) For the purposes of this section "owner" means a person who has been the owner of the premises for a period of not less than three years.

I have no desire to traverse the ground covered yesterday. I think the amendment speaks for itself.

The CHIEF SECRETARY: The effect of the amendment will be to throw out the rest of the Bill, neck and crop, because in every instance in which a person desires to obtain possession of a dwelling, he must be the owner before he can make application. If the amendment is carried, the soldiers' moratorium ceases to exist. This is a most extraordinary amendment. A man owns a house and he may have a son and daughter.

Hon. L. Craig: They have to be dependent.

The CHIEF SECRETARY: They are.

Hon. L. Craig: Not necessarily.

The CHIEF SECRETARY: If they are not grown up, they are dependent.

Hon. W. J. Mann: You did not say that.

The CHIEF SECRETARY: Will the hon. member let me continue? All a man has to do is to put a boy or girl of 17 in the house and say he wants the place for his family, and the soldier has to go straight out. As soon as that occurs, the owner can dispose of the house in any way he likes. There is no provision in the amendment that the dependent or the owner has to occupy the dwelling.

Hon. R. M. Forrest: Do you not think a man should live in his own home?

The CHIEF SECRETARY: Exactly! Why not insert that in the amendment? What can happen is that a man can have a house in which he lives and another house in which he says he desires to place his family. He can obtain possession of the other house on those grounds, and when the family has lived in it for a week, he can let it. That is what can happen if the amendment is agreed to.

Hon. E. H. Gray: And will happen.

The CHIEF SECRETARY: Of course it will! This amendment is so much eye-wash, because if members will read the principal Act they will find it is the owner—who is described in the Act—that can apply for possession under certain circumstances. The Bill was introduced to cushion the effect of the sudden cessation of the moratorium, and for no other reason. If members wish to jettison the measure, a more straightforward way would be by deleting it clause by clause instead of agreeing to an amendment such as this.

Hon. H. K. WATSON: It is true that a person cannot approach the court for an order unless he is the owner, but not every owner will be seeking possession of premises in order to occupy them for his own purposes. The amendment deals with a person who requires the home for personal occupation, either by himself or someone who ordinarily resides with and is wholly or partly dependent upon him. The owner in this case is a person who has been the owner of the premises for a period of not less than three years. If the Chief Secretary refers to paragraph (f) of Subsection (3) of proposed new Section 18G, he will see that his argument applies with equal force to that paragraph, as the phrasing is identical. The Chief Secretary is wrong in inferring that this amendment would give the owner the right automatically to enter his house. The premises could be restored to him only at the discretion of the magistrate.

The CHAIRMAN: The amendment refers to the provisions of Sections 18G to 18L, inclusive, but the hon. member is dealing with Sections 18F to 18L.

Hon. H. K. WATSON: Section 18F is merely an interpretation section and the operative provisions begin with Section 18G, so I am not concerned greatly about the former.

The CHAIRMAN: I suggest that the amendment, instead of referring to "18G" should refer to "18F."

Hon. H. K. WATSON: No. My amendment purports to deal with Sections 18G to 18L, inclusive. If the amendment is agreed to, 18F will become 18G.

The Chief Secretary: Why not call it "18EE"?

Hon. H. K. WATSON: That is a good suggestion.

The CHAIRMAN: The hon. member is including a definition in the amendment, and there is already a set of definitions in alphabetical order. Should not the definition of "owner" come after the definition of "mortgage"?

Hon. H. K. WATSON: For example, Section 18F contains some definitions that are confined to that section, and the same applies with regard to Section 18G. Each section appears to contain definitions exclusive to it.

The CHAIRMAN: I will re-state the amendment, as follows: "Page 2, after the word "sections" in line 2 insert the following new section 18EE." Then will follow the hon. member's amendment.

Hon. Sir CHARLES LATHAM: I have already told the Minister that I do not like this legislation, but I would not attempt to prevent the Committee from passing it. However, I desired an assurance from him that the Government would do something between now and the next session in this matter. Unfortunately, I received little encouragement from the remarks he made in reply. This amendment is too far-reaching because a man may own a dozen homes.

Hon. L. Craig: He cannot live in a dozen homes.

Hon. H. K. Watson: In that event the magistrate would not grant the order.

Hon. SIR CHARLES LATHAM: The man may have a dozen houses and wish to secure possession of one that is occupied by a pensioner who is protected under the Commonwealth regulations. I do not desire that. I want it to apply to a man who has only one house. I have an instance set out in a letter I have from an officer of the Postal Department. He has his own home at Nedlands but was transferred to Katanning, where he has been retired because of age. His pension is £2 per week and he has saved a little money. He wants to return to his home in Nedlands, but cannot do so because it is occupied by one of these protected persons. That is the type of man I want the House to assist. No man can live on £2 a week.

Hon. L. Craig: This amendment will do that for you.

The Chief Secretary: If he is a returned soldier.

Hon. Sir CHARLES LATHAM: Yes, but it goes too far.

Hon. L. Craig: No, it does not.

Hon. Sir CHARLES LATHAM: I hope the Chief Secretary will give us more time to consider this. I do not want to see the Bill go out, but at the same time I want to be quite quite clear as to what it means. Unfortunately, I was not present when the discussion took place yesterday. The Minister has replied and it places members in an awkward position. Even now I suggest to the Minister that he gives us an opportunity over the week-end to consider this development. I will carry out my pledge to support the Bill, which I made during the second reading debate, and I hope to see it placed on the statute book providing we can get some cushioning effect. What inducement is there for a man to attempt to look for a house when he knows that no one can put him out of the one he occupies? In the past, magistrates have said that National Security Regulations prevented them from taking any action. I know several old people who have been told that. I do not think it is fair.

Hon. R. M. Forrest: There are thousands in the same position.

Hon. Sir CHARLES LATHAM: I do not think there are. I would like the Chief Secretary to assist us in this. This is far too liberal a piece of legislation. I do not want to support the amendment, but I will have to unless the Chief Secretary can grant us extra time to consider it.

Hon. L. CRAIG: I am afraid the Minister has stretched his imagination almost to breaking point—if it has a breaking point. I am afraid also Sir Charles Latham has not read the amendment in conjunction with the Bill. It will do exactly what he wants, and it does not go too far. Firstly, it ensures that an owner must have held the property for three years—not a man who has suddenly bought a house—before he can have tenants evicted. That, in itself, affords considerable protection. Secondly, he has to go to the magistrate and satisfy him that he genuinely wants to live in the house himself. The Chief Secretary raised an extreme case of the wife of a returned soldier being tipped out on to the street. Can we imagine a magistrate allowing that?

Hon. E. H. Gray: They are allowing it now.

Hon. L. CRAIG: Also, a woman of that description would have a No. 1 priority for a Commonwealth-State rental home. Further, if the house had not been owned for three years by the person seeking the

eviction, she has any time up to three years to make her claim to secure one of those houses. I think it would do a tremendous amount of good in the interests of those people who are suffering hardships, that is, those who own a house which they bought for their retirement and which they wish to occupy. The Committee should support the amendment.

Hon. E. H. Gray : And do away with the Bill altogether.

Hon. L. CRAIG : It does not do away with the Bill altogether. It does not interfere with it in any way except to make provision for those people.

Hon. E. H. GRAY : I never dreamt that I would be called upon to agree to an amendment of this nature.

Hon. L. Craig : You have no imagination.

Hon. E. H. GRAY : I have a vivid imagination. It is of no use the Committee agreeing to the amendment because it has no possible chance of becoming law. Can we imagine members of all parties in another place agreeing to such a proposal ? Why should we waste our time trying to insert amendments that have no possible chance of being agreed to in another place ? I am surprised at the changed attitude of members. I quite agreed with their remarks on the second reading debate. This amendment will do more harm to returned Servicemen and widows of deceased soldiers than the Bill will cause, if it is carried, to the comparatively few house-owners in Western Australia who will be affected. I should like members to go to an R.S.L. meeting and put up the argument that has been advanced this afternoon.

Hon. Sir Charles Latham : They are reasonable, too.

Hon. E. H. GRAY : They are against this amendment.

Hon. W. J. Mann : What authority have you to say that ?

Hon. E. H. GRAY : I am prepared to say they are against it. They have not seen the amendment, but it will ruin the Bill. We must stick up for the returned soldiers by this legislation. They were promised this—

Hon. Sir Charles Latham : Not by any individual.

Hon. E. H. GRAY : —by the State Government. This Government is doing its duty by implementing the Commonwealth legislation which failed in the High

Court. I implore members to reconsider this amendment. I realise there are some ex-Servicemen that abuse the protection they enjoy, but in the main it renders good service to returned soldiers and their wives and families. One point that has not been mentioned this afternoon is the expense that would be entailed by a returned soldier making application to the court.

Hon. L. Craig : No. That would be an expense to the owner.

Hon. E. H. GRAY : The returned soldier would be forced to obtain legal advice and representation. Of course, he may get advice and assistance from the Commonwealth Legal Bureau, but the expense is not warranted. The amendment is a backdoor method of defeating the Bill.

Hon. L. Craig : That is not a fair statement to make.

Hon. Sir Charles Latham : The amendment is not a backdoor method.

Hon. H. L. ROCHE : I support the amendment. With Sir Charles Latham, I consider that something should be done to protect the man who owns his own home but is not allowed to occupy it. The Government, in introducing this legislation, has not made any provision to ease the burden on such people ; and, unless the Committee agrees to the amendment, we shall not have another opportunity to afford them protection. If the amendment goes too far, which I very much question, it can be still further amended.

Hon. E. M. DAVIES : I oppose the amendment. No matter what legislation is introduced, it will not meet with the approval of the whole community. The High Court has ruled that the Commonwealth regulations no longer have effect and many property owners have taken advantage of that decision to evict returned Servicemen from their homes. I am sure that the State Government has given serious consideration to the matter and accordingly has introduced this measure in order to continue the protection for returned Servicemen. I know of owners who have obtained repossession of their property by a war of nerves, if I may so term it. They so harass the returned Servicemen, some of whom are in delicate health, that eventually they vacate the house and get whatever other accommodation is available to them. I venture to say that had it not

been for the men who served in the last war, some property owners would have aliens occupying their houses.

Hon. Sir Charles Latham: You should not go too far that way. The people who remained behind did a good job, too.

Hon. E. M. DAVIES: I can speak in that regard myself. It has been said that the returned Servicemen have given no authority to oppose the amendment; but I have just received a telegram—it was lodged at 4.10 p.m.—from the secretary of the R.S.L. It reads—

Returned Servicemen's League considers housing position too acute for any lessening of protection of ex-Servicemen previously afforded under Federal moratorium.

That is authentic, to my way of thinking. The Committee should not do anything whereby ex-Servicemen will be evicted from their homes. The Government having given consideration to the matter, I believe that in the near future it will ensure that provision is made for the housing of returned soldiers, thus enabling property owners to regain possession of their premises.

The CHIEF SECRETARY: It is well known that during the past three years no person would buy a house occupied by a protected person except as an investment, as it was recognised that possession of the house could not be obtained. Members apparently forget that protected persons, other than pensioners and their dependants, lose their protection automatically four years after discharge.

Hon. Sir Charles Latham: The protected person does not need to be a pensioner. It is sufficient if he is getting medical treatment from the Commonwealth.

The CHIEF SECRETARY: I will include those et ceteras. "Easing the burden" is a common catch-cry. We hear it everywhere. The Government has done everything possible to ease the burden. It recently introduced a Bill, consideration of which has been adjourned to the 1st September, for the sole purpose of facilitating the provision of homes.

Hon. Sir Charles Latham: That Bill did not have that influence, because it remains in existence until the 31st December. It is not right to put that over.

The CHIEF SECRETARY: I would point out to Sir Charles Latham that in the Bill which he states he has not read—

Hon. Sir Charles Latham: I did not say I had not read it. I said I did not understand the amendment.

The CHIEF SECRETARY: The hon. member knows that the longer this measure is delayed the longer the returned soldier will remain unprotected. I do not object to progress being reported. If Sir Charles Latham so moves I shall certainly not oppose him.

Hon. H. K. WATSON: I think the matter has been thoroughly thrashed out and consequently there is no need to report progress. I assure Sir Charles Latham that the aim of the Bill is to achieve the objective which he has mentioned. The amendment is intended to benefit merely the man who owns only one house and wants to get possession of it because he is in distressed circumstances.

Progress reported.

BILLS (2)—FIRST READING.

- 1, Electoral Act Amendment (No. 3).
- 2, Canning District Sanitary Site Act Amendment (Hon. H. K. Waston in charge).

Received from the Assembly.

BILL—SUPERANNUATION, SICK, DEATH, INSURANCE, GUARANTEE AND ENDOWMENT (LOCAL GOVERNING BODIES' EMPLOYEES) FUNDS ACT AMENDMENT,

Second Reading.

Debate resumed from the 9th August.

HON. E. M. DAVIES (West) [5.32]: I have taken the opportunity of looking through the Bill and I find that the proposed amendments are something of a necessity. The measure first of all seeks to bring the employees of certain parks and reserves within the terms of the Act, and it also proposes to re-insert the word "endowment." I find myself in agreement with the Bill. I obtained the adjournment of the debate in order to examine the measure from one or two points of view that I had in mind, but the questions I wish to deal with are, I think, somewhat irrelevant to the Bill. I therefore shall not raise them. On some future occasion I may have an opportunity of doing so. I content myself with supporting the second reading.

Question put and passed.

Bill read a second time.

House adjourned at 5.34 p.m.