

affairs, or else injustices are being perpetrated. That is happening under the two sections of the Act that I am seeking to amend. I move—

That the Bill be now read a second time.

On motion by the Attorney General, debate adjourned.

House adjourned at 10.55 p.m.

Legislative Assembly

Thursday, 21st July, 1949.

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

QUESTIONS.

HOSPITALS.

(a) *As to Provision at Wittenoom Gorge.*

Mr. RODOREDA asked the Minister for the North-West:

(1) As there are now 300 people at Wittenoom Gorge without medical services, except visits of flying doctor, when is it anticipated that work will be commenced on a hospital at that centre?

(2) Is it intended to have a doctor resident there when a hospital is built?

(3) If so, what arrangements are being made for a doctor's residence?

The MINISTER replied:

(1) Plans and estimates for the nursing centre and nurse's accommodation should be ready within two weeks.

(2) Efforts are being made to secure doctors for the North, and consideration of appointment of one to Wittenoom Gorge must depend upon the result of our efforts.

(3) A house will be available by co-operation of the company when doctor and nursing centre are available.

(b) *As to X-ray Plant, Kalgoorlie.*

Mr. STYANTS asked the Minister for Health:

Further to answers given to my questions on the 5th July, 1949, re payment for x-ray examinations of patients in the Government Hospital, Kalgoorlie, who have to go to the Commonwealth Laboratory because of the inadequacy of the x-ray plant at the hospital to do all the work required, will he have an x-ray plant supplied to the abovementioned hospital which will be capable of doing all classes of x-ray photography so that patients there will have the same free x-ray examination as is provided for inmates at the Royal Perth Hospital?

The MINISTER replied:

This suggestion will receive consideration.

(c) *As to Marble Bar Staff Quarters.*

Mr. RODOREDA asked the Minister for Health:

(1) Would I be right in saying that the staff quarters at Marble Bar Hospital have been listed by a health inspector of the Medical Department as unfit for habitation?

(2) If so, what action is proposed to remedy this state of affairs?

The MINISTER replied:

(1) No. Recommendations were made for improvements to the room occupied by the cook.

(2) Authority for the necessary work to proceed was issued early in June last.

ELECTRICITY SUPPLIES.

As to Consumption of Current.

Mr. MARSHALL asked the Minister for Works:

(1) What was the actual date on which the services of Mr. W. Taylor as General Manager of the East Perth power station ceased?

(2) What was the total daily consumption of electricity from the East Perth power station for the month immediately preceding the retirement of Mr. W. Taylor?

(3) What was the total daily consumption of electricity from the East Perth power station for the month immediately preceding the closing-down of the East Perth power station due to the industrial trouble of recent date?

The MINISTER replied:

(1) 19th August, 1948.

(2) The term "total daily consumption" may be variously interpreted. The average daily consumption of electricity from East Perth power station for July, 1948, was 601,393 units.

(3) The average daily consumption from the 1st June, 1949, to the 28th June, 1949, was 623,678 units.

The highest daily consumption of all time from the East Perth power station, viz., 770,600 units, was sent out on the 28th June, 1949.

GARDEN BULBS, CORMS, ETC.

As to Supervision of Shop Sales.

Mr. GRAYDEN asked the Minister for Lands:

(1) In view of the benefit to the State which would result from the greater beautification of homes and their surroundings, what steps has the Department of Agriculture taken to ensure that bulbs, corms, etc., for sale in shops are not diseased?

(2) As diseased bulbs, corms, etc., are still being sold, will he ensure that strict supervision of shops is maintained by the Agricultural Department in the future?

The MINISTER replied:

(1) The Department of Agriculture is very vigilant in its inspection work under the Plant Diseases and Quarantine Acts in examining all consignments of bulbs from other States and overseas, to ensure that none diseased are permitted entry in to this State.

(2) There are numerous shops all over the State selling bulbs, etc., and these may purchase their stocks from any local supplier without restriction. It must be fully appreciated that it would be impossible to examine stocks on all dealers' premises.

Bulbs offered for sale in Perth are examined regularly by an inspector under the Plant Diseases Act and action taken where diseased material is found. Most of the largest local growers treat their bulbs according to departmental recommendations to prevent the spread of diseases and pests.

Hon. A. H. Panton: A few pretty scabby gladiolus bulbs are to be seen in the shops.

HEALTH.

As to Infantile Mortality, Northam District.

Hon. A. R. G. HAWKE asked the Minister for Health:

(1) Has the inquiry regarding infantile mortality in the Northam district commenced?

(2) If not, when is it likely to commence?

The MINISTER replied:

(1) Yes.

(2) See (1).

WATER SUPPLIES.

As to Price Reduction for Norseman Dairy.

Hon. E. NULSEN asked the Minister for Works:

Would he give consideration to reducing the price (10s. per 1,000 gallons) charged for water that is used for watering Quinlivan's dairy cattle at Norseman, because owing to the rise of all costs—railage, fodder, etc.—Quinlivan will be compelled to close his dairy? Should this eventuate, Norseman people would have no fresh milk,

which is so essential for children, and the people of Norseman are tremendously worried. The dairy is an example of cleanliness.

The MINISTER replied:

The information regarding the water rates for Norseman is not up to date.

The reduction in the trading rate for excess water from 10s. per thousand gallons to 7s. per 1,000 and a reduction in respect of rebate allowance from 6s. 8d. per thousand to 4s. 6d. has been in operation as from the 1st January, 1949.

In the circumstances, the latter half of the hon. member's question does not apply.

HOUSING.

As to Supply of Roofing Tiles.

Mr. STYANTS asked the Minister for Housing:

(1) Is it correct that the supply of roofing tiles is three months in arrears of orders?

(2) If so, will he consider the advisability of re-imposing controls on this housing commodity?

The MINISTER replied:

(1) At present orders take about three months to execute. It is expected that this period will be reduced when normal production is again operating.

(2) Tiles have never been controlled since the Commonwealth ceased the control of building materials undertaken by the Commonwealth as a war measure. The principal tile manufacturing firm, which produces not less than 90 per cent. of the tile output of the State, supplies only against permits to build issued by the State Housing Commission. It is considered that any further regulation of the distribution of tiles is not required. Tiles are not materials for which there can be any appreciable demand for unessential purposes.

COMPREHENSIVE WATER SCHEME.

As to Use of Available Pipes.

Mr. PERKINS asked the Minister for Water Supply:

In view of replies to questions asked previously by me indicating—

- (1) that the average annual rainfall at Narrogin is 20 in., compared with 13½ in. in the Narembreen-Kondinin-Bruce Rock area;
- (2) that Wellington dam to Narrogin dam pipe line will require 17,300 tons of sheet steel compared with 4,155 tons for a pipe line to link the Wadderin, Kondinin and Bruce Rock dams to the G.W.S.;
- (3) that the Narrogin dam serves principally town needs compared with the other abovementioned dams serving both town needs and farmers' supplies—

will the Government arrange that any steel plate available for the rolling of water pipe for new pipe line be diverted to pipes for the section of the Comprehensive Water Scheme to serve the Narembreen-Kondinin and Bruce Rock section and Kodj Kojin?

The MINISTER replied:

The Government will arrange an equitable allocation of steel plate available as between the Great Southern towns, the Narembreen-Kondinin-Bruce Rock area, the Koj Kojin area, and other areas included within the Comprehensive Scheme.

Consideration has to be given to the relative populations in the Great Southern towns as compared with the populations in other parts of the area, and also the fact that although the annual rainfall at Narrogin is 20 in. as compared with 13½ in. in the Bruce Rock area, yet it has always been possible to supply a minimum of approximately 20 gallons per head per day to Bruce Rock residents as compared with six gallons and less per head per day in the town of Narrogin.

It is certain that, in addition to supplying the Great Southern towns, the mains will also be drawn on to meet farmers' requirements.

WHEAT.

As to Road Transport Control.

Hon. J. T. TONKIN asked the Minister for Transport:

(1) Who was the person authorised by him to arrange for motor vehicles to transport wheat by road last season?

(2) Why was the job taken out of the hands of the Transport Board?

(3) Were the arrangements varied during the season, or did the same person remain in control throughout?

(4) Will he make the papers concerning this matter available for perusal?

The MINISTER replied:

(1) Co-operative Bulk Handling Ltd.

(2) Vehicles used in the road transport of wheat still had to be licensed by the Transport Board.

The administrative work this season was placed in the hands of Co-operative Bulk Handling Ltd., for the following reasons:—

(a) The company is responsible for the wheat from the time it is received at country sidings until it is delivered into the ship's hold, and is concerned, therefore, in such matters as wastage of wheat which undoubtedly occurred in previous years.

(b) The company is also concerned with the rapid loading and unloading of trucks, and was thus able to employ only trucks that were fitted up for rapid unloading, while it was also the only authority in a position to determine the varying types of motor vehicles to be used, so as to ensure the maximum daily unloading of wheat at the port.

(c) It obviated the employment of two sets of officials to police whole operation.

(d) The company was also in a better position to ensure that all those engaged in the work complied with traffic regulations.

The results obtained this year were superior to previous years.

(3) No.

(4) Yes.

BUILDING SUPPLIES.

As to Shortage of Nails.

Hon. F. J. S. WISE (without notice) asked the Premier:

Is he aware of the serious shortage of nails for all purposes in Western Australia; and, if so, what special arrangements is the Government making to ensure that industry does not suffer unnecessarily from such shortage?

The PREMIER replied:

I am aware of such shortage and steps have been already taken to overcome the difficulty. A considerable quantity of nail

wire, if it has not already arrived, should be arriving at an early date. A still larger quantity is on order to follow. The Government has appointed a committee to go into the question of the shortage of nails and other materials and to do everything possible to expedite their delivery. Consideration is being given to the sending of two officers overseas to inspect the materials in order to ensure that the quality and price are right. Those officers will do all they can to procure this much-needed material for the State.

GAS SUPPLY.

As to Utilisation of Collie Coal.

Mr. MAY (without notice) asked the Premier:

(1) In view of the present situation which has arisen in this State in regard to the production and supply of gas, will he make a statement to the House as to the present stage reached in regard to the establishment of a Lurgi gas producing plant at Collie?

(2) In order to overcome such similar situations arising in this State, will the Government endeavour to speed up the installation of this plant so as to make the State independent of outside coal supplies?

The PREMIER replied:

(1) and (2) Experimental work designed to show that Collie coal is suitable for gasification with steam and oxygen under pressure by the Lurgi process was completed twelve months ago. The Fuel Technologist and the Coal Panel have been in consultation with English and German authorities on the process. All of them agree that Collie coal is suitable for this type of gasification. The Department of Industrial Development is endeavouring to obtain information from the Lurgi Gas Company in Germany on the cost of installing a Lurgi plant and the likely time needed for its erection and completion. The Lurgi company has also been asked to give the calorific value of gas which it would be prepared to guarantee.

POTATOES DISPOSAL SELECT COMMITTEE.

As to Substitution of Member.

Mr. FOX: Last night I was appointed to serve on the Select Committee to inquire into the disposal of potatoes. I now find that

for private reasons I shall be unable to attend the meetings of the committee and I would therefore ask the leave of the House to withdraw from it.

Leave granted.

On motion by Hon. J. T. Tonkin, Hon. J. B. Sleeman was appointed to act in the place of the member for South Fremantle.

BILLS (3)—FIRST READING.

1, Adoption of Children Act Amendment.
Introduced by the Minister for Education.

2, Prices Control Act Amendment (Continuance).

Introduced by the Attorney General.

3, Pig Industry Compensation Act Amendment.

Introduced by Mr. Nalder.

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

Second Reading.

THE MINISTER FOR HOUSING (Hon. R. R. McDonald—West Perth) [4.49] in moving the second reading said: This Bill looks more formidable than it really is. It is a Bill to continue the parent Act—the Increase of Rent (War Restrictions) Act, 1939-1948—for a further period, and it also seeks to continue for a period the special protection which until recently had been afforded to ex-Service personnel and their dependants under the Moratorium Regulations made by the Commonwealth Government under the National Security Act and more recently under the Defence (Transitional) Provisions Act.

I propose in the first place to deal with the continuation of the present Act. The Act was passed in 1939 as legislation made necessary by the onset of the war. The original measure may be divided into two parts. The first related to restrictions on the increase of rents which it was apprehended might follow conditions brought about by war. The second part dealt with the eviction of tenants which might be attempted by landowners under circumstances where it might be unfair that the tenants should be dispossessed from occupation of the premises they were renting. The first part—that which referred to the control of rents—has

been operative since it was passed in 1939. The second part was, not long after the Act was passed, superseded by provisions as to eviction and recovery of possession of premises, made by the Commonwealth under National Security Regulations.

As to the control of rents which was provided for by the parent Act and has remained operative in this State ever since, important amendments were made in 1947. In that year Parliament incorporated certain additional provisions which were directed to the protection of tenants against unfair treatment in the matter of rents. In 1948 the Commonwealth ceased to control the recovery of possession of premises and the eviction of tenants which had hitherto been controlled under National Security Regulations; and this Parliament, last year, passed an amendment to the parent Act to enable regulations to be made under that Act to take the place of those that had hitherto operated under the National Security Act.

Accordingly, following the amended Act of last year, new regulations were promulgated under the parent Act and the amending Act of 1948 dealing with the recovery of possession of premises and the eviction of tenants. The regulations so promulgated followed very closely those which had been operating under Commonwealth control, although last year our regulations regarding evictions and recovery of possession were amended to some extent to make it somewhat easier for the owner of a house to recover possession when he desired to occupy that house for himself and his family.

Although the State, under its own legislation, resumed control of the law regarding recovery of possession of premises and eviction of tenants, there remained one branch of the law which continued under Commonwealth jurisdiction. That branch related to the special protection which was given to ex-Service personnel and their dependants. That special protection continued under Commonwealth jurisdiction under the Commonwealth War Service Moratorium Regulations. Some two months ago, by a decision of the High Court, those regulations were held to be unconstitutional with regard to two provisions, one being the special protection afforded to ex-Service personnel and their dependants; and the

other, the special right given to ex-Service personnel to demand possession of a vacant house.

While, therefore, the first part of this measure relates to the continuance of the control of rents, over which the State has always exercised jurisdiction since 1939, the second part proposes to incorporate for a period in the parent Act the special protection which had been enjoyed by ex-Service personnel and their dependants under the moratorium regulations which recently were declared to be unconstitutional and invalid. From the continuation point of view of this Bill the parent Act provided that the measure should remain in operation until the expiration of six months after the war had ceased. Exactly when the war ceased, or when it would cease, has been the subject of rather remarkable indecision and, as far as I know—I speak with deference to you, Mr. Speaker—the war has not yet ceased.

Mr. May: Not until the peace is signed.

The MINISTER FOR HOUSING: Accordingly, this Parliament in 1947 provided in the continuation Bill passed in that year that the legislation should continue until the expiration of six months after the end of the war or until the 31st December, 1948, whichever was the later date. The intention underlying the insertion of a specific date was that there should not be a cessation of this legislation when Parliament was not sitting and therefore not in a position to determine whether the legislation should be continued or not. The following year—that is, last year—the continuation Bill followed the same lines and the parent Act was continued until the 31st December, 1949, or until the expiration of six months from the end of the war, whichever was the later date. The Bill, in its function as a continuation measure, follows the same principle and proposes that the legislation shall continue until after six months after the end of the war, or the 31st December, 1950, whichever shall be the later date.

I think there can be no question that a continuation of this legislation for a further period is essential. There still has to be a substantial measure of protection afforded to tenants to ensure that they are not subjected to unfairness in relation to the rent charged, or any attempt to evict them from their premises. Under the existing legislation, provision is made for the appointment of a

rent inspector. That officer, Mr. Stewart, has been operating for some years. His duties are to advise and assist tenants and landlords or owners, and also to police the Act as far as possible to ensure that offences against it are not committed and, if committed, those responsible punished. In particular, by the amendment passed in 1947, the rent inspector has been given the power, subject to an appeal to the local court, to make a summary determination of a fair rent for shared premises, which is the term applied where the tenant occupies part of a house.

It may be of interest to members to have some information as to the extent of the services which the rent inspector has been rendering with his staff. During the year ended the 30th June last, 380 applications for a determination of a fair rent came to his office. These applications can be made either by the landlord or the tenant. It does happen in some cases that the rent being charged is too low, although in the majority of cases it is the converse, namely, the rent being charged is too high. In each of the 380 cases, except 29 which are pending, in some instances until further information has been supplied, the rent inspector has made a determination of a fair rent.

It has been computed that the savings for the year ended the 30th June last to lessees, as a result of the determinations of the rent inspector, approach £6,000. I take that to be the annual savings to the tenants whose rents were assessed by the rent inspector. In addition, by the regulations there is the right given to a house owner, when he proposes to let premises or part of premises for a period not exceeding six months, to obtain a certificate to the effect that the provisions of the regulations shall not apply. Some people desire to let premises for a short period because they are going away, or for some other reason, who would not let them if they had to face the various difficulties involved under the regulations to secure re-possession. In order to encourage them to let their premises, it was provided in 1948 by the regulations then made, as it had been provided previously under the Commonwealth regulations, that people proposing to let premises for a short period could obtain a certificate as a result of which they could, at the expiration of the term, regain possession of their premises without having to

meet the obligations which otherwise would devolve on them under the regulations. Certificates of that kind numbering 205 were issued last year.

Mr. Styants: For what period were they?

The MINISTER FOR HOUSING: The certificate operates for the period of the letting, which must not exceed six months. Further, 77 breaches of the Act were reported to the rent inspector, and 128 breaches of the regulations. In each case a number of successful prosecutions were launched by the rent inspector, and the offenders were convicted and fined by the courts. A very considerable volume of business is going through the office of the rent inspector, and many cases come before him in which he is able, by approaches to the parties concerned, to settle their difficulties in an amicable way.

An example of the amount of work involved is shown by a recent itinerary which Mr. Stewart undertook embracing the towns of Bunbury, Albany, Katanning, Wagin and Narrogin. In the course of that trip, 66 people interviewed him and sought his advice and, in some cases his assistance, to unravel difficulties relating to tenancies and terms of tenancies. It is possible that a further Bill will be submitted for the consideration of Parliament very shortly, to amend the parent Act to give some additional protection to tenants in certain cases, particularly where they are the occupiers of furnished premises, as to which the member for Perth asked me some questions a few days ago. But that is a matter to which I am not entitled to make reference while speaking on this Bill.

I feel that the House will agree that this legislation is serving a necessary purpose and must be continued for a further period. I turn now to the second part of the Bill, which deals with the special protection to ex-Service personnel and their dependants. As I have said, the High Court has recently ruled that two provisions of the Commonwealth moratorium regulations were invalid, one of them relating to the special protection to ex-Service personnel and their dependants and the other relating to the special right of ex-Service personnel to demand possession of a vacant dwelling. The Bill proposes to continue for a period the special protection that has been enjoyed

by ex-Service personnel and their dependants under the Commonwealth regulations, but does not propose to continue the special right to demand possession of vacant premises.

Mr. Brady: Can the Minister state the position of ex-soldiers who have been evicted in the last three months?

The MINISTER FOR HOUSING: The Bill contains some transitional provisions, but I do not think there have been many cases of evictions of ex-soldiers recently as the result of the failure of the Commonwealth regulations. I do not think it would be easy, where an eviction has been completed against an ex-Service man, to reverse the procedure and reinstate him in that house once possession had been taken of it by someone else.

Mr. Brady: But he could be given priority for a new house.

The MINISTER FOR HOUSING: That is a matter that will be taken into consideration, because any evicted person will necessarily have claims—fairly strong claims—for accommodation and they will be assessed in connection with the claims of other people for any accommodation that is available.

Mr. Styants: What would be the position in a case where the court had given an eviction notice but the time had not elapsed?

The MINISTER FOR HOUSING: Such people will be protected by the Bill. It contains provision as the result of which, where an order has been made for an eviction but has not been carried out, the ex-soldier can be protected.

Mr. Styants: Most of the orders will not have been carried out as the tenant has the right to remain for a period of up to six months.

The MINISTER FOR HOUSING: It is not quite like that. Before the owner can take proceedings, he must give notice of the termination of tenancy and the length of notice is dependent upon the period for which the tenant has been in occupation, so that once the proceedings come before the court, it is competent for the court to give the owner immediate possession if it thinks fit. If the court thinks fit, it may allow some breathing space to the tenant but, as I say, it is within its power to give

immediate possession. The part of this Bill that proposes to continue the special protection that has hitherto been enjoyed by ex-Service personnel and their dependants is so framed that that protection will continue for the period of the legislation. That is due to some lack of agreement between the Parliamentary draftsman and his instructions with regard to the Bill.

The intention of the Bill was that the special protection to ex-Servicemen and their dependants should continue only until the 30th September, 1950, or, broadly speaking, for a period of 12 months. The reason why that term is being suggested to the House I will explain a little later on. This Bill has incorporated, practically word for word, the provisions of the Commonwealth moratorium regulations that were recently declared unconstitutional. It has incorporated them in full so that they may be before the House and may be subject to review by members in the course of debate.

Mr. Reynolds: What about the Victorian Act?

The MINISTER FOR HOUSING: That Act incorporated the Commonwealth provisions and this Bill proposes to do the same. There are some reasons why in a Bill with a transitional purpose, such as this one, we should incorporate in their recent form the regulations dealing with this subject. One reason is that ex-Service personnel, returned Servicemen's organisations and the legal fraternity, have some knowledge of and, in some cases, are very familiar with the Commonwealth regulations that have operated for so many years.

In addition, there have been a number of decisions and rulings on the Commonwealth regulations which help to explain many doubtful points of interpretation that have arisen from time to time in the course of the operation of the regulations. It has therefore at this juncture been thought desirable to pick up in this measure and continue these regulations in the form in which they have been previously operating and with which those concerned are familiar. This is done, I may say, even though the regulations are verbose and not altogether free from difficulty in their interpretation. They are something that experience has made familiar to those who are protected

by them or who are concerned with their operation. I do not desire to take up the time of the House by going into details on the provisions of the Bill relating to the protection of ex-Service personnel, beyond giving an outline of the nature of those provisions.

Hon. A. H. Panton: It's a pretty important one though.

The MINISTER FOR HOUSING: It is. The people who are protected are ex-Service personnel and certain dependants of such ex-Servicemen. However, all ex-Servicemen are not protected. Broadly speaking, in order to secure protection, or be what is called a protected person, an ex-Serviceman must come within certain definite qualifications. As far as he, himself, is concerned, his protection lasts for a period of four years following his discharge from the Services. At the end of four years following his discharge, his protection ceases, but there again with certain exceptions. Where the ex-Serviceman is in receipt of a war pension, his protection continues as long as he receives that pension. If, therefore, he is a pensioner for life, my understanding of the regulations as incorporated in this Bill, is that while this legislation continues he will remain a protected person for the period of his life.

Hon. A. H. Panton: Irrespective of the amount of pension?

The MINISTER FOR HOUSING: Yes.

Mr. Styants: And even if he is in another ex-Serviceman's home?

The MINISTER FOR HOUSING: No, there are special provisions which deal with that aspect. In addition, where the ex-Serviceman is receiving medical treatment from the Commonwealth, which wholly or partly prevents him from engaging in his usual occupation, then he continues to be a protected person while receiving that treatment.

Mr. SPEAKER: Order! There is too much noise coming from the cross-benches.

The MINISTER FOR HOUSING: So we see that as far as the ex-Serviceman is concerned, provided he is fit and well, his special rights as a protected person will cease at the end of four years after his discharge from the Services. But there is special provision if the ex-Serviceman re-

ceives medical treatment from the Commonwealth which affects his ability to carry on his occupation. In that instance his protection lasts for the period of the treatment. On the other hand if he is in receipt of a war pension then he continues to be a protected person while legislation of this kind remains operative.

I now turn to another class of protected person, namely the female dependant of the ex-Serviceman. Generally speaking she is entitled to protection for the same period as her husband. In addition, if she herself is receiving a war pension because of the death or incapacity of her husband, he having been a Serviceman, then she is a protected person and continues to be one while in receipt of that pension. Further, a parent of a discharged member of the Forces who is wholly or partly dependent, or was wholly or partly dependent, on the discharged member, also receives protection during the period when the Serviceman himself would have been entitled to protection.

Hon. A. H. Panton: Suppose a protected female is married to an unprotected man! Is she still protected because she was a Service girl?

The MINISTER FOR HOUSING: In that case the protected female would, I think, lose her pension.

Hon. A. H. Panton: I am not talking about pensions. If an ex-Service woman married an unprotected man, would she lose her protection under this Bill?

The MINISTER FOR HOUSING: I do not think she would. I think she would continue to be entitled to protection in the same way as an ex-Serviceman when he marries.

Mr. Marshall: You are quite right in saying "an unprotected man" when he is married.

The MINISTER FOR HOUSING: Where an ex-Servicewoman marries an unprotected man, her marriage would not deprive her of the protection she would otherwise have enjoyed under the regulations or under this measure. With regard to the parents of a discharged member of the Forces, if any parent is in receipt of a pension due to the death of the ex-Serviceman on whom the parent had been wholly or partially dependent, then while that pension is received by such parent he or she continues to be

a protected person. The Bill contains, as the regulations did, further restrictions on the right to be a protected person within the meaning of these provisions.

The ex-Serviceman, to be a protected person, must have been obliged by his service to live away from his home for a certain period. Some Service personnel were fortunate enough in this war in particular—although not in the previous war as the member for Leederville will remember—to be able to carry out their service while living at home. The definition clause, which will be found in this measure, shows the period for which a Serviceman must have been obliged to live away from home before he qualifies to be a protected person.

Mr. Marshall: Did you say that he was not protected if he lived at home?

The MINISTER FOR HOUSING: That is so. I think it will be clear that the man who, in spite of his service, was able to live at home is not likely to get into housing difficulties, and if he does it may be said to be his own fault. Where he was compelled by his service for certain periods, as set out in the definition clause in this measure, to live away from home then on his discharge housing difficulties could well arise, and there might be occasion to give him the status of a protected person. When the ex-Serviceman or his family dependant or his parent qualifies to be a protected person and entitled to the benefit of these regulations, or in this case of the Commonwealth regulations or of the provisions of this measure, he cannot be evicted from his dwelling or premises except on certain grounds set out in the Act.

There are some nine or ten of these grounds commencing with non-payment of rent, and including occasions where the owner seeks to get the house from the tenant for his own occupation. The grounds upon which an application can be made to the court for recovery of possession of premises against a protected person are substantially similar to those which apply under the regulations which are operating between civilians. The important part of the moratorium regulations of the Commonwealth now incorporated in this Bill relates to the special provision, which does not apply to civilians but does apply to protected personnel, under which the applicant for possession of the house or premises

must be prepared to prove that the protected person, who is the tenant, has available to him alternative living accommodation equivalent in value and desirability to that which he is occupying at the time.

That is the real protection which is given to ex-Service personnel and their dependants by the regulations hitherto existing under the Commonwealth legislation and the provisions incorporated in this Bill. It is not easy for an applicant in possession against an ex-Serviceman or his dependants to be in the position to offer the tenant accommodation equivalent in all respects, both regarding rent and other circumstances, to the house which he is occupying at the time. As I said, the Bill contains transitional provisions or, shall I say rather, saving clauses, to meet the case where the orders for possession may have been made against protected persons but have not been carried out. Those clauses are designed to save the interests of the protected person. I do not think there are many cases, but where possession has been regained by the owner it is not attempted, by this measure, to dispossess him in order to reinstate the protected person who was previously the tenant. In the Committee stage I shall be glad to endeavour to give any further information on the terms of this measure that I may be able to give, but I have tried to show the class of person who will be entitled to the protection of this measure and the nature of the protection he will enjoy.

There are two views which may be quite reasonably held regarding the special protection afforded to ex-Service personnel. I think it will be agreed that men who have been on war service and whose homes have therefore been broken up by that fact need the special consideration of the community in order that they may rehabilitate themselves, as to accommodation for themselves and their families. However, I think it cannot be denied that in some cases, and I will not say in many, ex-Service personnel have taken an unfair advantage of this special protection which they have enjoyed. I do not say that that is a more than infrequent circumstance. There is also this aspect, that it is a consideration as to how long this special protection should continue to men who have been in the Services as against the civilian population who have not that protection.

In these circumstances, it has been thought that the provisions for the protection of ex-Service personnel and their dependants should not be allowed to stop suddenly as a result of the High Court decision, but that they should be continued for a further period—it is suggested, say, twelve months—to allow ex-Service personnel a breathing space in which to make arrangements for other accommodation where the house they occupy at present is being sought by the owner. If this resolution were not to be renewed for a period many deserving ex-Service persons, who are or were protected, and their dependants might be suddenly faced by demands to leave their premises which they might not be able successfully to oppose.

If there were many such demands then, of course, their difficulties would be increased because the demand for other accommodation would be enlarged in volume. Further, from the point of view of the Housing Commission, if I may mention that circumstance, the responsibility of finding, as quickly as possible, accommodation for evicted persons would be substantially increased. Therefore the Bill submits for the consideration of the House the proposition that instead of being cut off suddenly and without warning from protection which had been given by the Commonwealth previously, ex-Service personnel and their dependants should be allowed this period of a year or thereabouts in which to make new arrangements for their accommodation.

The idea that this measure shall extend that protection to ex-Service personnel and their dependants until the 30th September of next year is that Parliament will then be sitting and, if circumstances are such that the House should consider the legislation ought to be further continued, it will be in the hands of members to allow an extension of that period. I think, speaking personally, that it might be considered that the period proposed to be allowed to ex-Service personnel and their dependants by this measure should be reasonably sufficient to enable them to adjust their housing needs and make provision for their future accommodation in those cases where they are occupying houses of which the owners seek to regain possession.

Hon. A. H. Panton: Have you any idea of the year when the majority of the soldiers would have been discharged? The four-year period might be up.

The MINISTER FOR HOUSING: That is a very pertinent interjection. I have not the precise figures with me, but I think that in a year's time it might be said that, with the exception of ex-Service personnel who would be entitled to pensions, the protection under the legislation would be just about running out, even for the last of them. If the Act should cease to operate at the end of that period, I do not think there would be any hardship occasioned ex-Service personnel who were physically fit. The only question that would arise, as the member for Leederville will agree, would be in respect of any possible protection that might be involved in the case of dependants. Even so, it might well be said that there has to be some period to the special privileges under this particular class of legislation.

Mr. Marshall: How many members of the Treasury bench will be protected under this measure?

Mr. SPEAKER: Order!

The MINISTER FOR HOUSING: I think the answer to that interjection is: "None."

Hon. A. H. Panton: This is another old soldiers' Bill.

The MINISTER FOR HOUSING: I move—

That the Bill be now read a second time.

On motion by Mr. Styants, debate adjourned.

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

Second Reading.

The MINISTER FOR LOCAL GOVERNMENT (Hon. A. F. Watts—Katanning) [5.45] in moving the second reading said: This is a very small measure. I had the privilege previously of introducing a Bill, in the course of which I explained what took place under the parent Act and I do not think it necessary to repeat what was

said on that occasion. Those details are embodied in my second reading speech on the Local Government Bill. Copies of the number of "Hansard" which contain those references, are available to members. Therefore, if any member wishes to know the procedure that has been followed and the reasons for it, he can obtain the information from that source. This Bill aims at including under the provisions of the parent Act all parks and reserves boards under the Parks and Reserves Act. Of course, the employees of those boards are the persons to be included.

The reason for the alteration to include boards under the Parks and Reserves Act as well as local authorities under the local government Acts, is because of a request that has been forthcoming from the King's Park Board. The member for Leederville, who is a member of that board, is well acquainted with the fact that it desires to be included under this legislation. As a matter of fact, the request from the board was received about a year ago or a little less. At that time it was not considered expedient to introduce further legislation, but on the request being repeated, it was agreed to. In order that a separate paragraph would not have to be inserted in the Parks and Reserves Act in respect of similar institutions that might be created or are in existence, all boards under that Act are to be covered by the amendment. As the approval of the Governor has to be obtained for the inclusion of the staffs of any such authorities, it is obvious that any protection required in that direction is already available.

The second amendment that the Bill seeks to make to the parent Act is to delete the words "and guarantee" in Section 3 and to insert in lieu the words "guarantee and endowment." Those words were left out of the section purely by inadvertence. They will be found in the Title of the Act. The curious part about it is that an endowment scheme is really the one that is most practical at the present time and has, in fact, been adopted for the purposes of local authorities that have so far undertaken voluntary schemes. Therefore while the absence of the words is not thought by any means to be vital, it is generally recognised as being undesirable. The amendment provides for the insertion of the words referred to

in order that both the Act, the Title and the scheme may be concurrent. I move—

That the Bill be now read a second time.

On motion by Hon. A. H. Panton, debate adjourned.

BILL—THE WESTRALIAN BUFFALO CLUB (PRIVATE).

Second Reading.

Debate resumed from the 19th July.

THE ATTORNEY GENERAL (Hon. A. V. R. Abbott—North Perth) [5.50]: As the member for Perth said, this Bill closely follows the private Bill introduced and passed last year for The West Australian Club. In the past it was a custom for some clubs to adopt the form of and utilise the Companies Act for the purpose of their activities. In those circumstances they tried to adapt the system of shareholding to that of club members. This proved to be a failure and, as a result, the legal position of the companies became so involved that without legislation it was impossible to solve their technical difficulties. The Bill has been scrutinised by a Select Committee, which has approved of it. I have consulted the Solicitor-General, who has reported that neither he nor the Registrar of Companies can see any objection in the public interest. Therefore I support the second reading.

Question put and passed.

Bill read a second time.

In. Committee.

Bill passed through Committee without debate, reported without amendment and the report adopted.

BILL—MARKETING OF EGGS ACT AMENDMENT.

Second Reading.

THE MINISTER FOR LANDS (Hon. L. Thorn—Toodyay) [5.55] in moving the second reading said: The purpose of this Bill is to correct certain anomalies in the parent Act, and to give the Egg Marketing Board powers which are not contained in the Act as passed in 1945. The amendment dealing with permits has been extracted from the National Security (Egg Industry) Regulations. Subsection (3) (b) of Section 23 requires holders of purchasing permits—

storekeepers, for instance—to comply with the conditions of those permits. However, there is no provision in this Act requiring producers with selling permits to comply with the conditions of those permits. It is essential for the board to have power to enforce the observance of conditions for the better marketing of eggs, as many instances have arisen of producers not marketing in the correct manner and, in such cases, no action could be taken.

The provisions of Subsection (1) of Section 32 of the Act require the board to make payments to producers on the "basis of net proceeds of sale of all eggs delivered to and sold by the board." Therefore, only direct and indirect expenses and administration costs can be deducted from the proceeds of sales, and the balance must be paid to producers. It will be seen that the board is unable to retain a fund for the purpose of buying land for the erection of new premises, and this is desirable for the more efficient handling of the product. If the board were able to do this, it would greatly benefit the industry, because efficient handling would mean reduced costs.

The board has power to borrow money but, without sufficient security, it is doubtful whether finance for the purchase of assets could be arranged. The assets which the board has at present were purchased out of funds obtained under its agency with the Controller of Egg Supplies under the National Security (Egg Industry) Regulations, who controlled all the eggs in Australia before this board came into being. Big profits were made and these were handed over to the State boards. This money was remuneration for the handling of eggs on behalf of the Commonwealth, but the arrangement ceased on the 31st December, 1947. Since then, the board has had to operate under the Marketing of Eggs Act and, as producers have to be paid on the basis of "net proceeds" of sale, no funds to expand the industry have been allowed to accumulate. When the money from the Commonwealth Controller has been exhausted in the purchase of assets, it is doubtful whether the board could use the producers' funds for the erection of buildings.

The Act at present only allows deductions from proceeds to be paid into an account kept by the board known as the "board

administration account" for the use of administration expenses. The amendment in the Bill will allow the board to use any money remaining in the pool account to provide for extensions for the better working of the board. Its operations are being carried on under difficulties and representations have been made to the Housing Commission for permission to erect buildings. I am sure members will agree that, when we set up such a board, we must allow it proper facilities to store, handle, and do everything necessary in the marketing of eggs. The Bill also provides for a contribution towards the costs of the board's administration by holders of buyer and seller permits. It is only right that those who are permitted to operate outside the board should make some contribution. The same principle is involved here as with seed potatoes, which we recently considered. The amendment is intended to require producers whose eggs are not delivered to the board to make some contribution. As administration costs include the granting and controlling of permits, it is reasonable that these producers should contribute towards the cost of maintaining a section of the board's staff, which, if no permits were issued, would not be necessary.

At present the non-permit holder pays for the upkeep of staff required to supervise permit holders, and this is not equitable. The section of the Act dealing with regulations provides that the board shall have power to "inspect any records or accounts relating to eggs or to premises." It is obvious that the records or accounts referred to relate to eggs and not to premises. This Bill clears up what is considered to be an error, and the relevant portion will read, "to inspect any records or accounts relating to eggs or to inspect premises on which eggs are produced," etc. I commend the Bill to the House, as I consider the amendments desirable for the better working of the parent Act. I move—

That the Bill be now read a second time.

On motion by Mr. Grayden, debate adjourned.

House adjourned at 6.2 p.m.

Legislative Council.

Tuesday, 26th July, 1949.

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

QUESTIONS.

HOUSING.

As to Provision at Fremantle.

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

In view of the extreme shortage of housing in Fremantle, will the responsible Minister give an assurance that a reasonable percentage of transient homes being constructed on Davies Estate, Beaconsfield, will be made available to local applicants ?

The CHIEF SECRETARY replied :

Consideration will be given to this matter when these dwellings are approaching completion and the requirements of local applicants in the Fremantle area can be assessed in relation to the total accommodation becoming available in the area.

STATUTES, 1948.

As to Issue of Bound Volumes.

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

In view of the inconvenience caused to members through the Statutes of the first period of the present session not being available, will he give an indication as to when they may expect the bound volumes to be made available ?

The CHIEF SECRETARY replied :

It is anticipated that bound volumes of the 1948 Statutes will be available for distribution in approximately two weeks' time.