of thinking, that the regulations were compiled in the proper manner, and, if necessary, to employ Queen's Counsel for advice if the regulations were sufficiently important and difficult to warrant the adoption of that course.

The Premier: The Bill would not prevent the Minister from obtaining outside advice.

Hon. A. V. R. ABBOTT: That is quite right, but is would be rather curious to obtain outside advice and then get someone in the department to do the work again and submit it to the Minister. However, I do not propose to delay the House any longer. I support the principles of the Bill, and when it reaches the Committee stage, I shall move an amendment with a view to giving effect to the suggestions I have made.

MR. MOIR (Boulder) [8.51]: When the Minister replies to the debate, I should like him to give an explanation of Clause 10, which reads—

> Regulations reprinted pursuant to the provisions of this Act are not required to be laid before each House of Parliament as provided in Section thirty-six of the Interpretation Act, 1918-1948, and they may from time to time be revoked or varied by way of substitution, addition, or otherwise in accordance with the provisions of the respective Acts under which they were made.

I wish to be informed whether it would be possible for regulations to be amended in any way by the omission or addition of words without their being tabled, as regulations have to be tabled at present.

On motion by Hon. J. B. Sleeman, debate adjourned.

BILL—WAREHOUSEMEN'S LIENS ACT AMENDMENT.

Second Reading.

Debate resumed from the previous day.

Hon. A. F. WATTS (Stirling) [8.53]: I have had a look at the Bill, and I can find no objection whatever to the proposals it contains. It seems to me, as the Minister has said, that it is perfectly reasonable that the period of twelve months should be reduced to six. I therefore support the second reading.

Question put and passed.

Bill read a second time.

In Committee.

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

House adjourned at 8.56 p.m.

Legislative Council

Thursday, 22nd July, 1954.

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

QUESTION.

THE CHIEF SECRETARY.

As to Anniversary of Birthday.

Hon. C. H. SIMPSON (without notice) asked the Chief Secretary:

(1) Has his notice been drawn to an announcement in today's Press in regard to his celebrating his 60th birthday today?

(2) Is he aware that it gives every member of this House very much pleasure in congratulating him on that event?

The CHIEF SECRETARY replied:

(1) and (2) Unfortunately quite a few members have drawn my attention to the notice in today's Press; but I do very much appreciate the sentiment and good wishes behind the question asked by the hon. member.

BILLS—(4)—FIRST READING.

1, Stamp Act Amendment.

2, Public Works Act Amendment.

3, Inspection of Scaffolding Act Amendment.

4, Warehousemen's Liens Act Amendment.

Received from the Assembly.

BILL—RENTS AND TENANCIES EMERGENCY PROVISIONS ACT AMENDMENT.

In Committee.

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

Clauses 1 and 2—agreed to.

Clause 3—Section 4 amended:

Hon. C. H. SIMPSON: I move an amendment—

> That the word "Court" in line 4, page 2, be struck out.

This amendment has application to the question whether a fair rents

court shall be established or not, and a number of amendments which appear on the notice paper are also concerned with that question. On various occasions, when this proposal has been submitted, we have voiced the view that a specially constituted court would be one that could do nothing that the present tribunal does not do. The system in operation is that one magistrate attends a court and hears applications, which receive exactly the same treatment as would be given them by a special tribunal.

If a fair rents court were established, obviously the presiding magistrate would be a man with a good deal of experience and knowledge of this question. At present, two magistrates preside at our courts who have exactly those qualifications: namely Mr. McMillan and Mr. Dougall. The Bill provides that, in addition to the magistrate, there shall be two assessors. But we think that they are unnecessary, particularly in view of the fact that this is a temporary measure which envisages the time when such a court will no longer be necessary. As the present system has been satisfactory, and as the time is drawing near when we can look forward with some confidence to the cessation of these controls, we hold the view that the need for a special tribunal does not exist.

It has been said that in connection with arbitration matters there is a tribunal of the same character as that proposed in this case. But the Arbitration Court is constantly dealing with employer-employee relationships, and matters are constantly before it that require adjustment. I suppose that, in a way, the Licensing Court or the Traffic Court could be deemed to be of the same character as the proposed tribunal. But they, too, deal with matters that are part and parcel of our everyday life. The rents legislation being a temporary measure, we suggest that the need for a special court to deal with the matter does not exist.

It will be remembered that, when speaking on the second reading recently, I quoted extensively from a well-drawn-up report which had been prepared by experts—on the question of controls. They suggested that controls prevented rather than assisted a solution of the housing problem. I remind members of what I said then: that people who have homes with only one or two occupants would, if controls did not exist, be quite prepared to make portions of those homes available to others, but will not do so because they do not relish the idea of a court officer having the right to interfere with what they regard as their normal course of life. I also pointed out that back as far as 1939, and previously, many people were only too pleased to derive a little extra income from making part of their houses available for use by those who required accommodation.

There is a tendency for tribunals constituted in the way suggested to become permanent, and I think that would be a retrograde step. For those reasons, I have submitted my amendment.

Hon. G. BENNETTS: I do not agree with Mr. Simpson. I consider a fair rents court is necessary. Only yesterday, an ex-Kalgoorlie man, who has given this matter considerable study, told me that he had two homes in Fremantle. He retired from the Goldfields and came down to take possession of his home at Fremantle, with a view to living in it, and had difficulty in obtaining possession. He went to the court and was informed that he would have to get a solicitor to act on his behalf. I consider that the existing court provides a harvest for solicitors. This man had to pay £14 to a solicitor, who told him that it was necessary to employ a bailiff, and that he had to find another £6 for that purpose.

The other day I quoted a letter from the Kalgoorlie Municipal Council which discussed this matter at its meeting on the 7th July. I will read the letter again in order to refresh members' minds. It is as follows:—

> At the meeting of my council held last evening, it was reported that the proposed legislation to deal with the abovementioned subject made provision for a fair rents court in Perth and that no provision whatever was made for the country areas.
>
> My council has directed that I write to all the goldfields parliamentarians and draw their attention to this matter with the object of having this omission rectified.

That indicates that the Kalgoorlie Municipal Council is of the opinion that a fair rents court should be established. I think such a court would be the best means available for a person to have his case dealt with cheaply. These gentlemen would only act in connection with housing. The proposed court is a necessary court, and I hope it will be established.

The CHIEF SECRETARY: I hope the amendment will not be carried. It is unfortunate that it has been moved at this stage, because the whole of the debate on the question of the court will have to take place on this amendment; and if it is carried, the definition of "court" will come out of the Bill, so that any other amendments affecting the court could not be made.

Hon. H. K. Watson: Do you suggest that the clause be postponed?

The CHIEF SECRETARY: Yes; that the amendment to the clause be postponed until we have discussed the court, and the Bill can be recommitted at a later stage.

Hon. C. H. SIMPSON: I am quite prepared to agree to the suggestion of the Chief Secretary to postpone the clause. I ask for leave to withdraw my amendment temporarily.

Amendment, by leave, withdrawn.

On motion by the Chief Secretary, further consideration of the clause postponed.

Clause 4—Section 5 amended:

Hon. H. K. WATSON: May I suggest that this clause also be postponed, because Mr. Simpson has an amendment to it that presupposes that the court is going out?

On motion by the Chief Secretary, clause postponed.

Clause 5—Section 7 amended:

Hon. C. H. SIMPSON: Clauses 5 to 9 deal with the constitution of the fair rents court, and I suggest that the same course be adopted in connection with them.

The CHIEF SECRETARY: No; we can go on with these clauses, because Clause 5 will permit of a full debate in connection with the court.

Hon. C. H. SIMPSON: I have asked that these clauses, which refer to the setting up of the court, be deleted, and what I have said on Clause 3 applies with equal force to Clause 5, which I oppose.

The CHIEF SECRETARY: I hope the clause will be carried as printed. We believe that a court of this description should be constituted, at least while the Act is in operation. It has been said that the court would be a permanent one, but that is not so, because it would lapse when the Act went out. If it were intended to make the court permanent, that would have to be done by some other measure.

I am surprised at the version given in the correspondence Mr. Bennetts has received from Kalgoorlie. Unfortunately not only outside this Chamber, but within it, too, a number of these clauses are not correctly interpreted. The interpretation of the Kalgoorlie Municipal Council is entirely wrong, because provission is made in the Bill for the creation of a court in any other part of the State, if deemed necessary. If the number of cases at Kalgoorlie warrant it, a court can be created by the Minister.

Hon. N. E. Baxter: How many cases would you consider would make it necessary to establish a fair rents court?

The CHIEF SECRETARY: I do not know; that would have to be judged on the information supplied. The intention is that wherever possible, throughout the State, applications will be dealt with by the ordinary courts. If there were too many applications in a particular area, consideration would be given to the establishment of a court similar to the one proposed in the Bill.

Hon. G. Bennetts: The Kalgoorlie Council thinks it is very necessary.

The CHIEF SECRETARY: I am pleased it has gone that far. I purposely wanted to debate this clause, because we have heard so much about compromise, and it was impossible to compromise earlier. I wanted to deal with a clause where it would be possible to give consideration to suggestions.

The other day Mr. Griffith asked me would I give an indication as to whether I would accept Mr. Watson's amendments. If I had accepted them, I might as well have torn up the Bill; and I will prove my statement. No alteration is suggested to the front page of the Bill; but, as a result of the hon. gentleman's amendments, about four-and-a-half lines would be left on the second page, and practically nothing at all on the third page. Nothing would be left on the fourth and fifth pages, but there would be an amendment inserted in lieu on the latter page. The same applies to the sixth and seventh pages, and also the eighth; but on this page it is proposed that an amendment be inserted in place of what is deleted. Nothing would be left on the ninth and tenth pages and on approximately half of the eleventh page there would be about four lines.

Hon. H. K. Watson: Which gets back to my point that all that was required was a short Bill of two small clauses instead of a complicated one such as this.

The CHIEF SECRETARY: Yet Mr. Griffith wanted an assurance from me as to whether I would accept all of Mr. Watson's amendments.

Hon. A. F. Griffith: I said nothing like that; but I will speak later.

The CHIEF SECRETARY: If I had given that assurance, it would not have been a Government Bill, but Mr. Watson's Bill. Yet members speak of the olive branch being extended. We are supposed to be the Government of this State, and this Council is supposed to be a House of review. What a wonderful way to review a Bill!

Hon. N. E. Baxter: The wording that was deleted is superfluous, anyway.

The CHIEF SECRETARY: There is no doubt it must have been regarded as superfluous! I have pointed out what would be left of the Bill if we agreed to Mr. Watson's amendments, and members can realise that I could have nothing to do with them.

Hon. H. K. Watson: May I suggest that Clause 5 is of a fairly restrictive character? There is not much in that.

The CHIEF SECRETARY: It leads up to the formation of the fair rents court, and the whole argument on the constitution of that court can take place on this

clause. We believe that the time is ripe for this court to be established. It would act in the interests of the landlord as well as in the interests of the tenant.

Hon. C. H. Simpson: Could it do anything that the present tribunal does not do?

The CHIEF SECRETARY: Yes; I think it could. Firstly, it could expedite decisions. Also it could give more expert decisions than those made by a magistrate, because it would be a court specialising in this question. We all know that if a person specialises in something he must become expert.

Hon. C. H. Simpson: You have that now with two specially trained men.

The CHIEF SECRETARY: The decisions of those two magistrates vary greatly, and I think that is one of the main reasons why we should establish this fair rents court. If that is done, we will find that the decisions throughout the metropolitan area will be consistent. By that, I do not mean that the court would fix the same rent for a four-roomed house in Nedlands as it would for a similar house in South Fremantle.

Hon. A. F. Griffith: Would the court be able to travel through the country?

The CHIEF SECRETARY: Yes; I think so.

Hon. A. F. Griffith: What about the Minister's power?

Hon. H. Hearn: It will be a travelling court, will it not?

The CHIEF SECRETARY: That is not included in the Bill.

Hon. H. Hearn: But, if necessary, it would go to the country, would it not?

The CHIEF SECRETARY: It depends on how busy it was in the metropolitan area. It would be preferable to send the same court to other parts of the State, because its personnel would be trained to deal with rents. I suggested the appointment of two other persons apart from the magistrate, because I thought that would suit members.

Hon. L. Craig: You do not mind if a magistrate is left on the court by himself?

The CHIEF SECRETARY: I do not want to be premature in giving that assurance, but I would give consideration to that aspect. We believe that those two men would prove to be of great assistance to the magistrate, because the nominee of the Minister would be a man of wide knowledge, and I assume that the person selected by the Real Estate Institute would have great knowledge of values. They could not help but be of considerable assistance to the magistrate.

Hon. C. H. Henning: Are you dealing with Clause 7 or Clause 5?

The CHIEF SECRETARY: I am dealing with Clause 5.

Hon. C. H. Henning: You are putting the cart before the horse.

The CHIEF SECRETARY: We might as well have a full debate on this clause, because we are dealing with the constitution of the court under it.

Hon. H. K. Watson: No; it is dealt with in the next clause.

The CHIEF SECRETARY: I admit that the magistrate only is referred to in this clause, but it amounts to the same thing. The appointment of this court would prove to be in the interests of everyone. I hope the clause will be agreed to.

Hon. A. F. GRIFFITH: First of all, I want to repeat what I said to the Chief Secretary by way of interjection. I did not say that I desired the Chief Secretary to accept all of Mr. Watson's amendments. I tried to get the Chief Secretary to give us some indication how far the Government would be prepared to go with the amendments, so that we would know whether there would be any chance of compromise.

The Chief Secretary: I am sorry if I misunderstood the hon. member.

Hon. A. F. GRIFFITH: That is quite all right. I merely wanted the Chief Secretary to be clear on that point. In spite of the Chief Secretary's assurance, I cannot see how the establishment of a fair rents court would achieve anything more than is being achieved at present, especially if it is envisaged that the same magistrate will hear all the cases. If the Minister has power to set up courts in the country, I do not think it possible for the same magistrate to hear all the cases. Has the Government any doubt that the Real Estate Institute will not nominate an assessor to sit on this court? If not, why must the proviso that if such an assessor is not nominated the Government may appoint such other person as it thinks fit, remain in the Bill?

The Chief Secretary: As a necessary safeguard. The Government thinks that the Real Estate Institute will nominate an assessor.

Hon. A. F. GRIFFITH: That being the case, the substance of the first few words of the clause is unnecessary.

The Chief Secretary: I think the proviso is necessary, and we want it to remain.

Hon. A. F. GRIFFITH: What does the Government think about the idea of having a magistrate deciding these cases on his own without the assessor?

The Chief Secretary: We prefer the clause as it is.

Hon. A. F. GRIFFITH: The debate in another place indicated that the Government was prepared to accept a court in which a magistrate sits alone.

The Chief Secretary: That is not so.

Hon. A. F. GRIFFITH: That is reported in "Hansard."

Hon. H. K. WATSON: I do not oppose this clause, because the principal debate on whether there should be a court and its constitution will arise on Clause 6. Therefore I shall vote in favour of Clause 5, but without prejudice to my right to oppose Clause 6; that is to say, without prejudicing my right to vote against the creation of any court. That is the logical way to deal with the court and its constitution.

Clause put and passed.

Clause 6—Sections 7A and 7B added.

Hon. H. K. WATSON: Mr. Simpson has indicated his intention to oppose this clause, and so do I. I do not see any necessity, when we have reached this stage of unwinding controls, for departing from the court which has been available since 1939. In 1950 Parliament granted an increase of rent. At the time many owners, particularly of flats, were applying to the court for an increase in rent, and it was quite customary for the magistrate to hear from 20 to 40 applications in a morning.

The rent inspector and the Chief Secretary appear to have overlooked the method of determining rentals of flats. The method is simple. The value of the block of flats includes the capital value of the land, and the capital value of the building. The total is the overall capital value, and this is divided by the number of units which constitute the flats. The result is the correct rental fixed automatically. Such a determination does not require a week or a fortnight, once the basic figures are available. If during the operation of the old Act—when rents were held hard, and when every increase had to go before a magistrate—the magistrate could deal with them all, without our setting up a special fair rents court, surely it is equally possible for him to do that today.

I mentioned the other night 3,000 cases which had come to my notice and which can be taken as a very fair cross section. In those 3,000, fewer than 30 tenants refused to agree. Of the 3,000 cases, in 2,970 there was mutual agreement between landlord and tenant on a fair rental. Of the 30 which did not agree, three or four decided to go to court. Inasmuch as this Act stands, and even as amended by the Bill, providing for tenants and landlords to agree on a rental; and inasmuch as they have agreed very largely in the manner I indicated, I cannot see the necessity for a fair rents court. Ten years ago there might have been some justification for it. Having regard to the work envisaged ten years ago, I would not have opposed such a court; but I cannot support Clause 6.

Hon. C. W. D. BARKER: I am in favour of this provision in Clause 6. It is not as simple as Mr. Watson said to value a block of flats by dividing the capital cost by the number of units and so determine the rental. I know that some flats in St. George's Terrace are situated on land worth £1,000 a foot. If we divided the capital cost by the 12 flats making up the block, the rental would be astronomical.

What the Government asks for is the power to determine a fair and reasonable rental. The fair rents court would enable determinations to be made much quicker than at present. The assessors representing the Real Estate Institute and lessees would only act in advisory capacity to help the magistrate in his decision. They would have no other influence on the verdict. The Chief Secretary has indicated that the court would be only a temporary one, to last for the duration of the Act. I feel it is urgently needed because, with a court dealing specifically with these cases, we would have a better set-up. The court would become expert and give worthwhile decisions.

Hon. H. K. WATSON: The Chief Secretary has given statistics regarding the number of summonses issued for the recovery of premises and the number of eviction orders issued by the court. Can he tell us how many applications for an increase or a decrease of rent have been lodged with the court by landlords or tenants during the past six months and during the past month? If we had that information, members would be assisted to make up their minds. I express the view that there are not more than a dozen, and not likely to be more than 30 or 40 in the next six months.

Hon. E. M. HEENAN: Mr. Watson has supplied good reasons for having a fair rents court. I doubt whether there are many applications for the court to fix fair rents, because tenants are afraid to make application. Why should anyone fear a fair rents court? The name itself should appeal to members, because we are all striving to provide for a sufficient rent but not an exorbitant one. If the court were constituted with a good magistrate, helped by two assessors, it should be able to arrive at a fair thing for both parties.

Such a court would have the great advantage of gaining experience as it went along. It would adopt a formula that would be applied generally; but if the matter were left to individual magistrates, we would probably have a dozen different interpretations. That is why we have a court confining its attention to the important matter of licensing throughout the State. Members of that court have become skilled in the administration of the Act and in the standards that should apply when granting licences.

There is great scope for a fair rents court at present. Mr. Watson said he might have agreed to one being appointed 10

years ago. I cannot see that the position has changed so vastly that he cannot agree to the proposal now, because there is still a shortage of homes and the time is surely ever opportune for a fair thing to be done, which is all such a court would do.

I can tell members why there are not many applications to the court for the fixing of rents, and shall show the circumstances under which landlords and tenants agree. An individual renting premises in Perth at £34 a month was told on the 16th June that the rent would be raised to £78 a month as from the 1st July.

Hon. H. Hearn: What was the accommodation?

Hon. E. M. HEENAN: Good offices. The rent was stated to be in accordance with the valuation supplied by a sworn valuer. The important part of the communication to the tenant was—

> We would appreciate your concurrence with this increased rental by signing the agreement at the foot and returning same to us not later than the 24th instant.

Then follows this paragraph—

> I agree with the above increase of rental operating from the 1st July.

Hon. H. Hearn: Is there anything wrong with the amount of money?

Hon. E. M. HEENAN: I do not know.

Hon. H. Hearn: Then there is no point in it.

Hon. E. M. HEENAN: Prima facie, an increase from £34 to £78 a month seems very steep.

Hon. H. Hearn: It is only 120 per cent.

Hon. E. M. HEENAN: I cannot say whether it was fair or unfair, but some tribunal should be able to adjudge on that point. I should not like to take the hon. member's word for it; nor would I say that the landlord was avaricious, but the increase is certainly abnormal.

Hon. H. Hearn: It is in keeping with the depreciation of the Australian £ in the period under review. That is my point.

Hon. E. M. HEENAN: I am not going to discuss that.

Hon. H. Hearn: We have heard a lot about currency depreciation.

Hon. E. M. HEENAN: I am dealing with the agreement. On the 22nd July the tenant received a letter stating that the agreement of the 15th June must be completed and returned not later than the 24th, otherwise application would be made for eviction. The tenant was asked to treat the matter as urgent, and he signed the agreement. I doubt whether a document signed in those circumstances contains all the elements that one should expect. An agreement to be worth the name should be one entered into without any threat or any interference with the willpower of the party concerned.

Hon. N. E. Baxter: You would not call that duress, would you?

Hon. E. M. HEENAN: A number of people have entered into agreements like that, and they should not be forced to do it. They signed them because they did not want to be ejected from their homes or their offices, and it is that state of affairs especially which justifies the appointment of a fair rents court. It is one of the most beneficent provisions in the Bill. I can understand opposition to some of the other provisions, but I cannot understand why an owner who has premises should be afraid to go before the court. I would certainly prefer to have one court; and I would not like to go to a magistrate in one part of the State who might be biased one way, or a magistrate in another part of the State who might be biased the other way.

Recently, I was speaking to a man from Adelaide. He knew a good deal about real estate, and he said they had such a court in South Australia but they must be particular that they pick their magistrate. That is not unusual, and there is nothing wrong with it. If Mr. Hearn were a magistrate—

The Chief Secretary: I would not like to go before him.

Hon. E. M. HEENAN:—I am sure he would be perfectly honest. But he has certain views; and I am sure that he would give a decision, on a certain set of circumstances, different to that given by, say, Mrs. Hutchison.

Hon. H. Hearn: Surely you are not arguing that they are biased!

Hon. E. M. HEENAN: I think there is great virtue in having one court rather than a dozen.

Hon. H. K. Watson: But this clause visualises several courts.

Hon. E. M. HEENAN: I know that others can be appointed, but I do not think there will be so many applications. The Licensing Court handles applications from all over the State. People who enter into agreements in circumstances such as I mentioned should have some recourse, and there should be some appeal from certain rents that have been charged—or at least an investigation. If a man had the good sense to buy a property for £5,000 ten years ago, and that property is now worth £20,000, he should not be forced to have his rents fixed on the basis of £5,000.

Hon. L. Craig: That is sensible; that is the whole basis of it.

Hon. E. M. HEENAN: It is logical, and we must admit things like that.

Hon. L. Craig: Of course we must!

Hon. E. M. HEENAN: I know a person who had the good fortune to buy a home ten years ago, and I am sure it applies to all of us. If we sold today, we would want—

Hon. H. Hearn: Today's prices.

Hon. E. M. HEENAN: —more than we paid ten years ago, because houses today, in most cases, are worth a lot more. All sorts of factors must be taken into consideration by experts; and if a good magistrate and two good men are appointed, no one should have any complaints.

The CHIEF SECRETARY: I have been asked to accept some amendments to this clause. Before deciding on the constitution of this court, we gave it careful consideration and finally adopted what is now to be found in the Bill. Before I give consideration to an alteration, I want some pretty good evidence to show that these people are not required. We think they would be of great value in the court.

By interjection, Mr. Griffith asked about the Real Estate Institute. Some objection seems to be taken to the fact that under certain circumstances the Minister would make the appointment of the real estate representative. I would be surprised if that set of circumstances occurred, because, particularly during the special session, we were told of the wonderful co-operation that we could expect from the Real Estate Institute.

Hon. A. F. Griffith: I asked you whether you had any doubts about co-operation from the Real Estate Institute.

The CHIEF SECRETARY: I have not; and I have had no indication, in any shape or form, that it would not be prepared to co-operate. The institute went out of its way to prepare a formula regarding fair rents. The hon. member seems to be a little worried because, although we have no doubts, we still include this wording in the Bill. What would members say if that was not in the measure and, after the Bill was passed, the institute refused to co-operate? It is a safeguard; it has not been put there because we think that we will not get co-operation. I would be surprised if we did not receive it.

Hon. L. CRAIG: As Mr. Simpson pointed out a few minutes ago, today is the Chief Secretary's birthday, and a spirit of goodwill and compromise seems to be permeating the Chamber.

Hon. H. Hearn: I wondered why I felt warm!

Hon. L. CRAIG: So I think we should make some suggestions that will be acceptable to the Chief Secretary. The principal part of the clause is the proposed new Section 7B, regarding the constitution of the court. I do not think there is much difference between us regarding whether we should call it a fair rents court or anything else. If it will satisfy the masters of our friends opposite, and they think it will have some public reaction and give the public some satisfaction to call it a fair rents court, let us do so, by all means. But let it be constituted in the same way as all our other courts are constituted, with a magistrate or a judge. If the Chief Secretary wants to call it a fair rents court, let him do so. Let a magistrate be seconded for that purpose. We can tell him what his job is; and when the applications cease, he can return to his ordinary duties. We have always had confidence in the magistrates to sum up and dispense justice to all concerned. We have not asked anybody to assist them, except by way of evidence for or against the tenant or landlord that is submitted in the ordinary way.

The Chief Secretary: A number of justices of the peace assist.

Hon. L. CRAIG: The justices of the peace only attend for the purpose of learning with a view to taking minor cases themselves.

The Chief Secretary: They sit on the Bench.

Hon. L. CRAIG: A magistrate can have somebody who is an expert to give advice. As we know it, the Arbitration Court is only a nominal one. The employers' and employees' representatives cancel each other out and save a lot of expense and time.

The Chief Secretary: This is still arbitrating.

Hon. H. K. Watson: The Arbitration Court fixes a minimum wage. Will this court fix a minimum rent?

The Chief Secretary: No; a maximum.

Hon. L. CRAIG: We differ only on the court; and if we want to give away something to get something else, I suggest we give away the name of the court. Let it be established as the fair rents court and call it such. It would be better run by a magistrate who would be selected by the Government.

The Chief Secretary: What is the objection to the other two members?

Hon. L. CRAIG: We might say: What is the need for them? Magistrates dispense all other forms of justice, and I do not think they would be incapable of dispensing justice between landlord and tenant; it would be no different from what they are doing every day. If the Chief Secretary agrees on that point, we might agree to call it a fair rents court. It might create confidence in the minds of people who are loth to attend a public court. Seeing it is the Chief Secretary's birthday, I think we might go that far.

Hon. C. H. HENNING: I agree with the remarks made by Mr. Craig. I do not think the setting up of the court is vital to the whole Bill. I see no reason why it

should be set up. The difference we have, of course, is as to the constitution of the court. In the Bill there would be the magistrate as referee, the person representing the tenant, and the representative of the landlord. The evidence could be given in the normal way. A magistrate is well up in his job, and could give a decision either for or against the landlord or tenant. I think the suggestion made by Mr. Craig is reasonable and would meet the Government halfway.

Hon. L. A. LOGAN: I do not think the Chief Secretary has given any reason why the Act should be amended by bringing in a fair rents court. The Chief Secretary said that we should submit evidence why such a thing should or should not happen. He must have some reason for wanting to alter the Act. Up till now he has not given it. Some say it would be easier for the tenant or landlord to go to a fair rents court. I cannot see that it would be any easier than it is for them to go to the court today.

Hon. C. W. D. Barker: People have a horror of public courts.

Hon. L. A. LOGAN: It would still be a court under a magistrate, no matter what it was called.

Hon. C. W. D. Barker: A fair rents court is different.

Hon. L. A. LOGAN: There is no difference. I was surprised when Mr. Heenan said we have to be careful in picking a magistrate because he might be biased. That almost turned me against this Bill, as I felt that the Government could very well appoint a biased magistrate.

Hon. F. R. H. Lavery: Mr. Heenan was referring to South Australia.

Hon. L. A. LOGAN: He also mentioned other places, and his remark was general.

Hon. A. F. Griffith: What is the difference between a magistrate in South Australia and one anywhere else?

The PRESIDENT: Order! I would ask members to allow Mr. Logan to continue his speech.

Hon. L. A. LOGAN: Despite the fact that the Chief Secretary has not given us a reason why the Act should be altered, I am prepared to agree to a fair rents court provided it is constituted under a magistrate. There is no need for the other two representatives. They will nullify each other. If we took a vote on this clause now, we would have to vote against it, because if we passed it we would be in a spot. If we agree to a magistrate only, then we cannot pass this clause as it is.

I suggest that the clause be deferred, because a vote on it would cover the entire make-up of the court, and I might have to vote against it. I am prepared to give the Chief Secretary an opportunity of altering the set-up of the fair rents court, though I must say I do not see any reason for it. The Chief Secretary has not answered the question put by Mr. Watson as to the number of cases that would appear before the court. The court should be established under a magistrate only, and if fair rents courts are to be established throughout the State, they should be on the same basis.

I did not quite follow the Chief Secretary's reasoning when he said that the magistrate of the fair rents court would have a better knowledge of fair rents than is possessed by those engaged under the present set-up. Three or four magistrates have been handling these cases for the last five or six years, and they know all about the business. If we appoint another magistrate to a special court, he will have to learn the job, and it will take him 12 months to do so. We have been told that this provision is required for only 18 months. So it will take him 12 months to learn the set-up, and he will operate for only six months thereafter.

Hon. G. Bennetts: Let us take one of the present magistrates and appoint him to the court.

Hon. L. A. LOGAN: That is what I am suggesting. Let us take one of the present magistrates and constitute him a fair rents court. Then we would have the same position as prevails today.

The Minister for the North-West: That is your compromise, is it?

Hon. L. A. LOGAN: Yes. Is it not fair enough?

Hon. R. J. Boylen: Except that it is not a compromise.

Hon. L. A. LOGAN: I think it is. That is what it gets back to. We are asked to alter the Act on the ground that an alteration is vitally needed. I say it is not. I hope that in a spirit of compromise the Chief Secretary will defer this matter in order to enable suitable amendments to be placed on the notice paper.

Hon. H. HEARN: I think that we can make it clear why this court should consist of a magistrate only, by comparing it with the Arbitration Court. Members know that, without special permission, no trained lawyer can appear in the Arbitration Court. That is the basic reason why employer and employee representatives were originally appointed to the court: to assist the laymen—whether union secretaries or secretaries of associations—to carry on the work. The only result from the appointment of two assessors to a fair rents court would be that one would cancel out the other. If there should be a big rush of cases—and I am sure the Chief Secretary would have told us if there had been a huge waiting list—the seconding of one of the present

magistrates to a fair rents court would surely be a happy compromise that would meet the situation.

Hon. G. BENNETTS: The Arbitration Court set-up is the one that would be best for the proposed fair rents court, because it would save an individual from having to pay high fees to a solicitor to fight his case. Many do not go to the present court for that reason. There is an unbalanced position as between the landlord and the tenant, one being in a position to pay an expert to fight his case in court against the other, who cannot afford to have a lawyer appear for him.

If a fair rents court were set up, we could take one of the present magistrates and could give him the full-time job of presiding over that court. He would concentrate on the fixation of rents only. He would be a full-time magistrate, and the two proposed assessors would acquaint themselves with what was required of them, and that would be the best means of overcoming the present difficulty. What Mr. Heenan was striving after when he mentioned South Australia was that some magistrates might not be experienced in housing matters—

Hon. H. Hearn: He did not mention South Australia in that connection. You have all misinterpretated his remarks.

Hon. G. BENNETTS: It could happen in any State. There could be a man of no experience appointed to sit in judgment, whereas the present magistrates would be experts.

Hon. H. K. WATSON: If this provision is to be varied as suggested, and the proposed court made to consist of a magistrate only, I suggest that some member should move to delete the words "three members" appearing in proposed new Section 7B. If there is to be a variation, substantial consequential alterations will be necessary throughout the Bill. I therefore suggest that there should be a test vote on the proposal to delete the words "three members" and substitute "one member." We could then vote on the clause as it stands on the understanding that the measure be recommitted for a consideration of such further alterations as the Chief Secretary may have. If the Chief Secretary permits a test vote along the lines I have suggested, he can recommit the Bill with consequential amendments.

The Chief Secretary: I am agreeable.

Hon. C. H. SIMPSON: At the outset I made it clear where I stood on the question of the constitution of the fair rents court. I said that while a tribunal was necessary, this proposal would do nothing to improve the present system. Now that opinions have been voiced in favour of a fair rents court, I would put the matter in reverse and say that I do not think any good or harm would be done by calling the tribunal a fair rents court, with the magistrate actually performing the functions undertaken by the present magistrates.

I agree with what Mr. Watson has just said, and had intended asking the Leader of the House if he would report progress on this clause, so that proper amendments to put into effect what seems to be the intention of the Committee might be submitted in order and in due time.

It was stated by the Chief Secretary that he would give this proposal consideration, but he wanted some good reason why the two assessors should be dispensed with. Several reasons could be advanced. One is that, in view of the prospect of an early termination of controls, there is no need to build up the court by the addition of two men. The second is that the two assessors would cancel out each other. The third reason—and this is more substantial and important—is that once a tribunal is constituted, there is a tendency for it to strive its hardest to remain in existence.

I have lively recollections of what occurred when I was Minister for Railways. A committee was appointed to supervise the implementation of the recommendations in connection with the A.S.G. engines. Mr. Wallwork was chairman of the committee, and I am satisfied that he could have done all the work. The committee consisted of Mr. Wallwork and a representative of the Railways Commission, and one of the Loco. Enginedrivers' Union. After some months, Mr. Wallwork reported that the recommendations had been substantially implemented; and, as a decision had been made to retire half the engines immediately, and half later, he was of the opinion that the committee should be disbanded. Members would be amazed at the pressure that was brought to bear upon me, as a new Minister, to keep the committee in operation.

Finally, thinking that to agree might have a good effect, I consented. It only meant that one representative, in particular, used to be relieved of his ordinary work, and would get a fee for the day equivalent to about one-and-a-half times his ordinary pay; and during that time he was in a position to dictate to those who were his normal bosses. That is different in many ways from the tribunal suggested; but it is the same inasmuch as people who had been appointed to a particular body found all sorts of ways and means to continue the functions of that body.

Hon. H. Hearn: Just the same as we would not like to be abolished here.

Hon. C. H. SIMPSON: Maybe. I am firmly of the opinion that to meet what I believe is a temporary need, a magistrate could perform the necessary functions as a magistrate does now. I repeat my suggestion that progress be reported on this clause so that the necessary amendments

can be put on the notice paper and consideration given to them at the next sitting of the House.

The CHIEF SECRETARY: I see no need to report progress. I think Mr. Watson's suggestion, that we take a vote on the constitution of the court, is a good one. I can continue with the Bill no matter what the result of the vote. I hope members will agree to the clause as it stands. I have heard no reasons why the assessors would not be of value.

Hon. C. H. Simpson: I think I gave some just now.

The CHIEF SECRETARY: They did not sound very convincing to me.

Hon. A. R. Jones: You are hard to convince.

The CHIEF SECRETARY: It has been said that the assessors would be of no value. A magistrate ordinarily in the court has to interpret the law.

Hon. A. F. Griffith: Not always.

The CHIEF SECRETARY: What happens is that someone has committed an offence under the laws of the State, and the magistrate has to adjudicate; but in this case the magistrate is dealing with something that is not law in the true sense of the word. He has to determine what is the value, from the rental point of view, of a particular property; and, according to his assessment, so he will award a fair rent. That is entirely different from interpreting the law.

Hon. H. Hearn: Do you suggest that in the last two or three years the operations of a magistrate alone have not been satisfactory?

The CHIEF SECRETARY: I have not examined them closely enough to know. I would think that the presence of a real estate man who could help the magistrate in arriving at a reasonable valuation, together with someone representing the tenants, would be of great assistance. These two people would not always be at each other's throats. I have not heard a convincing reason for dropping the assessors. I would much prefer to let this go to a vote, and then we can adjust matters.

Hon. A. F. GRIFFITH: I understand it is the Government's intention to send this magistrate round the country.

The Chief Secretary: Yes, if necessary.

Hon. A. F. GRIFFITH: If the court is constituted as suggested here, his two colleagues would have to be sent with him.

The Chief Secretary: If this particular court went; but we could set up a separate court.

Hon. A. F. GRIFFITH: I am trying to give a reason, which I think is a good one, for not having these other two members on the court. If the court is to travel around the country, the expense will be trebled by sending three men. Mr. Strickland smiles; but is not that a fact?

The Chief Secretary: I do not think that is important.

Hon. A. F. GRIFFITH: I do. I am in agreement with other members on this question. I think we can establish a court as is done at the moment: by seconding a magistrate from one court to another. I am quite prepared to support the establishment of a fair rents court, if the other two proposed members are removed.

Hon. C. H. HENNING: I propose to move that in line 12, on page 3, the words "three members, being" be struck out, and the words "one member" inserted in lieu.

Hon. C. H. SIMPSON: I can understand the intention of the hon. member, but I suggest that the better wording would be "constituted by the appointment of a magistrate."

The CHIEF SECRETARY: Being a helpful person, I would suggest that the hon. member can achieve his object by moving only for the words "three members, being" to be struck out. Later I can suggest how the rest can be put in order.

Hon. C. H. HENNING: I agree to that. I move an amendment—

That in line 12, page 3, the words "three members, being" be struck out.

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

Ayes	13
Noes	10
Majority for	3

Ayes.

Hon. N. E. Baxter	Hon. L. A. Logan
Hon. L. Craig	Hon. J. Murray
Hon. Sir Frank Gibson	Hon. C. H. Simpson
Hon. H. Hearn	Hon. J. McI. Thomson
Hon. C. H. Henning	Hon. H. K. Watson
Hon. J. G. Hislop	Hon. A. F. Griffith
Hon. A. R. Jones	*(Teller.)*

Noes.

Hon. G. Bennetts	Hon. H. L. Roche
Hon. G. Fraser	Hon. H. C. Strickland
Hon. J. J. Garrigan	Hon. J. D. Teahan
Hon. R. F. Hutchison	Hon. W. F. Willesee
Hon. F. R. H. Lavery	Hon. E. M. Heenan
	(Teller.)

Pairs.

Ayes.	Noes.
Hon. Sir Chas. Latham	Hon. E. M. Davies
Hon. L. C. Diver	Hon. R. J. Boylen

Amendment thus passed.

Sitting suspended from 6.15 to 7.30 p.m.

The CHIEF SECRETARY: In view of the amendment carried before tea, and because it will be necessary to put things in order, I will have to move further amendments. I move an amendment—

That the letter "a" in line 13, page 3, be struck out.

Amendment put and passed.

The CHIEF SECRETARY: I move an amendment—

That the words "as chairman" in line 13, page 3, be struck out.

Amendment put and passed.

The CHIEF SECRETARY: It will now be necessary to strike out paragraphs (b) and (c). I move an amendment—

That paragraphs (b) and (c) in lines 14 to 19, page 3, be struck out.

Amendment put and passed.

Hon. H. K. WATSON: Should it not read that the fair rents court is constituted "of a magistrate" rather than "by a magistrate"?

The CHIEF SECRETARY: We can consider that on recommittal. I move an amendment—

That Subsection (2) of proposed new Section 7B in lines 22 to 25, page 3, be struck out.

Amendment put and passed.

The CHIEF SECRETARY: I now propose to move that the word "members" in line 27 on page 3, be struck out with a view to inserting the word "magistrates."

Hon. H. K. Watson: The subsection provides that the Government may appoint "persons." Would they be magistrates?

The CHIEF SECRETARY: The word will be interpreted as meaning magistrates.

Hon. L. A. LOGAN: Would it not be better to insert the word "deputies" in place of the word "persons"?

Hon. J. G. HISLOP: Is the proposed new Subsection (3) necessary at all? If one magistrate is not able to do the job, another one can.

The CHIEF SECRETARY: That is so.

On motions by the Chief Secretary, Subsections (3), (4), and (5) of proposed new Section 7B, in lines 26 to 35, page 3, were struck out.

Hon. H. K. WATSON: We are now voting on Clause 6, as further amended, and as to whether there shall be a fair rents court. I oppose the clause. This is like giving Australia a new name, and saying that everything in it will be bright and shiny the next morning. I think we are really fooling ourselves and the public.

The CHIEF SECRETARY: I cannot allow those remarks about fooling ourselves and fooling the public to pass. I cannot agree that we are going to fool the public in any shape or form, or that we are fooling ourselves by setting up a magistrate to deal with these cases. We did not reach our objective for the establishment of a court of three; but under this clause we will have a court of one magistrate to deal specifically with matters appertaining to rents and tenancies. I know time will justify our action.

Clause, as amended, put and passed.

Clause 7—agreed to.

Clause 8—Section 10 amended:

Hon. H. K. WATSON: I ask the Committee to vote against the clause. This has nothing to do with the fair rents court. It has, however, something to do with Clause 9, which is designed to repeal Section 11, 12, and 12A of the principal Act. I ask the Committee to take the stand that at least Section 12A of the principal Act, as inserted by Section 4 of the 1953 Act, should be allowed to remain. The effect of Section 12A is to channel into Section 13 all the provisions relating to rent. In the interests of convenience, of the public, and of those concerned, I suggest that we leave all provisions relating to rent in Section 13, and not revive some of the sections which have been repealed. I am disinclined to agree to the repeal of Sections 12 and 12A. Therefore, I suggest that Clauses 8 and 9 be voted against in the matter of ordinary drafting, with a view to avoid disturbing the whole position as determined in December last, that as from the 1st May, Sections 10, 11, and 12 would cease to operate, and Section 13 would become the sole operative section dealing with rents.

The CHIEF SECRETARY: I ask the Committee to vote for the clause. I am surprised at Mr. Watson attempting at this late stage to oppose Clause 8, after Clause 7 has been agreed to. If Mr. Watson desires to move at all, he should wait until Clause 9; and if he is successful, then, on recommittal of the Bill, we could delete Clause 8.

Hon. H. K. WATSON: I disagree. Section 10 of the principal Act has nothing to do with courts. It was the leading provision prohibiting the charging of rent in excess of the standard. It has gone overboard, and there is no reason for playing around with it at present. Section 10 is being altered by Clause 8 with the intention of playing around with Sections 11, 12, and 12A in addition. Those sections have been repealed and should not be revived.

The CHIEF SECRETARY: I draw the attention of members to Clause 7(b), which states—

by deleting the interpretations, "increased outgoings" and "specified day."

Clause 8 states—

Section 10 of the principal Act is amended—

(a) by substituting for the words "the specified day" in line two the words "the day on which

the Rents and Tenancies Emergency Provisions Act Amendment Act, 1954, comes into operation."

One is consequential on the other. As we have agreed to Clause 7, Clause 8 must be agreed to also. If any alteration is desired, it should be made in Clause 9.

Hon. H. K. WATSON: I suggest that we leave Clause 8 until we have considered Clause 9.

The CHIEF SECRETARY: That could be done, but I would rather take a vote on it.

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

Ayes	9
Noes	12
Majority against	3

Ayes.

Hon. R. J. Boylen	Hon. H. C. Strickland
Hon. G. Fraser	Hon. J. D. Teahan
Hon. R. F. Hutchison	Hon. W. F. Willesee
Hon. F. R. H. Lavery	Hon. G. Bennetts
Hon. H. L. Roche	*(Teller.)*

Noes.

Hon. N. E. Baxter	Hon. L. A. Logan
Hon. L. Craig	Hon. J. Murray
Hon. Sir Frank Gibson	Hon. C. H. Simpson
Hon. C. H. Henning	Hon. J. McI. Thomson
Hon. J. G. Hislop	Hon. H. K. Watson
Hon. A. R. Jones	Hon. A. F. Griffith
	(Teller.)

Pairs.

Ayes.	Noes.
Hon. C. W. D. Barker	Hon. L. C. Diver
Hon. E. M. Davies	Hon. Sir Chas. Latham
Hon. J. J. Garrigan	Hon. H. Hearn

Clause thus negatived.

Clause 9—Sections 11, 12 and 12A repealed:

Hon. H. K. WATSON: The position is as I explained on Clause 8. The proposal is to repeal, in the main, Section 12A which was inserted in the Act in 1953. It reads—

> 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.

There would be no sense in reopening the old sections that have been closed off. Members may amend Section 13 as they wish, but they should allow it to contain all the provisions relating to the increase of rent. I oppose the clause.

The CHIEF SECRETARY: This is one of the most vital parts of the Bill. We are asking the Committee to reinsert what was in the Act until the 30th of April of this year. All the trouble has been caused by the alteration made to the Act. That is why it was necessary to call a special session and arrange for this session to open six or seven weeks earlier than usual. In order to repair the damage done by the alteration, we must retain the clause. Members should forget what has happened in the last few weeks and consider the Act as it was before the 30th April.

I wish members to know exactly what they are voting for. We have studied the measure carefully and discussed it with the Crown Law Department, and these provisions are necessary for the working of the Act. Otherwise we shall not overcome the chaos. I know what Mr. Watson is seeking to do. He wants to retain as nearly as possible the Act now in operation—the Act that has caused all the bother.

Hon. H. K. Watson: It has not caused bother.

The CHIEF SECRETARY: We all know the bother it has caused, excepting those who will not learn.

Hon. H. K. WATSON: This clause was contained in the Bill we considered in the special session. The Committee then decided that, as from the 1st May, all the provisions relating to the control of rents should be in Section 13. That section is complete in itself. It provides for such rents as are agreed upon between landlord and tenant or, failing agreement, such rents as may be determined by the court or by the rent inspector on appeal. Section 13 also provides that the rent inspector may, of his motion, fix the rents of rooms.

There is no reason at all for reviving the dead sections, which were declared to cease operation on the 1st May. Full provision was made. The court or inspector, on application by landlord or tenant, could fix the fair rent, or the inspector might fix the rent of rooms without application by either party. This is all that is required. Endless confusion will be caused if, in addition to Section 13, the old sections that ceased to operate on the 1st May are revived. I ask the Committee to stand by Section 13.

Notice has been given of a proposed amendment to Section 13 which supports my argument, inasmuch as all the provisions regarding the control of rents are kept in Section 13. It is proved by Clause 10 which adds a further proviso to Section 13. I suggest that Section 13 is the only section required, and that Clause 9 should be defeated.

Clause put and a division taken with the following result:

Ayes	10
Noes	12
Majority against	2

Ayes.

Hon. G. Bennetts	Hon. H. L. Roche
Hon. G. Fraser	Hon. H. C. Strickland
Hon. J. J. Garrigan	Hon. J. D. Teahan
Hon. E. M. Heenan	Hon. W. F. Willesee
Hon. R. F. Hutchison	Hon. F. R. H. Lavery
	(Teller.)

Noes.

Hon. N. E. Baxter	Hon. L. A. Logan
Hon. L. Craig	Hon. J. Murray
Hon. Sir Frank Gibson	Hon. C. H. Simpson
Hon. C. H. Henning	Hon. J. McI. Thomson
Hon. J. G. Hislop	Hon. H. K. Watson
Hon. A. R. Jones	Hon. A. F. Griffith
	(Teller.)

Pairs.

Ayes.	Noes
Hon. E. M. Davies	Hon. Sir Chas. Latham
Hon. C. W. D. Barker	Hon. L. C. Diver
Hon. R. J. Boylen	Hon. H. Hearn

Clause thus negatived.

Clause 10—Section 13 amended:

Hon. L. A. LOGAN: I move an amendment—

> That after the word "fifty-four" in line 16, page 5, the following words and brackets be inserted:—"(and before the thirtieth day of April, one thousand nine hundred and fifty-five)."

This, in effect, will allow a twelve months' transitional period to take place, and will limit this part of the measure to 12 months. If at the end of 1955 there is need for a continuing Bill, one can be introduced without our having to alter the Act itself.

The Minister for the North-West: How do you make out that from now to next April is 12 months?

Hon. L. A. LOGAN: This applies from April. It is almost 12 months. It will have this effect: that whereas today an agreement may be made between a lessor and a lessee in regard to the rent for three years, if the Act is to remain in existence at the end of the three-year period, and the landlord then wants to give his tenant notice to quit, he will have to revert to the rent as fixed on the first day of April, 1954. I do not think that is necessary. The transitional period between now and April, 1955, should be plenty.

The Chief Secretary: I would be prepared to accept the amendment if the hon. member would make it August, 1955, instead of April, 1955.

Hon. L. A. LOGAN: I ask permission to alter my amendment by substituting for the words "thirtieth day of April" the words "thirty-first day of August."

Amendment, by leave, altered.

Amendment, as altered, put and passed.

Hon. L. A. LOGAN: I move an amendment—

> That in line 19, page 5, after the word "notice" the following words be inserted:—"or the first day of August, one thousand nine hundred and fifty-four (whichever is the later)."

After the 1st May, until such time as the measure becomes effective, any agreement entered into should, I contend, remain valid. If the clause goes through without this amendment, it will be retrospective to any lease or agreement that may be drawn up during that period. Any agreement that has been made between the 1st May and now should be legal and binding, and we should not, by this measure, make it otherwise.

The CHIEF SECRETARY: This is one of the main parts of the Bill, and I hope members will not agree to the amendment. If it is agreed to, it will condone the action of any person who has extorted an exceptional rent over the past couple of months. Members say that these people have entered into agreements. Of course they have! They have had no option. But as I mentioned, by way of interjection the other night, a lot of people entered into agreements with Ned Kelly; but why?

Hon. H. Hearn: But they did not.

The CHIEF SECRETARY: They did what he wanted them to do, the same as a lot of tenants have done over the past couple of months. Why? Because it was a case of "or else." They had no option.

Hon. L. Craig: That does not apply in many cases.

The CHIEF SECRETARY: It would apply in a lot of cases.

Hon. L. Craig: The Minister heard the figures I read out.

The CHIEF SECRETARY: I can quote many cases where extortionate rents have been charged, because the tenants have had no option. Most of them would have refused to pay it and would have got out had there been somewhere else to go. But they had to pay these extortionate rents.

Hon. L. Craig: You are assuming that.

The CHIEF SECRETARY: I am not. Let me quote one case; it is the worst that we have had.

Hon. H. Hearn: That is why you wish to quote it.

The CHIEF SECRETARY: Naturally: I leave it to the hon. member to quote the other side. This person came out with his family from England two or three years ago. He was employed at Kwinana at £18 10s. a week; and as he found it impossible to obtain a residence, he finished up in a caravan at Coogee, for which he paid £5 a week. His wife took ill and went into hospital, and the doctor would not allow her to go out of hospital until the husband got a home. He toured the metropolitan area and finally came upon someone who had a house, which was to be let to the highest bidder. The owner said that he had received a bid of ten guineas a week. The chap in question, in order to get the house, bid £11 and was successful.

Hon. L. Craig: The landlord auctioned the house on a rental basis.

The CHIEF SECRETARY: Yes.

Hon. H. K. Watson: When was this?

The CHIEF SECRETARY: Only recently.

Hon. H. K. Watson: This year. This was before April, was it not?

The CHIEF SECRETARY: Yes; but it is typical of the cases that have occurred since the 1st May.

Hon. L. Craig: It is not typical.

The CHIEF SECRETARY: Yes; it is. I know that Mr. Watson will hang his hat on the peg that this occurred before the 1st May.

Hon. H. K. Watson: And therefore has nothing to do with the subject under discussion.

The CHIEF SECRETARY: But it is similar to a number of cases that have occurred. The reason we were not able to prosecute in this instance is something that I want to hammer home to the hon. member. This man had a wife and five children; and as he had to pay £11 a week in rent, from a salary of £18 10s. a week, he could not keep up the payments. Someone heard of his plight—he was living in Carrington-st. in my electorate—and offered him a place for £5 a week, which he accepted. The landlord insisted that that tenant sign a lease for 12 months so that he would be outside the provisions of the Act, and we could not prosecute. I mention that so that I will not have to quote it later on when we are discussing the subject of leases.

I admit that that was a bad case, but it shows how far things have gone in the last couple of months. Members must have noticed references in the Press. I quoted one here, which has happened since the 1st May, where a terrace of houses in my electorate were let at 22s. 6d. a week each and the rent was increased to £4 10s. We were able to prosecute; and, as a result, repayments of £78 and £50, and so on, were ordered. A person who had been evicted from another property asked the landlord if he could rent one of these homes and was told, "Yes, if you like to sign a lease for 53 weeks, you can have the place for £4 10s. a week." That landlord had been proved guilty in the court of overcharging when the rental was £4 10s. a week. It was said to be excessive; but he defeated the Act by asking for a lease. That is typical of what is happening all the time. Rentals of £5 a week for places which are worth 22s. 6d., or even 35s. under present-day conditions, are being asked.

Hon. L. Craig: But £5 a week is being paid for single-person flats; that is happening in a lot of cases.

The CHIEF SECRETARY: They should not be.

Hon. L. Craig: But they do not come under this Act; they have been let within the last three months.

The CHIEF SECRETARY: That is why we need some hold to stop this spiral.

Hon. H. K. Watson: You have your hold. This has nothing to do with it.

The CHIEF SECRETARY: It is tied up with agreements that have been made since the 1st May. Do members want to prevent refunds being made in cases where landlords have been extorting high rents?

Hon. L. Craig: You want to break all these leases; and many of them are for a three-year period.

The CHIEF SECRETARY: We are not dealing with that at the moment.

Hon. H. Hearn: But you are giving your illustration on that point.

Hon. H. K. Watson: Yes; you are misleading the Committee.

The CHIEF SECRETARY: It all dovetails in. Such people should not be given exemption. If this is agreed to, we will be saying, in effect, "You will have to abide by the rent that the court assesses, as from the 1st August;" but if someone has charged an extortionate rental from the 1st May to the 1st August that must stand. Is that right? If it is fair for the court to assess a rental, why should it not stand from the 1st May, when the alteration was made? I hope the amendment will be defeated.

Hon. L. CRAIG: The Chief Secretary has given us instances of very few cases where an excessive rent may have been extorted under duress, and he says that the magistrate should be able to make a refund retrospective. Compared with those few, there are swarms of tenants who have been paying less than one-third of the real value of the houses they have occupied for years. Is it not fair that there should be some retrospective provision to recompense those landlords?

The Chief Secretary: You can make it retrospective to the 1st May.

Hon. L. CRAIG: To 1950, yes. However, retrospective legislation is bad legislation. If there are those few tenants, as mentioned by the Chief Secretary, they can apply to the court for redress. On the other hand, there are hundreds of landlords who should have obtained redress years ago.

The Chief Secretary: Two wrongs do not make a right.

Hon. L. CRAIG: The Chief Secretary has said that there are very few tenants affected.

The Chief Secretary: There are pages of them.

Hon. L. CRAIG: Because a man has been paying 25s. a week for a house, that does not necessarily mean that he is paying a true and fair rental for the premises.

The Chief Secretary: Some have been increased by over 200 per cent. between April and May.

Hon. L. CRAIG: In 1942, when the Japanese threatened Australia, many people let their houses for a song, and they have been occupied at a low rental ever since. The increases that have been allowed since that time do not represent anything like the real value of the houses. Parliament agreed to remove rent control; but now that it proposes to reimpose it, the interim period should be forgotten.

I have quoted 900 cases which are all authentic; and Mr. Watson has quoted 3,000. Of the 900 case I mentioned three tenants refused to pay the increased rents and left the premises, and two paid under protest. Therefore, on that evidence, the number of hard cases are few, and they can get their grievances aired before the court.

The Chief Secretary: If there are so few, why worry about this legislation?

Hon. L. CRAIG: It applies to everybody.

The Chief Secretary: Everybody who is overcharged.

Hon. L. CRAIG: Everybody who applies to the court. But how long will it be before their cases are heard? Some will not come before the court for six months.

The Chief Secretary: That does not lessen the offence.

Hon. H. K. WATSON: It would be just as well if we had a look at the provision with which we are dealing. The Chief Secretary, probably unintentionally, has side-tracked the Committee a good deal by the breadth of his arguments. At the moment we are dealing with a provision which is designed to enable it to be said to any landlord who has served a notice on his tenants with a view to getting an increase in rent from another tenant, "You cannot increase your rent without the permission of the court." This is similar to the provision inserted in the Bill that was introduced during the special session held in April last.

The Chief Secretary mentioned the case of the person at Coogee who is paying £11 per week. We were prepared to provide for such a case in September last by inserting a provision that any person who gave notice of eviction after the 1st May, 1954, should not be able to increase his rent without going to the court; but the Government refused to accept that, and allowed the Bill to go overboard. Had the Government accepted that provision, there would not have been one man who could have done any bushranging between then and now. The Government has now changed its mind, and intends to penalise the man whom we desired to cover some months ago.

When this Bill was introduced in another place, this provision was not included. It was inserted by an amendment moved by the Opposition. Even that amendment was not accepted before some effective words were deleted. I trust the Committee will agree to the words that Mr. Logan proposes to insert. The position is that in the last few months many landlords have acted according to law, and the status quo should remain.

Hon. F. R. H. LAVERY: If there is one person in this Chamber whom I respect, it is Mr. Craig, and I accept his statement regarding the one or two people out of 900 who have left their premises because of an increase in rent. Nevertheless, there are rack-renters who have raised their rents beyond all reasonable bounds.

Hon. C. H. Henning: Who gave them the chance?

Hon. F. R. H. LAVERY: Regardless of any chance, they have done that. I refer the Committee to some of the cases mentioned in the last issue of the "Sunday Times." There is no doubt that the rents of some of the houses that have been bought recently by foreigners have been raised beyond all reasonable limits. I admit that some owners, and the trustee companies who are handling many homes in this State as representatives of owners, are not expected to make such increases.

The other evening I quoted the case of a young couple who were fined £100 for charging excessive rent. In today's paper there is another case of a man who was fined £75 for the same offence. Members cannot say that the Chief Secretary is deceiving the Committee because he happened to quote a couple of cases; he says there are dozens of others. There are cases of excessive rents being charged in my district, and I know the house to which the Chief Secretary refers where £11 is being paid. There is no reason why the people charging excessive rents should not be brought to book.

The CHIEF SECRETARY: This Bill is designed to fill in the gap between the 30th April and the date when this legislation will come into force. I only quoted one or two cases out of my head, but I have pages of them here with me. One of the last shows an increase in rent of 300 per cent. Even though the person may have agreed to pay 300 per cent., it was done because there was no law governing the matter, in spite of Mr. Watson's statement that there was.

Hon. H. Hearn: They acted lawfully.

The CHIEF SECRETARY: There was a law that was wiped out, and an open go resulted.

Hon. J. G. Hislop: That is the law.

The CHIEF SECRETARY: Now we want another law, as from the 1st May; but members say that between the 1st May and the 1st August it should be a case of the survival of the fittest.

Hon. L. Craig: You want to declare any action during those three months unlawful.

The CHIEF SECRETARY: Not at all. I want the law that will be agreed upon now to go back to the 1st May, and if there were any rack-renters during that period, they should give up their ill-gotten gains.

Hon. H. Hearn: They are not ill-gotten. There is nothing so bad as retrospective legislation.

The CHIEF SECRETARY: I have heard that through the years; but we have it when it suits us. Similar legislation was passed by this Chamber in 1951. It was done by the Government which the hon. member supports, and retrospective action was allowed to cover certain cases.

Hon. H. K. Watson: You understand that the question before the Chamber refers to premises the landlords of which have given eviction notices since the 1st May.

The CHIEF SECRETARY: Yes.

Hon. H. K. Watson: And you suggest that the entire list you have in your hand deals with those cases?

The CHIEF SECRETARY: Nobody would be able to get that information.

Hon. H. K. Watson: That is all we are dealing with at the moment.

The CHIEF SECRETARY: There is no line of demarcation. There should be some coverage in the Act. Is that outrageous?

Hon. H. K. Watson: It is.

The CHIEF SECRETARY: I see. The position will be that a person will come to the court and have a decision given regarding rental. If it has been excessive, it will have to be refunded.

Hon. H. Hearn: And the Government will have to take the responsibility.

The CHIEF SECRETARY: The court and not the Government will say whether the rent has been excessive.

Hon. H. Hearn: The Government must take the responsibility because it could have had this since last April.

The CHIEF SECRETARY: The Government will take no responsibility; it is the fault of the Legislative Council that the present situation has arisen.

Hon. H. Hearn: I disagree.

The CHIEF SECRETARY: I know the hon. member disagrees; he has to justify his actions during previous months. But I do not. We tried to advise members, but they would not listen.

Hon. H. Hearn: We offered you protection, but you would not take it.

The CHIEF SECRETARY: I have heard that story before.

Hon. H. Hearn: It bears repetition.

The CHIEF SECRETARY: If the hon. member repeats it often enough, he will come to believe it.

Hon. H. Hearn: That is what you are doing.

The CHAIRMAN: Order!

The CHIEF SECRETARY: But the hon. member will not convince me, because I know otherwise. Does the hon. member want to protect a person who has done wrong?

Hon. C. H. Simpson: But has he done wrong?

The CHIEF SECRETARY: He may have; the court will determine that.

Hon. C. H. Simpson: When there is no law governing it?

The CHIEF SECRETARY: The Government does not want the power to say it; it leaves that to the court.

Hon. H. K. Watson: Whatever he has done since the 1st May, he has done within the law. The law said that the rent shall be an amount agreed upon between the landlord and tenant and, failing that, an application be made to the court.

The CHIEF SECRETARY: Irrespective of the agreement made?

Hon. H. K. Watson: Yes.

The CHIEF SECRETARY: Now I know the hon. member's mind, and I am surprised. Where a person is forced—and I use the word freely—

Hon. L. Craig: Too freely.

The CHIEF SECRETARY: Where a person is forced into doing something, he should have some protection.

Hon. H. K. Watson: Do not make the mistake of calling it duress.

The CHIEF SECRETARY: I am not a legal man and do not use legal terms; I like plain English. A number of these people were forced into making agreements, and it is up to us to provide a law so that these wrongs can be righted.

Hon. L. Craig: We agree with that.

The CHIEF SECRETARY: Then the hon. member will support me.

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

Ayes	14
Noes	10
Majority for	4

Ayes.

Hon. N. E. Baxter	Hon. A. R. Jones
Hon. L. Craig	Hon. L. A. Logan
Hon. Sir Frank Gibson	Hon. H. L. Roche
Hon. A. F. Griffith	Hon. C. H. Simpson
Hon. H. Hearn	Hon. J. McI. Thomson
Hon. C. H. Henning	Hon. H. K. Watson
Hon. J. G. Hislop	Hon. J. Murray *(Teller.)*

Noes.

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

Pairs.

Ayes.	Noes.
Hon. Sir Chas. Latham	Hon. E. M. Davies
Hon. L. C. Diver	Hon. C. W. D. Barker

Amendment thus passed.

Hon. L. A. LOGAN: I move an amendment—

> That before the word "and" in line 25, page 5, the following words be added:—"for the purposes of this proviso a notice to quit which has been given and subsequently withdrawn shall be deemed never to have been issued;"

The reason for this amendment is that some of the 1,300 notices to quit were given by landlords who, knowing that the Bill was coming before the House, endeavoured to protect themselves by giving their tenants notices to quit in case there was some protection clause. I know one individual who gave 28 notices for that purpose, and I am certain he is now prepared to withdraw those notices. The very fact that this landlord is prepared to come back to earth and withdraw the notices should be considered. If tenants withdraw of their own accord he would have to apply to the court for a determination of the rental.

The CHIEF SECRETARY: I am not fully aware of what this means. The words sound all right, so for the time being I accept them.

Amendment put and passed.

Hon. L. A. LOGAN: I move an amendment—

> That paragraph (b) in lines 26 and 27, page 5, be struck out.

The effect of this is to delete paragraph (b) which states—

> by deleting the last five lines of Subsection (3).

The words contained in those five lines are as follows:—

> but the Court or the inspector shall not during the term of a lease of premises which has been or may be entered into for a fixed term exceed in twelve months, after the rent reserved by the lease.

The same argument applies that people have entered into agreements or leases for a period exceeding 12 months, and I see no reason for interfering with those. The Chief Secretary may contend that some of these were entered into under duress. If we are to interfere with thousands of agreements which have been made there will be no end of trouble and we will be upsetting them for the sake of a few which may have been made under duress.

The CHIEF SECRETARY: I hope that I can at least have one victory. In the last week I have heard the word "compromise" mentioned freely, and also the statement that the Government will not compromise. Several votes were taken tonight, but the Government has not been successful in one.

Hon. L. Craig: When your Government was in power no member of your party ever voted against the Bill.

The CHIEF SECRETARY: If it were not for our Government there would be no legislation of this type at all. I am talking about all the legislation. All the statements I make can be proved by the records. Was it not a standing joke that the greatest supporters of the Government were the opposition of this Chamber?

Hon. L. Craig: You are avoiding the question.

The CHAIRMAN: Order! I ask the Minister to confine his remarks to the amendment.

The CHIEF SECRETARY: I was reminding members how the word "compromise" has been flogged to death during the last week. What compromise has been made? The only one has been made by me. This is an important matter because it will provide means for people to circumvent the Act.

Hon. H. K. Watson: The Act says that it shall not cover leases.

Hon. A. F. Griffith: What about leases entered into, say, on the 30th June, 1951?

The CHIEF SECRETARY: I merely wish to catch those leases which have been drawn up in the last six months with a view to defeating the Act.

Hon. H. K. Watson: Your proposal does not say so.

The CHIEF SECRETARY: Again, in a spirit of compromise, the hon. member wishes to wipe out the whole provision.

Hon. H. K. Watson: Let the Act stand as it is.

The CHIEF SECRETARY: That is what the hon. member wants, not what I want. I want an Act that will be of value to all sections of the people, not just one section. Under the amendment means would be provided to defeat the Act.

Hon. H. K. Watson: No.

The CHIEF SECRETARY: I have quoted cases tonight, and I want members now to take action to ensure that what little they have conceded will be protected.

Hon. L. Craig: There would be only a very few cases such as you mention.

The CHIEF SECRETARY: Those are the ones we want to catch.

Hon. L. Craig: But you will be catching everyone.

The CHIEF SECRETARY: If a person has a reasonable lease, he will not be affected. We are after none but the unreasonable people. We know that people are being asked to sign a 53 weeks' lease.

Hon. L. Craig: How many cases are there; one or two?

The CHIEF SECRETARY: I have not looked for them; they are brought under our notice. I want to catch the people who are taking advantage of this weakness in the Act to obtain ill-gotten gains. Surely members can unbend to the extent of affording protection there!

Hon L. Craig: How many cases are there?

The CHIEF SECRETARY: We do not know how many; but there are quite a number. This sort of thing started only a month ago. We do not want a heresy hunt; we prefer to see people living peacefully. We do not want prosecutions, but when we find people acting unreasonably, we do not hesitate to prosecute. The Government's proposal will afford the necessary protection and will react against none but those seeking to take advantage of other people.

Hon. L. A. LOGAN: The Chief Secretary will bring in all the agreements irrespective of the term for which they have been operating. If he would confine it to the cases he has mentioned, I would agree with him.

The Chief Secretary: If the rent is satisfactory, it does not matter.

Hon. L. A. LOGAN: But the agreement may have been made two years ago, and everyone was happy about it at the time. If the Chief Secretary will make the time one year, I will be with him.

Hon. L. CRAIG: Many businesses have grown from small to big undertakings and are doing extraordinarily well, making more than was ever dreamt of. When the rents were fixed, the tenants asked for a lease for three years or five years and that was granted. The rent may appear to be high in relation to what was previously charged, but taking into consideration the changes that have occurred and the growth of population, the present rent is comparatively low. Yet, if a case were taken to court, the magistrate might consider the rent excessive and might reduce it. Many businesses worth very little a few years ago have a tremendous turnover today and the tenants are only too ready to pay higher rents. Sir Frank Gibson knows what has occurred in his area.

Hon. A. F. GRIFFITH: When an amending Bill was before another place, the present Minister for Housing introduced an amendment to exclude any agreement entered into after the 1st January, 1951. I think that was the date, but I am not certain. Now the Government is seeking to go back over all that period of time, and that is not right.

Hon. Sir FRANK GIBSON: I feel that I am in a rather difficult position. I agree with the efforts the Chief Secretary is making to relieve those tenants who have been compelled to pay higher rents, but I would find great difficulty in supporting legislation that would apply to agreements entered into voluntarily. My relations with my landlords for business premises have been happy. The increase in rents is commensurate in many instances with the increase in business, and I could not support legislation that would write off agreements entered into as I have described.

Hon. L. A. LOGAN: If we inserted in the Act, the words "made prior to the 1st May, 1954," it would mean that any agreement entered into before then, for the 12 months, would not be effective, but only agreements entered into after that date.

Hon. H. K. WATSON: I think there would be trouble there, particularly in respect to future agreements. On the one hand, the Chief Secretary says that he is trying to restore the Act as it was in December last. I remind him that this provision about the court not having power to vary during the term of a lease with a fixed term exceeding 12 months has been in the Act since 1951. The law has said that a short-term provision can be dealt with by the court, but not a long-term lease. The Chief Secretary is trying to take something out of the Act that has been there since 1951, and he is really breaching the sanctity of contracts. The Committee cannot countenance that.

The CHIEF SECRETARY: I like this "sanctity of contracts!" I will respect a contract as well as anybody else if it is entered into freely, but there is no sanctity about a contract when one party stands over the other.

Hon. H. K. Watson: The other one did not have to submit.

The CHIEF SECRETARY: The hon. member will not deal with realities. They had to submit because they had nowhere else to go. I do not think the hon. member has ever tried to find out what the realities are. I asked some of those who are associated with this matter how many members of the Legislative Council had been to them to find out what the position was. Very few members have been to these people. How many members have been to the rents department to find out what is happening?

Hon. N. E. Baxter: We find out.

The CHIEF SECRETARY: Has the hon. member ever been there?

Hon. N. E. Baxter: No.

The CHIEF SECRETARY: He has not tried to find out the true position.

Hon. N. E. Baxter: Would we get the true position if we went there?

The CHIEF SECRETARY: Of course. The hon. member has wonderful faith in the Government departments! Does he think he would be told lies?

Hon. N. E. Baxter: In many cases, yes.

The CHIEF SECRETARY: How many members have gone to the eviction officer at the State Housing Commission to learn the true position?

Hon. A. R. Jones: There is no need to. You have told us for weeks.

The CHIEF SECRETARY: The hon. member does not believe me. I have asked him to go there and find out for himself.

Hon. A. R. Jones: You are becoming melodramatic about this.

The CHIEF SECRETARY: The hon. member is walking around in circles where these things are not occurring. I want the hon. member to find out the position; but he will not do that, and he will not be told.

Hon. N. E. Baxter: How much information on the leases that have been referred to could the Housing Commission give?

The CHIEF SECRETARY: Probably a lot.

Hon. N. E. Baxter: No.

The CHIEF SECRETARY: The hon. member does not know what he can find out until he tries. That is one of my complaints. Members will not believe what we tell them, and they will not try to find out the true position for themselves, and so we are at a disadvantage in getting necessary legislation through. Mr. Watson said that the 12-month period had been in the Act since 1951. That is so, but it is only within the last month or two that the shrewd-heads have woken up to how they can get around the Act. They can get around the Act by compelling their tenants, under "duress" if members like, to sign a contract for 53 weeks. That is what the shrewd-heads are doing, and they are laughing about it.

Hon. H. K. Watson: We will have them bottled up under this proposed section.

The CHIEF SECRETARY: No. The hon. member does not want them bottled up, and he will not bottle them up.

Hon. H. K. Watson: You are just becoming unreasonable now.

The CHIEF SECRETARY: I know where the unreasonable side is. I want to close the gate that has been opened. I am prepared even now to try to meet members. The 12 months mentioned in the Act is useless because of the shrewd boys. Make it three years, and I will agree.

Hon. L. A. Logan: You have only to confine it to those who have got around the law.

The CHIEF SECRETARY: Yes, but a term has to be stated. We could make the period three years. I do not know that anyone would tie himself to a house for three years.

Hon. L. Craig: You mean to exempt leases for three years.

The CHIEF SECRETARY: Yes. We have to put something in there.

Hon. L. A. Logan: You would not put anything in there, but were taking something out.

The CHIEF SECRETARY: I said I would consider things in Committee. The period of 12 months is useless.

Hon. H. K. WATSON: I feel I must bring the Chief Secretary back to earth. It may be that during the last three months a few leases have been entered into under the threat of 28 days' notice. When I told the Chief Secretary that once the Bill went through we would have any man who was so minded bottled up, he said that was not correct. Under the proposal we have just passed, a man cannot give an eviction notice to his tenant; or, if he does, he cannot increase his rent without going to the court. He is bottled up there. Previously a landlord could say, "Sign this lease, or out you go with 28 days' notice." In proposed new Section 20B we say that any tenant can go to the court for a fair rent, and that his eviction notice shall be suspended for three months, or until the determination of the court is made. In these circumstances, once the Bill is passed, how can a landlord do what we have been told he has been doing for the past three months? He cannot.

A tenant does not have to accept a lease under force, or duress, or anything else, if he does not want to do so; but if he wants to take a lease, he should be permitted to do so and he should be made to abide by it. Once the Bill is passed, the position will be covered in the future just as it was covered before April. We have to consider the last three months only, and I say that they are not worth worrying about. Even during that period, what was done was according to the law.

Hon. G. BENNETTS: I want to quote two cases that occurred during that period. One of these concerns a petrol station for which the rent was previously £30 a month. It is built on land leased from the Railway Department, and the premises are sublet at that figure.

Hon. H. Hearn: How long has he had it?

Hon. G. BENNETTS: About 12 years.

Hon. H. Hearn: Prewar? The rent was plus 30 per cent.

Hon. G. BENNETTS: During the three-month period the rent was doubled to £60. The man came to see me and I introduced him to the member for his district. He is a returned soldier, and he feared that he might lose his livelihood if he did not sign an agreement agreeing to the increase. The other case concerns a second-hand car dealer. The premises are very poor, and the rent has been increased from time to time. Recently the owner came to the tenant with a lease and told him that the rent was now £18 a week; and, in addition, he handed him a list of repairs that he wanted done. The cost was about £1,200 and the work included painting, plastering of walls and so on.

Hon. J. G. Hislop: What was the duration of the lease?

Hon. G. BENNETTS: Up till then he had had no lease. That is the sort of thing that is happening all the time.

Hon. N. E. Baxter: It must be a good business.

Hon. G. BENNETTS: It is not.

Hon. H. Hearn: He will not last three months if he has to pay that rent, unless he has a good business.

Hon. G. BENNETTS: I doubt whether the petrol station will be able to pay its way. However, I support the Chief Secretary's remarks.

Hon. L. A. LOGAN: I would point out to the Chief Secretary that his idea is to delete the words from the Act. He also said that while in Committee we could insert other words; but before we agree to his suggestion, we want to know what he intends to insert in place of the words taken out.

The Chief Secretary: Nothing. That is my intention.

Hon. L. A. LOGAN: Then I am afraid I cannot agree with the Chief Secretary. I have already compromised. Mention was made about obtaining information from the Housing Commission. We have about 97 applications for houses in Geraldton, and we asked the Minister for Housing to come up to the district to have a look at the situation. After analysing the position, he said that we required only seven houses.

Hon. N. E. Baxter: That is the sort of information we get.

The CHIEF SECRETARY: The hon. member is dealing with a different phase altogether. I was talking about information regarding the effects of the Bill. The example the hon. member quoted shows just how conservative is the information that one obtains from the commission. If the commission said that it had a list of 1,300 eviction cases, one could be certain that there would be a lot more than that.

Hon. L. A. Logan: They were applications.

The CHIEF SECRETARY: Regarding my proposition, I would be prepared to agree to a period of three years.

Hon. H. K. Watson: You had a period of 12 months. That was in operation for five years, and I do not see why you should alter it.

The CHIEF SECRETARY: Because landlords are getting round the Act by making their leases cover a period of 53 weeks.

Hon. H. K. Watson: That is not getting round the Act. Parliament said, "anything over 12 months."

The CHIEF SECRETARY: It is nice when we make a law that we know shrewd Alecs can circumvent! No one objects to a genuine contract, but the law has been abused.

Hon. J. G. Hislop: Three years is a long lease. Would you take two years?

The CHIEF SECRETARY: Yes; but it wants something more than 12 months. I think three years would be better.

Hon. L. Craig: Accept two years. There are some two-year leases in business premises, but not many. You want to protect the 53 weeks business.

The CHIEF SECRETARY: Yes.

Hon. J. G. Hislop: Nobody will bind himself for two years; so let us make that the period.

The CHIEF SECRETARY: All right.

Hon. N. E. Baxter: I am agreeable to that.

The CHIEF SECRETARY: Very well, I withdraw my suggestion.

Hon. H. K. WATSON: May I suggest that we carry the amendment moved by Mr. Logan, and, on recommittal of the Bill, the Chief Secretary can bring down his amendment? If we do this, the Bill will be clean, and we shall be better able to understand the Chief Secretary's amendment when it is submitted.

The CHIEF SECRETARY: There is no confusion about my amendment. It is to delete the last few words of Mr. Logan's amendment.

The CHAIRMAN: The amendment before the Chair is that moved by Mr. Logan to strike out paragraph (b). I now understand that Mr. Logan desires to withdraw it.

Hon. L. A. LOGAN: Perhaps it would be better to leave my amendment as it is, and the Chief Secretary could move his amendment later.

Hon. H. K. WATSON: That puts the position clearly. Mr. Logan's amendment should be carried; and, in due course, the Chief Secretary can move his amendment.

Amendment put and passed.

The CHIEF SECRETARY: I will move my amendment on recommittal.

Hon. L. A. LOGAN: I propose to move an amendment as follows:—

> That after the word "and" in line 25, page 5, a new paragraph be added as follows:—
>
> (b) by adding after the word "section" being the last word in paragraph (a) of subsection (2) the words "For the purposes of this paragraph, the expression 'part of premises which part is leased separately for residential purposes' does not include and shall be deemed never to have included a self-contained flat which can be completely closed off and which includes both cooking and bathing facilities."

This defines what is meant by a flat, and it is based on the definition given in the Commonwealth census form. In the past, most of us have been of opinion that flats do not come under the jurisdiction of the rent inspector. It was not until this session commenced that we discovered that the rent inspector was, of his own volition, entering self-contained flats to assess the economic rent. The Chief Secretary has said that officers of the Crown Law Department have ruled that it has always been legal for a rent inspector to so act. From my reading of the Act, that was never intended. This amendment will make the position perfectly clear.

Hon. J. G. HISLOP: There are two words in the amendment which I do not like, and they appear in the fourth last line. I would like the position to be made more definite. Instead of the amendment reading " . . . . a self-contained flat which can be completely closed off," it should read " . . . . a self-contained flat which is completely closed off." I think there is a loophole in the amendment as drawn, and I propose to move that it be amended accordingly.

Hon. L. A. LOGAN: I agree with Dr. Hislop's suggestion, and I move an amendment—

> That after the word "and" in line 25, page 5, a new paragraph be inserted as follows:—
>
> (b) by adding after the word "section" being the last word in paragraph (a) of subsection (2) the words "For the purposes of this paragraph, the expression 'part of premises which part is leased separately for residential purposes' does not include and shall be deemed never to have included a self-contained flat which is completely closed off and which includes both cooking and bathing facilities."

The CHIEF SECRETARY: I hope the Committee will not agree to this. I cannot see why members want to exclude flats.

Hon. H. Hearn: The court would have no work unless you had flats.

The CHIEF SECRETARY: The court could still be approached. It would be more convenient for all concerned if the rent inspector were able to deal with flats.

Hon. L. Craig: Do you think he should go into Lawson Flats?

The CHIEF SECRETARY: I think he should; and he is competent to do so. None of the rent inspector's findings have been upset by the court, even though they may have been challenged.

Hon. H. K. Watson: That is on rooms.

The CHIEF SECRETARY: On rooms and flats.

Hon. A. R. Jones: Then you do not want a court.

The CHIEF SECRETARY: We only want a court so that the hon. member can have something to fall back on. Flats are probably a greater problem than houses, and I think we should leave well alone. Mr. Watson disputes the right of the rent inspector.

Hon. H. K. Watson: I do.

The CHIEF SECRETARY: I would refer the hon. member to a debate on an amendment I moved in 1951. Here is what a member said when speaking to my amendment—

> If the amendment is agreed to it will mean that the court which has dealt with these cases over the years and which has conformed to set rules, standards and formulae will have nothing to do. The whole task of fixing rents will fall upon the rent inspector.

My amendment was carried by 15 votes to 10.

Hon. L. Craig: Did it deal with flats?

The CHIEF SECRETARY: It dealt with shared accommodation.

Hon. L. Craig: Oh, that is a different story!

The CHIEF SECRETARY: The opinion I have quoted was that expressed by Mr. Watson; and now he says that it does not cover flats.

Hon. L. A. Logan: What was your amendment? Read it.

The CHIEF SECRETARY: I will give the whole story.

Hon. L. Craig: You made long speeches in those days; tell us a short story.

The CHIEF SECRETARY: The hon. member cannot have it both ways.

Hon. H. K. Watson: Your words were, "The provision relates mostly to private houses that have been subdivided into flats."

The CHIEF SECRETARY: But the hon. member altered my opinion by saying it covered them all.

Hon. H. Hearn: You have been acting on your own opinion.

The CHIEF SECRETARY: The hon. member would not accept my opinion. He is no different today, because he will not accept it now. The hon. member said that if my amendment were carried the rent inspector would fix everything.

Hon. H. K. Watson: Would you mind reading the document you read last night?

The CHIEF SECRETARY: Which one?

Hon. H. K. Watson: A confirmation of the rent inspector's power over flats by the Act of 1951.

The CHIEF SECRETARY: I do not think I have it here.

Hon. H. K. Watson: You said the position was created in 1950, and the Act confirmed the rent inspector's control over flats. I would like to refresh the Committee's mind on that. I warned you I wanted to have a go.

The CHIEF SECRETARY: I am merely repeating what the hon. member said in 1951. Have I satisfied members on that?

Members: No!

The CHIEF SECRETARY: I give up. I quote the hon. member's very words, and members of this Committee are not satisfied.

Hon. H. Hearn: That dealt with shared accommodation.

The CHIEF SECRETARY: But he said that the amendment covered flats, and that the rent inspector had power under the law. We cannot get away from the printed word in "Hansard." Now, however, the hon. member is putting up a case to the contrary. He is not consistent. I did not want to bring people's names into this debate. I mentioned a certain rental, but not the place. I might have mentioned the district. The hon. member, however, mentioned a person's name in connection with it. The following is the true history of that case:—

> Attached are reports by the Rent Inspector concerning flats referred to by Mr. Watson as being owned by Mr. Plunkett. These reports embody facts ascertained from the court which dealt with the rental claims in September last year when the rents were fixed by the court at £3 9s. 9d. per week. The flats, by the way, are unfurnished. At the time Mr. Plunkett claimed that rentals should be £6 18s. On the 1st May he increased the rent to £5 15s.
>
> Mr. Watson claimed that Mr. Plunkett was getting 4 per cent. and said also that one block of land on which a set of flats was erected was worth £3,000. Information submitted to the court was that the two blocks were bought in 1934 by Mr. Plunkett for £950 and that the cost of erecting, in 1937, one block of flats known as "Kingston" was £4,100. There are four flats on this particular block, so I leave it to hon. members to work out for themselves the percentage Mr. Plunkett is receiving for the small outlay which he made in 1934—it works out, I think, at 25 per cent.

Hon. H. Hearn: You should be ashamed to quote a return based on a 1937 valuation.

The CHIEF SECRETARY: It is 25 per cent. of the outlay, no matter when the property was bought.

Hon. H. Hearn: Would you sell your house today at the 1937 valuation because it is a nice place?

The CHIEF SECRETARY: I do not care what date is taken. It is still 25 per cent of the outlay and not 4 per cent. as Mr. Watson suggested.

Hon. L. Craig: The same block of flats could not be built for that sum today.

The CHIEF SECRETARY: Let us not forget that the court awarded a rental of £3 19s. 9d. and not £6 18s.

Hon. A. F. Griffith: Was the valuation in the report made on the total outlay of £5,050 in 1934?

The CHIEF SECRETARY: That is so. As the landlord was refused permission to charge a rental of £6 18s. it will be readily seen how he would attempt to increase the rent after May.

Hon. H. Hearn: That is a bad illustration you put forward.

The CHIEF SECRETARY: It is a good one.

Hon. N. E. Baxter What is the value of those flats today?

The CHIEF SECRETARY: I am not a valuer; but one cannot get away from the figures, which show a return of 25 per cent. on the outlay.

Hon. L. Craig: He could have bought that land in 1924 for probably £400; and in 1900, for probably £10.

The CHAIRMAN: Order! I ask the Minister to continue his speech.

The CHIEF SECRETARY: Members have all the information regarding flats and the high rentals charged, so there is no need for me to bring forward illustrations. I have pages of excessive rental cases.

Hon. H. Hearn: Are they like the one you quoted?

The CHIEF SECRETARY: I was only replying to the statement made by Mr. Watson: I am not surprised that members opposite are not prepared to support a Bill of this nature, seeing that they will allow cases like these to go on and boost them up in this House.

Hon. A. F. Griffith: Would you expect the owner of the flats to sell them for £5,050 today?

The CHIEF SECRETARY: I have no idea.

Hon. A. F. Griffith: You did not listen to your own members tonight who contradicted your statement by saying that something bought years ago is worth more today.

Hon. H. Hearn: It is a wonder that you have not taken any depreciation off the capital value of £5,050.

The CHIEF SECRETARY: Determination of rentals of flats raises a big question. The argument is whether it should be decided by the rent inspector or the court. We say if it is done by the rent inspector a more efficient job will result.

Hon. A. F. Griffith: If the rent inspector is as efficient as you indicated in the report, it is time you changed him. He does not appear to know how to make a reasonable valuation.

The CHIEF SECRETARY: He is a sworn valuer the same as any other in this State. He has adjudicated on a number of cases, and at no time have his figures been questioned in court.

Hon. N. E. Baxter: Does he have to make a sworn valuation on the 1937 values?

The CHIEF SECRETARY: He has to give sworn valuations of the flats. If this clause is agreed to, the rent inspector will be permitted to fix a rent; and if the owner is not satisfied, he can apply to the court for a variation. But why push everyone to the court for a determination when there are other methods of arriving at a fair rental?

Hon. N. E. Baxter: Does the rent inspector make a valuation on every capital cost?

The CHIEF SECRETARY: I cannot say. I am not a sworn valuer.

Hon. A. F. Griffith: What the Chief Secretary is asking us to do is fantastic. He asks us to allow the rent inspector to base a rental on land bought in 1934 for £950.

The CHIEF SECRETARY: The rent inspector did not say that. He merely gave the facts of the case.

Hon. A. F. Griffith: You said he quoted the valuation at £5,050.

The CHIEF SECRETARY: Nowhere in the report did the inspector say he made a valuation on that basis.

Hon. L. Craig: He based the return on that figure.

The CHIEF SECRETARY: That was done, but he did not fix the rent; so the hon. member cannot pin anything on him. If a landlord is not satisfied with the rent determined by the inspector, he can apply to the court. There is no necessity to force everyone into court when there is another method by which it can be done more cheaply and quickly.

Hon. A. R. JONES: I believe the only words to which objection is taken are that the inspector of his own volition can assess the rent. If the provision was that when an application is made he can determine the rent, that would be another question; but to enable him to do it on his own volition is definitely wrong.

Hon. H. K. WATSON: There is much more to this question than that. The Chief Secretary is unable to refresh our minds on what I propose to demonstrate as an unsound basis on which the rent inspector has attempted to fix the rent of flats. I am subject to correction, but I think the substance of his remarks was that the rent inspector had up till 1950 interested himself in fixing the rent of flats, but that the Supreme Court had held his activities to be invalid; and that, by the 1950 Act, Parliament had ratified and confirmed all the activities of the rent inspector under the Act and amended the Act to bring flats within his control. I propose to show that that is entirely incorrect.

The Chief Secretary: You disagree with your own words of 1951.

Hon. H. K. WATSON: We are talking of 1950. The then Minister for Transport, Hon. C. H. Simpson, in moving the second reading of the Bill of 1950, according to "Hansard" at page 2150, stated—

> "Shared accommodation" is defined as "any premises leased or intended to be leased for the purpose of residence, including premises leased with goods therewith and forming part of other premises, but does not include any premises forming a complete residence in themselves." It has been held by the State Full Court, following certain recent English decisions, that where a tenant occupies certain living rooms, but shares with another tenant such facilities as laundries, lavatories and bathrooms, such share of these facilities does not prevent the accommodation from being a complete residence in itself. Once it is a complete residence in itself, it is not "shared accommodation."
>
> The Chief Justice also expressed the opinion that, in view of a recent decision of the House of Lords, there could be no sharing of accommodation between a landlord and a tenant, even though the tenant shared with the

> landlord the use of rooms, such as kitchen or a living-room, as the landlord in all such cases retained many rights over rooms not shared with the tenant. The effect of this decision is that, in such cases, the rent inspector has no jurisdiction, and it has, therefore, been thought advisable to delete the words which exclude from shared accommodation, p r e m i s e s forming a complete residence in themselves. It is sought thereby to remove what is obviously a loophole in the Act.

That was brought forward by the Minister on the rent inspector's recommendation to cover what he considered was a loophole. The point is that until that time, there had been quite a bit of argument between the magistrate and the rent inspector as to who had control over flats. The rent inspector wanted it to build up his department, just as he does today.

Right through, the whole feeling has been that the court and not the rent inspector had control over flats. The rent inspector was to confine his activities to rooms, which was the logical thing It would be rather illogical that a rent inspector should not have control over a house worth £2,000, but should have control over flats worth £10,000. The intent was that he should confine his activities to rooms, deciding a certain room was worth, say, 30s. That was the clear intent.

The Chief Secretary: In 1950?

Hon. H. K. WATSON: And it was carried on in 1951. Following on the judgment of the court, the ratification, rectification and confirmation of all the decisions of the rent inspector did not include flats. It practically rendered valid his decisions on shared accommodation or rooms, and because of this, Parliament passed that legislation.

When the matter was before the House in 1951, the then Minister for Transport, in Committee, moved to delete the relevant clause in the Bill and substitute a new clause. According to "Hansard" at page 2368, he said—

> This proposed amendment has been suggested by the Law Society with a view to clarifying what are considered anomalies in the drafting. The relative note states:—
>
> > The proposed amendment serves two purposes—
> >
> > (a) to remove from the operation of the eviction provisions of the Act, premises that are merely let by leave or license without any tenancy and to make it clear by an amendment of Clause 9 of the Bill that premises let merely by leave or license have protection for fair rent but not for eviction proceedings;
> >
> > (b) by amending the definition of "shared accommodation" to include premises in respect of which conveniences, kitchens, washhouses and the like are shared, but making it clear that an entirely self-contained flat is not to be deemed shared accommodation with other flats.

That is perfectly clear, and shows the reason why the Act was amended. It was amended to make clear the fact that an entirely self-contained flat was not to be deemed shared accommodation with other flats. The clause, as then moved, became part of the Act of 1950. The point I wish to stress is that the amendment made in that year was not designed to bring flats under the jurisdiction of the rent inspector; it was intended to make clear that they had never been and were not intended to be within his jurisdiction. They were to remain within the jurisdiction of the court, and the rent inspector's activities were to be confined to rooms, which were understood to be shared accommodation.

Not only was that the intention of Parliament, but it was acted upon by the rent inspector, and not until last December, when we gave the rent inspector power of his own motion to fix the rent of rooms, did he deal with other premises. Not for one moment would I have agreed to his going into other premises of his own motion, and I think that was the understanding of other members. I hope the Committee will support the amendment.

The Chief Secretary: You are conveniently forgetting the interpretation of my amendment of 1951.

Hon. E. M. HEENAN: We have had a fairly lengthy outline of what has transpired.

Sitting suspended from 10 to 10.20 p.m.

Hon. E. M. HEENAN: In 1951 Section 13 (2) (a) read as follows:—

> Where the premises are part of premises which part is leased separately for residential purposes, the lessor or the lessee may make application in writing to a rent inspector appointed under the hand of the Minister to determine the fair rent thereof
>
> . . .

In 1953 it was amended to read—

> Where the premises are part of premises which part is leased separately for residential purposes a rent inspector may upon application being made by the lessor or the lessee, or of his own motion . . .

Mr. Watson has the temerity to tell us that the clear intention of Parliament was to confine the activities of the rent inspector to rooms. Those were his words. If that was the case, why did not Parliament say so? We did not mention rooms at all.

Hon. L. A. Logan: The Act says premises or part of premises.

Hon. E. M. HEENAN: The law says, "Where the premises are part of premises which part is leased separately for residential purposes." Why did we put that in if we intended to say rooms only? That obviously means flats, and no other interpretation can be placed on it. Accordingly the law of the land since December, 1951, has been that flats come within the province of the rent inspector. Up till last year they only came within his province when the lessor or lessee made application to him. But we altered that last year to provide that they should come within his jurisdiction when application is made to him by the lessor or lessee or of his own motion. It is utterly misleading for Mr. Watson or anyone else to suggest that the clear intention was to confine that section to rooms.

Hon. L. Craig: He did not say single rooms; he said shared accommodation.

Hon. E. M. HEENAN: He said rooms.

Hon. L. Craig: Yes; in the plural.

Hon. E. M. HEENAN: If that is so, why did we frame the Act as we did? When Mr. Watson said it was the clear intention, the hon. member said "Yes, it is the clear intention."

Hon. L. Craig: I still think it is. I will deal with that in a minute.

Hon. E. M. HEENAN: If anyone had the clear intention of saying rooms, why did he not say so? Why say premises which are part of premises, etc.? The law has interpreted that as applying to flats.

Hon. L. Craig: You said it is clear that it means flats.

Hon. E. M. HEENAN: I did; and I will be interested to hear arguments that it means rooms and only rooms. I am not alone in this. The Crown Solicitor of the State has said that it means flats, and I am sure not many members of this Committee will not agree with him. One does not have to be a lawyer to understand that the law goes far beyond rooms.

Now Mr. Logan proposes to do something which is pure anathema to several members of this Committee; he proposes to insert something that will be retrospective. Yet when the Chief Secretary suggested an amendment that would attempt to give some relief to people who were forced to agree to excessive rentals since the end of April, members would not hear of it, because it was retrospective legislation. If Mr. Logan's amendment is carried the Act will read as follows:—

> . . . . the expression "part of premises which part is leased separately for residential purposes" does not include and shall be deemed never to have included a self-contained flat which is completely closed off and which includes both cooking and bathing facilities.

We should be consistent in these things. Under the law of the land the rent inspector is apparently entitled—

Hon. L. A. Logan: You say only apparently.

Hon. E. M. HEENAN: I do not know how many times he has done this. What has he been doing if he has not been fixing rents?

The Chief Secretary: He has only about 100 cases on his desk.

Hon. L. A. Logan: Since when?

The Chief Secretary: Going on for weeks.

The CHAIRMAN: Order! I would ask members to allow Mr. Heenan to continue.

Hon. E. M. HEENAN: If the rent inspector has been drawing his salary, and his job is to fix rents, then he must have been carrying out that job. If Mr. Logan's amendment is carried, it will mean that it will be retrospective; and that, although the rents might have been fixed months ago, any fixations made in the past are to be cancelled out.

Hon. L. Craig: We do not like retrospective legislation, do we?

Hon. E. M. HEENAN: That is retrospective. For those reasons, Mr. Logan's amendment should be defeated.

Hon. L. A. LOGAN: As stated, this provision has been in the Act since 1951. Either the rent inspector had power to deal with flats from 1951 to 1953, or he had not. The point is he never used those powers. Therefore it was obvious that the rent inspector did not consider that he had the power.

Hon. E. M. Heenan: Last year a determination could be made on application.

Hon. L. A. LOGAN: But the rent inspector never made any at all.

The Chief Secretary: He could not.

Hon. L. A. LOGAN: He could have made those on application. The reason why this was put into the Act was that the Crown Law Department interpreted the provision to cover shared accommodation. The words used were "part of premises." Is that not shared accommodation?

The Chief Secretary: What are flats if they are not parts of premises?

Hon. L. A. LOGAN: Mr. Heenan, said this definition does not say "rooms" straight out; but it does not say "flats" straight

out, either. My argument on the retrospective clause is that there was a law since the 1st May.

The Chief Secretary: When did I make the statement that there was no law since the 1st May?

Hon. L. A. LOGAN: A little while ago, when the Chief Secretary indicated there was no law. We contend there was a law. But because there was no definition, we want to make the definition here.

The Chief Secretary: We have not had any doubt about the definition.

Hon. L. A. LOGAN: That is only because the Chief Secretary has just got a ruling. Why did the Crown Law Department give the interpretation that the clause covered only shared accommodation?

The Chief Secretary: That does not mean we have only just got the ruling.

Hon. L. A. LOGAN: When was the ruling obtained?

The Chief Secretary: A long time ago.

Hon. L. A. LOGAN: The Chief Secretary indicated that was the interpretation given when one was asked for.

The Chief Secretary: We got that months ago.

Hon. L. A. LOGAN: Not weeks ago? Referring to the definition of "part of premises," if rooms are not parts of premises, I do not know what is. A self-contained flat, on the other hand, is a complete premises, not part of one.

The Chief Secretary: Has it a separate washhouse and separate convenience?

Hon. L. A. LOGAN: A self-contained flat has. It has cooking facilities and is sealed off, so it is near enough to being self-contained.

The Chief Secretary: You are getting nearer to it when you say "nearly self-contained." You are shifting your ground.

Hon. L. A. LOGAN: Shared accommodation must mean rooms.

Hon. L. CRAIG: What was and what is the intention of the amendment? Rackets were in existence in regard to shared accommodation. As everyone knows, people renting big premises were letting out rooms at fantastic rates, and Parliament wanted to stop that. The Chief Secretary quoted the case of landladies renting premises for £3 or £4 a week, and then letting out individual rooms at 30s. to £2 each, and getting £20 or £30 a week in all. For this reason, the rent inspector was given authority to overcome the position quickly; and in order to save expense, he was given power to go into these places and fix a fair rental.

In many cases these could not be called rooms, because two or three rooms might be let out together which had a common kitchen and lavatory with other rooms. In my opinion, the words "part of premises" and "let separately," refer entirely to rooms and shared accommodation. A flat is a modern house. It is a modern trend for thousands of people to live in flats and to own them. In the newspapers recently, a firm was advertising flats for sale, not to let. So a modern flat is really a modern home.

The Chief Secretary: Do you say those flats have separate titles?

Hon. L. CRAIG: Yes.

The Chief Secretary: That is not so.

Hon. L. CRAIG: In Melbourne—in fact, all over the world—separate titles are given for flats. In other words, a flat may be one-tenth of a certain lot number and can be sold separately.

Hon. H. K. Watson: These are being advertised in the current issue of "The West Australian."

Hon. L. CRAIG: That is so. I point these things out to show that flats are modern homes, except that for the purpose of economy, they may share one, two or three washhouses.

The Chief Secretary: That is why they have a committee running each place.

Hon. L. CRAIG: Only if they agree to. They form a committee to establish common rights, because they are living together, in the same way as a local authority establishes common rights for people living in a locality. This is an arrangement to overcome overlapping between neighbours. But each flat holds a separate title and each is a separate home.

Hon. G. Bennetts: There are no separate titles for the land.

Hon. L. CRAIG: They have a separate right to each flat. A flat has its own bathroom and washing facilities. It was not the intention of Parliament to permit inspectors to enter private homes, and a flat is an independent home.

The Chief Secretary: You cannot get away with that.

Hon. E. M. Heenan: Would you not agree that there are about 10 degrees of flats. They are not all like Lawson Flats as we know them, but there are other places which people regard as flats. Those flats are different from your home and mine.

Hon. L. CRAIG: A flat is a complete unit in itself, and that is quite clear to anyone who wishes to define the difference between shared accommodation and flats. It was not the intention of Parliament to allow inspectors the power to enter complete homes, where people were living in a self-contained unit and depending on none of the neighbours. That is what a flat means. Inspectors were supposed to confine their activities to rooms and parts of premises.

That was Parliament's intention and Mr. Logan's amendment is designed to define the position clearly. I cannot see anything wrong with that. Anyone who occupies shared accommodation may approach the rent inspector. Today is the Chief Secretary's birthday and we might be able to compromise on some things, but let us not disagree as to what is a flat and what is shared accommodation, because there is a distinct difference between the two.

The CHIEF SECRETARY: It is marvellous how some people can stretch their imagination to believe anything. The so-called self-contained flats are not the equivalent of a semi-detached house, a duplex house or any other type of home. There are no washing or lavatory facilities.

Hon. L. Craig: Then they are not flats.

The CHIEF SECRETARY: The hon. member spoke of cooking and bathing facilities. A tenant might use a tub in a room for bathing.

Hon. L. Craig: The point is that the tenant has his own facilities and does not use those of other people.

The CHIEF SECRETARY: Then one would have to use another's washhouse and lavatory.

Hon. A. F. Griffith: The census regards such a place as a flat.

The CHIEF SECRETARY: It has always been accepted as shared accommodation, much as members may dispute it. I have quoted what Mr. Watson said in 1951. The hon. member stated that I had just obtained a ruling, but I have had it for some time.

Hon. A. F. Griffith: When do you think that a house divided into two would become a flat?

The CHIEF SECRETARY: When it is self-contained, similar to a semi-detached house.

Hon. A. F. Griffith: Until then it is shared accommodation?

The CHIEF SECRETARY: Yes.

Hon. A. F. Griffith: Yet you say that a flat is not self-contained because it has not all the facilities.

The CHIEF SECRETARY: Not until it has facilities similar to those of a semi-detached house. That is what the Act has provided all along, and therefore the rent inspector has acted within his powers. Why are members afraid of the inspector having this right?

Hon. H. K. Watson: Because he becomes an interfering busybody.

The CHIEF SECRETARY: Has the hon. member any complaints on that score? If so, why has he not approached the Minister with them? Not one complaint has been made to the Minister that the rent inspector is an interfering busybody. If he has been, and members have knowledge of the fact, they have been lacking in their duty by not reporting it to the Minister.

Hon. C. H. Simpson: That is not the point. If an officer has the right to enter a home, it disturbs the peace of those who occupy it.

The CHIEF SECRETARY: Not if he is doing his duty as set out by Parliament.

Hon. H. Hearn: Then we have to be careful what duty we prescribe for him.

The CHIEF SECRETARY: He had the power under the old Act and has been exercising it. He had the power on application being made to him. We have made an alteration because people would not complain as they feared that they would be given notice to quit. Consequently Parliament made provision for the inspector to enter of his own volition. About 100 cases relating to the rents of flats are pending.

Hon. H. K. Watson: Then you have 100 illustrations of his being an interfering busybody. People who were paying £5 are still paying that amount.

The CHIEF SECRETARY: He has adjudicated on rooms and on flats in a number of cases and has found that rents being charged for flats are excessive. All this argument boils down to the question whether the rent inspector may assess the rent for a flat, or whether the case must go to the court. Is it not better that such cases should be adjusted without approach to the court?

Hon. A. F. Griffith: But where two people have made an agreement, the rent inspector has the right to walk in and interfere.

The CHIEF SECRETARY: Whether an agreement has been made or not is beside the point. He could walk in if he thought the rent was excessive.

Hon. A. F. Griffith: Irrespective of whether the tenant considers it is not excessive or otherwise.

The CHIEF SECRETARY: The rent inspector does not have to approach the tenant and thus place him in the unfortunate position of being evicted.

Hon. A. F. Griffith: He just walks in.

The CHIEF SECRETARY: He writes to the landlord for certain information and gives seven days' notice of his intention to investigate. Wherever possible, he endeavours to arrange an adjustment of the rent. Yet members take exception to that.

Hon. J. G. Hislop: Does he ask the tenant how much he thinks he ought to pay?

Hon. H. Hearn: The tenant would not know what the premises had cost the owner.

The CHIEF SECRETARY: I repeat that at no time has the court differed from the rent inspector regarding the amount assessed by him.

Hon. H. K. Watson: Because it has never been asked.

The CHIEF SECRETARY: A number of cases have gone to the court.

Hon. A. F. Griffith: How does the rent inspector operate? Does he just go out for a drive and pick on one block of flats?

The CHIEF SECRETARY: No; tenants who are being overcharged advise the inspector, whereas under the old method they had to make a direct application. That is the difference.

Hon. A. F. Griffith: He gets the information on the side.

The CHIEF SECRETARY: The flat tenant who does not wish to be evicted advises the inspector, and he of his own volition may investigate the case. I am merely asking for a fair thing. The whole argument centres around the point whether the inspector has this right. I cannot understand the attitude of members. If the owner is not satisfied with the rent assessed by the inspector, he may go to the court; but why compel everybody to go to the court?

Hon. J. G. Hislop: We have conceded you a court and now you do not want to use it.

The CHIEF SECRETARY: The court would be there for those people who were not satisfied with the rent inspector's assessment.

Hon. H. Hearn: In 18 months we will not want any of this.

The CHIEF SECRETARY: I hope not.

Hon. H. K. Watson: The court is there for a 30s. house which is exclusively within the jurisdiction of the court, yet a £10 10s. flat is not.

The CHIEF SECRETARY: It may be £10 10s. when it should be £3 3s.

Hon. H. Hearn: There are many at £3 3s. which should be £10 10s.

The CHIEF SECRETARY: I would like to find them.

Hon. L. A. Logan: Where are you going to draw the line? Is it that a rent inspector shall not examine premises worth more than £3,000?

The CHIEF SECRETARY: There is nothing about that.

Hon. L. A. Logan: Have a look at Section 14!

The CHIEF SECRETARY: The argument is whether we want everybody to go to the court. If members want that, the amendment will be supported. If members vote for this in its present form, their consciences must be pricking them.

Amendment put and a division taken, with the following result:—

Ayes	13
Noes	10
Majority for	3

Ayes.

Hon. N. E. Baxter	Hon. L. A. Logan
Hon. L. Craig	Hon. J. Murray
Hon. Sir Frank Gibson	Hon. C. H. Simpson
Hon. A. F. Griffith	Hon. J. McI. Thomson
Hon. H. Hearn	Hon. H. K. Watson
Hon. C. H. Henning	Hon. A. R. Jones
Hon. J. G. Hislop	*(Teller.)*

Noes.

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

Pairs.

Ayes.	Noes.
Hon. Sir Chas. Latham	Hon. E. M. Davies
Hon. L. C. Diver	Hon. C. W. D. Barker

Amendment thus passed; the clause, as amended, agreed to.

Clause 11—agreed to.

Clause 12—Section 15 amended:

Hon. H. K. WATSON: I suggest that the Chief Secretary might agree to defer Clause 12 until after we have dealt with Clause 18 because, if Clause 18 is amended, Clause 12 should be deleted.

On motion by the Chief Secretary, clause postponed.

Progress reported.

House adjourned at 11.10 p.m.