The Crown Law Department has advised that in the absence of proper provision in the Act, and in respect of certain sections of the Act, once notice to quit has been given the relationship of lessor and lessee ceases to exist, and the occupier is not then a lessee within the meaning of the Act. This is in accord with common law. In consequence, he cannot claim any protection under the relevant sections which deal with overcharges, interference with rights of tenants, etc., and there is provision for offences. Unfortunately, there are many complaints under these sections and in 90 per cent. of the cases offences have been committed after notice to quit has been given.

There was sufficient protection in the Act of 1953, but this was revoked by the amending Act of that year. Reinsertion of an appropriate amendment to put this matter in order is necessary. The Act expires on the 31st December, 1955, but instead of continuing for a further period of 12 months, the Bill seeks to provide for a permanent measure. We do so because, as I mentioned earlier, I do not think anyone will deny the fact that the court has done a good job, and I do not think anyone will deny the right of a lessor or lessee to approach some body in order to get a just decision.

Now that the Act has reached its present stage we believe that there should be protection for both sides and therefore, as the court has been established and has proved itself, we think the Act should become a permanent measure and that we should not have to review the position every 12 months. I move—

> That the Bill be now read a second time.

On motion by Hon. C. H. Simpson, debate adjourned.

ADJOURNMENT—SPECIAL.

THE CHIEF SECRETARY (Hon. G. Fraser—West): I move—

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

Question put and passed.

House adjourned at 6.4 p.m.

Legislative Council

Tuesday, 13th September, 1955.

CONTENTS.

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

MOTION—ROAD DISTRICTS ACT.

To Disallow Petrol Pumps By-Laws.

Debate resumed from the 1st September on the following motion by Hon. L. A. Logan:—

> That amendments to Road Districts (Petrol Pumps) By-laws, 1934, made by the Department of Local Government under the Road Districts Act, 1919-1951, published in the "Government Gazette" on the 27th May, 1955, and laid on the Table of the House on the 9th August, 1955, be and are hereby disallowed.

THE CHIEF SECRETARY (Hon. G. Fraser—West) [4.38]: There is a history to this matter; and rather than rely on my memory, and to make sure that all points are covered, I intend to read from some typewritten notes which I have before me.

On the 12th April, 1935—I would like members to note that year particularly—uniform general by-laws were gazetted for the control of petrol pumps. These by-laws were made applicable to every road district in Western Australia, and they provided that where any petrol pump was placed so that the point of delivery of petrol from the pump was situated within or was extended for delivery to within 10ft. of a street or way, the road board had complete control as to whether it would issue a permit or not. There was no appeal provided against the road board's decision, it being at the absolute discretion of the road board whether a petrol pump could be installed if it came within 10ft. of a street or way. That applied to all road districts in this State. Later I shall inform the House what applies in the other localities. These by-laws are still in force except in those road districts that have by choice accepted the by-laws which are the subject of this motion.

On the 17th September, 1954, the City of Fremantle amended its petrol pump by-laws by adding a new clause which reads—

> 3A. No licence shall be issued for the installation or use of any petrol pump, tank, cistern, pipe or installations for the supply of petrol to the public in the following cases:—
>
> (i) In any street or within 50ft. of any street frontage where there is already on the same side of the street within a distance of one half a mile other premises where petrol is sold to the public; or
>
> (ii) in any street section between two intersecting streets or street junctions or within 50 ft. of the street frontage where there is already other premises where petrol is sold to the public on the same side of the street; or
>
> (iii) in any street or within 50ft. of the street frontage where there is already other premises where petrol is sold to the public or any part of such premises directly opposite any such petrol pump, tank, cistern, pipe or installation.
>
> This provision shall not apply to petrol pumps, tanks, cisterns, pipes and installations already installed as at the date hereof.

The Minister has no authority to permit of the erection of any petrol pump within the distance specified in Clause 3A, and it is unlawful for the City of Fremantle to breach its own by-laws by authorising the erection of a petrol pump within any of the distances specified. These by-laws have been in force since the 17th September, 1954, and cannot now be disallowed.

On the 17th September, 1954, the municipality of East Fremantle also gazetted by-laws for the control of petrol pumps and Clause 4 of the by-laws reads—

> 4. A licence shall not be issued for the installation or use of any petrol pump, tank, cistern, pipe or installation for the supply of petrol to the public where there are other premises where petrol is sold to the public within a radius of half a mile from the location of such petrol pump, tank, cistern, pipe or installation. This provision shall not apply to petrol pumps, tanks, cisterns, pipes and installations already installed as at the date hereof.

An appeal to the Minister is provided if the issue of a permit is refused on account of non-compliance with any of the by-laws, but the Minister has no power to authorise the erection of a petrol pump within a radius of half a mile as stated in Clause 4 of the by-laws, and the municipality of East Fremantle itself would be committing a breach of its own by-laws if it authorised the erection of a petrol pump in contravention of Clause 4. These by-laws have also been in force since the 17th September, 1954, and cannot now be disallowed.

During the middle of 1954, following the advent of one-brand petrol stations, the Local Government Department was approached by local authorities asking that action be taken for some control and some uniformity. In "The West Australian" of the 21st July, 1954, appeared an article stating that the Gosnells Road Board was experiencing difficulty and desired control of service stations. Further, in "The West Australian" of the 19th June, 1954, appeared an article to the effect that the local authority mostly faced with the problem of the mushroom growth of service stations was the Perth Road Board. The board's engineer stated that there were good reasons why service stations should not be permitted indiscriminately along roadways.

Following this, I requested that a draft by-law be put up similar to that of the East Fremantle Municipality, which had not been objected to by Parliament. I also sought advice from those local authorities which desired control of petrol pumps. Following the boards' replies, the uniform by-law, the subject of the motion, was promulgated and published in the "Government Gazette" of the 27th May, 1954. Page 12 of the gazette shows that the by-laws apply only to the following road districts, which have asked that they be permitted to adopt them:—

> Armadale - Kelmscott, Bassendean, Bayswater, Belmont Park, Canning, Cockburn, Gosnells, Kwinana, Melville, Mosman Park, Peppermint Grove, Perth, South Perth, and Swan.

These districts were included in the gazette simply because they had specifically requested in writing that the by-laws apply to the areas under their control. Accordingly, the by-law can only be classed as one made by the local authority concerned. Since that date four country road boards have requested that the by-laws be extended to their districts. These are Drakesbrook, Mt. Marshall, Rockingham and Wanneroo. The by-laws are not mandatory on all road boards. Road boards can use them if they wish to.

When a draft of the proposed by-laws was being prepared, no thought was given to interfering with or controlling the petrol trade but rather to preventing crowding or obstruction to streets and ways. If petrol stations are allowed indiscriminately, it is obvious that traffic—and particularly pedestrian traffic—must be seriously interfered with, as petrol stations generally get the widest drive-in possible in order that a vehicle can come

in off the road with as little inconvenience as possible to the driver. The suggestion that the Government is setting up a monopoly in the petrol trade is far from correct.

For years past, practically all local authorities have made zoning by-laws providing in what areas businesses, residences, or industries may be established. Although no specific distance is quoted between one business site and another, this is nevertheless regulated by the fact that these areas are designated by lots, it being usually found that where certain lots are set apart as a business area, it is some distance away before any other additional lots are set out for a similar purpose.

If the by-laws are disallowed, then those made on the 12th April, 1935, will still remain in force. As I have said, it will be competent then for any local authority to exercise whatever restrictions it thinks necessary, both as regards distance and issue of licences in connection with any petrol pump that is within 10 ft., or where the point of delivery of the hose is within 10 ft. of any street or way.

That is the history of the by-laws and those which operated prior to the ones referred to coming into force. In moving this motion, the hon. member attacked the Government for promulgating the by-law, to which exception is taken but nothing is further from the truth. Because of repeated requests to the Local Government Department, the by-law was authorised and it was left to local authorities to adopt it as they thought fit. It is enforceable only in areas that have adopted it. I have already read out the list of districts where the by-law applies. It was published in the same gazette because they asked for the by-laws; since that publication, four or five road boards have joined in.

If that procedure had not been adopted, there would have been 14 separate by-laws; and to achieve his objective the hon. member would have had to move 14 motions in this House. I cannot be accused of doing anything wrong when I made it convenient for the hon. member to attain the desired result by one motion instead of 14. Whatever the vote of the House, I cannot be blamed for having done anything wrong.

Hon. L. A. Logan: I am not arguing about that.

The CHIEF SECRETARY: Looking at the hon. member's speech, one finds that the first thing he did was to blame the Minister and the Government.

Hon. L. A. Logan: Of course you were responsible!

The CHIEF SECRETARY: I agree; but why? It was not because I wanted the by-law but because the local authorities wanted it. I have nothing to answer so far as that is concerned. I have pointed out why the local authorities required this power. The hon. member made no objection last year when the by-law was presented to Parliament in respect of Fremantle and East Fremantle and when it was published in the "Government Gazette" on the 17th September.

The hon. member cannot say that the House was not sitting then, because it was in session. As a matter of fact, local authorities wanted more power than is provided. One by-law provided for a distance of 50 ft. from the street alignment, and it was watered down to make the distance 100 ft., but we have obliged them by putting it up in this form. Members must not associate this with the Government. It is not a Government request; it is a request from the local authorities. Why did they make this request? Because the position was becoming such a farce in various districts that the local authorities felt they required some special provision.

Hon. L. Craig: Why could not they make it?

The CHIEF SECRETARY: Because their requests have to be approved by the Minister.

Hon. H. L. Roche: That must be the only thing you have ever approved for local authorities.

The CHIEF SECRETARY: The hon. member has a wrong conception of my relation with local authorities. We are working very happily together, although I have to say it. The local authorities were worried. The position was as I have mentioned. Every local authority has power to zone its area as to where various kinds of businesses and so forth shall be located. It may zone a business area, a residential area, an area for noxious trades, and so forth.

Prior to the adoption of these by-laws, a person might have bought a block of land in a business area, and service stations come under the definition of a business. He could not erect a service station anywhere he pleased if the districts had zoned by-laws. If he obtained a block of land in a zoned business area, it might be right in the middle of the shopping area, and to put a petrol station there would make a division in the business area. That has been done in a number of places, and it is not in the best interests of the district. The position now is that, in a zoned district, a service station must still be in the business area, but it also has to comply with this additional tag that it must not be within half a mile of another service station.

Mention has been made of the fact that at Mosman Park there are three of these stations. As a matter of fact, there will be four in a matter of a few weeks, and only 350 yards between the four of them. Those engaged in the trade are quite aware that there is not sufficient business for that

number. However, I am not concerned with that phase of the matter. We as a Government have been asked to bring in legislation to license petrol stations, but we refused to do so because we considered that we should not discriminate in the matter of the number of petrol stations that should be permitted. We say that we should not legislate for petrol stations any more than for grocers or greengrocers, who have been mentioned during this debate. That is our attitude as a Government.

As a Minister, I endorse what the local authorities have done under the by-laws. We are not saying that a man may not have a petrol station unless he is licensed; but I say to the local authorities that I would give them control as to where petrol stations should be located in their areas, just as I say they should have control as to where a greengrocer's shop could be established. That is all I am doing by endorsing the by-laws.

Hon. N. E. Baxter: What about the petrol stations on railway property?

The CHIEF SECRETARY: They might be controlled, too.

Hon. A. F. Griffith: Might be controlled?

The CHIEF SECRETARY: I do not intend to deal with that phase.

Hon. A. F. Griffith: What do you mean by "might be controlled"?

The CHIEF SECRETARY: Well, I have taken up the matter with the Minister for Railways and have an agreement with him that before the Railway Department will O.K. any more of these petrol stations on its property, he will consult with me. I do not care whether the Railway Department or any other body is concerned; what I have in mind is that the whole planning of an area might be upset by permitting something that is not in conformity with the plan for that area.

Hon. A. F. Griffith: Will you observe the intention of the by-laws?

The CHIEF SECRETARY: Definitely.

Hon. A. F. Griffith: In respect of railway property?

The CHIEF SECRETARY: Yes. The Railway Department, being a Government department, has powers that no one else possesses and is not bound by the by-laws, but the Minister for Railways is prepared to play ball and will not authorise the erection of these stations without consulting with me.

Hon. A. F. Griffith: That is intended to be a way out.

The CHIEF SECRETARY: What does the hon member mean by "a way out"?

The PRESIDENT: Order!

The CHIEF SECRETARY: I took the matter up with the Minister for Railways and we have an arrangement. I realised that the planning for an area could be upset, and so we came to that arrangement, and it has been honoured. On a number of occasions recently, applications have been made to the Railway Department and have been sent to me for my comments, and I am not aware of anything having been done contrary to our wishes.

Now let me return to the main point. These by-laws will allow a local authority to exercise control as to where petrol stations may be located, just as it has control with regard to greengrocers' shops. The only difference is that there could be four or five greengrocers' shops alongside one another so long as they were in the business area. However, nobody would be silly enough to have so many shops of the same sort side by side; but unfortunately the people who are doing the service station business do not seem to have the sense of an ordinary person running a greengrocer's shop.

Hon. H. Hearn: But you do not say that they shall be half a mile apart.

The CHIEF SECRETARY: In some cases they are a certain distance apart, and they may be as far apart as the extent of the business area permits.

Hon. L. A. Logan: We have seen furniture stores alongside one another.

The CHIEF SECRETARY: I repeat that I shall not be vitally concerned if the by-laws are thrown out. I notice that Sir Charles Latham appears to be getting anxious because there is one point that I have not dealt with. The hon. member questioned whether under the by-laws it would be quite in order for an appeal to be made to the Minister. We have examined that point which, like most points of law, is capable of different interpretations by different legal men, and that is the position in which we find ourselves.

Hon. Sir Charles Latham: Had I been you, I would not have made it public.

The CHIEF SECRETARY: I am always so honest that I let the public know. There is that doubt; and to satisfy the hon. member, I will ask the House not to throw out these by-laws but to allow them to remain to give protection until such time as we can bring forward a fresh regulation deleting reference to appeal to the Minister, thus leaving the question entirely to the local authorities with the half-mile limit in their by-laws. We are not entirely convinced that the present position is wrong, but there is a doubt, and that is why I have adopted my present intention and have instructed the department to communicate with all those local authorities that previously approved of the by-law in dispute and to submit it to them again in the same form but with reference to appeal to the Minister deleted.

I will be sorry to see that done, because once the right of appeal to the Minister is removed the half-mile provision will apply irrespective of the circumstances; and I believe the present situation is preferable to that. I had an instance where the local authority said it would approve of the plans for a service station, and yet a couple of days later it adopted a different view, and before the construction was commenced, informed the parties concerned that the permit to build had been cancelled. When an appeal was made to me I took the view that a promise is sacred. I upheld the appeal and allowed the building to continue.

In another instance a local authority refused permission because the proposed service station was not half a mile from the nearest existing one. It was one chain less than half a mile; and as in my view the half a mile is not to be taken as a rule of thumb but merely as a point of guidance, I upheld the appeal that was made to me. I believe there are circumstances where it is necessary to have a right of appeal to someone, and under these by-laws the right of appeal was to the Minister. However, a doubt has been raised, and it remains after consultation with the legal authorities; and to remove it, I intend to resubmit the regulation, having deleted the appeal to the Minister. I hope my explanation has been satisfactory to the House.

On motion by Hon. J. McI. Thomson, debate adjourned.

MOTION—TRAFFIC ACT.

To Disallow Road Intersection Regulations.

Debate resumed from the 6th September on the following motion by Hon. L. A. Logan:—

> That regulations Nos. 190 and 191 made under the Traffic Act, 1919-1953, published in the "Government Gazette" on the 15th December, 1954, and laid on the Table of the House on the 9th August, 1955; and amendments thereto made under the Traffic Act, 1919-1954, published in the "Government Gazette" on the 9th August, 1955, and laid on the Table of the House on the 16th August, 1955, be and are hereby disallowed.

HON. G. BENNETTS (South-East) [5.4]: Unfortunately I was not present in the House to hear the debate which has so far taken place on this question; but as those members who have been to Canberra know, this rule is in operation there, where one has to give way to the man on the right on every occasion. That applies throughout the Australian Capital Territory, and I believe it should be applied in all parts of this State. If that were done, we would have uniformity, and everyone using the roads would know what was expected of him. At present, in various parts of the State, one may be prepared to give way to the man on the right, only to find that the person on what is considered the through road decides that he has the right of way; and so I agree with the views put forward by the Minister.

THE CHIEF SECRETARY (Hon. G. Fraser—West) [5.5]: I am adopting the same procedure in this instance as I did on the previous occasion; and as I desire members to have the whole story, I will deal with the question in this somewhat unusual fashion. In moving his motion, Mr. Logan said:

> On eight different occasions—in 1938, 1939, 1940, 1941, 1943, 1944, 1946 and 1949—regulations were gazetted, laid on the Table of this House and agreed to, and all those regulations dealt with major roads in Western Australia. I repeat that on eight different occasions regulations gazetting major roads were laid on the Table of this House and agreed to, and I want members to remember that.

The hon. member emphasised that in order to let it sink in; but he was astray in his facts.

Hon. H. L. Roche: Has nothing been done since 1949?

The CHIEF SECRETARY: No. I repeat that the hon. member emphasised his statement, but was astray in his facts. The actual position is that a new regulation was made under the Traffic Act and published in the "Government Gazette" of the 26th April, 1940. There was nothing in 1938. The 1940 regulation was the first.

Hon. L. A. Logan: What about Great Eastern Highway in April, 1938?

The CHIEF SECRETARY: Before 1940 there were no regulations concerning major roads, so the hon. member will have to check his facts.

Hon. L. A. Logan: Then the Traffic Branch knows nothing about it.

The CHIEF SECRETARY: I repeat that the first regulation in connection with major roads was on the 26th April, 1940. Prior to that, major roads legally were unheard of in Western Australia. There were no regulations concerning major roads laid on the Table of the House in 1938. The first regulation in this connection was, as I have just said, made on the 26th April, 1940. This regulation stated—

> 118A. 1. For the purposes of this regulation—"Major road" shall mean any road or street, whether a public highway or not, which the Minister

shall by notice published in the "Government Gazette" declare shall, until such notice is cancelled by a subsequent notice to be published in the "Government Gazette", be a major road for the purposes of this regulation.

"Side street" means any road, street or way, whether a public or private street or way, which junctions with or crosses a major road at an angle.

So it was not done by regulation but merely by a Minister publishing it in the "Government Gazette" and then withdrawing it by notice in that publication.

2. Subject as hereinafter provided, and notwithstanding anything to the contrary contained elsewhere in these regulations, the driver of any vehicle which he is driving in a side street, and the driver or rider of any horse or other animal which he is driving or riding in a side street, when approaching a major road for the purpose of driving such vehicle, or driving or riding such horse or other animal along or across such major road shall, before driving the vehicle or driving or riding such horse or other animal upon any part of the major road, bring the vehicle, horse or other animal to a standstill in such side street at a place which will enable him to have a clear view of the major road in every direction in the vicinity of such side street, and thereafter such driver or rider shall not proceed to drive the vehicle or to drive or ride the horse or other animal into the major road until (he has satisfied himself from his view thereof, and of the traffic thereon, that) he can do so without any danger of collision with any other vehicle, horse or other animal or any pedestrian then using the major road in the vicinity of such side street.

Provided that—

(i) this regulation shall not apply during any period when traffic is being controlled or regulated by a member of the Police Force or a Traffic Inspector at the place where a side street in which a person is driving a vehicle or is driving or riding a horse or other animal junctions with or crosses a major road; and

(ii) nothing in this regulation shall in any respect relieve the driver of any vehicle or the driver or rider of any horse or other animal of his obligations or duties under any other provision of these regulations.

3. Any person who in respect of any act or omission contravenes this regulation shall be guilty of an offence against these regulations.

The only amendment to this regulation was one published in the "Government Gazette" on the 14th January, 1949, whereby certain words were deleted. Accordingly, only one regulation and one amendment in connection with major roads has been made under the Traffic Act, not the eight different ones mentioned by Mr. Logan.

The House will note that the declaration of a major road was left to the discretion of the Minister and all that was necessary was for a notice of the declaration to be published in the "Government Gazette." These notices did not have to be laid on the Table of the House and could not have been disallowed by Parliament.

Following the proclamation of regulation 118A the following notices were published in the "Government Gazette":—

30th April, 1940—Declaring Stirling Highway and Canning Highway as major roads for the purposes of regulation 118A.

21st February, 1941—Declaring Boulder Road, Boulder Block-rd. and Wilson-st. as major roads for the purposes of regulation 118A.

21st February, 1945.—Declaring South-West Highway, Great Eastern Highway, Great Northern Highway, Albany Highway, Geraldton Highway, each for a distance of 120 miles by road from the Town Hall, Perth, to be major roads for the purposes of regulation 118A.

4th April, 1946—Declaring the Causeway a major road for the purposes of regulation 118A.

18th July, 1946—Declaring Shepperton-rd. a major road for the purposes of regulation 118A.

16th March, 1949—Declaring Carrington-st., Mt. Lawley to Inglewood, a major road for the purpose of regulation 118A.

31st August, 1951—The declaration of Boulder-rd., Boulder Block-rd., and Wilson-st. as major highways was cancelled.

It is unfortunate that the hon. member did not verify the accuracy of his statements before making them in the House because it is quite apparent that in all the years referred to during which eight regulations were supposed to have been gazetted, the declarations dealt with were declarations of main roads by the Lands Department under the Main Roads Act or declaration of major roads in the "Government Gazette" by the Minister for Local Government.

Briefly, the history of major roads in Western Australia is as follows:—After much consideration, the Western Australian Traffic Advisory Committee resolved, at is meeting held on the 6th March, 1940—

That a regulation be promulgated requiring the driver of any vehicle upon approaching any entrance of a

white line road signposted with a stop sign to stop at such sign before entering or crossing such roads.

I would like members to remember that date because of the suggestion about stop signs. On the matter being referred to the Public Works Department, the comment of the Commissioner of Main Roads was sought, and he recommended the adoption of a regulation in these terms—

> Notwithstanding anything to the contrary in any other regulation the driver of any vehicle before entering or crossing any major road from any side road or street shall halt his vehicle and having regard to all the circumstances assure himself of the safety of proceeding before doing so. Major roads shall be those that are approved by the Minister and published in the "Government Gazette" as such.

The then Minister for Local Government instructed the Crown Law Department to prepare a suitable amendment as a result of which, regulation No. 118A, to which I have already referred, was approved by Executive Council and gazetted. It will be noted from this that stop signs are not a recent idea. In 1953 the Australian Road Traffic Code Committee, on which each State is represented, submitted certain recommendations to the Australian Transport Advisory Council. One of the recommendations was as follows:—

> At an intersection where traffic is not being controlled by the police or by traffic control lights it should be a rule that when two vehicles are approaching each other so that if both continued they would collide the driver of the vehicle which has the vehicle on his right hand side shall lessen the speed of or stop his vehicle and allow the vehicle to pass in front thereof

And another was that—

> streets should not, in future, be prescribed as "major roads" and steps should be taken forthwith (particularly in the interests of motorists who are visitors to the district) to erect appropriate signs (in accordance with the Standards Association of Australia Code) in all of the intersecting streets.

The Transport Advisory Council—which is composed of Cabinet Ministers of each State—endorsed, and recommended for adoption in all States, these proposals of the Australian Road Traffic Code Committee.

At the meeting of the W.A. Traffic Advisory Committee held on the 17th December, 1952, consideration was given to major roads in Western Australia. The committee was unanimously of the opinion that the declaration of roads as major roads whereby motorists had to stop at every approach to a major road was causing trouble. This was due to the fact that motorists were speeding in declared major roads. After discussion, a resolution was carried to adopt the principle laid down by other States in regard to giving way to the vehicle on the right together with the erection of stop signs at selected intersections on roads of a dangerous nature.

On the 12th June, 1953, the Minister for Local Government fully reported on the question to Cabinet. The Minister had before him at the time a communication from the Commissioner of Police strongly supporting the cancellation of Sheppertonrd. as a major road as, in the opinion of the commissioner and his officers, the declaration had set up a danger. Having before it all the relevant facts, Cabinet decided, in July, 1953, that major roads be rescinded and stop signs be provided at all hazardous intersections.

The rescinding of the regulation dealing with major roads was dependent upon stop signs being first erected. Tenders were called and orders placed for the necessary signs, bases and standards. However, due to the acute shortage of steel, quite a long delay occurred in obtaining the necessary piping, with the result that stop signs were not available for erection until December, 1954. When it was known that the signs would be available for erection, regulation No. 118A was omitted from the consolidated regulations.

I would like to point out that had the regulation been included it would have been quite competent for me as Minister for Local Government to rescind by notice in the "Government Gazette" the declaration of all major roads, and Parliament would not have been in a position to do anything about it. Mr. Logan wishes to repeal regulations Nos. 190 and 191. I would advise the hon. member that traffic regulation No. 190 is identical, word for word, with old traffic regulation No. 107. The same applies to traffic regulation No. 191. Since both regulations Nos. 190 and 191, as they now stand, are similar word for word with traffic regulations Nos. 107 and 107A, promulgated and published in the "Government Gazette" on the 21st May, 1954, laid on the Table of both Houses of Parliament, and approved by Parliament, it is difficult to understand that there should be a move for Parliament to now disallow something which it last year approved; and this is not in keeping with the attitude adopted by the hon. member at that time. Last year these regulations were laid on the Table of the House and no move was made. Consequently they were approved by Parliament.

Hon. J. G. Hislop: You mean they were not disapproved.

The CHIEF SECRETARY: If a thing is not disapproved, it is approved, is it not?

Hon. J. G. Hislop: It is not the same thing.

The CHIEF SECRETARY: There is an old saying that silence gives consent.

Hon. Sir Charles Latham: If you do not disapprove within the restricted time, it automatically becomes law.

The CHIEF SECRETARY: Which means that Parliament automatically approves. Now, after 12 months, we find the hon. member moving in this direction, not because the regulations are laid on the Table of the House, but because they are included in a consolidation.

Hon. L. A. Logan: The other regulation was not put in and you know it! That is why I have to do it this way. Be honest about it!

The CHIEF SECRETARY: Why does not the hon. member be honest and say he was asleep at the time?

Hon. L. A. Logan: I was not asleep.

Hon. H. L. Roche: He did not want to embarrass you.

Hon. L. A. Logan: I could not move to disallow something that was not there.

The CHIEF SECRETARY: It was there last year, and the hon. member did not move to disallow it. If the regulations were disallowed it would only result in chaos, because there would then be no law requiring a person to give way to the right, or to stop at a stop sign. So I hope the hon. member will think of what he is doing. I would like members to consider what would happen if this motion were carried. The hon. member further said—

> A total of 411 regulations were affected in this case; all the previous ones were revoked and approximately 400 new ones were gazetted.

That is the statement the hon. member made, is it not?

Hon. L. A. Logan: Yes.

The CHIEF SECRETARY: Let us see how much truth there is in that. Once again it is necessary to point out that it is unfortunate the hon. member did not check the accuracy of his statement before making it. It is true that 411 regulations appeared in the consolidated regulations of December, 1954. But if the hon. member will refer to the marginal notes that appear opposite regulations Nos. 190 and 191 he will find in brackets "(Old Regulation 107)". Every case where such a notation appears in the margin to the regulation indicates that the old regulation has been brought forward into the consolidated regulations without the alteration of any word.

Hon. L. A. Logan: Re-gazetted is it not?

The CHIEF SECRETARY: The hon. member said "new regulation." It is no use his quibbling. He made a statement in this House that there are 411 new regulations.

Hon. L. A. Logan: And I will stand by it.

The CHIEF SECRETARY: The only thing that has occurred is that they have been consolidated; and because of that the hon. member considers that they are new, does he?

Hon. L. A. Logan: Yes.

The CHIEF SECRETARY: That is a very funny method of reasoning.

Hon. L. A. Logan: Especially when the old ones have been revoked.

The CHIEF SECRETARY: Members will find the same type of notation in the margin opposite regulation No. 189 as follows—"(c.f. old regulation 106)". This is to indicate that the old regulation has been brought forward with a very slight alteration in the wording without upsetting its meaning in any way. A check through the regulations of December, 1954 will indicate that there were brought forward, in the consolidated regulations, 326 old regulations without any alteration of any description, and 68 old regulations with a very slight alteration in the wording purely for the purpose of clarity, making 394 old regulations re-enacted. In addition, the first three regulations—Nos. 1, 2 and 3—deal with preliminaries, making 397, and leaving only 14 regulations which could be classified as new. That is a little different to the statement that there were 411.

The regulations relating to lighting were altered to a certain extent to embrace the adopted recommendations of the Australian Transport Advisory Council, and were therefore allowed to be regarded as new regulations. They apply solely to lighting, and in the lighting regulations provisions are now made for clearance lamps, side marker lamps, lighting of long vehicles, stop lamps and other matters.

It is therefore clear that the hon. member is not correct when he states that 400 new regulations were included. With reference to the statement that the Road Board Association of Western Australia is seeking the reintroduction of major roads, it is pointed out that this was a motion of the executive of the Road Board Association, and not of the Road Board Association itself. That will show how the hon. member tinkered around with facts.

Hon. L. A. Logan: What else are they?

The CHIEF SECRETARY: Is the executive the association itself?

Hon. H. L. Roche: It speaks for your organisation sometimes.

The CHIEF SECRETARY: This matter has been brought up by one or two local authorities since the biennial conference held in July, 1955, at which no mention was made of major roads, and no motion was submitted in this connection. So we find that in July, 1955, when the association held its conference, there was not

one item on the agenda paper concerning major roads. That was only a couple of months ago.

Hon. H. L. Roche: If this House did not know, you would not expect them to know would you?

The CHIEF SECRETARY: The hon. member comes here and says the Road Board Association wants major roads to be reintroduced; and yet there was no mention of the matter at its conference less than three months ago. It is apparent that certain local authorities consider it very much simpler from an administrative and financial point of view to have a major road declared rather than assist the motoring public by having stop signs erected at such intersections as may be considered dangerous, or where traffic is heavy.

Accordingly members can discount the statement that the Road Board Association required the reintroduction of major roads. Delegates from road boards met in conference only a few weeks ago and there was no word about the matter at all. So I think it can be said that no one knows at this moment what the attitude of the local authorities is.

Hon. N. E. Baxter: Does your party put up everything to a conference before carrying it?

The CHIEF SECRETARY: I do not make a statement and say it represents the opinion of the entire conference. I do not care whether this motion is agreed to, or whether it is thrown out. I would ask members, however, to leave the present position as it is, in the interests of the motoring public of this State. The purpose behind all the regulations is that there shall be uniformity throughout Australia. That is the aim of all of us. Whether a man is in Brisbane or whether he is in Perth, he should be governed by the same regulations.

Hon. N. E. Baxter: This applies to the whole State.

The CHIEF SECRETARY: What useful purpose would be served by, say, Geraldton having a different set of regulations to Perth; or by Albany having different regulations to Perth and Geraldton. That is what could happen. These matters have been discussed by the Australian body and have been recommended to every State. Ours was the only State in the Commonwealth that had major roads and it was desired to abolish them for the sake of uniformity. I do not think anybody will doubt that a tremendous number of visitors come from the other States to Western Australia, and a great many Western Australians go to the Eastern States; and for that reason this move should be applauded instead of discouraged. The endeavour has been to have a uniform law throughout the Commonwealth so that irrespective of where a motorist is, he will know what the law provides. I hope that for the safety of both pedestrians and motorists the House will not agree to the motion.

HON. H. L. ROCHE (South) [5.31]: To some extent I can appreciate the Minister's attitude in this matter, and his defence of the department. But I do not think that the mere plea of uniformity of law throughout Australia should be the decisive influence behind the decision of members on this subject. I intend to support the motion because I consider the question needs review; and whether the majority of members support the motion —as I hope will be the case—or whether they do not, I hope that the discussion here will prompt the Minister to give some consideration to this particular regulation affecting major roads, regardless of his plea for uniformity. I appreciate the fact that the Minister has the idea of planning for the whole of Australia in just the same way as he is keen in planning for uniform city and country development. While one can agree with that outlook up to a point, I consider that there must be adaptation to local circumstances.

We have a road like Albany Highway along which vehicles travel between 50 and 60 miles per hour, which is not an excessive speed for modern cars and modern conditions. Under present circumstances, at every by-way and lane intersecting Albany Highway, traffic along the highway has to pull up if there is a truck or vehicle of any sort on such lane or by-way, in case that other traffic proceeds straight on to the main road without giving way to the high-speed traffic. That seems to me to be rather ridiculous, and it is something that could happen at all such intersections.

There are many country lanes and crossroads; and this regulation means that through traffic, travelling at a high speed, has to be on the qui vive the whole time to give way to slow-moving traffic at intersections where not one vehicle may be seen in three months. But if there is a vehicle at such an intersection the main road traffic must pull up. The approaches to some of the lanes in the country are somewhat obscured at times by bush and cuttings, and this regulation is rather ridiculous from the practical point of view.

I sometimes wonder whether some of the officers who advise the Minister drive motorcars, in view of certain of their decisions. While they are not covered specifically in this motion it looks as though we must have the stop signs the Minister referred to. I am not questioning the policy; but I point out that while, a few years ago, the Minister said it was not possible to get sufficient material to provide stop signs, it would appear now as though we have a bit too much material!

I feel that the greater the number of stop signs the department sets up the more the motoring public will be inclined to ignore them. In certain places they are necessary, but I wonder whether they are required in all the places at which they are located in the metropolitan area. It is that sort of thing that makes me doubt whether the people advising the Minister have much personal experience of traffic in these times.

I am concerned about the placing of these signs where there is an acute angle at the intersections. There is one on Canning Highway, near Raffles Hotel. The stop sign there is right at the intersection; and when a motorist travels down Canning Highway he thinks that the stop sign applies to him until he gets close up to it, and then he realises that it is meant to apply to the other intersecting street at the acute angle. If the sign were put back another chain down the intersecting street, it would not be seen from Canning Highway until the motorist got near to it. At present, motorists like myself, who are not aware of where all the stop signs are located, see this particular sign in Canning Highway and prepare to brake because they think they have to stop.

The Chief Secretary: There are two streets coming together before they hit the highway.

Hon. H. L. ROCHE: The Minister's advisers should try to think out a better solution of the problem. There is another street—I cannot remember where it is—in which I noticed that a similar situation existed. The motorist thinks the sign applies to the street along which he is travelling, but it does not apply to that thoroughfare at all.

There is another difficulty with regard to the latest Causeway regulations. A motorist is jockeyed into one of the lanes going on to the Causeway and cannot get into the lane along which he desires to proceed; and once he has been forced into the wrong lane, he is not supposed to leave it until he gets to the other end. The consequence is that if one is coming from Albany Highway and is forced into the centre lane, then if he wants to go around Riverside Drive, he has to cross two lines of traffic in order to do it. Similarly, if one is proceeding the other way and is forced into the centre lane, and desires to proceed along Guildford-rd., he has to cross two lines of traffic. The Minister's advisers might well look into one or two of these matters. I would prefer the Minister to look into them himself, because I wonder whether some of those who advise him have had practical experience of these difficulties.

I am supporting the motion because I certainly think that whatever may be said concerning the action taken in regard to the metropolitan area, right of way in connection with major roads should be restored in country areas in preference to this regulation insisting on motorists giving way to those on the right.

The Chief Secretary: If this motion is carried, that will not have the effect of restoring major roads.

Hon. H. L. ROCHE: I know; but it will give the Chief Secretary an opportunity of having the regulations recast. It is rather unfortunate that Mr. Logan has had to move for the disallowance of the regulations in this way, but he had no alternative.

The whole emphasis today is on safety first and keeping traffic moving. Yet we have the state of affairs which exists on a thoroughfare like Albany Highway, through Victoria Park. We find six or eight vehicles in a line of traffic and someone trying to nose in from the right. In such circumstances, should one stop and hold up all the traffic to let that motorist in, or do as I have done more than once—as I am afraid others have done—namely, follow the leader, go straight on and let the motorist from the right get in as best he can? According to the regulations, that vehicle has the right of way. There may be no escape from it in the metropolitan area—I am not prepared to be dogmatic about that—but I consider it tends to slow down the free flow of traffic.

HON. W. R. HALL (North-East) [5.40]: I feel like supporting the motion. I spoke about stop signs during my speech on the Address-in-reply. As a motorist who does a fair amount of driving, I know that while there is something to be said for stop signs, it is very little. I find that generally there is a total disregard for them in the metropolitan area. Whether or not the road is clear on the motorist's right and left, he is duty bound to stop his car at a stop sign. When major roads were in existence, we became used to them, and knew that apart from those particular roads, the man on the motorist's right had the right of way. There were not many major roads and people were able to memorise their location. I heard someone say in this Chamber that he thought stop signs had been abolished in South Australia. I do not know whether that is so.

Another fact that makes me think that some other way should be found to make the roads safer for traffic is that when a motorist comes to a stop sign, he is duty bound to stop, even if there is a car in front of him and it has stopped and only about ten yards separates the two vehicles. In many cases, instead of providing for the free flow of traffic, this regulation does the opposite: it retards the flow of those vehicles that are on what used to be known as major roads, and of those trying to enter such roads.

Take, for instance, Stirling Highway at Broadway, where generally there is a policeman on patrol at 5 p.m. There

is a considerable flow of traffic along that highway, but the constable is on duty only between 5 p.m. and 5.30 or 6 p.m. It is the same in the metropolitan area where there is a good deal of traffic between 7 p.m. and 8 p.m. The position was that when there was a considerable flow of traffic in the main streets of Perth no pointsman was on duty, especially between 7 p.m. and 8 p.m., when people are on the way to picture theatres and other places of entertainment. In those circumstances motorists became used to the rule of major roads and giving way to the person on the right. I have noticed that when motorists have observed that the road has been clear to the right and the left, they have not worried about stop signs.

The Chief Secretary: That is why we are getting considerable revenue.

Hon. W. R. HALL: What we need to do is to educate the motoring public. We should not be worrying about obtaining revenue for a department. The great need is to minimise accidents. I know that the idea of the department and of the Minister is that accidents will be minimised by the installation of stop signs and other methods of controlling traffic. Nevertheless, in some cases there is a total disregard of stop signs, which also have the effect of retarding the flow of traffic. Even if there are ten cars following one another at a distance of ten yards—

Hon. F. R. H. Lavery: Bumper to bumper.

Hon. W. R. HALL: Yes. Even in those circumstances one is duty bound to stop. It seems so stupid to me when both sides of the crossing are clear. Between 5 p.m. and 5.30 p.m. each day there is a great flow of traffic along Stirling Highway, and many people try to enter it from side streets.

The Chief Secretary: It was compulsory for them to stop when it was a major road.

Hon. W. R. HALL: Yes, but sometimes cars travelling along the major road would stop to allow the other cars to enter. Those other cars were bound by regulation to pull up, individually, before entering the highway or major road. When a policeman is on duty there he controls the traffic and there is no necessity for the motorist to pull up, but half the stop signs in the metropolitan area need a constable to stand underneath them; otherwise they are more or less disregarded. Take the Wellington-st. intersection near the Children's Hospital. Three roads intersect there; and whilst some motorists stop, others do not.

Hon. H. Hearn: The traffic hesitates there.

Hon. W. R. HALL: The answer to the minimising of accidents is to have courtesy extended by those who drive the vehicles. Because some fellow will not get far enough over on the road, or give way to another motorist, accidents happen.

Hon. C. W. D. Barker: If you did not give way to the right, you would not have a hope of getting on to some of the major roads.

Hon. W. R. HALL: I believe that is a true statement; but at the same time, if a number of cars bank up on a busy intersection where there is a stop sign, and no constable is on duty, every motorist is bound to stop. This is only retarding the flow of traffic instead of allowing the vehicles to go through one after the other.

Hon. C. W. D. Barker: But they do not stop, one after the other.

Hon. W. R. HALL: They are supposed to.

Hon. C. W. D. Barker: But they do not.

Hon. W. R. HALL: That is the point. We know they do not stop, and that is what brings up the point about the stop signs being disregarded.

Hon. F. R. H. Lavery: It is not what Inspector Hickson says, but the man behind the wheel.

Hon. W. R. HALL: There is a law for the man who is caught. For every one who stops at a stop sign, there are dozens who do not.

Hon. C. W. D. Barker: There is commonsense in all these things.

Hon. W. R. HALL: That is so. If commonsense prevailed all the time, there would be hardly any accidents. We have to legislate for the man who will not use commonsense. Are the stop signs achieving that purpose?

Hon. C. W. D. Barker: They are preventing a lot of accidents; you must admit that.

Hon. W. R. HALL: I would first like to see the statistics on accidents since the stop signs were put up.

Hon. L. A. Logan: There have been more.

Hon. C. W. D. Barker: They are a precautionary measure; they are not put up for fun.

Hon. W. R. HALL: Because of the places where the stop signs are erected most of them are not fulfilling their purpose. The Traffic Advisory Committee, and responsible people in local government, should try to devise other means to allow of a more continuous flow of traffic at the busy intersections. The methods we had prior to the introduction of the stop signs were easy to remember. There is another point about the stop signs, which I mentioned the other night: that drivers of low-slung cars fitted with a sun visor are unable to see the signs.

Hon. G. Bennetts: They should get plastic ones through which they could see.

Hon. W. R. HALL: One such driver very nearly ran into trouble because the stop sign was too high off the ground. Some of these signs are very close to shop verandah posts.

Hon. C. W. D. Barker: But you do agree that they are there.

The PRESIDENT: Order!

Hon. W. R. HALL: I welcome the hon. member's interjection because I know he has been driving for a great number of years, and he has had a lot of experience in the North-West with the kangaroos and scrub bulls. He would have trouble dodging them because they would not know anything about stop signs. We are talking of something which concerns human beings, and we have to be very careful. I would like to see the stop signs discarded and a reversion to the system of having major roads and giving way to the right. If something better cannot be done than what is being done today to minimise accidents and allow of a continuous flow of traffic, I would like to see us revert to the old system

HON. C. W. D. BARKER (North) [5.52]: I cannot agree with Mr. Hall, and I intend to vote against the disallowance of the regulation. I was interested to hear Mr. Hall talking about my driving in the North-West, and about the bulls and one thing and another, because I think that if there is any hon. member in this House who should know something about bulls, it is the hon. member who has just sat down. I agree with the Minister that if we disallow these regulations it will mean chaos. They were introduced, in my opinion, with the intention of lessening the number of accidents, and to help in the general control of traffic.

Hon. H. Hearn: Have they achieved that?

Hon. C. W. D. BARKER: If we disallow the regulations, what chance will anybody have of getting on to Canning Highway at certain times of the evening? To say that when a car does give way it causes the traffic to bank up for miles, is just rot. It may impede the flow of traffic a little, but it lessens the possibility of accident.

Hon. N. E. Baxter: Have you been out there just after five o'clock at night?

Hon. C. W. D. BARKER: Yes, and I have seen the traffic. If these regulations were disallowed, motorists would edge in until they could get on to the highway, and there would be cars swerving everywhere, and there would be every chance of plenty of accidents. These regulations are not designed to hinder traffic or to make things awkward for people.

Hon. N. E. Baxter: How much driving have you done under these regulations?

Hon. C. W. D. BARKER: Plenty! What is going to happen if the regulations are disallowed? There will be nothing to control the traffic, and many accidents will result. Before there were stop signs, people just barged in. Now the motorist has to stop and see that the road is clear, and then he proceeds on his way. If the regulations are disallowed, we will have to rely on the courtesy of the motorists, and they are not all courteous. As the Minister said, there would be chaos. We should be trying to get uniform traffic laws throughout Australia. We would then be going in the right direction. We are not tackling the problem by disallowing regulations such as these which were brought down, in the interests of safety, to help the public.

HON. J. G. HISLOP (Metropolitan) [5.56]: Whichever way the vote is decided, I think Mr. Logan deserves great credit for having brought this matter before the House. It is clear that certain things are essential. First of all there should be an overall traffic authority. I do not know that I have ever heard such quibbling as was handed to the Chief Secretary to read this afternoon. It was playing on words and acts of departments, and it was quite clear to everyone listening that it was simply a matter of defining the words used by the mover of the motion in order to destroy the sense of his speech.

Hon. N. E. Baxter: In other words, a lot of red herrings.

Hon. J. G. HISLOP: I do not blame the Chief Secretary or his advisers for having used that quibble, because that is how all the traffic regulations have been devised in years past. It was interesting to hear the Chief Secretary tell us that the major roads were declared under a method by which Parliament could not disallow them. In a serious matter of this sort, Parliament should surely have some opportunity of criticising the roads designated as major roads. By being published in the *"Government Gazette"* as a Minister's statement, they were not disallowable by this House.

One point in regard to an overall traffic authority is this: Surely the power of controlling traffic should not be taken out of the hands of Parliament! The Chief Secretary said that the mover was quite wrong about these regulations; that a different Act altogether was involved. I think he quoted the Lands Department and its Act as being used for certain purposes in the control of traffic. Therefore one can realise the necessity for some overall body to control traffic throughout the city and the State.

One also realises that at a meeting of these bodies, not one of them is bound to abide by the statements or the decisions of the meeting. I am reliably informed that on more than one occasion when a decision has been made, one of the persons who has made it has, on the following

morning, decided that his department will not comply with it. So we get confusion in regard to traffic.

I think that this afternoon Mr. Roche asked whether those who designed the regulations had much experience in traffic. I wonder, too, whether many of them have had an opportunity of observing traffic either outside the State, or outside Australia. I am speaking with personal knowledge when I say that, not very long ago, when I put up some suggestions on the subject of traffic control, I found that the chief inspector of traffic had never been outside the State of Western Australia and, to the best of my knowledge, did not drive a car. It was only after he assumed that post that he went interstate. Therefore, it seems to me that this matter of traffic is one which could be looked at thoroughly by Parliament, because I believe that we need an overall traffic authority; and I am firmly convinced that if we do appoint such an authority, those in charge should be sent overseas to study traffic problems in other parts of the world so that our regulations can be made to fit modern standards.

In my opinion, one of our difficulties is that we have no major roads in the metropolitan area, and never have had—not a major road which could be classed as such under modern standards. If I remember rightly, only a few years ago we agreed to a Bill in this House which gave the Government the right to form access roads. Until we have access roads, we cannot have a major highway.

Hon. H. L. Roche: You mean limited access?

Hon. J. G. HISLOP: Yes, to the road. If, for instance, Stirling Highway had limited access at the Nedlands junction, again at Dalkeith-rd., Loch-st. and Claremont, we might well declare it a major road. But it cannot be declared a major road when a number of streets, at short intervals along it, join the highway. From these short streets, cars can enter the highway; and as a result, it cannot be regarded as a major road. Some of the problems as enunciated by the Chief Secretary arise because, in the past, many of these roads have been misnamed major roads. If we want major roads, we can have them once we leave the metropolitan area. To have a regulation which says that outside the metropolitan area a man entering a road—and this includes the major highways—can do so and the traffic on his left must stop and give way is just too stupid.

Hon. L. A. Logan: Hear, hear!

Hon. J. G. HISLOP: With the present regulations, a man entering a main highway from a side street has right of way over traffic travelling on the highway on his left-hand side. Yet apparently that is a regulation which has been adopted all over Australia. I do not know the qualifications of members of the Australian association, but I doubt whether they know of the conditions that exist in the far spaces of Western Australia. I would say, therefore, that this regulation could well be amended to fit in with our conditions because, as I said, under modern standards, we have no major roads in the metropolitan area. But outside that area we could declare our highways as major roads, and our regulations could be framed accordingly.

As regards the stop signs, I have been told, on reliable authority, that in South Australia many of these signs are being removed because motorists believe that the intersections where no stop signs have been erected are not dangerous; and as a result, there has been an increase of accidents at those points. Therefore, these signs can have an effect opposite to that desired by the traffic authorities. I do not intend to enumerate the points around the city where stop signs have been badly placed, and they will always be badly placed if they are erected purely as signs on the sidewalk or footpath, but in some places I consider the stop signs could be displayed in the air near the intersection.

There is one example of a badly placed stop sign at the Thomas-st. bridge. There are several streets intersecting at this point. There are Thomas-st., Oxford-st., the street that joins up with Loftus-st., and also Railway Parade. The stop sign is placed at the corner of Oxford-st. and Railway Parade, and a driver cannot possibly stop there without risk to himself. He must proceed further on towards the bridge for another 20 or 30 yards before being able to guarantee that he can proceed across the intersection safely. If a person stopped in the place where he was instructed to do so and then moved forward, he could find himself in a lot of danger and difficulty.

I believe that a complete review of our regulations and the whole attitude towards them, so far as the Traffic Act is concerned, is required in this State. Sooner or later, some Government must wake up to see the necessity for an overall body to control our traffic.

Hon. C. W. D. Barker: Hear, hear!

HON. E. M. HEENAN (North-East) [6.5]: This motion is to disallow regulations Nos. 190 and 191; and, although I may be in agreement with Dr. Hislop that a complete review of traffic control is needed, and perhaps a new approach to this ever-increasing problem, I cannot find myself in agreement with the motion. It must be realised that the traffic problem is becoming more acute every day, and I am sure it astonishes a lot of us how remarkable has been the increase in the number of motorcars on the road over the last two or three years. As I drive around Perth, I often wonder what the situation will be in five or 10 years' time. Looking beyond that baffles my comprehension.

I have the greatest sympathy for the authorities who are using their best endeavours to cope with the situation. One

rarely picks up the morning paper without reading of some or a number of serious accidents. In my experience in and around Perth, and Western Australia generally, I find that traffic authorities everywhere are doing their best to cope with the situation that exists. I think those in charge of traffic in Perth are doing a splendid job, under the circumstances, and I shall support them as far as possible. These regulations were drawn up for the purpose of helping and protecting the public and safeguarding them from the ever-increasing volume of fatal and serious accidents. As I drive around, I find no hardship with the stop signs.

Hon. L. Craig: Neither do I; none whatever.

Hon. E. M. HEENAN: Everyone driving a motorcar these days is impelled, in the interests of his fellowmen, to keep his eyes open and drive carefully; and while I admit that some stop signs may be badly placed, or do not leap into view immediately, one has to be on the lookout for them. My experience is that they assist in keeping the volume of traffic flowing. Prior to their introduction, one took his life in his hands when he drove along some of our streets, because at any time a motorcar could suddenly come out of one of the side streets. No; I think these regulations were drawn up by people who gave the matter grave consideration in the light of their everyday knowledge and experience. They might not be perfect, but the authorities no doubt will better the set-up in the light of experience. But I think we would be doing a great disservice to the people of this State, and particularly to the people of the city, if we carried this motion.

HON. F. R. H. LAVERY (West) [6.10]: I, too, do not intend to support the motion, because I believe that, though some stop signs may be badly placed, and some of our regulations may not be well framed, it is of no use any one of us in an authoritative position trying to decry or deride every type of regulation made by our departmental officers. Those men are doing their best; and, after all, we must realise that they have had considerable experience in their own field and in this case are trying to improve the driving habits in the State of Western Australia.

I do not wish to support the motion, not because I do not agree with it, but because I feel that the public of Western Australia, and particularly the motoring public of the metropolitan area, are becoming so confused at the multiplicity of regulations that are being made from time to time. To quote one example: The other day a man was fined £3 because he stopped his motorcar on the pad which operates the automatic lights. I thought that I knew a good deal about our traffic regulations, but I had no idea, until I read it in the paper—and probably thousands of other motorists are as ignorant about it as I was—that it was an offence to stop on the pad for the automatic lights.

Hon. L. A. Logan: Ninety-nine per cent. of the people would not know.

Hon. F. R. H. LAVERY: Like Dr. Hislop, and other members who have spoken, I think something should be done about an overall authority. We have spent a large sum of money in sending an engineer overseas to study bridges, and I think we should send one of our traffic experts overseas to study the traffic problems of other countries where there are far more vehicles using the roads.

During my Address-in-reply speech, I mentioned that a number of people were being fined for breaches of the regulations covering stop lights. A good deal of criticism has been levelled at motorists in Western Australia, but I think a lot of their trouble is due to the multiplicity of regulations and the changing conditions. Many of them do not know where they are. The greater percentage of Western Australian motorists are courteous, and do their best to drive properly and with every respect for the rights of pedestrians and other drivers.

However, I would say that the crosswalk opposite Foy & Gibson is probably the busiest in the metropolitan area; and if one stops there to allow people to cross, and another motorist shoots past, he should be given no quarter and should be fined to the limit. While I do not criticise the department, I agree with Dr. Hislop that a number of our stop signs are sited in such a way that one has to break the regulations every time one approaches them, because one has in most cases to pass them by about 15 to 20 feet to see beyond the corner.

[*Sitting suspended from 6.15 to 7.30 p.m.*]

Hon. F. R. H. LAVERY: Before tea, I was trying to make the point that one of the reasons for my voting against the motion is that I feel that most motorists in this State are extremely confused with the many and varied authorities that control the traffic regulations. During the suspension I was corrected in one of my statements, inasmuch as I was told that all the traffic in the metropolitan area is under one control.

What I was trying to emphasise previously was that we have so many authorities who seem to have some control over traffic, such as the Perth City Council, the Transport Board, the Traffic Advisory Committee, and many other bodies that have a finger in the pie from time to time. The day has arrived when a reorganisation of the traffic system in this State should be made. In Queensland, for example, the traffic is under the sole control of the Commissioner for Traffic and Transport over the whole of the State, and the system works admirably. Some

three years ago, Mr. Dimmitt, an ex-member of this House, suggested that the time had come when we should eliminate all the various controlling bodies that were interested in traffic and bring them all under one head; and I agree with that suggestion.

Instead of our voting out the regulation, which would only lead to further confusion, I would suggest that the status quo remain and that an inquiry be instituted—as suggested by Dr. Hislop—even to the extent of sending some of our officers to other States or countries to make a full review of this question. Undoubtedly motorists are restricted at every turn; and as they assist to support one of the biggest industries in this State and Commonwealth, I am of the opinion that they are not receiving full justice and the favourable consideration which they deserve.

HON. A. F. GRIFFITH (Suburban) [7.35]: Whilst I am concerned about motorists, I am also concerned about other sections of the public; and I consider that all of us in this House should be concerned with all sections of the community. I am of the opinion that motorists find themselves in the position in which I frequently find myself whilst driving in traffic around my district and in the metropolitan area; and it is this: If a driver of a vehicle keeps a good lookout only to the right, and does nothing else, he is not taking enough care to avoid trouble. I consider he must look to the right, to the left, and ahead and also watch those cars behind him to ensure that he will keep himself from getting into an accident. Whilst taking all these precautions, it is very easy for a driver to pass a stop sign, because usually at such intersections there is a heavy flow of traffic. If he does so, sure enough he will find that there is a traffic policeman on his tail in no time.

In parts of my district, the authorities concerned have made an appeal to the drivers of heavy trucks who use Albany Highway to keep off this road in view of the number of vehicles that travel along it, and to make a practice of traversing Shepperton-rd. in order to reach Perth. I think I assume correctly that if the regulation stands as it is, a truck driver on his way to Perth who uses Shepperton-rd. will be required to give way to traffic on his right where there is no stop sign. The Chief Secretary can tell me if I am correct or not.

If that be the case, I agree with Dr. Hislop that such a practice will lead to a ridiculous state of affairs. Can anyone imagine a truck heavily laden with logs travelling along Shepperton-rd. in a westerly direction giving way to every vehicle on his right at those intersections where there are no stop signs? I think that if this is enforced we shall be looking for trouble, because it is quite impracticable for such a heavily laden truck to pull up in the normal course of events—

Hon. H. Hearn: And there are many cross-roads along that highway, too.

Hon. A. F. GRIFFITH: —but if it is forced to pull up at every intersection to avoid an accident, the result of its braking to a stop will, in my opinion, lead to further accidents. I also believe that this regulation applies to an area having a radius of 20 miles from Perth, does it not?

The Chief Secretary: No, to the metropolitan area only.

Hon. A. F. GRIFFITH: Therefore, that would be an area which would extend to just outside Armadale. Beyond that the regulation would not apply. All the way to Perth and Fremantle this regulation would be enforced. Everyone who has driven between Perth and Armadale realises that there are many cross-roads along that route; and if this regulation is passed, it will mean that, where there are no stop signs, a driver will have to brake at every intersection to give way to the vehicle on his right.

Hon. C. W. D. Barker: Do you think that trucks carrying heavy logs should make their way through the city?

Hon. A. F. GRIFFITH: I think the hon. member should make his speech later and give his point of view. I suggest that the stop signs around Perth are definitely causing confusion among the motorists. There is one intersection at the corner of Vincent-st. and Charles-st. which I use not infrequently. There is a stop sign on the left-hand side of Vincent-st. which is used by traffic travelling in a westerly direction. If this regulation is enforced, a driver who has that stop sign on his right will have to give way to traffic that is also on the same corner as the stop sign.

Where does one go with this regulation? At this intersection there could be a vehicle with a stop sign at its left-hand mudguard. The driver would have traffic on his left, which means that the man would be on the right of the driver coming out of Charles-st. Traffic approaches in the other direction and vehicles also approach travelling east coming down Vincent-st. What a nice old kettle of fish there is there! The Chief Secretary should make a point of visiting that intersection at 5.30 p.m.; and if he does so, he will realise the difficulty that motorists experience because of the stop sign being placed where it is. I could not agree more with the suggestion that it is about time our traffic regulations were controlled by one authority. For the life of me I cannot understand why successive governments have not done something about this problem before.

The Chief Secretary: The traffic regulations are controlled by one authority in the metropolitan area.

Hon. A. F. GRIFFITH: They are controlled by the police.

The Chief Secretary: That is the actual traffic.

Hon. A. F. GRIFFITH: Yes; and now that the police have not the s.p. operators to worry about, they are more stringent with the people who do not obey the stop signs.

The Chief Secretary: Before the stop signs were erected the police concentrated on those drivers who did not stop at major roads.

Hon. A. F. GRIFFITH: I believe that the motoring public will be totally confused if something is not done about this regulation. If the Chief Secretary could give me some satisfaction as to what would happen along Shepperton-rd.—which I mention again because of the volume of traffic traversing it—if this regulation were enforced, and how it would solve the difficulty that has arisen there, I would be prepared to support the regulation.

The Chief Secretary: Do you know that in a 2½-mile stretch of that road there occurred the greatest number of accidents in Western Australia? That is, before the stop signs were erected.

Hon. A. F. GRIFFITH: And does the Chief Secretary suggest that the accident rate has been lowered because of the erection of these stop signs?

The Chief Secretary: You would be surprised at the difference they have made.

The PRESIDENT: Order! This debate cannot be carried on with a series of questions and answers.

Hon. A. F. GRIFFITH: It would be quite ridiculous to have stop signs placed at every intersection along Shepperton-rd.

The Chief Secretary: But the traffic would be—

The PRESIDENT: Order!

The Chief Secretary: —stopped at every intersection where there was a major road.

The PRESIDENT: Order!

Hon. A. F. GRIFFITH: That is all I have to say, Mr. President, because apparently the Chief Secretary is having more to say than I.

HON. H. K. WATSON (Metropolitan) [7.44]: I am going to support the motion for the same reason put forward by Dr. Hislop; namely, to record disapproval at the general condition of our traffic regulations and their administration. When we look back over the past 12 months and notice the change in traffic and parking regulations, and the thousands of traffic prosecutions launched each week, there is evidence that something is radically wrong, either with the regulations or with their administration.

The Chief Secretary: Or with motorists.

Hon. H. K. WATSON: The motorist is not entirely blameless. I refuse to believe that thousands of motorists weekly break the regulations either knowingly or unknowingly. The trouble seems to be that the motorist cannot do a thing without breaking some technical regulation, which is of no consequence, but which brings in a fine should a police officer be in the vicinity.

A state of chaos exists in the administration of these regulations, and there does not appear to be clear thinking on the part of the traffic authorities. They change their minds as frequently as the price of eggs is changed. To me it seems that the regulations and their administration are designed more with the object of producing a weekly target of revenue than with the orderly control of traffic. As Mr. Griffith said, when s.p. betting was illegal the police were expected to produce a weekly target of revenue under the Traffic Act; and the rough target was 100 offenders at £20 a week, or £2,000 weekly.

Now that s.p. betting has been legalised, the Traffic Department is expected to prosecute 1,000 motorists a week to bring in a fine of £2 each or £2,000 a week. Whilst departments like the S.E.C., the Railways and Wundowie are expected to pay their way, the Police Department cannot be expected to do so. The duty of the Police Department is to preserve law and order. In the case of the Criminal Court, when a session is on and there are no cases, it is a matter for rejoicing.

The Minister for the North-West: What has that got to do with this regulation?

Hon. H. K. WATSON: I can imagine what would happen in the Traffic Department if the Traffic Court held a session and there were no cases. Somebody would be hauled over the coals for not bringing in the requisite number of offenders. Under the old regulations, where major roads were observed and motorists had to stop before entering them, many drivers were fined on pure technicalities. When they approached a major road, although it was clear of traffic and they entered at a snail's pace, they were fined. The fact was that they did not stop; but had they stopped, they could not have acted in any safer manner than they did. However, because they did not stop, they rendered themselves liable to fines of from £5 to £10.

I would suggest that some commonsense could be exercised by the traffic authorities in the administration of these regulations. Now it is not an offence to enter a major road without stopping, although the ideal system only 12 months ago was that all motorists had to stop before entering a major road. That idea has been abandoned. There are no major roads recognised as such, and motorists are compelled to observe the stop signs wherever they may be placed. I would like to ask

a few questions about these stop signs. Firstly, why are they placed so high? Mr. Hall said that, in his opinion, they were too low.

Hon. F. R. H. Lavery: They are 18 inches too high.

Hon. H. K. WATSON: Secondly, why are they placed on the left-hand side? I suggest that the whole object of the Traffic Department in respect of intersections should be to alert motorists if they require alerting and to indicate the need for caution; not to produce a standard set of rules that a motorist must stop and then go on. Take, for example, the intersection of Bull Creek-rd. and North Lake-rd. A flashing light is installed at this point, but there is no stop sign. I suggest that such a light is the safest and most efficient stop-sign arrangement of any used in the metropolitan area.

The Chief Secretary. There is also a stop sign at that intersection.

Hon. H. K. WATSON: When I passed there the last time, no stop sign was visible. Apparently it was installed recently.

The Chief Secretary: It was not.

Hon. H. K. WATSON: I am not by any means blind, but I have not seen a stop sign at that point. It does indicate how it is possible for a motorist to drive around that corner and not see the stop sign. In my opinion, so long as a driver is warned sufficiently that he is approaching a dangerous corner—so far as I am concerned every corner is dangerous—the object is achieved. I feel that there should be much more reasonable treatment in the launching of prosecutions. I agree with Mr. Lavery that the motorist today is the most long-suffering member of the community.

The time has arrived when the question of traffic control remaining under the Police Department should be considered, to see if it is possible to separate the administration and control of the Traffic Branch from the administration of the Police Department. Subject to correction, I understand the position to be this: The police officer who is appointed Chief Traffic Inspector is not necessarily appointed to that position because of his qualifications in the administration of the Traffic Branch, but because of his seniority in the Police Force.

I support this motion in view of the general dissatisfaction with traffic administration. It seems to me that we are fast reaching the stage when the appointment of a select committee to inquire into the whole position would not be out of place.

THE MINISTER FOR THE NORTH-WEST (Hon. H. C. Strickland—North) [7.53]: There has been much unnecessary debate on this motion, and many members have spoken with their tongues in their cheeks by saying that the stop signs were erected and the traffic regulations promulgated for the sake of gathering revenue. Such a remark is quite unworthy of members in this House. They know very well that these regulations have been framed for the safety not only of motorists, but also of pedestrians.

Hon. A. F. Griffith: Who said that?

The MINISTER FOR THE NORTH-WEST: It was quite unworthy. Mr. Griffith said now that s.p. betting is legalised the Police Department has to look for other sources of revenue. He knows very well that two separate branches of the Police Force administer the activities of betting and traffic. There is the Traffic Branch and the Gaming Branch. He was merely making those assertions for the sake of making them. In a city such as Perth, which was not planned in the first place to handle the volume of traffic at present flowing through it, there must be regulations and by-laws to be observed. They are not made for the sake of pestering the motorist with something he cannot understand.

I have found the stop signs serving a useful purpose. Admittedly, at some intersections where several roads converge, they are confusing. If a motorist approaching a stop sign observes it and stops, then two arteries at least will be stopped and thus any traffic confusion will be sorted out. I find that the stop signs do sort out traffic jams. The reason they are placed on the left-hand side of the road is that the traffic travels on that side. The reason they are put so high—and I agree they are too high—is to prevent the pedestrians from walking into them. If they were placed lower, pedestrians might trip over them. There must be some happy medium.

I honestly believe that they are too high at present. Motorists must keep their headlights on the low beam, and are thus prevented at times from seeing the stop signs. I myself have unknowingly driven past one without stopping. I was fortunate because nobody was looking. There was no traffic about at the time; otherwise my attention would have been drawn to the sign, because I would have been looking around for traffic.

The traffic authority controlling the metropolitan area has an extremely difficult task. When we refer to the heavy wagons going through the town, we must realise that they have all to pass through Victoria Park or the city itself. Frequently we see strings of heavy vehicles coming from the wharves when certain types of bulk cargo are handled. They have to pass through the city and thus cause congestion. It is true that a heavily-loaded truck will take some stopping, but it should not be travelling so fast that it takes a long

time for it to stop. In my opinion it should travel at a speed below the normal permissible speed, and be brought down to a safe level.

Hon. A. F. Griffith: Even at 20 miles an hour it is difficult for such a vehicle to stop quickly.

The MINISTER FOR THE NORTH-WEST: If it takes such a vehicle a long time to pull up when travelling at 20 miles an hour it should not be on the road, in the city or in congested areas.

Hon. A. F. Griffith: Have you tried to stop one quickly?

The MINISTER FOR THE NORTH-WEST: I have driven heavily-loaded trucks, wool trucks and other types. I know that they do take some pulling up. In the days when I was driving there were no four-wheel brakes, and we had to pull up on country roads quickly; otherwise the trucks would be damaged. We did this at short notice on country tracks. This could be done and was done. Good drivers could do it. Therefore, to throw the whole system into confusion, which will certainly happen if the regulations are disallowed and people are permitted to drive straight through stop signs, when most of them are educated to stop there, would perhaps prove to be tragic in the metropolitan area. For those reasons I shall oppose the motion.

HON. L. C. DIVER (Central) [8.1]: I intend to vote for the disallowance of the regulations as a protest against the manner in which they have been brought forward and the long-suffering motorist being expected to comply with them.

The Chief Secretary: Then people may get killed so long as you register your protest.

Hon. L. C. DIVER: The Minister knows as well as I do that if the motion is carried, it will only be a matter of drafting another regulation that will meet with the approval of the House.

The Chief Secretary: I should not like to attempt to do that.

Hon. L. C. DIVER: We are here to represent the people. Regulations are tabled and, if not disallowed, they become law; and if we do not see fit to combat them when we disapprove of them, Lord help the people! We expect the motorist to be capable of driving his vehicle and to know the rules of the road; but when the rules are being altered from day to day, how on earth can he hope to keep pace with the changes! We have the spectacle of stop signs erected in places where it is difficult to locate them. I noticed in one shopping centre that, intead of the bus stop being made to synchronise with the stop sign, the bus has the right of way, and motorists have found that they had to stop although the road was quite clear.

Supporters of the regulations have claimed that they are only commonsense, but the commonsense plea is of no use to a motorist if he does not stop at one of the signs and a traffic officer catches up with him. On Guildford-rd. there is a stop sign on the railway property at the racecourse where there is seldom a train except on race days. I believe there is another train periodically.

Hon. F. R. H. Lavery: There are others.

Hon. L. C. DIVER: The hon. member may be right, but I doubt it. As to the visibility of these signs, one has to travel for some time before being aware of where they are. On one occasion I had to brake very promptly or I would have infringed the law. We should remove the stop sign and insist on the rule of giving away to the vehicle on the right. If we did that, the number of accidents would be minimised. There is nothing we can do to supersede education and the practice of courtesy on the road. If we could educate every driver to give way to vehicles on the right and show courtesy, we would be fulfilling the greatest need. As to tabling regulations and allowing them to become law, well there is no hope whatever of expecting motorists to keep up with them from week to week and month to month.

HON. L. A. LOGAN (Midland—in reply) [8.6]: Perhaps it is just as well that on some occasions the Minister should not have the last say. Judging by his speech tonight, he endeavoured to place me in a very poor light, though doubtless the reply that he made was supplied to him by the departmental officers. I wish to inform him that in this connection I consulted the officers of the Traffic Department, and I want to stand up to all I said in moving the motion. Whenever I know that I am wrong, I am prepared to admit it.

When I stated that these regulations had been gazetted on eight occasions, I was wrong, but I erred only because I used information I obtained from the Traffic Department. I was wrong on a technical point when I mentioned that major roads were gazetted in 1938. I have the "Government Gazette" of 1938 before me in which was gazetted Great Eastern Highway. That was on the 16th of April of that year, and these highways were gazetted to give the motorist the right of way and thus allow traffic to be speeded up. The regulations on that occasion were made under the Land Act and were not gazetted under the Traffic Act, and that is why I could not find them. Consequently I was not as far out as the Minister pretended I was.

As to the argument regarding the revocation of the old regulations and the tabling of the new ones, I think that on this occasion the Minister was wrong, because I had before me the regulations laid

on the Table of the House on the 19th August, 1955, and the wording was this—"Previous regulations revoked and new regulations published." If that does not mean that all the previous regulations were revoked and new ones tabled, I do not know what it means. On this occasion I maintain that the Minister, and not myself, was wrong.

Furthermore, regarding major roads and highways, if a person goes to the police to get a driver's licence, one of the first questions asked is, "What are the main roads?" Unless the applicant can answer that question satisfactorily, he is told to go away and find out and report back again. That is further proof that these highways were gazetted, and they were gazetted for the purpose of speeding up traffic.

As to the reason why I moved for the disallowance of regulations 190 and 191, the Minister tried to make out that chaos would result if they were disallowed, but I must remind members that no mention is made in the new regulations of major highways, and there was no option for me but to deal with the only two possible regulations—namely, Nos. 190 and 191—which refer to the rule of the road and to stop signs. I had no alternative, and if the Minister can tell me where I was wrong in that respect, I would be glad to hear him. Yet he accused me of being wrong! If the two regulations were wiped out, all that would be necessary would be to regazette major roads, and then these regulations could be reinstated.

The only reason that the Minister has given for the revocation of major roads has been with a view to getting uniformity. I agree that where possible uniformity may be a good thing, but if we are expected to accept the uniformity without reason, it is not necessary to have uniformity. There was no reason at all why the regulations regarding major roads should be revoked.

There is something else I should like to know. If the rule of the road is to apply—namely, that a driver must give way to a vehicle on the right—what is the need for any stop signs? To my way of thinking, the rule about giving way to the man on the right should apply, but yet we find that in the metropolitan area, one has to stop at every little tinpot side road. I consider that the department itself is not too sure on this point.

Mention has been made tonight of Shepperton-rd. I would remind members that before the revocation of major roads, at every intersection leading into Shepperton-rd., a 4-ft. white stop sign was painted on the road. The same condition applies today, because at almost every intersection from the Causeway to the junction of Albany Highway, new stop signs have been erected and persons using this road are of the opinion that it is still a major road and are still using it as such and will continue to do so.

The Chief Secretary: We know that you are wrong, but it is a good way out.

Hon. L. A. LOGAN: Can the Chief Secretary tell me where I am wrong? Can he name any intersection without one?

The Chief Secretary: I am going on what Mr. Griffith said.

Hon. L. A. LOGAN: Maybe Mr. Griffith does not know, either, but I will withdraw the statement that every intersection has a stop sign and say that almost every intersection has one. It is only because of the commonsense exercised by motorists that more accidents have not occurred. In reply to Mr. Barker I would say that since this regulation has been in force—or the other one has been revoked—the accident rate has increased.

Hon. C. W. D. Barker: That is not what the Minister says.

Hon. L. A. LOGAN: But the Minister is wrong, because the statistical information in the Press the other day showed that the accident rate had increased.

Hon. C. W. D. Barker: It has increased everywhere, with the heavier flow of traffic.

The Chief Secretary: What I said was in reference to the 2½ miles of Shepperton-rd.

Hon. L. A. LOGAN: I am speaking of what Mr. Barker said—that since this regulation has been in force, or the other one was revoked, the number of accidents has increased—

The Chief Secretary: Then you said that I had said it.

Hon. L. A. LOGAN: No, I did not. I am well aware that the Minister was speaking in reply to Mr. Griffith about the accidents on Shepperton-rd. I listened to what he said—

Hon. C. W. D. Barker: A taxi driver said to me tonight—

The PRESIDENT: Order!

Hon. L. A. LOGAN: I also said that it was only because of the commonsense of most of our motor drivers that there are not more accidents. This morning, when coming at an angle into Shepperton-rd., I stopped at the stop sign. There was nothing on my right, but there was a vehicle about 50 yds. away on my left, and I had the right of way. Had I proceeded, I would almost certainly have hit that vehicle by the time I reached the middle of the road. Under the regulations I had the right of way but it was commonsense to stay where I was until that vehicle had passed. Once the motorist in the side street gets to know that he has the right of way over the motorist approaching on

his left in what used to be a major highway, what will happen? Today he does not know he has the right of way; but just wait until he does!

Hon. F. R. H. Lavery: Some of them want to drive at 70 miles an hour.

Hon. L. A. LOGAN: I can answer that, too. Mr. Baxter said it would slow some of these motorists up, but it will only slow up those who use the main roads. It will speed up the man using the side roads, and the number of accidents will increase. The Minister also took me to task for my remark about the Road Board Association. I assure him that when I read in the Press that the executive of the Road Board Association has passed a resolution on major roads, I do not think I have to go to the trouble of pointing out that the resolution has been passed only by the executive meeting and not by the whole of the 127 road boards. Surely that is not necessary! Just because he receives a request from the Farmers' Union for something, does the Minister ask whether that request represents the wishes of all branches of that union?

The Chief Secretary: You could have said it was the executive, and not the association.

Hon. L. A. LOGAN: If the executive is not part of the association—

The Chief Secretary: But it is not the association.

Hon. L. A. LOGAN: I know; but it is representative of the association.

The Chief Secretary: You said "the association."

Hon. L. A. LOGAN: Must one come into this House with 28 members, who are supposed to be reasonable men, and say, "This is only the executive—only a few of the members of the Road Board Association"?

The Chief Secretary: You cannot get away from your statement. You have the tail wagging the dog.

Hon. L. A. LOGAN: No, I am prepared to back up any statement I make.

The Chief Secretary: That is one you cannot back up.

Hon. L. A. LOGAN: The Minister is at cross-purposes with me. He did not hear what I said.

The Chief Secretary: I have in black and white what you said.

Hon. L. A. LOGAN: Would you like to read the newspaper cutting?

The Chief Secretary: I read it in "Hansard."

Hon. L. A. LOGAN: Then read it from that. I said "the Road Board Association." Is not that sufficient?

The Chief Secretary: It is misleading.

Hon. L. A. LOGAN: It is not. I have already tried to explain to the Minister that one forms part of the other, and he is only trying to get out from under.

The Chief Secretary: You are.

Hon. J. G. Hislop: It does not matter very much.

Hon. L. A. LOGAN: No. The Minister for the North-West seemed to think that members were being outspoken when they said that the stop signs had become revenue-producers. If I heard correctly what was said over the air the other day—I am open to correction—it was to the effect that there are something like 3,000 prosecutions pending against traffic offenders for not stopping at stop signs. As I have not been corrected I take it that the figure is right.

The Chief Secretary: It may or may not be.

Hon. L. A. LOGAN: If that is not revenue-producing, I do not know what is.

The Minister for the North-West: The signs were not put up for that purpose.

Hon. L. A. LOGAN: I do not know for what other purpose they were put there.

The Minister for the North-West: To make people stop.

Hon. L. A. LOGAN: I understood the Minister to say that the erection of the stop signs was held up at the beginning because of the shortage of steel. I say that the steel already in those signs would have gone a long way towards the comprehensive water scheme, as those posts are all 8ft. long and are made of 2½in. piping. That steel could have been used to much better purpose elsewhere.

Let us have an example of how the present position applies in the city in relation to the five o'clock traffic out of Perth. A pointsman on duty at Barrack-st. lets 30 cars pass on the way out, towards the Causeway. Three cars go past Victoria Avenue and then one flies along that street and, because he has the right of way, the 27 remaining cars in Adelaide Terrace have to stop while he goes past. Another three of those cars proceed and then a further car flies up Victoria Avenue, so the remaining 24 cars again have to stop and give right of way to the man coming from Victoria Avenue. Then four more cars pass that intersection, and another fellow flies up Victoria Avenue. The remaining 20 of the original 30 cars have to stop, and that can apply to at least four streets between there and the Causeway.

We could easily have the traffic from the top end of St. George's Terrace held up under these regulations; and so I ask members to consider the position, because that is what will take place when the motorist knows he has the right of way over the man approaching on his left. I do not think there is need to take the

argument further. I brought the matter to the notice of the House in this way, and it was the only method I had of ventilating the question. I could not do it in any other way—

The Chief Secretary: You could have moved to amend the Act. It has been there since 1940.

Hon. L. A. LOGAN: How could I do that, in the circumstances? If it was in the Act, Parliament could deal with it, but it is in the regulations, which are passed, and members can do nothing about it—

The Chief Secretary: You have been 15 months doing something about it.

Hon. L. A. LOGAN: I have been since the 9th August—

The Chief Secretary: The same regulation was passed on the 27th May, 1954.

Hon. L. A. LOGAN: I would remind the Chief Secretary that in the old regulations there was one dealing with major roads; but there is none now, and that is why I approached the question in this way. I repeat that all that is necessary is to reinstate the major roads and reintroduce these regulations, and everything will be all right.

Hon. E. M. Heenan: And confuse the public.

Hon. L. A. LOGAN: I happened to be around the country this week and asked other drivers the rule of the road and each said, "As far as I am concerned, on a major road I have the right of the road." I do not think 10 per cent. of road board members would know that the major roads have been revoked, either; and so I ask the House to give serious consideration to the disallowance of these regulations.

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

Ayes	14
Noes	11
Majority for	3

Ayes.

Hon. N. E. Baxter	Hon. L. A. Logan
Hon. L. Craig	Hon. J. Murray
Hon. L. C. Diver	Hon. H. L. Roche
Hon. Sir Frank Gibson	Hon. C. H. Simpson
Hon. A. F. Griffith	Hon. J. McI. Thomson
Hon. W. R. Hall	Hon. H. K. Watson
Hon. J. G. Hislop	Hon. H. Hearn

(Teller.)

Noes.

Hon. C. W. D. Barker	Hon. Sir Chas. Latham
Hon. G. Bennetts	Hon. H. C. Strickland
Hon. G. Fraser	Hon. J. D. Teahan
Hon. J. J. Garrigan	Hon. W. F. Willesee
Hon. E. M. Heenan	Hon. F. R. H. Lavery
Hon. R. F. Hutchison	*(Teller.)*

Pair.

Aye.	No.
Hon. A. R. Jones	Hon. E. M. Davies

Question thus passed.

BILL—RENTS AND TENANCIES EMERGENCY PROVISIONS ACT AMENDMENT.

Second Reading.

Debate resumed from the 6th September.

HON. H. K. WATSON (Metropolitan) [8.30]: In December, 1953, Parliament, on the initiative of the Legislative Council, took a step which I am satisfied will go down in history as one of the greatest and most effective single measures towards ensuring the future progress and prosperity of this State in the great question of housing. Parliament decided to tackle the thorny problem at which successive Governments, and successive Parliaments, had boggled for many years. Parliament decided to abolish most of the controls over rents and tenancies which had endured since 1939. Parliament decided to restore a measure of sanity and justice into the relationship between landlord and tenant. Parliament decided that the relationship which existed between the State's biggest landlord, the State Housing Commission, and its thousands of tenants should, subject to certain reservations, apply with equal force to all landlords and tenants.

Parliament decided, in December, 1953, that as from the 1st May, 1954, and subject to certain safeguards, an owner should have control of his own premises; and that the rent of all premises should be such as was agreed upon between the owner and tenant. That the adoption and restoration of such an elementary principle should have occasioned the verbal strife and clamour which it did at the time is a striking commentary on the extent to which legislative controls can dull the conscience and generate the evil of political opportunism.

We were threatened by the Waterside Workers' Federation and other militant unions, and we were warned from certain quarters, that if we did what was proposed the Heavens would fall. But in all exertions of duty something has to be hazarded: and be it said to the credit of this House, the majority replied, "Let justice be done though the Heavens should fall." This House stood firm by Parliament's decision of December, 1953, notwithstanding two vigorous, misguided and unsuccessful attempts in the following April and June to have that decision revoked.

Last year we were belaboured with all manner of fanciful imaginations, but now, more than 12 months after the commencement of the new order, we are in a position calmly and dispassionately to analyse the cold hard facts as we find them in the light of actual experience. The census of the 30th June, 1954, revealed that in this State there were—apart from 7,000 or 8,000 houses owned by Government authorities —over 30,000 houses and over 4,000 flats let by private owners to tenants. To the

owners of these 34,000 tenanted premises, Parliament, by its legislation of over 12 months ago, in effect said—

1. As from the 1st May, 1954, the rent which the owner may charge for his premises shall be such rent as is agreed upon between the owner and his tenant.

2. Notwithstanding any agreement between the owner and the tenant on the question of rent, either party could, if they so desired, apply to a fair rents court which was empowered to determine the rent at an amount not exceeding 8 per cent. per annum on the capital value of the premises at the time of the application. Similar power was vested in a rent inspector where the leased premises were part of premises.

3. As from the 1st May, 1954, the owner could recover possession of his premises by giving the tenant notice to quit, the period of the notice to be 28 days or such longer period as might be required by the terms of any lease.

4. The court, when granting an eviction order, could, in cases of proved hardship on the tenant, suspend its operation for a single period not exceeding three months.

5. A tenant who applied to the court for a review of his rent was granted three months' protection from notice to quit, with a further 12 months' protection if the rent fixed by the court was less than 80 per cent. of the rent appealed from.

6. An owner who evicted a tenant could not thereafter increase the rent without the permission of the court.

7. Leases for three years or more are entirely outside the Act.

That is the substance of what was enacted by Parliament over 12 months ago in relation to the private owners of those 34,000 residential premises and some thousands of shops which were let to tenants and which had been under repressive controls since 1939. Now, let us consider what has happened during the last 15 months.

Out of over 34,000 tenants, how many failed to agree with their landlords as to what was a fair rent? How many of them went to the Fair Rents Court for a reduction of their rent? I suppose 4,000 out of 34,000 would not have been a surprising number. But there were not 4,000. There were not 1000; there were not 100. The report of the Fair Rents Court, as tabled in this House, shows that it received only 95 applications up to the 30th June, 1955. Out of 34,000 tenants, only 95 applied to the Fair Rents Court for a review of their rent.

The facts relating to evictions tell much the same story of dire prophecies unfulfilled. In respect to the privately-owned tenanted properties, numbering more than 34,000, there have been 810 evictions in the year ended the 30th June, 1955. It is hardly necessary for me to mention that when the occupiers of these 810 properties were evicted, for a variety of reasons, the properties did not remain vacant; other persons went in as occupiers—

Hon. G. Bennetts: At the same rent?

Hon. H. K. WATSON: —except in the case of a few derelict houses in the city which were demolished to make way for factories or offices. The point is that nobody was made homeless. Twelve months ago eviction orders were running at the rate of between 20 and 50 a week. Regrettable as it was, that was only natural and inescapable during the first few weeks of the lifting of the old controls. Today, however, eviction orders are occurring at the rate of about nine a week; nine a week with respect to over 34,000 tenanted premises, in a State population of 650,000. Surely those illuminating facts speak for themselves! It is little wonder, therefore, that although the magistrate has a discretion to suspend an eviction order for three months, he now seldom suspends it for more than one month.

An elementary fact which should not be forgotten is that the issue and receipt of notices to quit is an integral part of tenancy—a normal and everyday function between landlord and tenant; just as normal as a person giving or receiving notice to or from his employer with respect to employment. Of this fact we have no better illustration than that during the 14 months ended the 31st August, 1955, the State's biggest landlord, the State Housing Commission, of which Hon. H. E. Graham, the Minister for Housing, is the ministerial head, issued to some of its tenants 226 notices to quit. They also issued 192 summonses for the recovery of rent.

A short while ago Mr. Bennetts interjected as to whether in the case of a change of tenancy, the new tenant paid the same rent as the old. The answer is: If the owner had evicted the tenant he would not be permitted by law to charge the incoming tenant more than he had been receiving from the old tenant, except with the permission of the court. It might interest the hon. member to know that the State Housing Commission considers it quite legitimate, quite moral and perfectly good business to charge an incoming tenant a higher rental; and that it is reasonable to receive from one tenant a rental of £2 10s. 6d. a week, and on his vacating the premises to charge the incoming tenant £3 14s. a week, an increase of nearly 50 per cent.

I know there are some legislators and not a few bureaucrats who believe they can manage the people's private affairs better than the people themselves can. For myself, I say, trust the people to manage their own affairs. And surely the wisdom

of that philosophy is amply and conclusively demonstrated by the facts and figures I have just quoted. Moreover, I am convinced that today, under the new arrangements, there is fast growing a new spirit of goodwill and mutual understanding between owner and tenant: the same spirit that existed prior to 1939 but which, during the years between 1939 and 1953, was completely submerged by regrettable friction, due solely to unwarranted legislative interference in their private affairs.

In the comparatively negligible number of rent cases which have been dealt with in the Fair Rents Court, the magistrate, in the exercise of his discretion, has adopted the basis of a net return of 5 per cent. per annum for dwellings and self-contained flats, and 6 per cent. for shared accommodation. One immediate effect of the 1953 legislation has been to stop the rot in rented properties, and to prevent Perth becoming the shambles that is Paris and London where, because of rent restrictions which have existed there since the end of World War I, tenanted properties have not been painted or repaired or renovated for 40 years. One has only to travel around our metropolitan area to see the repair work and painting which is now taking place, but which had been neglected for 15 years because of inadequate rents through rent control.

Improved housing conditions and extra accommodation are two of the immediate benefits which have flowed from last year's easing of controls over rents and tenancies. In the circumstances which existed during the 15 years up to May of last year, no person in his right senses would have considered building properties to let. But now the position is different. Today, under the present legislation, things are different. A person who is now minded to build houses, or flats, or shops to let is assured of control over his premises and of a reasonable return on his investment. And new houses, flats and shops are today being erected by our citizens in every suburb. Long may it continue! For that is the one sure way to completely overcome the housing shortage and the shortage of shops.

It is very interesting to note that during the year ended the 30th June last, 9,200 houses were built in this State. It was an all-time record. In the same period, 300 shops were built. The present postion from a statistical viewpoint at the 30th of June last was that there were 275 dwellings per 1,000 head of population, which I understand from the Minister for Housing is an all-time record.

Another benefit of national importance which has accrued from the new conditions is the growing interest in home ownership. As one who has always taken an active part in the home-ownership movement I had, on more than one occasion before 1939, expressed the view, which I now repeat, that payment of rent for the privilege of living in another's house is one of the most extravagant ways of spending one's money. A weekly rental of £3 mounts to £4,680 over 30 years. But while the repealed legislation existed there was no inducement whatever for many men to contemplate home ownership. Human nature being what it is, why should a man contemplate home ownership when the old legislation allowed him to live merrily in some other unfortunate citizen's house for next to nothing and for a fraction of its fair economic rental? Now that has all been changed, and there is a growing awareness of the manifold advantages of home ownership.

Speaking for myself, I can visualise no safer, no happier, and no more prosperous democracy than one in which every citizen owns his own house, on his own plot of land, bought with the fruits of his ability and industry and thrift. It is indeed cheering to note that in this State some 75,000 homes are occupied by their owners, and a further 22,000 homes are being purchased by instalments. I want here to say a word or two about the Minister for Housing. I say nothing about his ill-founded criticism of this Legislative Council. So far as that is concerned, I adopt and apply the dictum of Edmund Burke that magnanimity in politics is not seldom the truest wisdom, for great issues and little minds go ill together. But I do want to congratulate the Minister on his increasing efforts to stimulate, encourage an assist home ownership.

It is now over 12 months since the conditions as we now know them came into operation, and the Act is due to expire on the 31st December next. The question now arises as to whether, in the light of the experience over the past year, we ought to allow the remaining controls to expire or whether they ought to be continued. I feel that we could well let them expire. On the other hand, I feel that not very much harm would be done if the remaining controls, and the law as it stands at the moment, were continued for another year. I intend, therefore, to support the second reading of this Bill.

But I am opposed to the proposal in the Bill that these remaining emergency controls should be made permanent and continue for all time. I am opposed to the proposal in the Bill to make the operations of the principal Act extend to lodgers. I am opposed to the proposal in the Bill to curtail the exemption from the Act of leases of over three years or more, and I am opposed to the proposal in the Bill to lengthen, in certain cases, the requisite period of notice to quit. These are matters which could more appropriately be dealt with when the Bill is in Committee.

The proposal now before the House is to make this legislation permanent; but I recall that in July of last year, when the Chief Secretary was moving the

second reading of a Bill to continue the controls until December next, he expressed the hope that that would be the last time there would be any necessity for the introduction of such legislation, as every few months took us nearer to the day when this type of legislation would no longer be needed. I feel that if that day has not already arrived, it will certainly arrive within the next 12 months.

HON. N. E. BAXTER (Central) [8.51]: I do not intend to speak at any great length on this Bill. For some years we have discussed the pros and cons of such legislation and we have all expressed ourselves very thoroughly on the matter. I think Mr. Watson proved that there is very little necessity to continue legislation of this type for even as long a period as 12 months. Why the Government should wish to carry it on in future years, I do not know. It must realise that the position has reverted to what one might term normal, and to continue and perpetuate these controls would not be in the best interests of the State.

During the last six months, I have gained quite a deal of experience—more than I had before—of what is happening in the city regarding houses, rents and tenancies. In the course of my travels I have seen both sides of the picture, and have come to the conclusion that the majority of landlords are particularly good to their tenants and that a majority of the tenants are quite good in the way they deal with the properties they rent. However, there are a minority on both sides who are unfair, and these people will never reform, whether we have rent controls or not.

Therefore it is a matter for the House to decide whether we shall revert to the conditions that existed in normal times when there was no housing shortage and accept the conditions that exist today when there is not a great deal of housing shortage. I could take any member who cared to accompany me to see 30 empty houses around the city at the present time. Quite a number of those houses were tenanted and the tenants left of their own free will, but the condition of most of those places was such that I could not tolerate it if I were a prospective tenant. Evidently the occupants did not care what the condition of the inside walls might be; there had been no attempt to make a garden and conditions generally about the premises were bad. Some of the places had small leaks in the roof, but the tenants would not think of climbing up and doing a few simple repairs.

Hon. G. Bennetts: Many people could not do it.

Hon. N. E. BAXTER: A lot of people could, but they would not do it because they considered that, as they were paying their rent, the landlord should do every pettifogging little job that was required about the place. In a lot of cases, rents were being paid that were below the capital value of the property.

Hon. F. R. H. Lavery: Did you say there were 30 empty houses?

Hon. N. E. BAXTER: Yes, and they were only a proportion of the number that were empty.

Hon. F. R. H. Lavery: I could get you 60 tenants for them.

Hon. N. E. BAXTER: After the experience landlords have had with some tenants, they do not feel inclined to let the places again. If the hon. member saw those places, he would realise that a landlord has to be very chary as to whom he accepts as a tenant. I am not saying that all tenants are bad. A lot of the homes are kept in perfect order, but the attitude of the landlord who has not received a fair deal is that he does not want tenants who do not care.

Just to show how conditions are getting back to normal, there are people who are looking for homes to buy and to rent. Surely that shows that we are getting back to normal, and it certainly illustrates that there is very little need for this legislation. Some premises are being offered to tenants at high rentals, but they are good properties and are worth the money that is being asked. This indicates that premises are available for occupation if people are prepared to pay for a decent home. Mr. Lavery spoke of getting 60 tenants, but probably they would not be prepared to pay an economic rental—a rental that would return the landlord 8 per cent. on his capital outlay.

Perhaps the hon. member considers that 8 per cent. is an extortionate rate. Let him buy property and put tenants in at a rental showing less than 8 per cent. and see what net return he gets! A lot of people do not want to pay a reasonable rental; but why should not a landlord be entitled to receive a reasonable return on his money? That is all I wish to say at this stage. I shall support the second reading, but I cannot agree to some of the proposals in the Bill.

HON. C. H. SIMPSON (Midland) [8.58]: As previous speakers have said, this is essentially a Committee Bill, so I think the general opinion of the House is that the second reading should be accepted without too much debate and that any discussion deemed necessary should take place on the various clauses. That is my attitude, but there are one or two remarks I wish to make before the measure goes to the vote on the second reading.

In a broad sense, the housing position is easing, and the time has come, not to clamp down more tightly on controls, but rather to ease them, and the intention of

some members—I hope a majority of them—is to support an amendment to keep the measure alive as a continuance Act subject to further review, and greatly to ease the restrictions which the Act must of necessity continue. There is one provision in the Bill to which I cannot agree, and that is the one to bring lodgers within the scope of the rent inspector. I think it will be admitted that if we are going to ease the position, we must induce as many people as possible who have rooms to spare to take boarders or lodgers into their homes.

Many people have rooms to spare and they might be prepared to allow people—strangers perhaps—to go into their homes; whereas they would be averse to allowing any officials to have the right to walk in and interfere with what they were doing. They want their rights safeguarded. The home is theirs and they feel they should be able to say who shall come in and where they shall stay, and how long they shall remain. Provided these rights are preserved, I think people can be encouraged to help the position of others who want accommodation, by making rooms available where they have them. By this means, the housing position would be considerably eased.

I have some amendments on the notice paper which I would like briefly to explain. In the Act, which has been reprinted—it is much easier to follow than the old one was—are some provisions which have become obsolete. They occupy about nine pages of the Act. At first I wondered why they were not removed, but I understand that technically they could not be taken out because there is no provision for repeal. My object in moving an amendment will be to remove this dead wood from the Act which can then be presented in simple form so that the layman can understand it more easily.

The Act is divided into six parts, as follows:—Part I—Preliminary. This embraces Sections 1 to 5 and covers 3½ pages of the measure. Part II—Administration. This takes in Sections 6 to 8 and occupies 2½ pages. Part III—Rents. This includes Sections 9 to 16 and takes up six pages. Part IV—Recovery of Premises. This includes Sections 17 to 20B and occupies nine pages. Section 21 is repealed. Part V deals with protected persons and includes Section 22. The last part is Part VI—Miscellaneous, which includes Sections 23 to 33 and occupies six pages, making a total of 29½ pages altogether.

Of this number, 9½ pages are taken up with obsolete provisions. If my amendments are agreed to, the Act will be reduced to 20 pages, and it will be much easier to understand. These obsolete provisions clutter up the legislation just at the important parts. The question of rents now occupies six pages, and it could be reduced by two pages. The part dealing with the recovery of premises occupies nine pages and it could be reduced to 1½ pages. Any layman reading the Act casually might not understand that these provisions were deleted and so might become hopelessly confused because he would think they still applied. That is the aim and purpose of the amendments I have tabled. If members look at the Act they will see that Sections 9 to 11 are covered by Section 12A which provides—

> On the thirtieth day of April, one thousand nine hundred and fifty-four the provisions of Sections ten, eleven and twelve of this Act cease to operate and the provisions of Section thirteen of this Act operate in their stead on and after the first day of May, one thousand nine hundred and fifty-four during the operation of this Act.

Similarly in Section 20A members will see that Sections 17, 18, 19 and 20 of the Act cease to operate, and Section 20B shall operate in their stead. The Bill seeks to amend Sections 13 and 20B, which are the operative sections, by replacing the obsolete sections I have enumerated. I am making that explanation at this stage so that when the amendments are considered in Committee, members will have a better idea of what they set out to do.

At a public reception not long ago, the Minister for Housing gave an interesting talk on the progress made in the solving of the housing position generally, and he claimed that 9,000 houses had been built in the past year, which was practically double the number built in the prewar period. That achievement was made possible by the work done over the year by the Government and by the previous Government which did a great deal of work in providing the machinery; and that again, according to the Minister for Housing, has made the position in Western Australia relatively the best in the Commonwealth.

I think the time will come when the people of this State will be grateful to the Legislative Council in general, and to Mr. Watson in particular, for realising the dangers that attended the attempts to control artificially the rents and the building of houses, because they react one on the other. House building is like any other business. There must be a relation between the return for the use for the house—the rental charged—and the capital cost.

If that economic law is interfered with, then sooner or later we strike difficulties as they have in England and in France, as Mr. Watson said. In Western Australia we at least have an honest system of trading on the question of housing and rents. We do not hear anything of key money, and there is no blackmarketing. What is done, is carried out fairly and above board. I shall vote for the second reading with the intention of supporting certain amendments on the notice paper when the Bill is in the Committee stage.

HON. R. F. HUTCHISON (Suburban) [9.8]: I have heard tonight about the good things that were done by disallowing the rents and tenancies legislation last session. I heard Mr. Watson pass lightly over the question of any suffering that resulted. I wondered whether he would deny that a great amount of suffering accrued from his reasoned amendment which was the cause of the rents and tenancies legislation being rejected last session. I would say that the amount of suffering which resulted was a disgrace to any country or State in the position that Western Australia was in at the time. It is due to the Minister for Housing that people were not left homeless on the streets. That was because of the way he was able to provide houses for those unfortunate people.

It is of no use members of the Opposition in this House trying to pass lightly over the suffering that was caused by the disallowance of the rents and tenancies legislation last session. To me, that action will always be a blot on the escutcheon of this State because, through that action, women and children were made to suffer greatly and unnecessarily. That there are houses empty today is due to the fact that the rents of many premises are so exorbitant that, although they are badly in need of accommodation, many people still have to live under adverse conditions because they cannot afford to pay what is asked—

Hon. L. Craig: Asked by whom—the State Housing Commission?

Hon. R. F. HUTCHISON: No, the greedy landlords. The State Housing Commission has no homes the rents of which cannot be paid by the workers. Had it not been for the rises in prices and the profiteering that has gone on ad lib., the rent of the Housing Commission dwellings would not be so high.

Hon. Sir Charles Latham: If the labourer had been worthy of his hire, rents would not be so high.

Hon. R. F. HUTCHISON: It is all right to sit here, well and comfortably housed and provided for, with a good position, and talk about the unfortunate man who is endeavouring to raise a family on the basic wage—and there are many still on a low wage, comparatively speaking. Mr. Simpson said we would live to thank Mr. Watson, but I will be surprised if anyone ever thanks him for what he did last session. Exactly what we said would happen did transpire, and thousands of people were punished unmercifully and unfairly through the discontinuance of the rents and tenancies legislation.

Had that measure been allowed to continue for another year or two, the suffering would not have been so great, but it was dreadful to see the hardship that was, in fact, caused through the defeat of that legislation. That was what kept open the camps that we had hoped to do away with. They are still there, because there is nowhere else for the people to go. I cannot help it if there are some members to whom suffering does not matter, but those of us to whom it does mean something must rise up and protest about the results of the action last year of the Opposition in this House.

We can see the writing on the wall now. As soon as they rise to speak, one can tell how some members are going to vote. But what can we do about it? Labour is still in a minority in this House of pride and privilege. The iron fist in the velvet glove—

The PRESIDENT: Order! The hon. member must not cast reflections on hon. members.

Hon. R. F. HUTCHISON: Then I do not know what I can do.

The PRESIDENT: If the hon. member reads the Standing Orders, she will find out.

Hon. R. F. HUTCHISON: I am speaking of the suffering caused by the action of the Opposition in this House, and while Labour is in a minority here, we have to put up with what is forced upon the workers of this country. They are the people who put me here, and it is to their interests that I am looking, and so I do not want anyone to state light-heartedly that what was done last session was in the best interests of this country. I say it was a disgrace and that Opposition members have no reason to be proud of the discontinuance of the rents and tenancies legislation. At that time we were rapidly overcoming the obstacles that existed. The Minister for Housing was almost crucified over the Subiaco flats, but we do not hear much about that now when other flats are being erected by the mile at rentals of almost any figure. I think we should be honest in what we say in this House. I am honest—

Hon. Sir Charles Latham: Hear, hear!

Hon. R. F. HUTCHISON: I say that protection is still needed for many hapless people in this community, and no member can say with truth that the misery, worry, trouble and sickness caused by the discontinuance of the rents and tenancies legislation was in any way measurable against what was gained by a few in the community.

HON. SIR CHARLES LATHAM (Central) [9.15]: I did not intend to speak to this measure, but would not like the people of this State to take the words of Mrs. Hutchison as an expression of the opinion of the general public in Western Australia. She tried to tell a pitiful story, but it was not true to fact. There are, and always will be, some difficult cases, and in the best of all civilisations there was never a community in which there were not some people unable to control their own

affairs. There are many householders who made far greater sacrifices in the interests of the people to whom the hon. member referred than those people themselves made.

A number of tenants have not lived up to their obligations and there has been great tolerance shown by the owners of homes. I know of an instance not far from my own residence, where the husband, who always seemed to be in work, owed £117 for rent when the family were eventually forced out of the house—not only that, but it also took weeks to clean up the premises to make them fit for human beings to live in. There are many people who have been blessed with God's gifts, and some, unfortunately, who have not had the same gifts presented to them, and no Act of Parliament or manifestation of generosity could ever cure that. I am sure the hon. member must go from one end of the city to the other to gather the information she brings here.

Hon. R. F. Hutchison: I do not.

Hon. Sir CHARLES LATHAM: The hon. member had no right to make some of the statements she did. I at all times try to do justice to all sections of the community, but while we have a Government that is the biggest owner of homes in Western Australia, I do not ask one individual to make sacrifices for another. If we owe these people anything, it is owed to them collectively and not individually. If the hon. member, when standing up in this Chamber and speaking to the gallery —she does not influence members on either side of this House—

Hon. R. F. Hutchison: More's the pity!

Hon. Sir CHARLES LATHAM: The hon. member never will while she indulges in exaggeration. We know that we have in our community some criminals, but we do not defend them simply because we cannot catch them. I do not like listening to the hon. member's stories, session after session, because they do not express the opinions of members generally.

Hon. R. F. Hutchison: Yes, they do.

Hon. Sir CHARLES LATHAM: I know they do not, and my experience here is much longer than that of the hon. member. While she may think to gain a lot of sympathy by playing up to a certain section of the community, I can tell her she is doing her party injury, and I would say that the result of the last election indicates that the opinions she expresses are not endorsed by many of the working people.

Hon. R. F. Hutchison: Do not try to camouflage it.

Hon. Sir CHARLES LATHAM: I will not do that. The hon. member may exaggerate, but I will not camouflage. What I will do is to ask this House to take a general view and not pick out isolated instances. Simply because a hotel safe is stolen, I do not charge everybody with being a member of a band of robbers. There are isolated cases and some people are not mentally capable of running their own affairs in a businesslike way. I do not know how they can be cured, but if they are to be protected and helped, the only institution that can help is the State Housing Commission. We all make a contribution towards its expenses and it should not be left to the individual to assist in this regard.

Hon. R. F. Hutchison: They are doing it, too.

Hon. Sir CHARLES LATHAM: Because certain amendments were insisted on by this Chamber last year, the hon. member makes accusations against members in this House. I can assure her that when I came into the House this evening my idea was to assist the Government, but she is trying to force me, against my own opinions, to accept her view and will make it impossible for the Government to get this piece of legislation through. I do not want to adopt that attitude.

Hon. R. F. Hutchison: You know what you should do.

Hon. Sir CHARLES LATHAM: I know, but I do not like the hon. member to talk about the Opposition like she does.

Hon. R. F. Hutchison: I know you do not.

Hon. Sir CHARLES LATHAM: I do not want her to do that. The Opposition members in this House are those who disagree with her.

Hon. R. F. Hutchison: That suits me, too.

Hon. Sir CHARLES LATHAM: It might. Nevertheless, let me tell the hon. member that she does not do her cause any good by standing up and using language such as she indulged in this evening. She has done so on other occasions; the Address-in-reply was one instance.

Hon. R. F. Hutchison: You will hear more of it, too.

Hon. Sir CHARLES LATHAM: The hon. member, as far as I am concerned, can say as much as she likes, but the greater the exaggeration the less sympathy and help she will get.

Hon. R. F. Hutchison: You are making a lot of fuss about it.

Hon. Sir CHARLES LATHAM: I have listened to the hon. member on a number of occasions and every time she speaks she devalues the opinions of members in this House if those opinions do not coincide with her own. As I said before, in all sections of the community, whether in this country or in any other, there are people who are not able to look after their own affairs in a businesslike way. I say that when I see the money that goes

into s.p. betting, over the bars of hotels, and the like. It clearly illustrates that there are some people whose families must suffer because of the money spent in that way.

Hon. E. M. Davies: Not only people who pay rent patronise hotels. One only has to look at the number of motorcars outside hotels.

Hon. Sir CHARLES LATHAM: Who does not own a motorcar today? I am not saying that members should not have cars, or that anybody else should not have them. That might be the cheapest way of getting to work.

Hon. E. M. Davies: It might not, too.

Hon. Sir CHARLES LATHAM: I do know that there are few people in Western Australia who are on the basic wage; they nearly all have a margin for skill. I also know that many of them are running motorcars and in all probability those cars enable the people to get to their work cheaper and quicker than if they travelled by bus or tram.

Hon. E. M. Davies: If they were paying for cars, they could not afford to go to a pub.

Hon. Sir CHARLES LATHAM: I am referring to the money spent in this State on drinking and gambling. A terrific sum is spent and a great many cases quoted by the hon. member could have come within that category. The money spent in that direction could have been the cause of the suffering.

Hon. R. F. Hutchison: Ah!

Hon. Sir CHARLES LATHAM: Yes, it is, and so long as I am here, I shall have just as much sympathy for the people as the hon. member, and I will do all I can to help them.

Hon. R. F. Hutchison: You do not show it.

Hon. Sir CHARLES LATHAM: I do a great deal more than talk. If I find a genuine case that needs help or advice, I give it. But the hon. member defames those in this House whose politics differ from hers. To my way of thinking that does not do her case any good. I propose to support the second reading of the Bill and I would be prepared to continue the legislation from year to year. I think it served its purpose last year.

I travel around the city just as much as the hon. member and I see lots of places —temporary residences—that have been erected. I call them a poor class of residence, but I know that they provide a shelter and that the people who are living in them feel that they have a home and a roof over their heads. I do not condemn that class of building, but it will not last very long. I have seen many of them in the suburbs and it makes me feel that we are ostracising a certain class of our people. We are putting them into a little village by themselves while the better class of people are placed somewhere else.

While I do not like that sort of thing, I want to be generous and say that the Government in its wisdom has found it necessary to build that class of home because it can be erected cheaply and quickly. Nevertheless, some of the rents are fairly excessive, and I believe the reason is that in many instances we are not getting the value that we should from the people who are doing the building. I shall support the second reading in the hope that the legislation will be continued in much the same form as it was last year.

HON. F. R. H. LAVERY (West) [9.26]: In rising to support the Bill I, like Mr. Watson, think that conditions have improved a good deal over the last 12 months; but not nearly as much as some members would have us believe. The feeling of the House seems to be that the second reading should be agreed to and therefore I do not intend to speak at length. Despite the fact that the State Housing Commission, because it happens to be a Government department, has been castigated, I feel that it has done a magnificent job for the people of Western Australia.

There are many landlords who wish to remove their tenants so that the houses can be repaired and then let at a rental which, in many cases, will be an unfair one. Although I do not like to say so, there are also some poor types of tenants as well as unfair landlords and some of these tenants are not in the lower salaried group. Today some of the people who live in flats, and who have fairly good salaries, are included in this category. When they leave flats, they leave them in a disgraceful condition and I know of an instance in Lawson Flats.

Hon. H. Hearn: I clean up mine.

Hon. F. R. H. LAVERY: In this case a person went into a well-furnished flat, was there only a few weeks and then left it like a pig-sty. It was in a disgraceful condition and that person was paying £10 a week rent. That indicates that he was not receiving a poor salary.

I like to give credit where credit is due, and in this instance I am not speaking from a Government or a political point of view. The State Housing Commission has received a good deal of abuse from both the general public and members of Parliament, those who should knew better. Most members probably know that a few weeks ago the State Housing Commission completed its 20,000th home. This means that the commission has built a total of 20,000 homes during the 10-year period from 1945 to 1955, and I think it was on the 18th or 19th August last that the

occupant of the 20,000th home was handed the key of the premises. It must also be borne in mind that during that 10-year period building materials were in short supply, especially in the first five years, because it was not until after 1950 that the shortage of building materials eased.

Personally, I believe that all officers of the State Housing Commission, from the lowest to the highest, deserve the greatest credit for the work they have done. I have here a little booklet which has been published by the commission and which is entitled "20,000 Homes, 1945-1955." There are one or two items in it that I wish to bring before the notice of members. Whatever we do about rents and tenancies, I think it is about time that we supposedly learned gentlemen in this House stopped asking what the Housing Commission is doing. The pamphlet states that in the metropolitan area a total of 15,449 houses, accommodating approximately 69,500 people, has been built in the years from 1945 to 1955.

It also states that in 127 townsites located in the mining, pastoral and agricultural regions, the commission has, to date, erected a total of 4,287 houses accommodating approximately 20,500 people. The number of persons permanently accommodated in the metropolitan area totals 69,500; and in country towns, 20,500. When I say "permanently accommodated" I refer to those people who have vacated such filthy places as Melville Camp, Allawah Grove and other housing settlements and who have been accommodated in decent homes. Most of these houses, of course, are not built of brick but are timber-framed.

Under the Kwinana housing project, by special legislation, houses were erected for employees of the Australasian Petroleum Refinery Ltd. totalling 652, for an expenditure of £1,835,000. Homes were also built under other schemes, such as the McNess Housing Trust, to a total of 139. The grand total of the houses built from 1945 to the 5th August, 1955, is, as I have said, 20,000, for a grand total expenditure of £53,291,000.

My object in bringing these facts before the House is to indicate that during this 10-year period, private enterprise has not been able to raise the finance to enter into any big building scheme other than such projects as we see at the eastern end of our city in the shape of large flats near Langley Park. Homes erected for investment purposes by private enterprise are practically non-existent. The burden has fallen on the shoulders of successive State Governments and the administrative officers of the State Housing Commission to provide houses for the people and to assist those who desired to build their own homes. At no time have I denied that right to anyone.

Hon. J. Murray: They have had priority for building material for a considerable time.

Hon F. R. H. LAVERY: There is a point that members seem to forget and that is that many of these houses are Commonwealth-State homes. The Commonwealth provides the money and the State arranges for the building of the homes. Other features outlined in this pamphlet from which I have been quoting show that in 1945 postwar house-building started and by the 30th June of that year 67 houses were completed. At that stage the Commonwealth-State Housing Agreement Act was passed to provide for large-scale housing projects on a rental basis. The Building Operations and Building Materials Control Act was passed to ensure equitable and proper distribution of limited supplies of building materials.

In 1946 the State Housing Commission was set up by the passing of amending legislation. In 1947, amendments to the State Housing Act were passed to enable the commission to grant loans to local authorities for road construction purposes. In 1948 the commission moved to its present offices, thus allowing for central administration of staffs which had previously been scattered around the city. In 1949 the scheme for the sale of rental homes was inaugurated. In 1950 the first easing of controls of building operations was effected to allow for the erection without permits of modest dwellings for personal occupation.

Hon. J. Murray: That failed bitterly.

Hon. F. R. H. LAVERY: In that year, too, there commenced the planning and production of the precut-type cottages for erection in rural areas by mobile labour teams. In 1951 a further easing of building controls enabled the erection of larger residences. In the same year the commission was empowered by amendments to legislation, to make payment to local authorities of rates on vacant land previously exempt from rates. In 1952 the erection of imported houses commenced and building materials controls were freed in respect of residential construction, leaving only industrial and commercial buildings under control. In that year the oil refinery Act was passed and work commenced in October to develop a new townsite in virgin bush at Kwinana.

On the 14th January, 1952, a commencement was made with the construction of the cottages on the site, and in May of the same year the first group of houses at Kwinana was handed over. At the end of that year the Building Operations and Building Materials Control Act was allowed to lapse. I consider that the concluding words in this little pamphlet should be publicised.

Hon. J. Murray: They will refer to the Bill, I presume.

Hon. F. R. H. LAVERY: On the last page of the commission's pamphlet, the following appears:—

> Appreciation and acknowledgments. —The commission readily recognises that it would not have been possible to have successfully completed these 20,000 homes and the necessary extensive land development had it not been for the assistance and co-operation of many State Government departments and instrumentalities, local government authorities, suppliers, business and commercial houses, builders and their associations and the various unions. This opportunity presents itself for the commission to again express its appreciation to those bodies.

In continuing to speak along those lines, I wish to pay a special tribute to the work done by the present Minister for Housing inasmuch as during the period he has been in office, at no time to my knowledge has he eased up in his endeavours or allowed any pressure group to affect the policy he has laid down of erecting as many houses as possible within a given period.

A great deal of heat has been generated in the discussion of rents and tenancies legislation in the past. But I feel the time has come when the position has eased to such an extent as to warrant the legislation now before the House being considered in a conciliatory manner. There is nothing in the measure to which any property-owner or landlord could object, because its provisions are as much for their protection as for the protection of the tenant. It gives me much pleasure to support the second reading.

THE CHIEF SECRETARY (Hon. G. Fraser—West in reply) [9.41]: I will not delay the House long in my reply. I think members will agree that the Government has been most modest in the Bill it has brought down this year. It could have submitted a measure which would have caused a great deal more debate than has been occasioned by the Bill before the House. Being practical men, however, we faced up to the facts, and the fact that has been established, so far as this House is concerned, is that it will not agree to the type of legislation that we honestly believe should be passed.

Accordingly we have, shall I say, accepted the inevitable, and have come forward with a measure which has as its basis the provisions that were granted last year, with a few minor amendments which, we believe from experience, are necessary to make this legislation more effective. If members will examine the proposals in the measure, they will agree that it is only on that basis that the Bill has been introduced. During the course of his remarks, Mr. Watson took credit for the Bill introduced last year, and for the excellent building programme during that year. He may not have intended to convey that impression, but that is the way I interpreted his remarks. That, of course, is not the position.

The fact is that ever since the war ceased, the building programme in this State has gradually been continuously geared up to such an extent that this year we have been able to produce figures which are a long way better than those announced previously. Some members may get a sense of false security because of the figures for the year just closed. But we must face facts, and the facts are that during the coming year there will be *nothing* like the building programme that we knew last year.

On one point I do agree with Mr. Watson, namely, that it is a wonderful thing that so many people are buying their own homes today. We find, however, that a curb has been put on the desires of the people who want to build their own homes. We know that until the last few months the provision of finance from banks and other financial concerns was fairly satisfactory, and people were accommodated by the financial institutions. But the same is not the case today. Because of that, we find that there will be a severe curtailment of the building programme in the year to come.

Hon. H. Hearn: To what is that due?

The CHIEF SECRETARY: I am not going into those phases because we would be here too long. The fact is that that is what is happening, and the hon. member knows it to be true.

Hon. N. E. Baxter: Not entirely.

The CHIEF SECRETARY: Because financial accommodation is more difficult to obtain today than it was six or nine months ago, there will be fewer people who will be able to build their own homes in the coming year than were able to do so in the past. This makes it all the more necessary that the legislation now before the House should be passed, because it will be required in the years to come. We know there are many people in premises today who are paying much higher rents than they ought to. That again is a brake on the amount of money they can put into their own building programme and it accordingly slows them up in the purchasing of their own homes.

We feel that the proposals in this Bill will give a fair deal to all concerned. Notwithstanding the figures quoted by Mr. Watson about the number of applications to the Fair Rents Court, we believe that that court has proved itself a great asset to the community. If a man is charging a fair rent, has he anything to fear from the Fair Rents Court? Of course he has not!

Hon. H. Hearn: Most of us cannot afford to let anything.

The CHIEF SECRETARY: We consider that the Fair Rents Court, which was experimental to a large degree when introduced last year, has proved itself. During the course of this debate, I have not heard one member trying to belittle the decisions of that court or the manner in which it has worked. Having established itself after a 12 months' trial, we feel that the court ought to be appointed permanently. Accordingly, we have provided for this permanency in the Bill.

Hon. Sir Charles Latham: You can have that permanency from year to year.

The CHIEF SECRETARY: Why should we haggle about it every year?

Hon. Sir Charles Latham: You would not need to.

The CHIEF SECRETARY: What is wrong in having a fair rents court? Even if there were no housing shortage, could anybody honestly object to the establishment of a fair rents court, particularly if he were charging a fair rental? Of course not. Members do not object to the appointment of an arbitrator to hear disputes that may arise, nor do they object to his delivering judgment on those disputes. So if they do not object to it in relation to industrial matters, why should they object to it in the case of rentals? If a tenant is satisfactory, there is no necessity to go to the court. But the provision is there in order to allow a person who believes he has been victimised by being charged an excessive rent, the opportunity of going to the court. That is a fair proposition. I know members are not objecting to its staying in the Bill—at least I hope they are not!

Hon. H. Hearn: There is always a third reading.

The CHIEF SECRETARY: I know they are not objecting to it at this stage. But the establishment of a fair rents court, and the other amendments provided will tidy up the legislation to an extent that will be satisfactory to all concerned.

For some years to come there will be a number of people requiring house accommodation. There is a very large and an increasing number of people who desire to purchase their own homes, but there will always be a section of the community that will require rental homes to be provided. To any investor in this State in any avenue that is regulated by an Act, by whatever name it is known—rent restriction, rent control or anything else—there will always be an opportunity to make a good and safe investment.

Hon. A. F. Griffith: What did you mean last year when you said you did not anticipate having to introduce a Bill this year?

The CHIEF SECRETARY: I honestly hoped at that time that there would be no need to introduce another Bill dealing with rent restrictions, but the circumstances are different today from what they were 12 months ago.

Hon. A. F. Griffith: They are better.

The CHIEF SECRETARY: Better as regards the number of houses built, but not better when we consider the greatly increased population, which requires more houses to be provided. Today there is not the opportunity for the home-seeker to obtain sufficient finance to erect a house, and the result is that quite a large number who would have commenced building had finance been available, still require the protection of this Act. For the reasons I mentioned, building by private investors has slackened off. This was not because of the existence of the Act but because of other circumstances. I am aware that a number of men engaged in the building trades, quite apart from those operating for the State Housing Commission, are looking for jobs today. The result is that the cost of home-building has gone down by £200 per house in the last few months.

Hon. H. Hearn: That is a good thing for the State.

The CHIEF SECRETARY: Of course it is!

Hon. H. Hearn: It is what we have been urging for years.

The CHIEF SECRETARY: It is an indication that less money is being invested in building private homes than there was some months ago.

Hon. H. Hearn: That question is tied up with the economic condition of the State.

The CHIEF SECRETARY: That is so.

Hon. A. F. Griffith: How would you reconcile this Bill with the Prices Control Bill?

The CHIEF SECRETARY: We shall reconcile them when the time comes. Today the position is vastly different from what it was 12 months ago. If the anticipated improvement in house-building had taken place, and if the same conditions operated today as were operating 12 months ago, the Government would have had some hesitation in introducing this measure, but unfortunately we have to face the facts, and those facts I have already outlined. I ask members to give serious consideration to the Bill. I know it is proposed to alter it so as to make the provisions similar to those which operated 12 months ago. Opposition members have the numbers in this House and can do what they like.

Hon. Sir Charles Latham: They have been increased in the last few days.

The CHIEF SECRETARY: If members opposite vote on party lines, as they have done consistently in the last 18 months, then I am wasting my breath in appealing

to them, but I am hopeful that all members will look at this Bill apart from party politics and examine the proposals contained in the measure.

Hon. H. K. Watson: That is the basis we always work on.

The CHIEF SECRETARY: That is not the case. It has got to such a stage in this Chamber that no matter how trivial a matter is moved by members opposite, it is always carried irrespective of its merits.

Hon. Sir Charles Latham: How did I vote tonight?

The CHIEF SECRETARY: The hon. member was a shag on a rock!

The PRESIDENT: Is that intended as a reflection on the hon. member?

The CHIEF SECRETARY: He did not think so. I am hoping that the reception given to this Bill in Committee will be different from that extended to a large number of other matters of a non-political nature.

Hon. A. F. Griffith: Tell us how the Fair Rents Court came into being?

The CHIEF SECRETARY: I do not know what the hon. member is referring to.

Hon. H. Hearn: He was referring to party politics.

The CHIEF SECRETARY: If the Fair Rents Court came into being, it must have been because some members opposite relented and voted with the Government.

Hon. H. Hearn: But you said we always voted on party lines!

The CHIEF SECRETARY: In the last 12 months that has been so. It has got to the stage where any motion moved by members opposite is carried irrespective of its merits. I appeal to members to give due consideration to the amendments on the notice paper. This Bill has not been introduced with the idea of adding provisions. It has been put up as a result of experience. We believe that the provisions in the Bill, together with the existing Act, will make the latter much more workable. I am aware that members will tolerate the position by voting for the second reading. I am doubtful whether they will give it their full blessing in the Committee stage, but I am optimistic enough to believe that during that stage, some improvement to the Act will be made.

Question put and passed.

Bill read a second time.

In Committee.

Hon. W. R. Hall in the Chair; the Chief Secretary in charge of the Bill.

Clause 1—agreed to.

Clause 2—Section 4 amended:

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

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

The effect of Clause 2 is to bring lodgers and lodgings under the Act. Like the 1939 Act, the present Act relates to tenancies and does not relate to lodgers and boarders. I suggest that the present is not the time to bring lodgers within the provisions of the Act so that those in charge of all private hotels, all lodging-houses, all boarding-houses and all apartment-houses can be told, "You shall, for the first time, with respect to the rent you charge to your lodgers and to the power you have over them for ejecting them and for making arrangements for tenancies of three or four days, be governed by this Act."

The clause is designed to bring lodgings within the provisions of the Act. If this were done, to take an extreme case, we would have a private hotel like the Derward included, though most of the clients are Eastern States visitors for a few days or a week, and the business of that hotel would be completely disorganised. I suggest that there has never been any doubt on this score, but in view of the fact that Clause 2 implies the existence of a doubt, we should make it clear that lodgings are definitely excluded from the Act.

The CHIEF SECRETARY: I hope that the amendment will not be carried. For years there has been doubt about the definition of "lodgings". In some instances, a little service is given and, as it was not clear that lodgers came under the Act, many people have hesitated to take action. We have had quite a number of visits from such people but, when the position was explained to them, they would not go any further. We believe that the proposal will clear up the existing doubt.

Hon. C. W. D. BARKER: If there is any section of the community that needs protection it is the people living in lodgings. They are being persecuted. I do not think the provision would apply to private hotels, where people stay for only a few days, but it would be applicable to lodgings and apartments. As the Crown Law Department considers that no protection is provided for lodgers, let us agree to this proposal.

Hon. E. M. HEENAN: This is an important amendment because of the ambiguity that has existed regarding the word "lodgings". Evidently we did not make

our intention clear previously, and there is considerable doubt whether a person who rents a room in a lodging-house is covered by the Act. There must be hundreds, and probably thousands, of such people, mostly girls and single men, who rent rooms and have their meals out. Mr. Watson referred to the Derward hotel. That is a boarding-house.

Hon. H. K. Watson: It has lodgers.

Hon. E. M. HEENAN: I think that meals are provided as well as rooms. It is not a lodging-house in the ordinary sense of the word, but is a good residential boarding-house.

Hon. G. Bennetts: You could not become a permanent tenant there.

Hon. E. M. HEENAN: Meals are provided, and I do not think that a girl or a single man could rent a room for £1 a week and have meals out. These are the people we want to protect.

Hon. L. C. Diver: The clause does not say so.

Hon. E. M. HEENAN: The proposal is to make the meaning clear by inserting in the appropriate section the words "and includes without declaration by the court a contract or arrangement for the use of lodgings".

Hon. L. A. Logan: Have you got a definition of "lodgings"?

Hon. E. M. HEENAN: I have not got it anywhere.

Hon. H. Hearn: It is not in the Bill.

Hon. L. A. Logan: It gets back to the question of lease.

Hon. E. M. HEENAN: Yes, but there is such a thing as commonsense, and there are some words which, like "night," "day," and "lodgings," in my opinion and in the opinion of many others, do not require defining.

Hon. H. Hearn: The lawyers would argue differently in a court case.

Hon. E. M. HEENAN: Surely a child up to 5th standard could say what lodgings are as distinct from boardings.

Hon. Sir Charles Latham: Could you be a lodger in a hotel or in the house you mentioned in Murray-st.? I think you could.

Hon. E. M. HEENAN: This has been drafted by someone who knows. If members are concerned about the word "lodgings," and they want to make it clear, then by all means let them do so. The main object of the amendment is to include and protect lodgers. I am sure we all agree that they are the people who have been exploited and who need the protection that this Chamber can give by amending the Act in this direction. The amendment is an important one, and I hope members will give it grave consideration.

Hon. J. G. HISLOP: I am completely in sympathy with anything that will control the letting of rooms.

Hon. Sir Charles Latham: So am I.

Hon. J. G. HISLOP: I will vote for such a proposition, but I am not happy about the term "lodgings." I am not certain that it does not mean that someone who rents a room and receives breakfast is not a lodger. An effort could be made to extend the meaning until it applied to boarding-houses and hotels.

The Chief Secretary: Hotels are excluded.

Hon. J. G. HISLOP: I know what happened during the war years when meals were price-fixed. We do not want to see that happen to people who live in rooms and receive one or more meals in the house. If the rental is fixed, the meals deteriorate. If this means that we are prepared to put down the racket that is going on in Perth in regard to the letting of rooms where an individual pays a certain amount for a house and receives four or five times its value by the letting of rooms, I will support it.

Hon. C. H. SIMPSON: The more restrictions we have, the less inclined people are to assist in the making available of accommodation. I can go to a dozen houses each of which is occupied by only one or two individuals. They would be prepared to let rooms if they were not under a misapprehension concerning the rights of rent inspectors to go into their places and say, "You are charging too much rent." In 1939 we could see, in the newspapers, columns of advertisements of rooms to let, and in any street in Perth we could see cards on the fronts of houses indicating that rooms were to let. The people were glad to have the extra money.

Today many people are scared of letting others into their houses because they are afraid of the law. As long as these restrictions apply, they will refrain from making the accommodation available. The time has come to decontrol and allow these people to make rooms available, because if more rooms are available, there will be competition in room-letting and people will not be called upon to pay these high rentals. I support the amendment.

Hon. E. M. DAVIES: I trust the Committee will not carry this amendment. People are taking advantage of the fact that there is still a housing shortage in this State. That position will continue while we have a migration policy; and none of us denies that we want migrants. Some people are making rooms available at a reasonable rental, but others are prepared to capitalise on the housing shortage and are claiming considerably more than they are entitled to.

It has been said that people are renting houses and subletting rooms and receiving a great deal more than they are paying

out in rent. I am concerned with the fact that a number of widows have been evicted from their homes—the homes have been purchased by other people, and we cannot deny them that right—and they have nowhere to live. Being a single unit, they cannot get accommodation from the State Housing Commission. Therefore they have to try to get a room. The rents charged for some rooms are prohibitive; particularly if the tenants are widows or aged pensioners. I trust the Committee will not agree to Mr. Watson's amendment, but will give these old people, in the evening of their lives, a chance to have some shelter.

Hon. F. R. H. LAVERY: I oppose the amendment because I have yet to learn that there has in the past been any legislation, as was suggested by Mr. Simpson, controlling lodgings. I just heard the hon. member say it would be better to decontrol. That is not a correct statement to make and I am sure he did not intend it that way, but it does leave the impression that the letting of lodgings by the ordinary householder was controlled in the past.

Hon. H. Hearn: He made the point that it is sought to control it here.

Hon. F. R. H. LAVERY: I want to assist to control them because many people provide lodgings for those who work in the city and get their meals in town. Many of these landlords are above reproach, but there is a group of people in this city, and to a minor degree in Fremantle and the suburbs, who own a very poor type of home and erect asbestos partitions on verandahs, buy a wardrobe or dressing-table for a couple of guineas, and then charge £3 and £3 10s. rent for that accommodation. I know of one instance where £4 is being paid for a bed on a verandah. I believe this measure is necessary to protect such people from the unscrupulous minority of lodging-house keepers in the metropolitan area. I have on many occasions in this House expressed abhorrence of restrictive controls, but I believe this measure to be necessary and hope the Committee will agree to it.

Hon. G. BENNETTS: I hope the Committee will not agree to the amendment. As Mr. Simpson said, in 1939 the times were different from the present. There are now many immigrants coming into this country, and some of them have a fair amount of money. They are being exploited by hungry householders who tip out their old lodgers to make way for the newcomers, from whom a higher rental is extorted. I also know of premises where back verandahs have been fitted with louvres and a bit of old furniture, the space thus provided being let for £3 or £4 per week. Dr. Hislop is on the right track in saying that the legislation should be continued, and I hope the Committee will agree.

Hon. A. F. GRIFFITH: Where perhaps a widow or a married couple lets a room in a private house to a business girl or man at a rental which the tenant considers reasonable, I do not think the rent inspector should interfere with the arrangement made; and in many cases he would not have the opportunity to do so, as he would have no knowledge of the position. I could take members to many houses in my electorate where such conditions apply, and I believe the amount paid by the occupier of the room is the concern only of the two parties to the contract. The only occasion where the lodger requires the assistance of the rent inspector is where the landlord or landlady makes the tenant pay much more than he should.

In the case to which Dr. Hislop referred, where a person rents a house and then sublets rooms to lodgers for a total return far in excess of the rent paid for the premises, I feel some protection should be offered to the tenants. I know that sort of thing is going on in some instances in my own electorate, and it is difficult to gauge to what extent such practices occur. That sort of thing is done by people who rank themselves as lodging-house keepers and derive an income from charging more than a fair price for rooms. If the Chief Secretary will give an assurance that the definition of the word "lodger" in this clause will protect the people in the second category which I have mentioned, I will support the clause.

Hon. L. A. LOGAN: The Minister seems to have a certain amount of support on this question. He says that lodgings are included, and Mr. Watson says they are not; and if the measure is left without an interpretation of the word "lodger" it will lead to many court actions, as no one will be competent to say what is a lodger. There are today in this city many people who have bed and breakfast and call themselves lodgers.

Hon. Sir Charles Latham: Many get their own breakfast.

Hon. L. A. LOGAN: Those who receive bed and breakfast will be in the same category as those who get a bed only, under this clause, and so a definition of "lodger" is necessary. I suggest that the Minister report progress on the clause and endeavour to include an interpretation of "lodger" by tomorrow.

Hon. N. E. BAXTER: I support the amendment. I agree that unless the Chief Secretary will report progress on the clause and reframe the provision on an entirely different basis, there will be confusion. There are in and around the city lodging-houses where extortionate charges are made. But this clause would cover not only such places, but also every room let in the city, whether in a private home, a hostel or elsewhere. Owners of reputable places, where there is no necessity for the

rent inspector to enter, should not be harassed by him. What an army of rent inspectors would be required to examine all the rented rooms around the city! It would take years unless there were a great number of inspectors. I believe the clause was intended to deal only with lodging-places where the persons concerned are receiving a large rake-off by letting rooms at high prices, and that it was not intended to refer to the private home-owner who let a room to some person under a mutual arrangement as to rent. If the Chief Secretary is wise—

The Chief Secretary: He is not.

Hon. N. E. BAXTER: If he is wise, I think he will report progress and reframe this provision. If it is reframed to cover the places where the letting of lodgings is a business, and not what one might call a favour, I think it would refer to a place where three or more rooms in one premises were let, and a definition such as was suggested by Mr. Logan should be included in the Bill. If that were done I could assure the Chief Secretary of my support.

Hon. H. HEARN: When this sort of legislation has been before the Chamber most members have said that they had no brief for people who were exploiting the lower strata of the population or those who were obliged to go into lodging-houses. I too feel that this position should be clarified. There is no definition of "lodger" in the consolidated Act or in this Bill; and unless we can have such a definition, the amendment in the Bill will make a big impact upon the accommodation position in the city. If a definition is included in the Bill, I will be prepared to support the Chief Secretary in an endeavour to see that these unfortunate people who are in the position of having to take rooms are not exploited.

Hon. H. K. WATSON: I agree with other members who have expressed the view that if the Chief Secretary asserts that his proposed amendment is not intended to apply to all lodgers, but only to a special class of lodger, it is up to him to say so by introducing into the Bill a clause to that effect. I pointed out that at the moment the clause proposes to embrace within the operations of the Act all "lodgings". It simply uses that term and thus includes lodgings of all descriptions. If it is to be restricted and only a special class included, it is up to the Chief Secretary to move an amendment to that effect.

When he spoke on the question, Mr. Heenan asked the Committee, "What are lodgings?" and then said, "Use your commonsense." He blandly dismissed it by inviting us to use our commonsense. I endeavoured to do that, and I referred to the Health Act, because under that Act lodging-houses and boarding-houses are defined and have to be registered. I would like to read these definitions for two reasons: firstly, for general information; and, secondly, to indicate that the Chief Secretary has a job ahead of him.

The Chief Secretary: He always has that.

Hon. H. K. WATSON: In the Reprinted Acts, 1950, Volume 3, Section 3 of the Health Act reads—

> "Lodging-house" means and includes any house, tent, or edifice, building or other structure permanent or otherwise, and any part of such premises (not being premises licensed under a publican's general, wayside house or hotel licence) in which persons are harboured or lodged for hire for a single night, or for less than a week at a time, or in which not more than six persons exclusive of the family of the keeper thereof, are lodged for hire or reward from week to week or for more than a week or in which rooms are let to more than two persons for living accommodation under a contract in the nature of a sub-tenancy running from week to week.

Members will notice that it expressly excludes premises licensed under a publican's general licence, the implication being that but for that exclusion a lodger would include even a person staying at a hotel.

Hon. L. Craig: It does not mention food.

Hon. H. K. WATSON: No; but now we come to the definition of boarding-house, which reads—

> "Boarding-house" means and includes any house, tent, or edifice, building or other structure, permanent or otherwise, and any part of such premises (not being premises licensed under a publican's general, wayside house or hotel licence) in which more than six persons, exclusive of the family of the keeper thereof, are harboured or lodged or board for hire or reward from week to week, or for more than a week, or provision is made for more than six persons (exclusive as aforesaid) to be so lodged or boarded: but the term does not include any premises used as a boarding school which has been approved under the Education Act, 1928-1943.

The implication is that even a boarder is a lodger; in other words, he is a lodger who is receiving board.

Hon. H. L. Roche: It is easy. Use your commonsense!

The Chief Secretary: It makes a distinction. A lodging-house is a place for up to six, and a boarding-house is for over that number.

Hon. L. A. Logan: That is for a lodging-house and not a lodger.

Hon. H. K. WATSON: If it is intended that the Bill should be confined to apartment-houses, or a special class, let the Bill say so, and say so clearly; otherwise there

will be complete chaos. The Bill will bring in all lodging-houses of the description I have mentioned. Not only will it bring them under rent control, but they will also be liable for other provisions, and the proprietor will not be able to evict or get rid of an occupier except by giving 28 days' notice and going to the court with the prospect of the court granting a three months' extension. That would make the the position ridiculous. Unless some clear definition is included, my amendment should be carried.

Hon. J. G. HISLOP: If the Chief Secretary intends to investigate the matter further, he should pay special attention to the person who leases a house and then sublets the rooms at a considerable profit. I know quite well that there are few places around the city where one can get a room for less than £3 a week. Probably two rooms of a house would pay the entire rent and the rest would be profit for practically no work at all. I am certain that it is this type of condition which members desire to control. But if we do so, I think we have to realise that we must go further and give the same protection to those who are already lodging in rooms as would be given to a person renting a house.

In other words, if the rent inspector laid down, at their request, the lawful rent of those rooms, they should be given protection from eviction similar to that given to a person who is renting a house. It is no use saying that these rents will be fixed at a certain amount by the rent inspector and the landlord then being able to say, "I will give all of them notice and start again," because that could quite well happen. What we want to do is to ensure that these people have rooms at a reasonable rental and at the same time allow the landlord a decent living.

Hon. R. F. HUTCHISON: I think I can define the meaning of a lodging-house. As Mr. Watson has pointed out, a lodging-house, under the provisions of the Health Act—and this applied when I was running a lodging-house—is a place that is used to house people for one night or two nights only. The people who conduct apartment-houses have a great deal of work in keeping the rooms, the bathrooms and the lavatories in a clean condition. I do not know how we can fix the rental for rooms when the occupier of the premises has to pay an extortionate rent to the landlord in the first place.

No one can start a lodging-house within the meaning of the Health Act without applying for a licence to conduct it. Such house, of course, would accommodate six or more people. If a licence is not taken out, the person conducting the premises can be prosecuted. The abuses that are taking place are being committed by the newcomers to this country. These people rent a house and then proceed to let one or two rooms at extortionate rentals. A woman who is conducting a lodging-house for a living earns her money the hard way.

Hon. H. K. Watson: She deserves every penny she gets.

Hon. R. F. HUTCHISON: However, any person can let a room at any rental he likes. I know many families who let a room so that they can afford to pay the rentals they are charged by the landlord. People are doubling up in one or two rooms so that they can have a room vacant to let to some other person and will be able to have sufficient money to meet the rent charged by the landlord for the whole of the premises. Every room that is let should be open to the rent inspector; but what is the use of that? If the landlord is given power to serve a notice to quit on the tenants, what advantage will that be? Many people will not complain about the rentals they are being charged for accommodation because of the fear of eviction, and virtually they have no protection.

In my opinion, a lodger is one who is accommodated casually and is not served with meals. It is foolish for members to say that the repeal of the rents and tenancies legislation has not caused any hardship. I would like them to go around and see for themselves how families are living in one or two rooms in a four-roomed or five-roomed house. The conditions under which they live are disgraceful. Today, houses in the centre of the city that were let at a rental of £4 or £5 a week are now fetching £12 10s. a week.

Hon. H. Hearn: Which buildings are they?

Hon. R. F. HUTCHISON: There are two in Victoria Avenue, and I know of dozens more around the city. That is an actual fact; and I can show them to the hon. member if he so desires. I know what a difficult task we are up against in trying to frame fair rents and tenancies legislation. Another loophole is that houses are let as business premises and the landlord is thus enabled to charge whatever rent he likes.

I do not know whether the amendment will have any good effect, but I do know that lodging-houses are strictly policed by the Perth City Council. When the previous Act was repealed many widows who were conducting lodging-houses were ruined. Because of the increase in rentals they could not afford to pay the rent being charged, and the landlord took the house over—and in many cases their furniture also at a very low figure—because the women who were conducting such places could not sell the furniture, as all the auction rooms were so full of it that the auctioneers refused to take any more. I know that there is not much we can do about this problem and people will continue to suffer.

When I was conducting a lodging-house, a lodger was considered to be a person who was housed for one night and was not a weekly tenant. The person on a weekly tenancy was protected, and could not be evicted. If a landlord charges £10 a week for a house, and a woman thinks she can pay that rental and make a small profit for herself by letting some rooms, it is quite all right; but there is no doubt she is not making a great deal out of it.

Hon. E. M. HEENAN: It has been suggested that the phraseology used in the Bill should be defined. It is easy to get into trouble by trying to define something which is obvious. Mr. Watson quoted the definitions of a boarding-house and a lodging-house as they appear in the Health Act. We are not dealing with those terms at all. The phraseology in the Bill is, "A lease is to include a contract or arrangement for the use of lodgings." A number of categories cater for people. There are hotels, which are excluded under the Act. The Bill does not say anything about boarding-houses. If I go to some place, whether it be a private home or one of these places that let rooms to young girls and single men in the city, and say, "I want a room and I want to lodge with you;" and the owner says, "Do you want board?" and I reply, "No, all I want is lodgings," the rent will be fixed. That is common practice and there are a number of people in that category.

A lot of people are supplying housing and lodgings, and a number provide breakfast or meals. A lot of homes attend to washing, but they do not come within the definition. We would only cloud the issue if we tried to define it. It is unreasonable to suggest that we are anxious to do something for these people and then go on to define them when we know who they are.

Hon. Sir Charles Latham: But the magistrate must know who they are.

Hon. E. M. HEENAN: Any magistrate worthy of the name would know what a contract or arrangement for the use of lodgings is, as distinct from the type of contract when one stays at a hotel for a day or a night or a week. When one goes to a private home and gets breakfast and washing, that is not a contract for lodgings.

Hon. Sir Charles Latham: I think it is.

Hon. E. M. HEENAN: If we said "contract for the use of board and lodgings" that would go further than we want. If anyone gets a room and breakfast, it is not a contract for the use of lodgings. It is a contract for the use of lodgings and meals.

Hon. L. A. LOGAN: The very fact that the interpretations given by Mr. Heenan and Mrs. Hutchison are at variance shows that some definition is needed.

Hon. E. M. Heenan: Mrs. Hutchison defined a lodging-house.

Hon. L. A. LOGAN: What is the difference between a lodging-house and lodgings?

Hon. E. M. Heenan: If you do not know, I cannot help you.

Hon. L. A. LOGAN: I understood Mrs. Hutchison to say that in her day when people came in for a night or two, that constituted lodgings. That is not the type of person we are trying to help or control; it is the person who has a room for weeks on end for whom we are trying to provide. I take it that the person we are endeavouring to protect under the Act is the individual who is renting a room from another person who, in turn, is renting it from the landlord and is charging an exorbitant rent. Lodgings would not cover that. There is need for a definition.

Hon. H. K. WATSON: There is a point in Mr. Heenan's remarks that appeared to raise an inconsistency. He said that if a person goes to an owner and says, "Will you let me a room?", that is lodgings and comes under the Act; but if he says, "Will you let me a room and provide me with breakfast?", that is not lodgings and does not come under the Act. If he comes under the Act by asking for a room, is it not as logical for him to come under the Act by asking for a room and breakfast? The further we delve into it, the more confused we will get.

Hon. E. M. HEENAN: I want to get this clear: If a man goes to a dwelling or a private home and wants a room or lodgings and it costs him a £1 a week—

Hon. N. E. Baxter: Where?

Hon. E. M. HEENAN: —he makes an arrangement or contract for lodgings. Another person may come along and ask for a room and breakfast, and want his washing done, which will cost him £2 or £3 a week. The latter contract is vastly distinct from the contract for the use of lodgings.

Hon. Sir Charles Latham: And it costs more.

Hon. E. M. HEENAN: It includes the cost of meals and washing, and that is something different.

Hon. H. K. Watson: It is not to be controlled.

Hon. E. M. HEENAN: No. This clause will apply only to contracts for the use of lodgings. If breakfast is included it will be considered as extra. Lodgings include the use of the kitchen, lavatory and bathroom.

The CHIEF SECRETARY: I raised the same points as were mentioned by some members this evening, as to the effectiveness of this clause. The department is of the opinion that if the powers sought in this clause are agreed to, it will be able to overcome the ramp that has existed for some years in regard to lodgings. The

ramp has increased to such an extent that the abuses are far more severe than in the case of ordinary dwellings. The Government has asked for the provisions embodied in this clause to apply only to lodgings. There seems to be a doubt as to the definition of "lodgings." In view of that I ask that progress be reported to enable me to obtain some clear definition to satisfy members of the intention of the clause.

Progress reported.

House adjourned at 11.4 p.m.

Legislative Assembly

Tuesday, 13th September, 1955.

CONTENTS.

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

ADDRESS-IN-REPLY.

Presentation.

Mr. DEPUTY SPEAKER: I desire to announce that, accompanied by the member for Murchison (Mr. O'Brien) and the member for Boulder (Mr. Moir), I waited upon His Excellency the Governor and presented the Address-in-reply to His Excellency's Speech at the opening of Parliament. His Excellency was pleased to reply in the following terms:—

> Mr. Speaker and members of the Legislative Assembly: I thank you, for your expressions of loyalty to Her Most Gracious Majesty the Queen and for your Address-in-reply to the Speech with which I opened Parliament.

QUESTIONS.

BETTING.

(a) Rejection of W. J. Bowden's Application for Licence.

Mr. CORNELL asked the Minister for Police:

For what reasons was the application of Mr. W. J. Bowden for a bookmaker's licence at Merredin rejected?

The MINISTER replied:

It is not proposed to give reasons in individual cases as to why a person did not receive a licence, but if any member presents a written authority from the person concerned to see the file, he can do so either in my office or the Betting Control Board's office.

In this instance the member for Mt. Marshall should be able to form an accurate estimate as to why the person in question did not get a licence because he saw the file of applications lodged in Merredin.

(b) Application for Licence by J. D. Fortune.

Mr. CORNELL asked the Minister for Police:

(1) Was the application for a bookmaker's licence in respect of premises at Bates-st., Merredin, from Mr. D. J. Fortune the only application submitted by him or did he previously apply for a licence elsewhere?

(2) Was it suggested to Mr. Fortune by any member or officer of the Betting Control Board that he should apply for a licence for premises in Merredin?

The MINISTER replied:

(1) Only the one application for a bookmaker's licence was received from Mr. D. J. Fortune—that for the premises at Bates-st., Merredin.

(2) No.

(c) Inspection of Premises, Merredin.

Mr. CORNELL asked the Minister for Police:

(1) When were the various premises inspected at Merredin by members of the Betting Control Board?