

Legislative Council

Thursday, 8th July, 1954.

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

QUESTIONS.

AGED WOMEN.

As to Erection of Homes in Country Towns.

Hon. J. McL. THOMSON (without notice) asked the Chief Secretary:

With reference to my question yesterday as to whether the Government would consider erecting, in the larger country towns, homes similar to the Mt. Henry Home, does the answer given by the Chief Secretary mean that the Government is, in fact, giving consideration to the erection of such homes in country areas?

The CHIEF SECRETARY replied:

I repeat the answer given yesterday. Yes.

NORTH-WEST.

As to Parliamentary Tour.

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

In view of the discovery of oil and the far-reaching effect that this will have on the economy of the State, will the Government consider organising a party of members, representative of both Houses and all parties, to undertake a comprehensive tour of the North-West and the Kimberleys, with the object of gaining knowledge of the possibilities of this area and the difficulties to be overcome?

The MINISTER replied:

Consideration will be given to the proposal.

MEDICAL SCHOOL.

As to Establishment.

Hon. C. W. D. BARKER asked the Chief Secretary:

Can the Minister inform the House whether any plans have been made for the establishment, in the near future, of the urgently needed medical school?

The CHIEF SECRETARY replied:

This matter is still the subject of negotiation between the State and Commonwealth Governments.

MIDLAND JUNCTION ABATTOIRS.

As to Invitations to Opening Ceremony.

Hon. A. R. JONES asked the Chief Secretary:

In view of the interest the Midland Junction Abattoirs are to members of Parliament representing country areas, will the Minister tell the House—

(a) the names of persons receiving invitations to the opening ceremony;

(b) whether the previous Minister for Agriculture (Sir Charles Latham) was considered for an invitation; and

(c) whether the policy of the Government is to treat members with such disregard, or was it an oversight that more of us did not receive invitations?

The CHIEF SECRETARY replied:

(a) Neither the Minister for Agriculture nor the Government was responsible for issuing invitations to this ceremony, and the following list was drawn up by the Abattoirs Board and circulated:—

Minister for Agriculture.

Director of Agriculture.

Under Treasurer.

Assistant Under Treasurer.

Principal Architect.

Secretary for Labour.

General Manager, W.A. Meat Exports.

Commissioner of Public Health.

Minister for Works.

Mr. Brady, M.L.A., member for Guildford-Midland.

Mr. Bruns, ex-member of the board Commissioner of Railways.

Mayor of Midland Junction.

Town Clerk of Midland Junction.

President of the Meat and Allied Trades Federation.

Secretary of the Meat Industry Employees' Union.

President of the Livestock Buyers' Association.

Representative of the Western Australian Skin Buyers' Association.

Representative of the Pastoralists' Association.

Representatives of "The West Australian" newspaper; the Australian Broadcasting Commission; the "Daily News," and the "Farmers' Weekly."

President of the Farmers' Union.

Mr. Shute, Chairman of the Australian Meat Board.

Mr. Fewster, Commonwealth Veterinary Officer, Department of Agriculture.

(b) Apparently invitations were extended only to representatives and others directly connected with abattoir activities.

(c) When the Government conducts such ceremonies it is not its policy to disregard members of Parliament or previous Ministers associated with the undertaking, but in this case the Abattoirs Board was entirely responsible for the issue of invitations.

LEAVE OF ABSENCE.

On motion by Hon. C. W. D. Barker, leave of absence for six consecutive sittings granted to Hon. W. F. Willesee on the ground of private business.

MOTION—TRAFFIC ACT.

To Disallow Overwidth Vehicles and Loads Regulations.

Debate resumed from the 6th July on the following motion by Hon. J. McI. Thomson:—

That Regulation 203F made under the Traffic Act, 1919-1953, published in the "Government Gazette," on the 23rd April, 1954, and a sub-regulation thereto published in the "Government Gazette" on the 21st May, 1954, and laid on the Table of the House on the 22nd June, 1954, be and are hereby disallowed.

HON. SIR CHARLES LATHAM (Central [4.44]: The explanation given to the House by the Minister was perfectly correct. By the Act of 1950, provision was made that, with the permission of the Minister—given on the recommendation of the Commissioner of Police, and under such special circumstances and conditions as may be set out in the permit—a vehicle having a greater overall width, including the load, than 8ft. may be licensed and driven on any road. This was amended in 1953 to provide for a vehicle driven, used or towed on any road.

To me it seems extraordinary that this legislation should have been placed on the statute book. I am sure that the Commissioner of Police is not qualified to make recommendations to the Minister on this question. However, Parliament in its wisdom gave the power to the commissioner to control all traffic within the metropolitan area, but outside of that he had no authority, except that he was instructed under one of the sections of the Act to assist traffic inspectors who may be employed by a local authority.

This takes from the local authorities the power given them under the Act—and in saying that I am not speaking of regulations relating to the 8 ft. width. People in the district have a knowledge of what is required on the roads, whereas the Commissioner of Police probably has

no idea of what the width of a harvester, drill, cultivator, or scarifier, would be, and he was the most unsuitable man to be appointed. Why the power was not delegated direct to the local authorities is beyond my comprehension.

I intend to support the motion for the disallowance of these regulations. It would be as well to leave the width at 8ft. instead of increasing it to 10ft.

The Chief Secretary: This would not be increasing the width to 10ft.

Hon. SIR CHARLES LATHAM: But the Minister said that the Commissioner has restricted it.

The Chief Secretary: No; he has delegated his authority to local authorities to permit vehicles up to 10ft.

Hon. SIR CHARLES LATHAM: Then surely the Minister will admit that he has restricted the width to 10ft.

The Chief Secretary: Only in respect to the permits of local authorities.

Hon. SIR CHARLES LATHAM: These licences—

The Chief Secretary: I am referring to the licence or permit issued by the local authority which may prescribe up to 10ft. If you oppose the regulations, the local authority will have no say in it whatever. That is what I am trying to hammer in.

Hon. SIR CHARLES LATHAM: The Minister will be taking the power from the people who understand the position.

The Chief Secretary: From whom?

Hon. SIR CHARLES LATHAM: From the local authority.

The Chief Secretary: If the motion be passed, power will be taken from the local authority. Allow the regulations to stand, and the local authority will have power to grant permits for vehicles up to 10ft.

Hon. SIR CHARLES LATHAM: That would be no good; let them have a free go. It is absolutely ridiculous to require a man to drive 20 or 30 miles to a policeman to get a permit when he will be restricted to a width of 10ft.

The Chief Secretary: He does not go to a policeman. He goes to the Commissioner of Police.

Hon. SIR CHARLES LATHAM: Under the Police Act, the commissioner has automatically delegated his authority to all police officers.

The Chief Secretary: Not in this instance. He may do so, but he has not done so.

Hon. SIR CHARLES LATHAM: The Act says that he does so. Otherwise, application would have to be made to the commissioner, which makes it a jolly sight worse. A farmer living north of Geraldton would have to apply to the Minister

saying, "I want to shift a machine from one of my paddocks across the road in order to continue the sowing of my crop." He would have to write to Perth and the Commissioner of Police might be in the Eastern States as he sometimes is, and so the applicant would have to wait until he returned. That is the most ridiculous thing I have ever heard of.

The Chief Secretary: You allowed it to remain in the Act when you were Minister.

Hon. SIR CHARLES LATHAM: It was inserted in 1953.

The Chief Secretary: It was not.

Hon. Sir CHARLES LATHAM: The amendment passed in 1950 stated—

The principal Act is amended by adding after Section forty-six the following section:—

46A. No vehicle having a greater overall width, including the load, than eight feet, shall be licensed or driven on any road.

Provided that, with the permission of the Minister given on the recommendation of the Commissioner of Police, and under such special circumstances and conditions as may be set out in the permit, a vehicle having a greater overall width, including the load, than eight feet may be licensed and driven on any road.

The Chief Secretary: You said that was included in 1953.

Hon. Sir CHARLES LATHAM: I said it was amended in 1953 by substituting for the words "or driven on any road," the words "driven, used or towed on any road." That was done in 1953, but it was in 1950 that the original limitation was placed in the Act by the amendment then made.

The Chief Secretary: You are complaining about wording that was in the Act when you were a Minister of the Crown.

Hon. Sir CHARLES LATHAM: Would the Minister expect me to charge him with being responsible for the other members of Cabinet?

The Chief Secretary: No; but you must take responsibility for the other members not having done their job.

Hon. Sir CHARLES LATHAM: Of course not!

The Chief Secretary: At all events, do not complain about something that was in the Act when you were Minister.

Hon. Sir CHARLES LATHAM: It is ridiculous to say that we will increase the width from 8ft. to 10ft.—

The Chief Secretary: I am not altering it from what it was when you were Minister. I am giving the local authority the power to issue a permit for a width of up to 10ft.

Hon. Sir CHARLES LATHAM: The Minister is taking the advice of the Commissioner of Police who advised him that he would agree to an increase from 8ft. to 10ft. and no more.

The Chief Secretary: No more without his permission.

Hon. Sir CHARLES LATHAM: Is it not reasonable to give the local authorities that power when they are the people who maintain and look after the roads? After all, there is no release from liability, under civil law, for any person who causes an accident.

The Chief Secretary: We are giving the local authorities the power, up to 10ft., but the hon. member will vote against that and deny them that power.

Hon. Sir CHARLES LATHAM: I will leave the position as it stands, because it is ridiculous to give the power up to 10ft. when present-day machinery is far in excess of that width.

The Chief Secretary: Yes, which gives the local authority no power.

Hon. Sir CHARLES LATHAM: What is the use of giving the power to deal with vehicles up to 10ft. in width when a harvester is probably 12ft. in width? The farmer then has to remain on the one side of the road with his implement, although his property extends across the road, because the local authority cannot give him the necessary permission.

Hon. J. G. Hislop: He could write to the Commissioner of Police.

Hon. Sir CHARLES LATHAM: I suppose he could write a letter and send someone with it to the post office perhaps 25 or 30 miles away. When the Commissioner of Police received it, he would not treat the matter as urgent and, on the word of the Minister, if the commissioner happened to be at a conference in the Eastern States, the permit would have to wait until he came back.

The Chief Secretary: That has always been the case.

Hon. Sir CHARLES LATHAM: No; he delegates his authority.

The Chief Secretary: No; he does not.

Hon. Sir CHARLES LATHAM: Yes; he does so under the Police Act. Let us be sensible and give the necessary power—

The Chief Secretary: Let it be done by amending the Act, and not by the action now being taken.

Hon. Sir CHARLES LATHAM: Would the Minister support an amendment of that nature, which I think would be the reasonable thing to do?

The Chief Secretary: I have already told the hon. member that I am going to bring down a Bill to amend the Act.

Hon. Sir CHARLES LATHAM: It is useless trying to talk with these constant interjections.

HON. C. H. HENNING (South-West) [4.55]: The whole trouble seems to be the fact that Section 46A slipped through with the interpretation that "vehicle" includes any implement. That is the portion that I hope the Minister will amend when he brings down the Bill to which he has referred. If that were done, it would remedy the position with regard to implements used by a farmer for the working of his own property. By that I mean that his position would be entirely different from that of a contractor. We find, however, that this regulation has been gazetted; and when I first read it I was willing to support it because I understood that any farm vehicle or implement could be towed on the road from one portion of a farm to another. When the Chief Secretary replied the other night, we found that the power applied only up to 10ft., and I would remind members that it is a very small implement today which has not an overall width of 10ft. or more. During his Speech, His Excellency said that the Government had given financial assistance to the farmers through a pool of machines for hay baling. The hay baler is over 10ft. in width and, of course, has to be shifted from one property to another.

It may be necessary in such a case as that to take the machine for a long distance by road, and then permission has to be granted as is laid down in these regulations; but to my mind it is absurd that a farmer should have to apply for permission—if he wishes to be on the safe and legal side—to move a farm implement across a road. Owing to seasonal conditions it is often necessary for a farmer at a moment's notice to move an implement across the road from one portion of his property to another, and in this way we are at present interfering with agricultural production, which is one of the most necessary forms of production in this State.

The Chief Secretary: You have been doing that for years.

Hon. C. H. HENNING: If the Minister would say on his own behalf, and not with the recommendation of the Commissioner of Police, that he would let a farm implement cross or use a road in the case of any farm that is intersected by a road, I think that would be sufficient. I do not suggest that farmers should be permitted to cart or tow implements for miles, but am referring to the farming of one particular property. If that limitation were removed, I think members would be agreeable to the regulation continuing; but, as it is at present framed, and in view of the Chief Secretary's explanation, limiting the power of the local authority to grant a permit for a vehicle up to a width of 10ft., I regret that I must support the motion.

HON. C. W. D. BARKER (North) [4.58]: I realise that the right way in which to approach this subject is to amend the Act; but, as the matter now stands, power has been delegated to local authorities to give permission to move a vehicle of any width up to 10ft. If the vehicle is over that width the farmer must apply to the Commissioner of Police, and that is the complaint about this regulation. Why, when a farmer wants to move a machine across a road from one of his paddocks to another, or perhaps down the road for a short distance, should we interfere with his work in this way? I take it that every member will agree that the right thing to do is to amend the Act; but in voting in favour of this motion, we will be protesting against this regulation.

HON. J. G. HISLOP (Metropolitan) [4.59]: It is obvious to me, as an outsider listening to this discussion, that every member in the House is in sympathy with the mover of the motion; but it seems to me that if the motion is agreed to, it will simply place a further burden on the farmer. Would it not be better if the mover of the motion agreed to hold the matter over pending the introduction of a Bill to amend the Act, in view of the fact that I believe such a measure would meet with general approval? If the motion is agreed to, even pending the amendment of the Act, the primary producer will be bound to write to the Commissioner of Police for permission to move his vehicle—

Hon. Sir Charles Latham: He has to, now.

Hon. J. G. HISLOP: If we agree to the motion we will be placing the farmer in that position; and I repeat that it would be better if the mover of the motion would ask that it be stayed for a time, and would prepare a measure to amend the Act, as that measure could be brought quickly before the House and would meet with general approval.

HON. L. A. LOGAN (Midland) [5.0]: It seems to me perfectly obvious that this regulation was framed to allow transport drivers, rather than farmers, to move over-width machinery from one place to another. I think that is where the position has become tied up. It is immaterial whether the Commissioner of Police grants a farmer permission to move an overwidth vehicle or not; he is still going to move his machinery across the road. That is obvious. On one occasion, I had to cross the road from one farm to another, and also had to make a detour of about two miles to get to another property. If I wish to shift a harvester or a tractor from one paddock to another, do I have to write to the Commissioner of Police before I can do so, knowing full well that I still have to cross the road? That would be futile, and this regulation just will not work.

The Chief Secretary: This regulation makes no difference to the position.

Hon. L. A. LOGAN: I think it does. If I took machinery from one place to another without first writing to the Commissioner of Police, I would probably be liable under this regulation. But I know full well that, whether permission was granted or not, I would still have to shift my plant.

Hon. H. K. Watson: And if you did, you would be liable under the Act.

Hon. L. A. LOGAN: Yes; that is so. If we disallow this regulation now, I could still transport my machinery as I have done in the past.

The Chief Secretary: You can still do it, whether the regulation is disallowed or not.

Hon. L. A. LOGAN: Exactly.

The Chief Secretary: That provision has been in the Act for years; and now, when I try to ease the burden on members, they complain.

Hon. L. A. LOGAN: It does not ease the burden one iota. There is no machine that is less than 10ft. wide on any farming property today.

The Chief Secretary: Very well; kick it out, and the position will revert to what it was before. There is nothing to protest about. The hon. member has had the right for years to move an amendment to the Act.

Hon. L. A. LOGAN: We now have that opportunity, and we are going to take it.

The PRESIDENT: Order!

Hon. L. A. LOGAN: Last night, Mr. Jones gave notice that he will introduce a Bill to amend the Act. Let us wipe out this stupid regulation and have the Act amended. I intend to vote for the motion.

THE MINISTER FOR THE NORTH-WEST (Hon. H. C. Strickland—North) [5.3]: As I see it, there is much ado about very little. At present, if one wishes to move along a road a vehicle which is wider than 8ft., it is necessary to get permission from the Commissioner of Police, whereas the regulation is designed to allow a local governing authority to grant permission to take across a road an implement up to 10ft. wide. Although the Act itself and the regulations do not satisfy the farming community, this regulation will simplify matters, even though perhaps no one will take any notice of it, because a person can ring up a road board secretary and get his permission to move a vehicle, provided it is not over 10ft. wide.

Hon. Sir Charles Latham: Does not the Minister appreciate that 10ft. would become the maximum for which they could obtain permission and that would not suffice, because most farming implements are of a greater width?

THE MINISTER FOR THE NORTH-WEST: We agree generally that it is not helpful, but it is an improvement on the existing Act.

Hon. Sir Charles Latham: It would be all right for carriers and suchlike, but not for ordinary farmers.

THE MINISTER FOR THE NORTH-WEST: I wish to point out to the House that the regulation is framed to ease the position. A farmer can telephone the local authority or he can carry on and break the law by not asking permission from anybody.

HON. N. E. BAXTER (Central) [5.5]: I was doubtful about the regulation when Mr. Thomson moved for its disallowance. However, there are two ways of looking at it. The regulation does not cover farming machinery alone. I admit that it may be a hardship in the eyes of members representing country provinces for a farmer who has to move his machinery from one place to another; but we must be fair and remember that there are many people in country districts who are carting loads in vehicles of a greater width than 8ft. At the moment, the position is that if they wish to cart goods in such a vehicle in a country district, they have to write to the Commissioner of Police to obtain permission to do so, whereas, under the regulation, they can obtain it from the local authority. Members know full well that very few farmers do obtain permission to shift their machinery from one paddock to another. The only solution is to amend the Act.

However, I think it would be foolish to disallow the regulation, because we will not help the farmer by so doing, but we will penalise many other people who wish to use a vehicle 8ft. wide or under. In one way it is a good idea to raise this matter so that a protest may be registered on the position a farmer is placed in when he desires to shift his machinery. I cannot see that any good will result from the disallowance of the regulation. In fact, it may create hardship; because, under the regulation, the local authority will be authorised to grant permission to cartage contractors and others who travel some miles through country areas with over-width vehicles, and the same will apply to a farmer who desires to shift a machine from his farm to another property. We must keep that factor in mind.

HON. A. R. JONES (Midland) [5.7]: I do not wish to say very much. Apparently we are all bewildered by the Act and its regulations. So much so that, after I heard Mr. Thomson introduce this motion, I went and saw Mr. Turnbull about the matter. However after he had studied the Act, and had read to me his interpretation of it, I was more bewildered than ever. It seems to me that this regulation does not help the farmer, but only that person who wishes to use an overwidth

vehicle or to transport an overwidth implement on another vehicle along a road. However, to disallow the regulations would be to penalise that person.

The CHIEF SECRETARY: You have seen the light.

Hon. A. R. JONES: From the notice paper, members will note that I have intimated my intention to introduce a Bill to amend the Act in order to get down to fundamentals that will suit our purpose. At the moment I feel I would be doing a disservice to some people if I were to agree to this motion.

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

BILL—RENTS AND TENANCIES EMERGENCY PROVISIONS ACT AMENDMENT.

Standing Order Suspension.

The CHIEF SECRETARY: I move (without notice)—

That Standing Order No. 15 be suspended so as to enable the Rents and Tenancies Emergency Provisions Act Amendment Bill to be taken forthwith, and to have precedence each day before the resumption of the debate on the Address-in-reply.

The PRESIDENT: As the Chief Secretary has moved the motion without notice, an absolute majority of the Council voting in favour of it is required to pass it. I shall divide the House.

Bells rung and a division taken.

The PRESIDENT: As there is no member voting in the negative and as there is an absolute majority over the House present and voting in the affirmative, I call the division off and declare the motion carried.

Question thus passed.

Second Reading.

THE CHIEF SECRETARY (Hon. G. Fraser—West) [5.10] in moving the second reading said: I suppose members are just as sick and tired as I am at having to deal again with this question which has recurred over a number of years. If this Bill goes through in its present form and is effective until the date stipulated in the measure, I am hoping that this will be the last time there will be any necessity for the introduction of such legislation.

Hon. H. K. Watson: Last December we thought that would be the position.

The CHIEF SECRETARY: The hon. member may have thought so; but I did not, and quite a number of other members did not think so, either. But we have progressed, and every few months takes us nearer to the day when this type of legislation will be no longer needed. I think most members will agree that it is not yet time for this measure to disappear from the statute book. Up till the last few weeks, a lot of people would not

admit that something must be done to alleviate the position, but they admit it now.

Hon. H. L. Roche: Who told you that?

The CHIEF SECRETARY: Quite a number of people said in the past that they did not think this legislation was necessary; but in view of what has happened in the last six or seven weeks, they have told me they consider they were wrong in their attitude.

Hon. J. G. Hislop: I hope you will tell us what has happened.

The CHIEF SECRETARY: I will try to tell the hon. member. Whether he will accept what I say as sufficient explanation, is up to him.

Hon. J. G. Hislop: That is another story.

The CHIEF SECRETARY: The Government believed, like its predecessor, that it was necessary for this legislation to be continued. It has been in existence in various forms through the years, and this Bill is in a different form again. I think that even its most bitter opponent will admit that there are proposals in this measure that were never considered previous to the present session.

Hon. A. R. Jones: A wolf in sheep's clothing!

The CHIEF SECRETARY: I think it is a lamb right through the piece, and not anything even in sheep's clothing. Not by the longest stretch of imagination can I imagine that any very great disadvantage will be placed on anybody by the passage of this Bill. No doubt many members, during the debate, will attempt to show me I am wrong in my attitude.

Hon. A. R. Jones: I think that is quite likely.

The CHIEF SECRETARY: I will be quite prepared to listen to them; but I am going to tell them that they will have as hard a job to convince me that I am wrong, as I have in convincing Mr. Jones that he is wrong. We have looked at this problem as a Government, and we have examined all avenues. Having done that, we have come to the conclusion that it is still necessary to have something on the statute book to deal with the matter.

Hon. A. R. Jones: Why did you not accept the amendments offered previously?

The CHIEF SECRETARY: They were not suitable. We have submitted propositions in this Bill that we believe will be fair to all concerned.

Hon. H. K. Watson: Which contain amendments you refused at the special session.

The CHIEF SECRETARY: Possibly there are some which were offered at the special session, and which are not clothed in exactly the same language, but may be engulfed in other portions of the Act.

Hon. H. K. Watson: "Engulfed" is a pretty good word!

The CHIEF SECRETARY: I used it because some of the amendments moved were accepted but have a different meaning altogether from what was put up before. I do not know what Mr. Watson's attitude is at present, but I assume he is of the same frame of mind as previously. However, I am hoping he may have seen sufficient in the last few weeks to make even him realise the necessity for some legislation still being on the statute book.

Anticipating what would happen, the Government called a special session of Parliament in April. Its motives were doubted, but they were nevertheless true. That is why the Government called Parliament together this session earlier than usual. It is still of the same opinion as it was in April, that there is necessity to deal with the housing position. In the main, the Bill that has been introduced is on similar lines to that which was submitted three months ago.

Some members have said that the position is not as we have stated. However, I have a large number of cases here in front of me, a few of which I will give to members before I deal with the Bill in detail. I want to show them that what we said would happen has happened. I have figures relating to evictions, and they show what has actually happened so far as our department is concerned. I would like the House to remember that all persons who receive eviction notices do not go either to the rent office or to the State Housing Commission.

Hon. F. R. H. Lavery: My word, they do not!

The CHIEF SECRETARY: So the figures I shall give could be multiplied.

Hon. N. E. Baxter: What did the others do? Did they find homes for themselves?

The CHIEF SECRETARY: A number of them did. That is proved by the fact that some cases listed before the court were not proceeded with because the tenants had found other accommodation.

Hon. N. E. Baxter: There is nothing wrong with that, is there?

The CHIEF SECRETARY: No. But the cases we have listed here are of people who found it impossible to get other accommodation. In my own territory people have come to me as a private member. They are people that I have known, and they have walked their boots off travelling from one end of the metropolitan area to the other in an endeavour to find some accommodation. As far as married people with children are concerned, they have not been in the race.

Hon. A. R. Jones: You mean because the landlords would not admit children?

The CHIEF SECRETARY: Yes. The hon. member will have seen for himself in the Press, as we have seen, advertisements relating to houses available for renting.

Hon. A. R. Jones: I have seen damage done by children to homes.

The CHIEF SECRETARY: The hon. member may have.

Hon. F. R. H. Lavery: In my home, and your home, and in every other home children have done damage.

The CHIEF SECRETARY: The hon. member may have seen damage done by children, and some landlords may have had good reason for advertising in the Press—though it is an offence—that people with children should not apply. People have told me that they have heard of places becoming vacant and have approached the owners. The latter were prepared to consider an application until they learnt that the applicants had children. Even then the home-seekers were not denied a tenancy on the ground that they had children—because if that had been done an offence would have been committed by the landlord—but some other excuse was found for the refusal. However, the fact that some owners may have had a bad experience with children does not help us out of the position in which we find ourselves. The figures I shall give relate to people who, in the main, have tried desperately to find alternative accommodation and have failed to do so.

Hon. N. E. Baxter: Over what period?

The CHIEF SECRETARY: Ever since they had knowledge that they would be asked to leave the premises they were occupying. If a person has been in a house for 10, 15, or 17 years, and has been a good tenant, it is only natural that he will not be given notice to quit, but a number of such people have been given notice. Until people have been told by the owner that he requires the premises, they have not had any need to try to obtain alternative accommodation. When told that the premises were required they have endeavoured to find other accommodation. They have failed to find it, and so they have come to the rent office of the Housing Commission to register. These are the figures, registered with the Housing Commission, of people who have been served with notices to quit. Under the old legislation there were 393 who were registered, but since the new legislation came into force after the 1st May—only a matter of a few weeks—there have been 620.

Hon. C. H. Simpson: What are they?

The CHIEF SECRETARY: Since the 1st May, 620 people have come to the Housing Commission and presented their notices to quit.

Hon. A. R. Jones: That is apart from the 393?

The CHIEF SECRETARY: Yes. The 393 came to the Housing Commission prior to the 1st May.

Hon. N. E. Baxter: Would not a large number of those endeavour to get eviction notices in order to obtain State rental homes?

The CHIEF SECRETARY: No. There might be and odd few.

Hon. N. E. Baxter: There would be more than an odd few, if you investigated the position.

The CHIEF SECRETARY: No. I am basing my judgment on the cases I know of in my own electorate, and those I have handled as a private member. Who wants a notice to quit so that he will get a rental home at the end of Willagee Park or in Hilton Park, when he is at present living in premises that are much nearer to his work and to the shopping centres?

Hon. F. R. H. Lavery: And cheaper in rent, too.

Hon. A. R. Jones: Cheaper in rent. You have said it!

The CHIEF SECRETARY: Who would want that? We say there are an odd few who are living in very old premises and might possibly do that, but can the hon. member tell me that a person who is comfortably housed will seek an eviction order?

Hon. N. E. Baxter: Yes, because the landlord may want a reasonable rent which he has not had in the past.

The CHIEF SECRETARY: That depends on the hon. member's idea of a reasonable rent.

Hon. N. E. Baxter: You know that many rents were not reasonable but far below what was reasonable.

The CHIEF SECRETARY: I quite admit that a number of landlords have not been getting the returns that they should have been receiving from their properties because of legislation restricting the rents.

Hon. N. E. Baxter: Would it not be better to get the details of these cases showing the circumstances? We do not know anything about the circumstances.

The CHIEF SECRETARY: I will give some of the circumstances which have led many of these people to call on the Housing Commission and the rent office because of their landlords. At the moment I am only giving the number of eviction notices registered with the Housing Commission.

Hon. N. E. Baxter: That does not tell us much.

The CHIEF SECRETARY: Does not the fact that 393 were registered under the old legislation to the 1st May as against 620 since—in a matter of nine weeks—tell us something?

Hon. N. E. Baxter: Not if no details are given.

The CHIEF SECRETARY: I do not know what details the hon. member wants. In round figures the total is over 1,000. In addition there are 321 who have been advised that they are to be evicted, but who, when they reported to the Housing Commission, had not received their eviction notices. That makes a total of 1,314. Even if we allow that 300 of these are able to make alternative accommodation available, we can see that in round figures 1,000 people within the past few months have been—in fact at the moment are—awaiting a hearing of their cases by the court. Would the hon. member not consider that the position was such that some legislation was necessary to deal with it? Where could the hon. member, or any other hon. member of this Chamber, find accommodation to house 1,000 people in a short space of time?

Hon. H. K. Watson: What about the 1,000 houses becoming vacant as a result of the notice to quit?

The CHIEF SECRETARY: Some of those will go to other people, but a large number will not. Many will go to people who have been suffering acute accommodation difficulties during the last 10 or 12 years.

Hon. N. E. Baxter: It will only be a changeover.

Hon. H. K. Watson: You are going to try to stop that.

The CHIEF SECRETARY: No; I am not. If the hon. member looks at the Bill, he will realise that we are not going to try to stop it.

Hon. H. K. Watson: I must confess that I cannot understand the Bill. I hope the Minister will explain it. It is double Dutch to me.

The CHIEF SECRETARY: I thought the hon. member was very intelligent.

Hon. H. K. Watson: Can you explain Clause 15?

The CHIEF SECRETARY: Yes, and I shall do so when we get into Committee. We do not want to deal with clauses now, as we are only at the second reading stage and are dealing with the measure in a general way. I challenge any member to house within a short space of time 1,000 people in the metropolitan area.

Hon. N. E. Baxter: That is not our job, but the Government's.

The CHIEF SECRETARY: The Government will see to it, and that is why we want this legislation. We want it so that help can be given both to the landlords and the tenants in an orderly fashion. That is all the Bill seeks to do. Within a reasonable time, the Government will house all the people that it is necessary to house, but it cannot do such a thing all at once. There are 1,000 people to be

housed; and they are only the ones who have come and reported to us. There would be a large number of people who have not reported to us.

Hon. H. K. Watson: I understand there have been two evictions executed by the bailiff of the local court in the past 18 months.

The CHIEF SECRETARY: That may be so; but why? It is because the flow has been small. The hon. member should know that the Housing Commission has stepped into the breach and provided accommodation for the people. It has been able to do that because the number of cases going through the court has meant that the people concerned can be accommodated by the Housing Commission. But because of the alteration in the legislation there is an avalanche now. The hon. member, if he reads his paper, will know that last week 30 eviction orders were granted by the court, and that the week before 17 orders were granted. That is a total of 47 cases in the last fortnight. How can any Government provide that number of houses? Do not forget that the result of the alteration in the legislation is only now coming before the courts.

Hon. H. K. Watson: The previous Government provided more houses than that.

The CHIEF SECRETARY: No, it did not.

Hon. H. K. Watson: Yes; it did.

The CHIEF SECRETARY: No. More houses have been built in the last 12 months than at any other time in the history of the State—

Hon. L. A. Logan: No.

The CHIEF SECRETARY: —by the State Housing Commission. I am only talking of the Government and its responsibility to see that the people are suitably housed. That is the true position. We want some assistance, and I appeal to members to give us that assistance during the transitory period and until we can meet the ordinary requirements of the population.

Hon. L. A. Logan: We offered you some assistance in April, but you would not take it.

The CHIEF SECRETARY: I do not intend to elaborate on the method we propose to adopt, because the main portion of the Bill is the same as that introduced during the special session. I told members that I would give them some instances of why we consider the measure necessary both from an eviction and from a rents point of view. I think I have given enough instances regarding eviction cases; so let us get on to the other phase—and this is one which has been responsible for a number of people receiving notices to quit because they are not able to pay the demands of some landlords. As

I have often said, this legislation is required only because of the actions of certain landlords who are too grasping. The majority of landlords and the majority of tenants are good citizens. But on one side there are some who will take advantage of the protective legislation, and on the other side there are those who want all restrictions cast aside so that they can have an open go.

Hon. A. R. Jones: So you want this legislation for the two or three per cent.

The CHIEF SECRETARY: My Government will legislate so that, as nearly as possible, all sections of the community will receive a fair deal. I defy any member in this Chamber to point to any part of the Bill and say that we are not being fair in attempting to have the present position readjusted.

Hon. H. K. Watson: I would like to point to one. You cancel all notices, all proceedings, and all judgments which were in operation before the passing of this Bill.

The CHIEF SECRETARY: Yes.

Hon. H. K. Watson: Where is the equity or justice in that? If a man gives notice today, and the case may not be heard for another two months, where is the equity in it? It cancels that man's efforts so far and makes him start all over again.

The CHIEF SECRETARY: In addition, many of the activities that have taken place are the result of bad legislation.

Hon. H. K. Watson: That is no answer.

The CHIEF SECRETARY: We want the position to revert to what it was when there was reasonable legislation on the statute book. I make no apologies for the Government's effort to cover that period.

Hon. N. E. Baxter: What about that clause imposing a penalty—

The CHIEF SECRETARY: Do not let us get down to clauses. As I said, I will deal with them at a later stage.

Hon. H. K. Watson: This is one of the most vicious pieces of retrospective legislation that any Government has ever attempted to put on the statute book. It offends first principles.

The CHIEF SECRETARY: I am sorry to hear the hon. member say that. What is the use of passing legislation now unless it is made retrospective for a period of nine weeks?

Hon. H. K. Watson: Every use.

The CHIEF SECRETARY: All the damage has been done in that time.

Hon. H. L. Roche: It was your Government that dropped the legislation introduced in April.

The CHIEF SECRETARY: We will not go into that question, because my reply might offend. I know that there are a

large number of businessmen in this Chamber, and their idea of fairness in adjusting rents might be different from mine. I would like some members who are not happy about the Bill to point out to me where I have been wrong in my assertions. These increases in rent are taking place, and that is one of the reasons for the introduction of the Bill, I am not going to weary members by quoting a large number of cases, but here is one connected with flats. The standard rent was £3 10s. and the May rent was £5 10s. That represents an increase of 57 per cent. and there are two flats in this group. I have some bad cases on the list, some fairly reasonable, and some not so bad.

Hon. H. K. Watson: What is the capital value of those flats?

The CHIEF SECRETARY: I do not know. The capital value does not concern us, because the standard rent was £3 10s.

Hon. H. K. Watson: That does not mean a thing.

The CHIEF SECRETARY: Of course it does. The standard rent would be assessed on the value.

Hon. C. W. D. Barker: The capital value on some of these flats could not possibly be paid off by rent.

The CHIEF SECRETARY: In that case there was a 57 per cent. increase and that, compared to a large number of other cases, is reasonable. Here is another case of a house where the April rent was £1 1s. 1d. and the June rent £3 10s.—an increase of 233 1/3rd per cent.

Hon. H. K. Watson: And still below rents for State Housing Commission homes.

The CHIEF SECRETARY: I was hoping we would hear nothing about that.

Hon. L. Craig: I should think you would.

The CHIEF SECRETARY: I thought members would examine the position for themselves and see how foolish they were in interjecting along those lines. If the hon. member would be prepared to accept the same basis for an assessment of rent for all houses, the Government would be quite happy, because there is no fairer basis than that used in computing rent for State Housing Commission homes.

Hon. L. Craig: You would not agree to that last session.

The CHIEF SECRETARY: We were not given an opportunity. The State Housing Commission rentals are based on the cost of the article.

Hon. L. Craig: Or the value.

The CHIEF SECRETARY: When members talk about State Housing Commission rentals they are talking of rents on properties that have been built in the last few years. Members should not forget that in the early days rents on State

homes were much cheaper than they are today, the reason being that the rent is based on the cost of construction.

Hon. N. E. Baxter: And subsequently increased, do not forget.

The CHIEF SECRETARY: Oh, no!

Hon. N. E. Baxter: Yes; they were.

The CHIEF SECRETARY: If members will investigate the position they will agree with me that the State Housing Commission adopts the fairest basis operating in this State. Can any member stand up and champion a landlord who would increase his rent by 233 1/3rd per cent?

Hon. A. R. Jones: It depends on the property and the tenant.

The CHIEF SECRETARY: It is a semi-detached house. The rent was increased to £2 5s. on the 1st May, and to £3 10s. in June.

Hon. A. R. Jones: What was the tenant like?

The CHIEF SECRETARY: That does not matter. It would not justify an increase such as that, although it might justify eviction.

Hon. N. E. Baxter: Was that house empty or furnished?

The CHIEF SECRETARY: A semi-detached house; and at the moment I am talking about rents.

Hon. N. E. Baxter: Was that empty or furnished?

The CHIEF SECRETARY: Empty. So much for what we hear about the Real Estate Institute having issued certain instructions. I mention this now so that we will not hear too much about it during the debate. That property and five other semi-detached houses had similar increases, and they are being handled by agents who are members of the Real Estate Institute. I have another case here which relates to a shop. The tenant has been in it for nine years, so I do not think he can be accused of being a bad tenant. The standard rent for that place is £1. The April rent was £1 10s. and the May rent, £5 3s. 9d.

Hon. H. K. Watson: He has been on a good wicket.

The CHIEF SECRETARY: I do not think so.

Hon. H. L. Roche: Do you think the landlord is getting him out in order to keep the place empty?

The CHIEF SECRETARY: I do not know why he is getting him out; but I would like members to justify that action.

Hon. L. Craig: He may have been sub-letting part of it.

The CHIEF SECRETARY: This was purely a lock-up shop, and the business was carried on by the individual concerned. I have a large number of cases

here, but I will quote only a few of them. I have selected these cases to show that the problem is not confined to the metropolitan area alone, but is quite general.

Hon. N. E. Baxter: All the bad cases.

The CHIEF SECRETARY: The hon. member can have a look at it himself. As nearly as possible I have selected one in each district. The first to which I wish to refer is a block of four flats in Mt. Lawley. The April rent was £2 18s. 3d. and the May rent was £5 10s.

Hon. H. K. Watson: If those rents are excessive, what is there in the Act as it stands at present which prevents you from dealing with the problem?

The CHIEF SECRETARY: We are dealing with a number of them. I am merely quoting these cases to show that this legislation is justified.

Hon. H. K. Watson: A bit misleading, do you not think?

The CHIEF SECRETARY: No; I do not think it is.

Hon. H. K. Watson: You are putting up a case for this new legislation, but you freely admit that you have power under the Act.

The CHIEF SECRETARY: We have not the power as far as houses are concerned.

Hon. H. K. Watson: The court has control.

The CHIEF SECRETARY: Yes; but with the owner's big stick in the background. There is no protection at all.

Hon. L. Craig: That is the only protection you want?

The CHIEF SECRETARY: We also want to establish a body that will assess what is a fair rent.

Hon. H. K. Watson: You already have one, and have had for 15 years.

Hon. L. Craig: You only want protection from eviction in hard cases.

The CHIEF SECRETARY: We also want protection against unfair rents. There is the case of a flat in Nedlands rent for which in April was £3 9s. 9d. In May the rent was £5 15s., which is an increase of 65 per cent.

Hon. N. E. Baxter: A flat or a house?

The CHIEF SECRETARY: A flat.

Hon. N. E. Baxter: Furnished or unfurnished?

The CHIEF SECRETARY: I have quite a large number of cases before me. The flats appear to be the propositions which they go for.

Hon. L. Craig: Because new flat-builders are getting £5 to £5 10s. a week for their flats; many hundreds of them are.

The CHIEF SECRETARY: Whether they are flats or houses, it is necessary that we should have some court of jurisdiction.

There is nothing wrong with that. If there is, the hon. member might be able to inform me of it during the second reading debate.

Hon. L. Craig: I think it is all right.

The CHIEF SECRETARY: We want a fair rents court established; one which will be satisfactory to all concerned; one to which all people can go and feel justified in believing that a competent authority is adjudicating, and that they are being dealt with fairly. I will now refer to a few houses. There is one in Subiaco, the rent of which, in April, was £2; in May, it was £5 5s. That represents an increase of 162½ per cent. There is another house in Lake-st., Perth, for which the April rent was £1 13s. and the May rent was £4 10s., an increase of 172½ per cent. At Midland Junction we have one with the April rent at £2, and in May the rent was £5, an increase of 150 per cent. There is one in North Perth, the April rent of which was £2 10s. and the May rent £6 10s., an increase of 160 per cent.

In Nedlands we find a house, the April rent of which was £1 15s. and the May rent £5 5s., a 200 per cent. increase. In Leederville there is one for which the April rental was £1 9s. and the May rental £3 10s., an increase of 142 per cent. In Mt. Lawley there is one with a £2 April rent, and a £4 May rent, a 100 per cent. increase. In Money-st., Perth, the rent of a house was £1 3s. 9d. in April, and £3 in May, which is an increase of 190 per cent. The April rent of a house in Kalamunda was £1 5s. and the rent in May was £3 10s., which constitutes 180 per cent. increase.

Hon. L. Craig: Members' salaries have gone from £600 to £1,600.

The CHIEF SECRETARY: Yes; but that is over a number of years. The rentals I am quoting are those for April and May of this year. To continue, we find that there is a house in Bassendean which had an April rent of £1 7s. 6d. and £3 13s. 6d. in May, an increase of 167½ per cent. There is another house in Nedlands with the rent in April at £1 15s. and in May £4 4s., showing 140 per cent. increase. In Shenton Park there was one with an April rent of £1 3s., which rose to £4 in May; that is an increase of 250 per cent. In Inglewood, Scarborough, Maylands, and North Perth the increase in the rentals of various houses from April to May were between 85 and 175 per cent. So one can go on.

I did not want to confine my remarks to one electorate. I have a case here of a house in North Fremantle, the April rent of which was £1 2s. 6d. and the May rent £5; that was an increase of 310 per cent. As I have already said, I have taken these cases from all around the metropolitan area in order to show that the problem is not an isolated one, but that it is spread all over that area.

Because of the increases we know have been taking place by the reports made to us, we decided to introduce this Bill, and make no apologies for doing so. The intention is to give a fair deal to those concerned; and in order to do that, it is proposed to set up a fair rents court. The composition of the court is the same as that contained in the Bill which was brought down during the April session of Parliament. There is to be an assessor appointed by the tenant and one appointed by the Real Estate Institute. The question of evictions and what follows is one that can be dealt with better in the Committee stage than during the second reading. In the powers we propose, in comparison to the legislation that operated to the 1st May, we have to some extent compromised.

The old order of six months' ownership and six months' notice has been cut in half, to three months in each case. By that move, we are going a long way to allow people to obtain possession of property much quicker than they have been able to. We believe that, because the legislation which came into operation on the 1st July was too drastic, it was necessary to water the proposals down, so we made the proposal of three months in each case. I know there are people who own property and who cannot gain possession because it is tenanted and because of the restrictive legislation in operation. We want to assist those people as much as possible, and so we introduced the proposition of three months' ownership and three months' notice. The other provision to which exception might be taken by members opposite is the one relating to retrospectivity to the 1st May. Unless that provision remains in the Bill, we might as well forget the rest.

Hon. H. K. Watson: If that is included in the Bill, it will make a farce of our parliamentary system.

The CHIEF SECRETARY: I do not think so. I shall be pleased to hear the comments of members on that phase. Unless action of that description is taken, the bottom will fall out of the Bill.

Hon. H. L. Roche: Why?

The CHIEF SECRETARY: Because it is in this period since the 1st May that the greatest damage has been done.

Hon. H. L. Roche: Do you think that you have all the notices of eviction it is possible to get?

The CHIEF SECRETARY: No. I think the biggest bulk of them has come forward in that period. This is evident by the speed at which the court is dealing with eviction cases. Unless we can get some assistance to cope with this situation, it will become hopeless.

Hon. N. E. Baxter: Do you anticipate the number of eviction cases easing up?

The CHIEF SECRETARY: I hope it will. I think the bulk of the cases have come forward. As I remarked earlier, I hope this will be the last time that drastic action of this description will be required.

Hon. H. K. Watson: You still refuse to make any effort to provide emergency houses?

The CHIEF SECRETARY: If the hon. member is referring to the type of emergency houses built by the previous Government, yes.

Hon. N. E. Baxter: Is it your bright idea that the Government should not build emergency houses?

The CHIEF SECRETARY: It is my bright idea that any house built by the present Government would be of a permanent nature. I would hate to think of anybody being forced to live in the type of emergency houses built during the regime of the previous Government.

Hon. C. H. Simpson: Some are better than the houses built at the present time.

The CHIEF SECRETARY: They were so good that the Government responsible for building them discontinued doing so.

Hon. C. H. Simpson: The previous Government built those houses to cope with an emergency. When the emergency passed, it discontinued building them.

The CHIEF SECRETARY: But the emergency has not passed. I would hesitate to override local authorities by building that type of emergency house.

Hon. J. G. Hislop: What about the building of such places as the flats at Subiaco?

The CHIEF SECRETARY: I said that I would not override local authorities to build emergency houses.

Hon. J. G. Hislop: Do you say that you are dissociated from your Government?

The CHIEF SECRETARY: I take my responsibility, with other Ministers, in regard to the Subiaco flats. I am not ashamed of them.

Hon. J. G. Hislop: My point was the overriding of local authorities.

The CHIEF SECRETARY: Overriding local authorities for something worth while is different from overriding them for something not worth while.

Hon. E. M. Davies: Evidently, Dr. Hislop has not seen some of the shacks built by the previous Government.

The CHIEF SECRETARY: I am surprised at Mr. Simpson's defending the emergency houses. I would not like being associated with any Government which built those homes.

Hon. C. H. Simpson: They are quite well built and well kept, and quite comfortable to live in.

The CHIEF SECRETARY: Before the tenants went in, they had to dispose of three-quarters of their furniture because the houses were so small. They had to dispose of furniture gathered during a lifetime. We as a Government do not want to build anything of an emergency nature. When we do build houses, we do so as a permanent measure.

Hon. C. H. Simpson: But you are meeting an emergency condition.

The CHIEF SECRETARY: If the emergency houses could also disappear after the emergency disappeared, it would be another matter. Everyone knows that a shack will remain a shack for all time.

Hon. C. H. Simpson: I disagree with you entirely. I have seen a few, and they are quite comfortable. Additions are being made to them.

The CHIEF SECRETARY: I am pleased that the hon. member is proud of them. I am sure I am not, irrespective of which Government built them. I would be just as ashamed of them if my Government had built them. But I am sure that my Government will not build such shacks.

Hon. F. R. H. Lavery: I am also sure that members of the previous Government are also ashamed of them.

The CHIEF SECRETARY: The three main features of the Bill are the setting up of the court; an attempt to do something to stave off the avalanche of evictions; and covering the period back to the 1st May. In this legislation we believe that something fair and reasonable has been put up. If this House agrees with the Bill, very few people will have cause for complaint. When members speak on the second reading, I would like them to tell me what parties would be hurt by the proposals, and who would have cause for complaint. No doubt, many will complain, but I only want those who complain to do so if they are not getting a fair deal. If members can put up something on those lines, I am prepared to give consideration to their views.

Hon. J. G. Hislop: Do you think it is fair for any Government to put up a conglomeration of words such as these and call them a Bill?

The CHIEF SECRETARY: I do. It is a good Bill.

Hon. J. G. Hislop: I do not call it a Bill.

The CHIEF SECRETARY: I would have thought that the hon. member, whose education went on for many years longer than mine, would at least have understood the common English language in the Bill. For myself, I have no difficulty in understanding it.

Hon. H. K. Watson: What is meant by Clause 15?

The CHIEF SECRETARY: I shall tell the hon. member at the right time. I cannot be sidetracked. I have always been careful during the second reading to deal with Bills only in a general way. I have done that all along. To particularise, we must get down to the Committee stage. I move—

That the Bill be now read a second time.

On motion by Hon. H. K. Watson, debate adjourned.

House adjourned at 6 p.m.

Legislative Assembly

Thursday, 8th July, 1954.

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