

Legislative Assembly

Thursday, 5th August, 1954.

CONTENTS.

	Page
Questions : Poliomyelitis, as to inquiries regarding South African vaccine	904
Irrigation, as to progress in Benger district	904
Justice, as to relaxing penalties	904
Wagon Timber Construction Co., as to comment by Director of Industrial Development	905
State Housing Commission, as to appointment of chairman	905
Bills : State Housing Act Amendment, 3r. Rents and Tenancies Emergency Provisions Act Amendment, Council's amendments	905
Public Works Act Amendment, returned	928

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

QUESTIONS.

POLIOMYELITIS.

As to Inquiries regarding South African Vaccine.

Hon. Sir ROSS McLARTY asked the Minister for Health:

(1) Did he see an article in "The West Australian" of the 29th July, 1954, headed "Africa is Winning her Polio Fight"?

(2) Did he also note that the claim is made that South Africa has the facilities for producing the vaccine to combat polio, and fields of experimentation which other countries have not got?

(3) In view of the great importance of this discovery, would he state what action has been taken by the Health Department to try to obtain a supply of the vaccine.

(4) In view of the urgent need for up-to-date information in regard to combating poliomyelitis, does the Government consider it advisable to send a medical officer to South Africa in order to obtain the latest information, and to observe the results obtained?

The MINISTER replied:

(1) Yes.

(2) Yes.

(3) The vaccine referred to is evidently of the same type as the salk vaccine which is undergoing extensive trials in the United States at the present time. It is understood that plans are being made by the Federal Government to produce this vaccine on a large scale in Melbourne, if the American trials are successful. The Health Department has therefore not taken any action in regard to the African vaccine.

(4) The Government appreciates the urgent need for up-to-date information and the hon. member's proposal will be given consideration.

IRRIGATION.

As to Progress in Benger District.

Mr. MANNING asked the Minister for Works:

(1) What construction work remains to be done to complete the irrigation scheme to the Benger district?

(2) When is it anticipated this scheme will be completed?

The MINISTER replied:

(1) The completion of irrigation works in the Harvey extended area, which includes the Benger system, involves completion of enlargement of Benger main drain, over a distance of three miles, and the lining of 64 chains of irrigation channels, together with pertinent structures and supplementary works.

(2) Completion of extension of Harvey extended system depends upon the availability of loan funds.

JUSTICE.

As to Relaxing Penalties.

Hon. C. F. J. NORTH asked the Minister for Justice:

When he contemplates the vast output of legislation and regulations which have deluged the people since the doctrine "Ignorantia legis neminem excusat" was first executed, will he give consideration to relaxing penalties and the full rigour of the law in cases where the plea of "I did not know" is found to be genuine?

The MINISTER replied:

The doctrine referred to is a necessary one in the administration of the law but it is primarily for the courts, rather than for the Government, to relax penalties in proper cases. Courts have the necessary power: see Justices Act, Section 166, and Criminal Code, Section 19.

WAGON TIMBER CONSTRUCTION CO.

As to Comment by Director of Industrial Development.

Hon. D. BRAND asked the Minister for Industrial Development:

(1) Does any file belonging to his department contain any reference to the formation of a company known as Wagon Timber Construction Co.?

(2) Is there any record of comment made by the Director of Industrial Development in regard to the company's formation?

The MINISTER replied:

(1) No. The only contact the Department of Industrial Development had with Wagon Timber Construction Co. concerned the possible acquisition of a site for the company on Government land at Canning Park, Maddington. Negotiations were broken off by the company.

(2) No.

STATE HOUSING COMMISSION.*As to Appointment of Chairman.*

Mr. WILD (without notice) asked the Minister for Housing:

(1) Was an appointment made at Executive Council today to fill the chairmanship of the State Housing Commission?

(2) If the answer is "Yes", who was appointed?

(3) Is it to be a part-time appointment?

The MINISTER replied:

An announcement in respect of the position of chairman of the State Housing Commission will be made shortly.

BILL—STATE HOUSING ACT AMENDMENT.

Read a third time and transmitted to the Council.

BILL—RENTS AND TENANCIES EMERGENCY PROVISIONS ACT AMENDMENT.*Council's Amendments.*

Schedule of 29 amendments made by the Council now considered.

In Committee.

Mr. Moir in the Chair; the Minister for Housing in charge of the Bill.

No. 1. Clause 4, page 2—After the word "amended" in line 6 insert the following:—

"(a) by inserting after paragraph (d) of Subsection (1) the following paragraph:—

(da) premises which, whether for the first time or otherwise, are after the first day of August, one thousand nine hundred and fifty-four leased for a fixed term of not less than three years; and

(b)"

The MINISTER FOR HOUSING: Notwithstanding the attitude of the Government to the Bill when it was previously before this Chamber in conceding many points and making many concessions to the Opposition, these amendments, if agreed to, will make the measure scarcely recognisable from the one that was first introduced here. From the long list of amendments made by another place it will be seen that the conciliatory attitude of the Government has found no response whatsoever from the majority of the members of the Legislative Council. On behalf of the Government I say that this is a most disappointing state of affairs and to some extent it is a breach of faith.

Hon. A. V. R. Abbott: What rot !

The MINISTER FOR HOUSING: It was intimated to the Government that if it was prepared to indulge in a fair measure

of compromise on the Bill there would be a response from those of a different political complexion. However, the lack of that response will become increasingly obvious as we deal with the amendments that are before us. In certain cases amendments that were moved by the Opposition were substantially agreed to in their original form without removing any of the principles contained in them.

I understand, on good authority, that Mr. Watson and another member in another place were two of the Liberal Party members who considered the Bill and therefore the amendments that were made in this Chamber have apparently been thrust aside and contemptuously rejected by those in another place. Therefore, they have not played true to their colleagues. I can, perhaps, address myself to the amendments and to what has taken place more appropriately on the Bill to deal with the proposed change in the franchise of the Legislative Council. Suffice it to say at the moment that I am disgusted with what has been done. Whilst superficially the whole of the amendments may seem to have conceded a minor point here and there, in actual fact the supposed concessions are not worth the paper they are written on. That surely is a travesty of the democratic system under which we operate.

However, the Government is now forced to deal with the position confronting it. My colleagues on this side of the House will find it necessary to be most forbearing and tolerant because I am afraid I will be forced to agree to amendments that are not acceptable to the Government and its supporters. Unfortunately, however, the alternative is just a shade worse than the acceptance of them. I want to make it perfectly clear that although I will be accepting a number of these amendments, generally speaking, I will be doing so with the greatest reluctance.

I hope that, for the second time, having granted concessions because of the minority point of view, the counterparts of the members of the Opposition who are in another place will be more appreciative of this action. Surely the Government has the right to govern without being molested on every detail of every Bill especially when the general purpose and the principles of them were accepted by the people when they returned the Government to office. We are not given the opportunity to govern, but the Government is answerable to the people at the end of three years.

The amendment now before us proposes to remove entirely from the scope of the Act the premises which are subject to a lease of three years or longer. From the experience gained of legislation that has been in force, there would appear to be quite a number of landlords who have taken advantage of the fact that they could enter into contracts for periods

greater than 12 months and thereby defeat the purpose of the law by charging any rental that they thought fit.

A period of three years is probably an improvement on that situation, but these "get-rich-quick" people will not be slow to take advantage of this longer period because of the impossibility of obtaining alternative accommodation, especially with regard to business premises. All the landlord has to do is to submit a proposition to the tenant and to say, "You are given 28 days' notice unless you sign this lease for three years or longer." The hapless tenant who has probably taken many years to establish his business and is faced with the prospect of all his work going overboard, has no alternative but to pass up this blood money to the landlord. I say "blood money" because business premises will be completely removed from the Act and therefore the sky is the limit.

It is going to be exceedingly difficult for members to follow what is being done and the discussions that will ensue on these amendments unless they have taken the precaution to provide themselves with a copy of the Bill that was amended in Committee and not the copy that is in their folders. I move—

That the amendment be agreed to.

Mr. WILD: The Minister has repeatedly got on his feet and talked about somebody else playing cricket, and about all he has done and what the Government is going to give. These amendments from the Upper House are virtually exactly the same in principle, with one exception, as those the Opposition here would have had incorporated in the Bill had it had the numbers.

So it is no good the Minister saying that this Bill went to the Upper House in a spirit of compromise. It was not a compromise, but contained exactly what he wanted. How many amendments, except the small one moved by the member for Nedlands, were accepted by the Government? The only alteration I can see is this one. We did not accept it here, but another place, in its wisdom, has done so. The Minister did say he would agree to having a one-man court, but we did not agree on this side.

The amendment moved by Mr. Simpson in another place to make the period three years, is the only difference between the Bill as it has been returned to us and what it would have been had we on this side had our way. The Minister has been kicking this political football about these poor evicted tenants a little too long, and it is time he got his head out of the clouds in the interests of the people he reckons he represents.

We have heard about the hundreds of people who are being thrown out. We know that some have been evicted, and we have read in the paper of two or three distressing cases. But three years ago,

when the McLarty-Watts Government was trying to do something for evictees, we had three times as many people coming to Western Australia by way of migration, and the figures show that there were more evictions in the two months following the amendment of the legislation at that time than there have been in the four months since this measure was amended in April last.

So it is no good talking to me about the terrific number of people who are suffering today in comparison with those for whom we had to provide three years ago. The Minister has not undertaken what he could have done in the interests of these people. We have heard about these "Wild" houses and how bad they were. I noticed that in the "Daily News" recently a lady had a picture of herself which showed her exultation at being able to shift into one of those buildings that have been criticised. She said that it was the happiest day of her life because she was going into one of the flats put up by the McLarty-Watts Government.

I have looked through this list supplied by the Minister; and I can assure members that if the committee, which was in existence 12 to 18 months ago, had been retained, a considerable number of people whose names appear on the list would not have been housed, but would have been made to do something for themselves. This list was supplied to me in answer to my second question to the Minister, and he would not give the names and addresses of the people concerned. I cannot cavil about that. But here is the case of a family at Fremantle, consisting of a man and his wife and a son aged 23. It is reasonable to assume that, unless the man happens to be an old-age pensioner, there will be something in the nature of £25 to £30 per week coming into that house. Is that family, which has probably lived under decent circumstances and had its rent subsidised for years by the other tenants, to be given preference over an individual who, perhaps, has been living on a back verandah or in a substandard house for seven or eight years? I say, "No."

There is another case at Midland Junction. It is submitted that in this instance £46 12s. per week is coming into the house. Should that man not do something for himself? I could go on in this way. The first list the Minister gave me contains 25 names and, on the information he submitted, I could pick out seven people who should have done something for themselves. I am sick and tired of the Minister getting up and saying there is no co-operation. We on this side of the House are just as alive as he is to the sufferings of these people. If there is a man in the lower income-group who has little children, let him be housed by all means; but let the Minister not get up and talk about the people he is going to house and the thousands of homes he is building. The

Minister is not housing half the evictees he alleges he is providing for. I want to stress the emphatic protest of those on this side of the House against the bleating of the Minister about the terrible time being experienced in regard to housing, due to evictions. It is time we got back to normality. I support the amendment.

Hon. J. B. SLEEMAN: The member for Dale should have made some investigations and found out the facts about the cases he mentioned. If he had made inquiries, he would have discovered that the one relating to the man and his wife and 23-year-old son was most distressing, and that it was the doctors who secured the man a house. But for that, he might have been out on the street or under a pine tree somewhere. I cannot swear to the one mentioned being the case I have in mind, but it sounds very much like it. I venture to say there was not £25 per week coming into that house; and if the hon. member had made inquiries, I think he would have said that this was a most distressing case which merited assistance.

Mr. WILD: It is all very well for the hon. member to talk like that. I am not going to people's houses to find out these things.

Hon. J. B. Sleeman: Then why quote the cases?

Mr. WILD: This is information that was given to me by the Minister. What else can I go by?

Hon. J. B. Sleeman: Does it mention the income?

Mr. WILD: Yes; it says that the weekly income is £8. Is that not ridiculous?

Mr. Johnson: It is below the basic wage.

Mr. WILD: Yes; that is why the information is wrong or misleading.

Mr. Johnson: Have you ever heard of pensioners?

Mr. WILD: In half the cases quoted, the income is said to be less than the basic wage, which proves that each case is not being investigated on its merits, as was done by the committee set up by the previous Government. That is where I quarrel with the Minister; the committee should have been retained. I say that we should help those who need help, but that a large number of those who have been assisted were not deserving of help and should have paid the higher rents that people have to pay for houses today.

The MINISTER FOR HOUSING: Every time the member for Dale has got on his feet in connection with housing matters he has revealed a woeful ignorance, and one would be excused for believing that he had never held the office of Minister for Housing. He glibly passes over things he should know if he were in any way at all in touch with the department.

Mr. Wild: Why do you not give me the proper facts when I ask questions?

The MINISTER FOR HOUSING: All the information asked for was given. As a matter of fact, too much was given; because, when a client lodges an application with the State Housing Commission, surely to goodness his name and the names of his family and the income should not be made public! I made a mistake on the first occasion, but I omitted the names on the second. But every item of information which was sought was given. The hon. member says it is terrible that the Housing Commission should find accommodation for a family with an income of £46 12s. I would point out that the responsible person in that household is the husband and father.

If there are teenage members of the family who are earning between £12 and £15 per week, that, of course, has to be included in the family income; but it is not the income of that household. The children pay £3 to £4 a week for board, of which the probable profit to the family is 10s. or 15s. A totally false impression is given by grouping all the income. The hon. member knows that, but he is not honest enough to admit it. What would happen if a father whose son was getting £12 a week insisted on the lot going into the family pool? The son would pack up and go somewhere else.

Mr. Wild: Are not necessitous families entitled to help?

The MINISTER FOR HOUSING: Children are entitled to pay a reasonable amount weekly for board. I would like to know how many children would give 90 per cent. of their pay to their parents! Furthermore, it would not matter how much the family income was, if accommodation was not available, if landlords would not agree to children occupying their homes. In the family to which the hon. member referred, there are two children who are three years of age; another, six years; another, eight years; another, 12 years; and another, 14 years. How many landlords would take in such a great number of children as that?

Mr. Wild: Mention the rest of the family, whose ages are 15, 17, 19, and 24, and who are wage-earners!

The MINISTER FOR HOUSING: I have already indicated the position with regard to them. They are human beings working in their own right, and their pay envelopes belong to them. If it were insisted that they give the whole of their wages to their parents, they would walk out.

Hon. A. V. R. Abbott: Who is suggesting that they should?

The MINISTER FOR HOUSING: The member for Dale is seeking to take this Government or the Housing Commission to task because of the gross income, and he reveals lamentable ignorance of the procedure and is unable to analyse the

position after figures are given to him. He refers to an invalid woman pensioner whose son lives with her, and he queries the case.

The income of that woman is £9 10s. per week, and her son is giving her more than sufficient for board, and has also been paying the rent. That was the position before they were evicted; and because of the circumstances of the case, accommodation had to be provided. The member for Dale is at liberty to go to the Housing Commission and look at any of these cases; but he seeks to grasp half-truths, and endeavours to make political capital out of them. As a man who was Minister for Housing, he should be ashamed of himself. He supported a measure for six years to continue protection against eviction; but now he turns round and pretends there is no need for such protection. That reeks of insincerity and hypocrisy.

Mr. Wild: Do not forget that the position was eased over the six years.

The MINISTER FOR HOUSING: There has been more easing of the position by this Government than by the previous Government. We shall go through the amendments presently and show what sheer tommyrot the hon. member was talking just now.

Mr. Wild: Don't talk balderdash!

The MINISTER FOR HOUSING: It will be seen that the amendments he submitted have been defeated not by this Government but by the hon. member's colleagues in the Legislative Council.

Mr. Wild: It is a House of review.

The MINISTER FOR HOUSING: What sort of tripe does he talk? He pretends that I even criticised the Belmont flats. He cannot find a record anywhere of any criticism of mine.

Mr. Wild: I did not say that. I said they had been criticised in this Chamber.

The MINISTER FOR HOUSING: Criticised by whom?

Mr. Wild: By the member for Canning.

The MINISTER FOR HOUSING: He has criticised these terrible Wild chicken-houses.

Hon. Dame Florence Cardell-Oliver: Dog-boxes!

The MINISTER FOR HOUSING: The member for Subiaco has the apt description of them. I listened to the debate on this and other amendments in the Legislative Council, and there were Country Party members there who thought that eviction was the name of a racehorse. They did not have the foggiest notion of what the Bill was about. I witnessed Hon. H. K. Watson, having to grab a man by the shoulder and drag him across to the other side of the Chamber. Members there had not the foggiest conception of the

import of the Bill, but blindly followed the leader who so badly advised them. So we have this terrible hotchpotch, which is not worth two bob of anybody's money. The member for Dale has tried to be clever and say all sorts of snide things that bear no relation to the facts, but he realises, deep in his heart, that there is an intense problem in connection with evictions, and that evictions are being made by the court today at a greater rate than at any other time in the history of the State.

Mr. Wild: That information is not correct.

The MINISTER FOR HOUSING: My information is correct.

Mr. Wild: It is not correct. I suggest you have a look at the position in 1951.

The MINISTER FOR HOUSING: When did the court in Perth ever previously evict the number that it evicted the week before last?

Mr. Wild: You are correct there, but if you average the figures over two or three months, you will find there was not half the number that there was in September, 1951.

The MINISTER FOR HOUSING: It is no good anticipating what is going to happen in two or three months, when we have the problem with us today.

Mr. Wild: Did the Minister read yesterday that in Fremantle there were five or six evictions, and the week before there were 14 or 15, which is an average of only about eight.

The MINISTER FOR HOUSING: That is at Fremantle. I suggest that the member for Dale have some regard for the Perth figures. There were 16.

Mr. Wild: In September, 1951, there were 16, 17 and 18 for two or three months.

The MINISTER FOR HOUSING: Does the hon. member know how many there were the week before?

Mr. Wild: There were over 20.

The MINISTER FOR HOUSING: And did the hon. member notice that, with regard to the day when the court had a record number in the history of Western Australia, "The West Australian" made no mention of there having been any evictions? That is applying the soft pedal to the housing position at the moment. That is part and parcel of the armoury of the Opposition in connection with this matter. For six years the Opposition sought to provide protection, but since the present Government has come into office, there has been a deliberate attempt to embarrass the Administration, irrespective of the hardship and suffering being endured by the people.

The Housing Commission is working wonders at the moment because of the increased number of houses, but it is doing

that at the sacrifice of people who have been living for five years and longer under the most deplorable circumstances and who, because of this action, are compelled to remain in those conditions, notwithstanding increases of family and strained relationships. All of this has not necessarily any direct relationship to the first amendment, which I have already intimated I am prepared to accept; but a certain amount of latitude is permitted in regard to the first amendment in surveying the general circumstances, following which we shall deal in detail with the 29 amendments suggested by the Legislative Council. Here, let me cut a little ground from under the feet of the member for Dale by informing him that I will be accepting more than 20 of them.

Mr. Wild: I am pleased to hear it.

The MINISTER FOR HOUSING: That being the case, I am going to keep a very strict tally of how many of the amendments that are not acceptable to the Government will be accepted by Opposition members in this Chamber and in the Legislative Council.

Mr. PERKINS: I do not know that I can ever recollect a similar exhibition to what we have just had; and watching the Premier's face, I do not know that he is particularly proud of his Minister for Housing.

The Premier: You let the Premier speak for himself.

Mr. PERKINS: I shall be interested if he will.

The Premier: I will, if you are not careful! You spread your poison in the bush, not here!

Mr. PERKINS: I am prepared to say whatever I have to say in this Chamber, and if there is anything wrong with it, I shall be very happy if the Premier will put me right.

The Premier: Yes; well, you keep to the truth.

Mr. PERKINS: The Premier cannot have his Ministers throwing innuendoes about this Chamber without some members on this side—

The Premier: You look after yourself.

Mr. PERKINS: —taking exception to them. The Minister for Housing brands all members who do not think the same as he does as having bad motives. That is what he has been doing.

Mr. Johnson: What about the people who do not know what they are talking about?

Mr. PERKINS: I suggest this particular hon. member speak for himself, because he probably knows more about that class of member of Parliament than anyone else.

Mr. Johnson: Mr. Chairman—

Hon. Sir Ross McLarty: Sit down!

Mr. Johnson: The Chairman is in charge of the Chamber, not the silly old men opposite.

The CHAIRMAN: Order!

Mr. Johnson: I take my orders from the Chair, not the silly old things.

Mr. PERKINS: I do not want to make the atmosphere any worse than it is at the moment by making unduly provocative statements. The point is that many members—I would say all on this side of the House—are just as concerned about the housing situation and the difficulties that people are facing as are members on the Government side.

The Minister for Works: We have not seen much proof of it yet.

Mr. PERKINS: We are just as much concerned.

The Premier: Theoretically you are.

Mr. PERKINS: We are suggesting other remedies. Is it unreasonable that members on the Government side of the House might try to understand the point of view of those who do not think exactly as they do? The Minister for Housing comes out and says that if anyone does not think exactly the same as he does, that member has nothing but bad motives.

The Minister for Housing: He did not say that at all.

The Premier: Drivel!

Mr. PERKINS: That is how I understood his remarks.

Hon. L. Thorn: What does "hypocrisy" mean?

Mr. PERKINS: He used the word "insincerity."

The Premier: He applied that to the member for Dale only.

Hon. A. F. Watts: It did not sound like it.

The Premier: Yes, it did.

Mr. PERKINS: Whether he applied it to the member for Dale, or other members, I am going to say something in defence of the member for Dale. When all is said and done, the member for Dale was the Minister for Housing in a Ministry which all of us on this side of the House supported. If certain action was taken, or legislation introduced, I think all members must take some share of the responsibility for it. The point is this, that if the Premier wants to get this legislation through, he might well get some Minister other than the present Minister for Housing to handle it, because certainly it could have been much easier if the Minister for Housing had adopted a different attitude in trying to understand what the Opposition is attempting to do.

The point has been raised about families that have a very high family income. The question is whether something should be done for some of the families that are

less able to do something for themselves, or whether it should be done for some of those families that have a very high family income. I join issue with the Minister for Housing when he says that the teenagers have no responsibility for the housing of their parents. What are we coming to if we take that attitude? I am fairly certain that the Premier does not share that particular point of view.

The Premier: You express your own views!

Mr. PERKINS: I will be interested to hear the Premier say that teenagers and those up to 21 and 22 years of age have no responsibility for easing the difficulties of their parents.

The Premier: The Minister did not say that, either.

Mr. PERKINS: That is what I understood him to say.

The Premier: Of course you did, because you are thinking with your stomach.

Mr. PERKINS: That is not a very nice interjection for the Premier to make.

The Premier: Why do not you stick to the truth?

Mr. PERKINS: It is not worthy of him.

The Premier: It is not worthy of you to get up and tell lies.

Mr. PERKINS: The Premier is not making things very much better. I have a great deal of respect for the Premier, although I have disagreed with him on many occasions, but I think we can disagree without calling each other names.

The Premier: We can, if you stick to the truth.

Mr. PERKINS: The point I got up to make is that as far as discussing these amendments in concerned, I hope the Minister for Housing will look at them on their merits and at least try to discuss them in a reasonable manner rather than throw epithets about the Chamber.

The Premier: That is what you have been doing.

Mr. PERKINS: I strongly object to his branding everyone who does not think as he does as being insincere.

The Premier: He did not do that.

Mr. JOHNSON: I would like to bring a slight note of quietness into this debate. There was a well-known reactionary gentleman in the United States called Bernard Baruch, who was very elderly, and he made one very famous statement which has been repeated many times. It is this—"Every man is entitled to his opinion, but no man is entitled to be wrong in his facts." That applies to the member for Roe, the member for Dale and all other members. It applies to the member for Leederville, too. I was impressed by the fact that the member for Dale, in quoting the figures he received in

reply to a question that he asked, overlooked the point that every member of the Chamber also got a copy of the answer.

He said that a man and wife in Fremantle, with one son aged 23, were given a house and undoubtedly must have had an income of £25 to £30 a week. The answer supplied to him shows an amount of £9 10s. He overlooked that, very conveniently, because it is to be presumed that the hon. gentleman can read. Further down the same schedule, dealing with a family which has a family income of £46 12s., he overlooked the point that the family included 11 children, making a total of 13 persons in the one household.

Mr. Wild: There are six breadwinners there, are there not?

Mr. JOHNSON: The total of £46 12s. gives an average income of roughly £3 10s. a week. He overlooked that point. On that occasion, he quoted the income because it was high and left out the family, and on the other he only spoke about the family and not the income. If that is not insincerity, no one knows anything about the meaning of words, because he misapplied his facts.

There are other points I wish to make in passing. People are entitled to disagree and to have other opinions, but they should not say that they are accused of being insincere because they disagree when they have made no effort to get the facts. For the last three weeks I have spent the greater part of two Tuesday mornings in the court which deals with evictions. There was only one other member of Parliament present on either of those two occasions, and he was a Labour member from the other Chamber; neither the member for Dale nor the member for Roe were there. Yet they talk about evictions, without any knowledge!

They were not there when the magistrate had to give an order because of the way the Act stands. In the case I wish to mention the man wanted possession on a certain day because his daughter was arriving from overseas. She, at the time of the court hearing, was not even in this country; she had not even commenced naturalisation proceedings—but an order had to be given. One particular person wanted to evict people because he thought he should have a higher rent. The magistrate had to grant an order because of the way the Act stands. The members to whom I have referred were not in the court on any of those occasions and they were not there when a couple of people said that under no circumstances would they have Mr. So-and-So as a tenant because they quarrelled with him. The landlords did not say he was a bad tenant; they just wanted to have him out because they were vicious.

It is regrettable that these members should talk through their pockets and form opinions without any knowledge. The last time I spoke on this subject I issued an

open invitation to members on the other side to investigate the housing problem in my area; but not one of them accepted. No person who has not investigated the problem is entitled to criticise the Minister for his statements which are based on the best information available. The last person to criticise that information should be the member for Dale who, unfortunately, was at one stage the Minister for Housing. During the period he was a Minister he could have sacked these officers if he thought them inefficient because they are the same officers who are supplying the information given by the present Minister for Housing. The member for Dale has shown himself in a very poor light because he is criticising the officers who served beneath him when he was Minister for Housing.

Mr. Wild: The hon. member was criticising no one; he was criticising the policy now being adopted.

Mr. JOHNSON: The hon. member criticised information and said it was not right.

Mr. Wild: Was it not given by the Minister?

Mr. JOHNSON: It was prepared by the same officers as served under the member for Dale when he was Minister.

Mr. Wild: The Minister is responsible.

Mr. JOHNSON: The officers are still the same as those who served under the hon. member and it ill becomes him to criticise the information supplied unless he can produce evidence to show that the information is not correct, in which case action should be taken against the officers concerned. I support the stand of the Minister.

Question put and passed; the Council's amendment agreed to.

No. 2. Clause 6, page 3—Delete the words "three members, being" in line 12.

The MINISTER FOR HOUSING: This amendment deals with the establishment of a fair rents court and it will be recalled that I made an offer to the Opposition in this Chamber that if they were so concerned about there being two assessors to represent the opposing parties who would sit with the magistrate, I would be agreeable to the reference to the two assessors being struck out. My offer was not accepted but the Legislative Council, in its wisdom, has decided that a fair rents court could be established without these assessors and what we are now dealing with is something that could have been agreed to some weeks ago.

So long as there is a special court for the purpose of streamlining hearings and avoiding the possibility of any delays, whether the application is made by the lessor or the lessee, that is all we require. Apparently members of the Legislative Council saw the advantage of that and have agreed with the principle. I have no qualms whatever in accepting the amendment and I move—

That the amendment be agreed to.

Question put and passed; the Council's amendment agreed to.

No. 3. Clause 6, page 3—Delete the letter "a" in brackets thus "(a)" in line 13.

No. 4. Clause 6, page 3—Delete the words "as Chairman" in line 13.

No. 5. Clause 6, page 3—Delete paragraph (b) as contained in lines 14 to 17.

No. 6. Clause 6, page 3—Delete paragraph (c) as contained in lines 18 and 19.

No. 7. Clause 6, page 3—Delete Subsection (2) as contained in lines 22 to 25.

No. 8. Clause 6, page 3—Delete subsection (3) as contained in lines 26 and 27.

No. 9. Clause 6, page 3—Delete subsection (4) as contained in lines 28 to 31.

No. 10. Clause 6, page 3—Delete Subsection (5) as contained in lines 32 to 35.

The MINISTER FOR HOUSING: Mr. Chairman, may I deal with amendments Nos. 3 to 10 as a group?

The CHAIRMAN: Yes.

The MINISTER FOR HOUSING: It will be seen that the Council's amendment which we have just accepted, and amendments Nos. 3 to 10, all deal with the clause which relates to the establishment of a fair rents court. As amendment No. 2 has been agreed to, I move—

That amendments Nos. 3 to 10 be agreed to.

Question put and passed; the Council's amendments agreed to.

No. 11. Clause 6, page 4—After the word "recommends" in line 20, add the following subsection to stand as Subsection 10:—

(10) In the first month of each quarter of every year during the continuance of this Act, the Metropolitan Fair Rents Court shall report, in writing, to the Minister upon—

- (a) the number of applications or appeals received and determined by the Court during the previous quarter; and
- (b) in respect to each such application or appeal, the nature and locality of the premises, the amount of the rent appealed from, the amount of the fair rent as determined by the Court, and the net annual return of such fair rent expressed as a percentage on the capital value of the premises; and
- (c) such other information as the Court may consider necessary or desirable.

Such reports shall be laid before both Houses of Parliament if Parliament is sitting, and if not, then immediately upon the reassembling of Parliament; but the Minister may, if he thinks fit, publish such reports forthwith upon his receiving them.

The MINISTER FOR HOUSING: I am unable to satisfy myself as to the reason or the purpose of this amendment. I trust I am wrong in my surmise but I interpret it as being something in the nature of an insult to Ministers in the Government. I was not present during the debate in another place, but I have been informed that there was extreme reluctance on the part of many members of the Legislative Council to accept information which had been obtained from official sources by the Chief Secretary. When facts, particularly statistics, are sought by members, irrespective of the political party in power, those figures are accepted in all good faith as being true and correct because they are prepared by officers from official sources.

If it is to become a principle that instead of members asking for information, either by direct approach to the Minister or by question in either House, the whole of our legislation is to be cluttered up with a lot of requirements concerning returns for this, that and the other, what a position we will be in. I do not think this is necessary and if at any time a member requires information in this regard, or any further information, he is quite within his rights in asking for it. As the amendment is not essential I do not propose to accept it and I move—

That the amendment be not agreed to.

Mr. WILD: I cannot understand the Minister because while I was not present during the course of the debate in another place, I understand that the Chief Secretary accepted this amendment. While I am not criticising rent inspectors as individuals, we have seen reported in the Press, and I have heard it said in another place, that some of the inspectors have been looking at rents of flats whereas they should have been approaching people with shared accommodation. In April last, Mr. Watson cited a case and obtained information from the Minister to the effect that no prosecutions had been effected by these officers.

There have been some complaints that the job for which they are specifically appointed has not been carried out in the spirit and terms of the legislation. Therefore the minds of members must be disturbed and this is only a way of providing information—the very information we want. It will tell us what these rent inspectors have found out. We were refused a select committee and this is the type of evidence that would have been forthcoming had it been accepted. This means that every three months a report will be tabled and we will be able to find out exactly what is going on. It will tell us if the scale of rents is increasing, if landlords are trying to charge more rent or if the position is becoming easier. As the Chief Secretary accepted it in another place, I must oppose the Minister.

The MINISTER FOR HOUSING: Instead of the member for Dale casting a few brickbats every time he rises, I wish he would have a look at the proposition. This has nothing whatever to do with rent inspectors; it is to be a report on the activities of the fair rents court.

Mr. Wild: It embraces the whole thing, does it not?

The MINISTER FOR HOUSING: No, of the fair rents court.

Mr. Wild: It would be information.

The MINISTER FOR HOUSING: Yes, and nobody wants to deny information to any member. I am quite agreeable that this information and any other information should be available to members, but there is an orderly and proper way to do that. There need be no statutory provision. As I said before, an approach to the Minister or a question in the House will elicit this or any other information. As long as members have the facility to acquire such information, that is all that is necessary.

I do not want it to be thought for one moment that the Government is afraid of information getting out; on the contrary, I think that if members of the Opposition had more knowledge of the circumstances, they would show a greater responsibility in this matter, which is one on which the Opposition can theorise but for which the Government has to accept responsibility. If that is proposed were the only means by which information could be made available, then I would have no objection; but the information can be easily obtained and as frequently as any member desires. In my view, therefore, there is no need for this provision. I do not like it because, in my opinion, it presupposes that if a question is asked and the Minister gives the information on the data collected by his departmental officers, it cannot be relied on. This is an inference which no responsible member or Minister will tolerate.

Hon. A. V. R. ABBOTT: I think the Minister is somewhat astray on this matter, because there is no reference to the Minister at all in the amendment. This simply provides that certain statistical information shall be collated by the court and supplied to the Minister. In the normal way the Minister would lay the information on the Table of the House. There are many other types of reports furnished by Ministers under the provisions of different Acts, and in every case it is customary for the report to be laid on the Table of the House. This provision is only to ensure that certain important statistical information shall be properly compiled every three months. The other day the Minister for Justice did not hesitate to insert a similar provision in the Reprinting of Regulations Bill because he thought it important enough. This provided that certain ministerial administrative action shall be taken.

There is no suggestion that the Minister will not answer questions correctly. This provision is merely to ensure that the Minister gets the correct information. When I was Attorney General, questions on traffic regulations and prosecutions were asked, and in some cases I was informed by the responsible departmental officer that it would entail many hours of research and the department could ill afford the time. When I answered the question that way, it was not accepted by the Opposition very happily. The same circumstances could apply here. The Minister might get up and inform the House that the information would entail long research and would be too expensive to obtain. So the amendment is suggested for inclusion in the Bill to provide that this information shall be readily available.

Of course, I agree with the Minister that he would not hesitate to supply this information to any member or person requiring it. I do not think there is any suggestion that the Minister will not supply the information or figures, or that they will be incorrect when given. No Minister intentionally gives incorrect information, but there are times—I have been placed in such a position—where the information is not available. I admit the matter is of an administrative nature and perhaps could be accomplished by ministerial direction. Just as the Minister said that he wanted to do this by ministerial direction, so this provision should be inserted in the Bill.

Mr. McCULLOCH: I oppose the amendment. The Bill made provision for a fair rents court or something similar for country districts, but I notice that the amendment makes no such provision. Since the court has been whittled down from three persons to one, I see no reason why it should apply only to the metropolitan area. I have a great objection to such a course. I quote a letter which I received from the Kalgoorlie Municipal Council written since the Bill was before the House. That council is certainly not made up of a body of Labour supporters. It is as follows:—

Rents and Tenancies Bill.

At a 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 whatsoever was made for country areas.

In the Bill certain provisions were made, but if we accept the amendment before us, there will be a fair rents court in the metropolitan area only.

Hon. A. F. WATTS: I do not quite know what the amendment we are discussing has to do with the fair rents court in country districts, as mentioned by the last speaker, so I shall deal with the matter which the amendment does affect. I am

unable to understand the opposition of the Minister to the inclusion of this provision in the Bill. I think I am right in saying it was inserted in another place after the Bill had been returned to that Chamber consequent upon some error made in dealing with the third reading, and therefore there was a fair amount of publicity. The Minister has not denied the assertion of the member for Dale, which was also in my mind, that this amendment met with no opposition, but rather some measure of agreement from the Chief Secretary in another place. So it is all the more difficult to appreciate the Minister's desire that the proposed new section should be rejected.

When the Committee stage of this measure was originally before this Chamber, I voted for the fair rents court because, to some degree, I believed that the Minister was going to make it a magistrate only, and that was a point of view acceptable to me. Now we have the magistrate only provided for in the measure and the Minister objects to that magistrate being provided with information as to what is taking place in his court. In all the circumstances of the housing and eviction problem, I can conceive of no wiser proposal.

I venture to say that much of the controversy which has taken place over this measure and similar measures has arisen because there has not been sufficient information available, not as to what the Bill will do if it becomes law, not as to the general situation perhaps, but as to the actual circumstances of the individual cases and the numbers of them. This amendment proposes that the court shall report to the Minister on the number of applications or appeals received and determined by the court during the previous quarter, in respect of each applicant or appeal, the nature and locality of the premises, the amount of rent appealed from, the amount of the fair rent determined by the court, the net annual return of such fair rent expressed as a percentage of the capital value of the premises, and such other information as the court may consider necessary.

The amendment requires the Minister to lay those reports on the Table of the House as soon as it is assembled—the very thing that I certainly have been anxious to know more about in an endeavour to arrive at a fair assessment of the rights and wrongs of this matter. I deny completely the implication which the Minister made use of that this amendment was being put in because somebody did not trust his figures or those given by the department. I do not believe that was intended for one moment. Were I in his place, I would not think such a thing. I am firmly of the opinion that this type of information ought

to be made available, let us say, straight from the horse's mouth, to wit, the fair rents court.

Another aspect occurs to me which makes we want to support the proposal, that is, that the fair rents court, separately constituted and operating as it will under its own Act of Parliament, is something entirely new. The question is bound to arise as to whether this step is taken as a result of circumstances, or whether it arises as a result of the Government party's determination to apply that item of its policy to our legislation, but that does not matter. The question is bound to arise, "For how long are we going to have a fair rents court, if we establish one now?" In my opinion, a fair estimate of the length of time that such an institution should continue can best be made in the light of the reports and the information furnished by the fair rents court itself.

The appointment of a magistrate to deal with the matter is in the hands of the Government. It can be safely assumed that he will be a man in whom the Government reposes the greatest confidence. Having done that, it can repose great confidence in his reports to the House. So I ask the Minister to reconsider his view on this matter.

Hon. Dame FLORENCE CARDELL-OLIVER: In supporting the amendment, I wish to deal with realities. I am sure that the Minister will agree that what I am about to say is perfectly true. On the 21st July, I asked a question of the Minister for Housing as follows:—

Is he aware that an individual of apparent authority, either under the State Housing Commission, the builder, architect, or some other persons concerned in the construction of the Subiaco flats, has approached tenants of all houses in the vicinity of the flats in Bagot and Coghlan-rds asking them to sell their homes and offering attractive inducements?

Point of Order.

The Minister for Housing: On a point of order, what relevancy has the matter now being introduced by the member for Subiaco to the question of a return of rentals to be submitted by a fair rents court?

The Chairman: Is the hon. member connecting her remarks with the question before the Chair?

Hon. Dame Cardell-Oliver: Yes, definitely.

Committee Resumed.

Hon. Dame FLORENCE CARDELL-OLIVER: I wish to show that mistakes may be made by anyone, consciously or unconsciously, and that if we have the infor-

mation laid on the Table, we shall be able to realise what has been done. The Minister in answer to my question said—

Yes, in Coghlan-rd.; no, in Bagot-rd. A few days afterwards "The Daily News" published a letter from a woman who occupies the only house on that block in Bagot-rd., and the report stated—

A woman living adjacent to the flats being built in Subiaco said today that she had been approached by the State Housing Commission and offered alternative accommodation.

I wish to show how easy it is to be unable to answer a question correctly if the person concerned has not the knowledge, and I am proving that the Minister did not have the knowledge at the time. I hesitated to bring this matter forward earlier because I wished to forget it, but when it was raised today, I thought it well to mention it because, if we are able to get a report tabled, it will be most valuable.

The Minister for Housing: What was the wrong information?

Hon. Dame FLORENCE CARDELL-OLIVER: The wrong information was in the Minister's reply to my question, "Yes, in Coghlan-rd; no, in Bagot-rd," because there is only one house in that block and the woman had been to me four times. I did not ask her to write the letter; I knew nothing about it. The Minister said that this thing had not been done, whereas it had been done. If a report were tabled, we could be satisfied.

Mr. HUTCHINSON: I find it hard to understand why the Minister opposes this amendment. No high principle is involved; it merely asks that the court shall supply certain information. I find myself in agreement with the sentiments expressed by the Leader of the Country Party. I can understand the Minister's regarding it as an insult, but I believe he is unnecessarily concerned in that respect.

The information would present a valuable and continuous picture of the situation regarding rents, evictions, etc., and would be a guide of great use to us. The Minister said the information could be supplied by way of questions asked in the House, but the amendment would facilitate the presentation of the information and would probably impose less hardship on the court than if it had to extract information in reply to questions—questions that might be regarded by some member of the Government as having only a nuisance value. The Minister, without jeopardising any principle, might well accept the amendment.

THE MINISTER FOR HOUSING: The member for Cottesloe fell into the same error as did the Leader of the Country Party by reading into the amendment that information would be included affecting evictions.

Hon. A. V. R. Abbott: As affecting rents.

The MINISTER FOR HOUSING: I am aware of that, but was pointing out that those two members seemed to think they would find out something about the vexed question of housing and evictions. I have conceded that there is no information to which members are not entitled, and the responsible Minister could give the information at any time.

Hon. A. V. R. Abbott: Would he have it available at any time?

The MINISTER FOR HOUSING: I cannot see why not. The Government has persisted in its attitude because of the terrible stretch of 28 days' notice to quit, and not many people will run the risk of taking their cases to court. They are not doing so. I am unaware of the figures, but I believe that scarcely any cases at all are going to the court.

Hon. A. V. R. Abbott: You are accepting that position, are you?

The MINISTER FOR HOUSING: Unfortunately, the Government can do nothing else owing to the attitude of the Legislative Council. At the whim or caprice of the landlord, 28 days' notice could be given and no reason given, and if a tenant went to the court, he would simply be asking for trouble.

I listened intently to the Leader of the Country Party and to a great extent agree with what he said. He told us that members required some really concrete information so that they could properly assess the position on this vexed question. I only wish members would make some attempt to ascertain the position. The facts and figures—not figments of imagination—supplied by responsible officers of the department have been submitted, and have been pooh-poohed by members of the Opposition. They have not accepted the invitation to discuss the matter with the magistrate of the Perth court, who deals with a majority of the eviction cases, or with any responsible officer of the Housing Commission, particularly the eviction officer, in order to familiarise themselves with the real position.

Mr. Hutchinson: But why deny us this information?

The MINISTER FOR HOUSING: I do not wish to deny members any information. I only wish the hon. member and others knew something of this problem. If they did, their attitude would be totally different. Certain members opposite with whom I have discussed the question have shown that they have not the foggiest notion of what it is all about. One of those members has not averaged one case in every two years during the time he has occupied a seat in this Chamber. Yet at the same time members representing the Fremantle, North Perth, West Perth and Leederville constituencies—the closer and

older suburbs—are dealing with hundreds of cases, and I would be prepared to wager that at any given moment they have 50 to 100 cases on their hands.

Yet some members who are so far removed from the problem will not take advantage of the opportunities extended to them to acquaint themselves with the facts. When Parliament was sitting the information could be given regularly every week in reply to questions, and when Parliament was not sitting, the Chief Secretary or Minister for Justice would be prepared to supply information at frequent intervals. I agree with one thing the member for Cottesloe said, that apart from the implied insult—and that is the basis of the matter—

Hon. A. V. R. Abbott: I think you are wrong.

The MINISTER FOR HOUSING: I am certain I am right.

The CHAIRMAN: Order!

The MINISTER FOR HOUSING: I am aware that certain statutes contain mandatory provisions for the tabling of reports. I do not want to be difficult in the matter; I want to make some progress. On numerous occasions I have accepted, as I am doing this afternoon, something that does not appeal to me, and probably does not appeal to the Government either, in the hope of making some progress and in the hope that there will be some reciprocity from Opposition members both here and in the Legislative Council.

Mr. Hutchinson: No principle is involved in this amendment.

The MINISTER FOR HOUSING: No vital principal is involved and, in order to make some progress I will allow the amendment to go. I have not discussed the matter with the Chief Secretary because it did not occur to me that that would be necessary. However, I will allow it to pass in order to make some progress and to indicate once again the bona fides of the Government to adopt an approach of give and take. Up to date it has been all give on our part and the Opposition has been responding by doing all the taking. However, I will withdraw my opposition and will not press that this amendment be not agreed to.

Question put and negatived; the Council's amendment agreed to.

Sitting suspended from 3.46 to 4.8 p.m.

No. 12, Clause 8—Delete:

The MINISTER FOR HOUSING: I should explain that with this amendment and the succeeding one there is not much difference between the principle and the intent. To some extent it is merely a question of rewriting the amendment into different sections of the Act other than in those where they now appear. The

intention behind the discussion in another place was to have the provisions relating to rents embodied, as far as possible, in one section and those in respect to the recovery of premises in another. In amendment No. 26 it will be seen that, to a great extent, what is being deleted by this amendment is to be rewritten under the later amendment. For that reason, I offer no objection to it. I move—

That the amendment be agreed to.

Question put and passed; the Council's amendment agreed to.

No. 13. Clause 9—Delete:

The MINISTER FOR HOUSING: Although this amendment deals with a different matter, broadly speaking the reasons I have just outlined apply here. I move—

That the amendment be agreed to.

Question put and passed; the Council's amendment agreed to.

No. 14. Clause 10, page 5—After the word "fifty-four" in line 18 insert the following words and brackets:—" (and before the thirty-first day of August, one thousand nine hundred and fifty-five) "

The MINISTER FOR HOUSING: In respect of this and the two following amendments, I must admit that I have given them a great deal of attention. I have referred them to learned counsel, the office boy and everyone else, and to date the most satisfactory explanation has come from the office boy, but I would not dare to use his words in this Committee. If Opposition members can give me any idea of what the amendment means, I might be able to give consideration to it. I am not prepared to accept something which, to me, is merely a meaningless jumble of words, particularly if we take into account the three amendments together, which all affect the same clause. For that reason, and at this stage, I move—

That the amendment be not agreed to.

Mr. COURT: The object of the amendment made by the Legislative Council in respect of Clause 10, page 5, to insert after the word "notice" the words set out in the notice paper seems clear enough to me.

The Minister for Housing: We are on amendment No. 14, not No. 15.

Mr. COURT: I am sorry, but what I am trying to convey still applies. The object is to provide that this proviso shall not operate after the 31st August, 1955. I can see the reason why that was inserted by the Legislative Council. I have not discussed the point with the mover in another place, but it seems to me that the intention was to limit the application of this proviso to that date. Therefore, I would like the Minister to consider it in that light.

The Minister for Housing: If we accept that explanation, for the time being, let the hon. member link this amendment with the two that follow and he can then tell us if he can make sense out of it.

Mr. COURT: I must confess that there seems to be some drafting error in the other two amendments.

The Minister for Works: Is it a drafting error or confusion of thought by those in another place?

Mr. COURT: I do not think it is confusion of thought. It may be that the words have got into the wrong place. However, I can see what the Minister means now.

Question put and passed; the Council's amendment not agreed to.

No. 15. Clause 10, page 5—After the word "notice" in line 19, insert the following words:—"or the first day of August, one thousand nine hundred and fifty-four (whichever is the later)."

The MINISTER FOR HOUSING: I consider that this is consequential upon the previous amendment. I move—

That the amendment be not agreed to.

Question put and passed; the Council's amendment not agreed to.

No. 16. Clause 10, page 5—Insert before the word "and" in line 25 the following words:—"For the purposes of this proviso a notice to quit which has been issued and subsequently withdrawn shall be deemed never to have been issued."

The MINISTER FOR HOUSING: As this amendment relates to the preceding two, I move—

That the amendment be not agreed to.

Hon. A. F. WATTS: Again, I wonder why the Minister proposes to disagree with this amendment. He has not submitted any reason except that it appears to be consequential on amendments Nos. 14 and 15. However, it does not appear that way to me at all.

The Minister for Housing: They are related to each other.

Hon. A. F. WATTS: There may be some relationship, but it is not that of a near relative, if I may put it that way. I think this is a very reasonable proposal and one that I would have thought would have found favour with the Minister.

The Minister for Housing: If you can find some reason in it, it might.

Hon. A. F. WATTS: The words proposed to be inserted are—

For the purposes of this proviso a notice to quit which has been issued and subsequently withdrawn shall be deemed never to have been issued.

In other words, the notice is completely obliterated. That is a desirable proposition. If the landlord issues a notice to quit and subsequently withdraws it, is there not some risk that it may still be deemed to be in existence? I think the Legislative Council decided with wisdom in this instance, that it should be deemed never to have existed, and it then makes it quite clear that if the landlord wants to do anything further he has to start de novo. I admit that I have some sympathy with other members, apart from the Minister, in regard to these amendments, because of the Act and the Bill having been amended. This makes it rather difficult to follow. However, it seems to me that there is a purpose in the amendment, and I think it is a wise one.

Mr. COURT: I agree with the views of the member for Stirling because this provision was contained in the original amendment of the member for Dale. Through some error he placed it at the end of the wrong amendment.

The Minister for Housing: The Opposition wanted it somewhere but did not know where to put it.

Mr. COURT: He explained how the accident occurred. Originally he intended to move this in the proviso. There was a very good reason for it inasmuch as if this amendment was not added to the proviso a state of affairs would be created whereby reasonableness could not prevail. If we agree to the amendment the Minister will appreciate, on reading it, that a notice to quit can be withdrawn completely, and arrangements can be made that are satisfactory to both landlord and tenant. For that reason I support the amendment.

The MINISTER FOR HOUSING: I do not know if this is vital. There has been no clear explanation of what it means or what purpose it will serve, whether good or otherwise.

The Minister for Works: It is for the good of the landlord. There is no doubt about that.

The MINISTER FOR HOUSING: I have a feeling that way although I am not by any means clear as to the effect. The proviso in the Bill sets out that where a lessor gives notice to quit, then from that date the rent shall not exceed that which was lawfully chargeable in April, 1954, unless varied by the court. The landlord could at any time withdraw his notice—there is no bar against that except, of course, if it is regarded as never having been issued—and then the rent would not be related to the rent as at April of this year. The landlord could then charge what he liked.

The Minister for Works: That is it.

The MINISTER FOR HOUSING: Having received notice to quit and finding out that he is not going to get very far because the landlord cannot increase the rent without the sanction of the court,

while at the same time having the daylight scared out of him at the prospect of being put out in the street—in all these circumstances, I am wondering whether the tenant will not of his own accord agree to pay an extra £2 a week if the landlord withdraws the notice to quit. The landlord cannot accept the offer, because he is bound by statute. So the position is to be overcome by adding the phrase, "The notice to quit is regarded as never having been issued," and the landlord will be in order in accepting the extra payment.

Mr. COURT: With the other provision, the tenant is still protected. He can still get the court to assess the fair rent if he is not satisfied.

The MINISTER FOR HOUSING: If the setting up of a special court is agreed to, it will be days after the application is lodged that the determination will be made. From the point of view of the tenant, the longer it takes the more protection he gets. We proposed that he should have protection for three months, but the Opposition would not agree.

Mr. COURT: Should we not have machinery whereby the parties can come to agreement? If the provision is as it is, there will be no machinery enabling the parties to come to an agreement.

The MINISTER FOR HOUSING: That is wrong, because under the present law there is nothing to stop the lessor and lessee agreeing to the rent this month and the month after.

Mr. COURT: Not if this proviso goes into the Act.

The MINISTER FOR HOUSING: Yes, if the parties negotiate before the lessor gives notice to quit.

Mr. COURT: Say they do not?

The MINISTER FOR HOUSING: Then it clearly demonstrates that the landlord has nothing against the tenant. He has given notice to show how powerful he is under the social set-up, because, according to what has been advanced, he is prepared to retract so long as he gets the extra money. But he was not prepared to ask for the extra money before.

Mr. COURT: This proviso is going to protect the tenant and will give him a chance to negotiate.

Mr. JOHNSON: Give him a chance to be blackmailed!

The MINISTER FOR HOUSING: There can be no negotiation when the landlord is looking into the eye of the tenant and saying, "I want you to pay £2 a week extra, otherwise you know what the law is—28 days' notice to quit." What position is the tenant in to negotiate? As I see it, the landlord has the right to give notice; he has the right to negotiate or demand an increased rental, but this seeks to allow him to do several things, which if he cannot get them one way he can get them another, and yet he can be whitewashed!

The MINISTER FOR WORKS: This proviso will enable the landlord to go along to the tenant and attempt to get an increase in rent. If the tenant does not agree, the landlord can serve notice. As this stands, having served notice after the 1st August, he cannot get more rent than was lawfully charged on the 28th April, unless he goes to the court. Having used a big stick over the tenant and given notice, if we agree to this amendment of the Legislative Council, the landlord can approach the tenant saying, "You are in for it. You have got to get out. Whilst I may not charge the new tenant more rent than you are paying, if you want to stay here and you agree to the increased rent which I demand, then I shall withdraw the notice."

If he withdraws the notice, he is then entitled to get more rent than he was charging on the 28th April. So the landlord has achieved his purpose. I cannot agree to this proposal, which merely gives the landlord the opportunity of winning both ways. If the landlord issues a notice against his tenant, because by so doing he will get an increased rental, this provision will enable him to get the increase. We were originally told that the idea of this suggestion was to prevent landlords from evicting tenants in order to get increased rent. If that is the idea, there is no justification for this proviso.

It is obvious to me that this is intended to strengthen the position of the landlord because, when he is endeavouring to reach agreement with his tenant in the first instance and the tenant is reluctant to pay the increase, the landlord will then be in a position to threaten to evict. If the tenant believes that the landlord does not intend to go ahead, but the landlord then issues the eviction notice, the tenant knows that under the law he can be evicted.

That being the case, the landlord will be in a much stronger position to bargain. He can say to his tenant, "Do you want to go out and see a new tenant coming into this place at the same rental you are paying, or are you agreeable to some increase? If you agree to an increase, I shall withdraw the notice." If the tenant were inclined to hold out in the first instance, he will, after looking around and finding he has nowhere else to go, return to the landlord and say, "I do not like paying this increased rent, but I have nowhere else to go, so I will have to agree." The landlord then withdraws the notice and he is in the clear. Are we going to aid and abet him in that? I am not. That is the real reason for this suggestion.

Mr. HUTCHINSON: I think there is quite a lot of truth in what the Minister says, but I feel he has instanced only cases that are directed along the one line. There is very often a great degree of incompatibility between landlord and tenant. The Minister suggested at first that if a landlord desired to increase the rent and the

tenant would not agree, then the landlord would serve a notice to quit which, in effect, would be a form of blackmail because the tenant would come along later and say, "I will agree." At the outset, there is likely to be a degree of incompatibility. It is generally agreed that that does exist in these relationships. It is possible that the landlord might desire to have the tenant removed for the one reason that he cannot get on with him.

The Minister for Works: If he does not want the tenant removed, he will withdraw his notice of eviction.

Mr. HUTCHINSON: When this happens, the tenant—and it is quite likely that he is a bad one—will change his attitude, and so this amendment provides an avenue where they can come to some mutual agreement. I feel that the fact of incompatibility being overcome by mutual agreement should be taken into consideration in the reasoning outlined by the Minister. No doubt there is much truth in what he says, but I submit that there is a great degree of truth in what I say about incompatibility.

Hon. A. F. WATTS: I must confess that I am slightly bewildered by the various arguments. At first sight this struck me as being desirable from the point of view of the tenant. It is intended to prevent the issue of a notice to quit being used as a means, by way of duress, to obtain an increased rental unless the fair rents court decides that a fair rental is justified. The Minister for Works interprets the amendment as indicating an intention to enable the landlord to issue a notice to quit, and then withdraw it so that in effect, as it has never been issued, the landlord goes back to where he was and the tenant is put under duress with respect to rent. I must confess that I cannot see that that is what is intended. If I did believe that, then my views would coincide with those of the Minister.

With regard to an amendment of this nature, we are in a very unfortunate position. I think that both I and the Minister for Works hold, perfectly honestly, the views we have expressed. In times past we have been obliged to refer to the arbitration of some more eminent legal authority than exists in this Chamber. I believe that the Committee, because of the conflicting points of view that have been put forward, should not be asked to deal with this amendment without such advice being obtained.

The MINISTER FOR WORKS: I think the member for Stirling overlooked the fact that another place also intended that amendment No. 15 should be made. If the hon. member looks at amendment No. 15 he will see that it provides for the issuing of notice to quit after the 1st August. I refer members to how the clause would read if this amendment were inserted.

We have already dealt with amendment No. 14, and I suggest that we have to take amendments Nos. 15 and 16 together in order to get the intention of another place. I think they are complementary.

Mr. Court: You have to take amendments Nos. 14, 15 and 16. Then it makes sense.

THE MINISTER FOR WORKS: I do not object to that. Originally it was intended, as a bar to possible eviction, that there should be some deterrent against the landlord who wanted to evict his tenant in order to get an increased rent. Despite what is said about unsatisfactory tenants, most landlords prefer the tenant they know to the tenant they do not know if they can get the rent they want. However, as the rent is the important thing to them, they will, if they think they can get more rent, serve a notice to quit on the existing tenant.

It was intended to put a deterrent on landlords by saying to them, "You cannot get an increase of rent in that manner because we will provide that if you issue a notice to quit against your tenant, when you put a new tenant in, you cannot get more rent than you were receiving on the 28th April, without the consent of the court." That is an excellent idea, but if the suggestion is made that because a notice to quit after having been issued is withdrawn, it is to be regarded as never having been issued, then we create this situation: We allow the landlord, who wants to get an increased rent, but who wants to retain his tenant, to go to his tenant and threaten him that if he does not agree to the increase, he will put him out.

If the tenant says, "No, I do not think that is a fair rent," the landlord issues a notice to quit. The tenant finding it difficult to get alternative accommodation, then goes to the landlord and says, "I would not agree to the increased rent, and I still think it is too high, but you have got me in a cleft stick so I will pay it." Then the landlord withdraws the notice, which will be considered as not having been issued, and the rent becomes that which he is able to get. He has attained his objective, which is the very thing we want to prevent.

Surely we are not going to agree to that suggestion, because if we do, then we were not sincere when we put forward the original idea that we wanted to deter landlords from evicting tenants simply to get increased rent. This will facilitate it. It will enable the landlord to go to the extent of issuing a notice to quit, to prove to his tenant that he is in earnest. The tenant then has 28 days in which to find somewhere else to live, and when he finds he cannot get other accommodation, he goes back to the landlord and says, "I will have to stop here if you will let me. I will agree to the rent you asked if you withdraw the

notice." Some landlords would then say, "I have put it up since, and I want another £1 a week."

The tenant would have to agree to pay it, and the notice to quit would be withdrawn and the landlord would then be perfectly in the clear. That is a wonderful scheme! Surely we are not going to fall for that one, and put more power in the hands of the landlord to force the rent up. Under the original proviso he is in the position that he must make up his mind whether he prefers to have his existing tenant—who is a good one—at the existing rent, or kick him out and take a chance with a new tenant at a higher rent. That will not always be easy of decision. But, if we put this proviso in, we make it simple for the landlord because it will give him extra bargaining power with his existing tenant.

It is not easy for an evicted tenant to find alternative accommodation and many tenants, who would be prepared to buck their landlords in the first instance and have a go will, after trotting round the streets for 20 odd days without success, be obliged to admit that they are beaten and they will have to go to the landlords and say, "We will pay the increased rent if you will allow us to stop here." Thus the landlords gain their point. If a landlord is a decent sort of fellow and really only wants his tenant to behave himself and is not concerned about an increase in rent, he can withdraw the notice to quit at any time.

But it is the rental angle that interests another place; its members are concerned about the fact that once a notice to quit is issued, the landlord's rent is pegged as at the 28th April, unless the court decides otherwise. Another place wants the landlord to have this extra bargaining power so that he can wield the big stick over the tenant and force him into accepting an increase in rent, then be allowed to withdraw the notice to quit and enjoy this increased rent without reference to the court. I will not agree to that proposition.

MR. COURT: If one accepted the approach of the Minister for Works on the assumption that there is likely to be only one set of circumstances, namely, that which he has instanced, one would have to agree with the proposition he put forward.

The Minister for Works: Yes, but the whole amendment is aimed at that; that is the thought behind the original provision.

MR. COURT: In my opinion, the circumstances aimed at by this particular amendment are not the circumstances the Minister has represented.

The Minister for Works: We were told differently. We were told that it was to be a deterrent to the landlord against evicting a tenant for the purpose of getting an increased rental.

Mr. COURT: I am referring to the particular addendum that is to be added to the proviso as printed in the Bill.

Hon. A. F. Watts: It is not the amendment in the Bill; we agree with the Minister there.

The Minister for Works: Surely the amendment is relevant to the provision in the Bill.

Hon. A. F. Watts: It does not create the effect you indicated.

The Minister for Works: I think it is thought of along the same lines.

Mr. COURT: This is intended to be machinery to permit reasonableness to prevail between landlord and tenant. If the Minister for Works would propose something constructive—

The Minister for Works: What justification have you for saying that?

Mr. COURT: —to protect the tenant, I would agree with him. But this is intended to see that when the landlord and the tenant get together and agree on what is a fair and reasonable thing, they can lawfully enter into an arrangement to pay and receive the agreed rent. If we do not put in some such proviso, they cannot enter into that arrangement without going to the court.

The Minister for Works: They can do that before the landlord issues the notice to quit.

Mr. COURT: These circumstances could prevail: A tenant, wrongly, and probably with bad advice, thinks that his rent should not be increased and says to his landlord, "No." The landlord then serves a notice to quit and he is immediately stopped from putting the rent up beyond that charged at the 28th April.

The Minister for Works: Unless he goes to the court.

Mr. COURT: Yes.

The Minister for Works: What is wrong with that?

Mr. COURT: The tenant gets better advice and says to the landlord, "I should have agreed to that increase. I am sorry, I was wrong; I was misinformed and ill-advised, but I will be happy to accept it now." The landlord has to say, "No, I am sorry, I cannot accept the new rent because it would be an illegal rent until I go to the court and have my rent determined."

Mr. Johnson: Would that worry any landlord that you know?

Mr. COURT: Of course, the hon. member has only a one-track mind as far as landlords are concerned.

Mr. Oldfield: One-track as far as anything is concerned.

Mr. COURT: Therefore I think it is a necessary provision to have in the measure so that mutual agreement can be arrived at. If the Minister can suggest some

way of tidying up the amendment and removing the evil he thinks exists, I would be pleased to support him. But I think we should have the machinery to allow a commonsense agreement between the landlord and tenant. My view is that this amendment was intended for that purpose and not for the malicious purpose suggested by the Minister for Works. I support the Council's amendment.

Mr. JOHNSON: It appears that the commonsense amendment which is required to meet the situation, as set out by the member for Nedlands, is the rejection of the Council's proposal. I think everybody agrees that the circumstances set out by the Minister for Works could occur if the amendment were carried. It may not happen in a large number of cases, but it could happen in some cases, and we are here to legislate to prevent bad actions taking place. We should do our best to prevent the court, once in ten thousand years, from being used as a means of blackmailing people. The Minister for Works pointed out a set of circumstances that could conceivably occur and which are quite possible, in my opinion, because I have had some experience with bad landlords.

Mr. Hutchinson: What about the case outlined by the member for Nedlands?

Mr. JOHNSON: That case struck me as being most unreal.

Mr. Court: It was not; it could be the normal case.

Mr. JOHNSON: First of all, he visualised the landlord giving notice to the tenant on a matter of rent; the tenant going round and finding out what rents were being paid and then crawling back to the landlord and saying, in effect, "I know that the court will give an increase of only 5s. or 10s. but as I realise, after the court award, you will give me 28 days' notice, I will give you the £3 10s. or £5 you are wanting." In other words, the hon. member is visualising a slightly more refined form of blackmail and possibly calling it business pressure. The situation he revealed is, in effect, identical with that mentioned by the Minister for Works.

Mr. Court: It is not.

Mr. JOHNSON: Both Houses have agreed to the principle of a fair rents court and it can be assumed that there will be a fairly rapid interval between an application to the court and the hearing—probably only a few days or at the most three or four weeks. Because of that the whole series of events pictured both by the Minister for Works and the member for Nedlands would have to take place, at the outside, within three or four weeks. Any landlord who is not prepared to accept an illegal rent, because the matter has to be heard by the court, and who is out for an increase for one or two weeks, is crying for very little. But our primary consideration is to prevent the processes of the law being used for the

purpose of blackmail. Therefore I appeal to all reasonable members to join with us in refusing to accept this amendment. That is all that is needed, and I trust that it will be defeated.

Hon. A. F. WATTS: The Minister for Works chose to review the matter in the light of the phraseology which is in amendments Nos. 14 and 15 and after adding it to the proviso in the Bill and to the amendment now before the Chair, proceeded to elaborate a theory to which he had previously given expression. Of course, I am bound to approach the matter from another angle. My point of view is that amendments Nos. 14 and 15 not having been accepted by the Committee, and nobody having offered any opposition to that proposal to reject, this amendment can be considered only by itself. I am still inclined to subscribe to the point of view expressed by the member for Nedlands.

As the Minister for Works has gone to some trouble to refer to amendments Nos. 14 and 15, and to incorporate them for the purpose of his discussion in the proviso before the Committee, I would like to look at them, too. If they were inserted in this proviso, it would read—

Provided that where after the thirtieth day of April, 1954, and before the thirty-first day of August, 1955, a lessor gives a lessee notice to quit or terminate the tenancy of any premises, the rent of such premises on and after the date of such notice or the first day of August, 1954, whichever is the later, shall not, except by a determination of the inspector or the court, as the case may be, exceed the amount of rent lawfully chargeable on the 28th day of April, 1954.

It should be apparent that the effect of the proviso would be that the restriction on the landlord would terminate on the 31st August. That may be regarded as objectionable in the light of the fact that if the Bill is passed, it will continue to be operative until the end of December, 1955. Therefore, apparently, nobody offered any opposition to the Minister's suggestion that this Committee should reject the amendment. It does not affect the issue in regard to the proviso being added to, as is mentioned in amendment No. 16, with which we are now dealing. I cannot see that has anything to do with it, either.

Hon. A. V. R. ABBOTT: Of course not.

Hon. A. F. WATTS: That is what I say. Adding those words would deal only with the issuing of the notice and the rent which would have been lawfully chargeable in certain circumstances up to the 31st August, but it would not affect the issuing of a notice and the withdrawing of it.

The Minister for Works: I think it shows the intention.

Hon. A. F. WATTS: It shows no intention at all. I repeat, because I have convinced myself respecting the whole case, or a substantial part of the case presented by the Minister for Works, I would certainly support the Minister for Housing on this question and leave the matter of determination to some other stage of the proceedings. I cannot follow the argument put forward.

Hon. A. V. R. ABBOTT: I agree with the Leader of the Country Party that the early amendments have no relation to the proviso.

The Minister for Works: If they have no relation, they should have been ruled out.

Hon. A. V. R. ABBOTT: The additional amendment to the proviso meant that the rent whatever it was, if it had been agreed on, was quite lawful up to the 1st August. All this amendment does is to enable the status quo to be restored.

The Minister for Works: Does it?

Hon. A. V. R. ABBOTT: That is all it means.

The Premier: When?

Hon. A. V. R. ABBOTT: At any time before the expiration of the notice.

The Premier: That is the point.

Hon. A. V. R. ABBOTT: The Act provides that notice to be given shall be 28 days, or such longer period as may exist by agreement. If the tenant is entitled to six months' notice, he must get it, and not the 28 days. After the expiration of the notice, then, of course, it could not be withdrawn, because it would be defunct. At any time before the notice expired, it could be withdrawn. I should have thought that would have been favourable to the tenant. Assuming notice had been given but the tenant would not agree to a higher rental, and the landlord, after further consideration, said, "Maybe I was wrong. I withdraw the notice," would the tenant and the landlord not be in exactly the same position as before? How could the tenant be worse off?

The Premier: It would depend on the reason causing the landlord to withdraw the notice.

Hon. A. V. R. ABBOTT: Assuming the landlord hopes to get a higher rental from the tenant, the latter cannot be bound by anything he does unless the notice is withdrawn, because the Act says so. It is no use the tenant agreeing to an increased rental because he is not bound by it. So all this does is to enable the status quo to be re-established.

Mr. Johnson: It cannot be re-established, once notice has been issued. The previous arrangement has been disturbed.

Hon. A. V. R. ABBOTT: This says it shall be re-established. What the Minister for Works said was this: The experience of the tenant during the period he was under notice might have affected his position. It might induce him to give way to the landlord when previously he did not.

The Minister for Works: You admit that possibility?

Hon. A. V. R. ABBOTT: Yes. I admit he might be affected, but we must look at the other side.

The Minister for Works: What is the other side?

Hon. A. V. R. ABBOTT: It is this: If he does not agree, he is in exactly the same position.

The Minister for Works: But the landlord is not. His rent is pegged.

Hon. A. V. R. ABBOTT: No.

The Minister for Works: Yes, and that is the worry.

Hon. A. V. R. ABBOTT: If the notice is withdrawn and the landlord approaches the tenant, saying, "What about it now?" and the tenant refuses, the rent is still pegged.

The Minister for Works: As things stand, but not under the proviso.

Hon. A. V. R. ABBOTT: Do not forget the tenant is then in a position to refuse or to agree to an increase. I think this is somewhat in the tenant's favour. If the notice is not withdrawn, the tenant goes.

The Minister for Housing: You are wrong because the landlord can withdraw his notice at any time.

Hon. A. V. R. ABBOTT: I agree, but if the notice is given and not withdrawn, the tenant must give up his accommodation.

The Minister for Works: Only if the landlord pushes him out.

Hon. A. V. R. ABBOTT: Of course he pushes him out.

The Minister for Works: He need not do so if he does not want to. He can withdraw his action.

Hon. A. V. R. ABBOTT: I agree, but he is likely to push the tenant out if he has gone to the extent of giving notice, and the conditions are not altered. Does that do the tenant any good?

The Minister for Works: It does not do any good to the landlord either, because he gets no extra rent.

Hon. A. V. R. ABBOTT: Are we helping the tenant by turning him out when he does not want to go?

The Minister for Works: That is what we are trying to prevent, but the Legislative Council will not allow us to do so.

Hon. A. V. R. ABBOTT: What the provision does is to prevent a tenant from reconsidering his position, once he has dis-

agreed with the amount asked for by the landlord, and the landlord has given notice.

The Premier: No.

Hon. A. V. R. ABBOTT: Because the tenant cannot give any reconsideration to it once the notice is given.

The Minister for Works: Why cannot both parties take the matter to court?

Hon. A. V. R. ABBOTT: The tenant can take it to court.

The Minister for Works: If the landlord wants to agree, why not agree to take the matter to court.

Hon. A. V. R. ABBOTT: If he does take it to court, that will not prevent the tenant from being evicted.

The Minister for Works: Yes, it will.

Hon. A. V. R. ABBOTT: It would not. It would only prevent him from being evicted if the rent was 80 per cent., or some such figure.

The Minister for Works: The tenant can say to his landlord, "I will agree to this increase if the court determines it is fair. You withdraw your notice and I shall take the case to the court." What is there to stop that being done?

Hon. A. V. R. ABBOTT: For this reason: If the landlord has given notice, there are two courses open to him; firstly, let the place to someone else—

The Minister for Works: At the existing rental?

Hon. A. V. R. ABBOTT: Yes; and, secondly, he can evict the tenant and then apply to the court for a fair rental. If the court thinks the rent is reasonable, the tenant goes, although he might be willing to pay more.

The Minister for Works: What is to stop the landlord from giving the tenant the premises back?

Hon. A. V. R. ABBOTT: Nothing. Can anyone suggest that a tenant would go back under those circumstances?

The Minister for Works: He might be pleased to if he had no other accommodation.

Hon. A. V. R. ABBOTT: Does the Minister think the landlord would be pleased?

The Minister for Works: He might prefer him to a new tenant.

Hon. A. V. R. ABBOTT: I think that is extremely unlikely. If the landlord is put to such irritation, worry and expense, and the court holds the increase was reasonable, can we imagine the landlord saying, "Of course, you can stay on." I do not think the landlord would withdraw the notice under those circumstances. Although there is something in the argument of the Minister for Works, taken by and large, it is better to give a tenant the chance to

negotiate rather than to make it more difficult for him. That is what is being done; the position of the tenant is being made almost hopeless. The moment the tenant disagreed with the rent, there would be no hope of negotiating.

The Minister for Works: Of course there would be.

Hon. A. V. R. ABBOTT: No, because the rent could not be increased without the leave of the court. A landlord could be put to considerable expense and irritation for nothing in the event of the rent stipulated by him being held to be reasonable, but he would have to pay the fees.

The Minister for Works: How much would they amount to?

Hon. A. V. R. ABBOTT: About seven or eight guineas. We should permit the tenant a chance to retain his accommodation. If the status quo were restored, the tenant could say, "I will stay here and a fresh notice will have to be given." If the landlord withdrew the notice, would it not be regarded as a sign of weakness?

The Minister for Works: Could not he issue another notice?

Hon. A. V. R. ABBOTT: Of course, but would the tenant then be in any worse position? He would be in a much stronger position. He would conclude that the landlord had been bluffing and would say, "I will stick here and not pay any more rent."

The MINISTER FOR HOUSING: A peculiar point is that the proviso is similar to that which was inserted at the instance of the Opposition when the Bill was dealt with in this Chamber.

Hon. A. V. R. Abbott: Do you not consider that it shows there was a weakness and that this has been pointed out by the House of review?

The MINISTER FOR HOUSING: On the contrary, I recall that, following the special session in April, the Opposition regarded it as a trump card and was telling the world that, but for the obstinacy of representatives of the Government at the conference, there could have been a much improved state of affairs, and that if notice to quit were given the rent would be immediately pegged until otherwise determined by the court.

Hon. A. V. R. Abbott: This has been inserted for the protection of the tenant.

The MINISTER FOR HOUSING: To say such a thing does not make it so.

Hon. A. V. R. Abbott: It is logical, though.

The MINISTER FOR HOUSING: The logical set-up is that the landlord will endeavour to get additional rent. If the tenant does not concede his demands, he will be given 28 days' notice to quit. If

the tenant experiences difficulty in securing other accommodation, he will probably approach the landlord and indicate his willingness to pay the additional rent.

Hon. A. V. R. Abbott: Would that be wrong?

The MINISTER FOR HOUSING: There is not necessarily any merit in increasing the rent, which is due to the difficult conditions existing.

Hon. A. V. R. Abbott: Is that any worse than in the first instance?

The MINISTER FOR HOUSING: It means that the proviso inserted here does not mean a thing. The landlord could stand over his tenant and say, "you meet my demands or out you go." All that the Opposition sought to achieve by pegging the rent when notice had been given is being undone by this proviso, which amounts to putting something in and taking it out again. I might have had some doubt on the point earlier pending a little further clarification, but I now have no doubt as to the effect, and the Committee would be most ill-advised to agree to the proposition.

The MINISTER FOR WORKS: I am conscious of the fact that much time has been spent on this matter, and I am reluctant to occupy further time.

Hon. A. V. R. Abbott: It is a very important matter.

The MINISTER FOR WORKS: A vital principle is involved, and a vote should not be taken until the intention is fully understood. I absolutely refuse to believe that the Leader of the Country Party cannot see the nigger in the woodpile. I have been too long in Parliament with him and have far too great an appreciation of his ability to conclude that he cannot see the point. The original intention of the proviso which is now in the Bill, when first suggested in this Chamber, evoked a statement from me that I thought I saw some merit in it, as it was aimed at being a deterrent to a landlord who wanted to get rid of a tenant for the sole reason of obtaining an increased rent.

It was proposed to say, "You have nothing to gain if you put your tenant out because we shall prevent you from getting an increased rent from a new tenant unless you first obtain a determination of the court." That would be a very definite deterrent to landlords. It would not hinder those who wanted to get rid of tenants for other reasons, but it would cause any landlord to consider his position very carefully. He would reason, "If I get rid of the tenant, I cannot obtain an increased rent without going to the court, that is, unless I get an increase under the law." A majority who might be inclined to give notice would be deterred by the proviso from so doing. But make the amendment that is now suggested, and they need not be worried at all.

What would stop them before would be the knowledge that once they issued the notice to quit, they would peg their rents until they went to court. That would be the effect of the proviso. This is a lot different. The landlord would know that at any time he could try his tenant out without pegging the rent.

Hon. A. V. R. Abbott: Yes, and the tenant could try him out, too.

The MINISTER FOR WORKS: No.

Hon. A. V. R. Abbott: Yes, he could.

The MINISTER FOR WORKS: It is all loaded the landlord's way. We wish to stop the landlord from trying to coerce his tenant.

Hon. A. V. R. Abbott: It cuts both ways.

The MINISTER FOR WORKS: The whole intention of this provision is to deter landlords from evicting tenants solely for the purpose of getting an increased rent. So we can imagine that a landlord who had a good tenant would hesitate before he would evict his tenant and take a chance with a new one. He would know that his objective would be frustrated because this provision would peg his rent; and it was our objective that landlords should not take that step because they could not see much future in it. But if we make this amendment, the way is wide open. The landlord could then go to his tenant and, in an endeavour to get a substantial increase in rent, could say, "If you do not agree, I will put you out," having at the back of his mind all the time that after issuing the notice he would let the tenant try to find alternative accommodation. That is precisely what this amendment will allow. It will permit the landlord to use the threat of eviction to get increased rent.

Hon. A. V. R. Abbott: No.

The MINISTER FOR WORKS: Of course it will. Previously he could not do it because as soon as he issued the notice of eviction he pegged his rent. There is the difference.

Hon. A. V. R. Abbott: Subject to the court.

The MINISTER FOR WORKS: Under the original provision, the landlord who wanted an increase in rent could not go to the length of issuing an eviction notice without pegging his rent and making it difficult to get the increase. It is pretty obvious that someone has gone to someone else and said, "This is no good to landlords who want more rent. It is all very well for you to say that you want to protect tenants, but what about us? We want increased rents and you have made it impossible for us to get them, so water this down a bit. Make it appear that you want to help the tenants, but slip this in and so protect us." I ask the member for Stirling to indicate to me how it is possible to see more merit in this from

the tenant's angle than from the landlord's angle. Even if we admit that the amendment might facilitate a satisfactory agreement between tenant and landlord, and allow the tenant to remain in the house—I think there is some possibility of that, and it could occur in a few cases—the weight in this proposal is on the landlord's side.

Hon. A. V. R. Abbott: It does allow the tenant to try to get his rent reduced.

The MINISTER FOR WORKS: It allows of that in the original negotiations between the landlord and the tenant. When the landlord wants an increase in rent, he can say to the tenant, "I am determined to get an increase. You are a good tenant, and if you like to pay this increased rent, you can stay in the house." There is plenty of opportunity to bargain before the landlord goes to the extent of issuing an eviction notice.

Hon. A. V. R. Abbott: Not at all.

The MINISTER FOR WORKS: Of course there is.

Hon. A. V. R. Abbott: Yes, but this gives the tenant a wider opportunity because he can bargain afterwards.

The MINISTER FOR WORKS: Having failed to get his tenant to agree to the increase, the landlord says, "Out you go," and he issues the eviction notice which has the effect of pegging his rent which, of course, he would not like. The landlord looks to some way of avoiding that, and this is it. There is nothing simpler than this for the landlord who does not like to think that if he evicts his tenant the rent is pegged. This lets him out. He can threaten his tenant and say, "I am in earnest, and even though you have been in my place for 20 years and have been a good tenant, I am going to put you out."

When the tenant still does not agree to the increased rent, the landlord issues the notice. Then the tenant has three or four weeks in which to find other accommodation. He goes to all sorts of places, and then, as the day draws closer to the time when he is going to be evicted, because of the tears of his wife and his worries on account of his family, he says, "There is only one thing for it. I will have to agree to this exorbitant rent," and he goes to the landlord and says, "It looks as if you have got me. I will have to agree." Then the landlord withdraws the notice to quit, and is in the clear.

The CHAIRMAN: Order! The hon. member's time has expired.

Mr. HUTCHINSON: Having listened to the arguments of the Minister for Housing and the Minister for Works and having given the question further consideration, I think the weight of argument lies with the Government in regard to this amendment. However, I think there is a case in relation to the manner in which the notice to quit is served. An argument could arise

between the landlord and tenant and the landlord could carry out his threat, but after due deliberation they might reach an agreement, there being regrets on both sides. The points raised by the Government, however, outweigh all that and there is still recourse to the court, so I feel we should agree with the Minister for Housing in regard to this amendment.

Mr. COURT: In view of the arguments advanced by the Minister for Works I would like an opportunity to examine the effect of amendments Nos. 14 and 15 in relation to No. 16, as the position is more involved than I originally thought it was. The matter is too important to be treated lightly and I take it the Government desires that the measure should be returned to another place with the maximum degree of unanimity. It would help materially in the consideration of this and subsequent amendments if the Minister could indicate his attitude towards the remaining amendments on the notice paper. It is difficult to dissociate one part of this measure from another. One phase of the Bill is protection against extortionate rent and the other is protection against eviction.

The Minister for Housing: What amendment are you referring to?

Mr. COURT: I think No. 26 will be the most important as therein lies the other leg of what we are trying to achieve.

The Minister for Housing: I am prepared to accept No. 26 with three small amendments that do not alter the principles contained in it.

Mr. COURT: That helps materially, but the alterations sought might appear small to the Minister and large to us.

The Minister for Housing: I think the hon. member will be able to agree readily with all of them.

Mr. COURT: In the light of that information I ask the Minister to give us more time to consider this amendment.

The MINISTER FOR HOUSING: I cannot make this out, as the exact verbiage of the amendment now before the Committee appears on a notice paper dated the 30th June, since when five weeks and one day have elapsed. Presumably some consideration was given it by the big four of the Liberal Party who drafted these amendments, and therefore its full impact is well known to them. Because of the confusion caused by the Council's amendments Nos. 14 and 15, I was initially in some doubt as to what No. 16 was about, but the debate since then has left no doubt in my mind, and I venture to suggest that the member for Nedlands can see the force of the argument advanced from this side and now definitely desires counsel with at least one member of another place, to see how to extricate himself from the situation.

Mr. Court: That is not so.

The MINISTER FOR HOUSING: It is as plain as a pikestaff that this further amendment almost completely nullifies what is sought to be done at the instigation of the Opposition parties and is now included in the Bill in Clause 10. Obviously the Government cannot agree to that proposition. The principles involved in it are now so well appreciated on both sides of the Committee that I think we could take a vote on the issue without further delay.

Hon. A. V. R. ABBOTT: Would the Minister indicate his attitude on amendment No. 27.

The MINISTER FOR HOUSING: I will oppose it when we reach it, and I expect the whole-hearted support of the members of the Opposition because it seeks to delete their own provision.

Hon. A. V. R. ABBOTT: The amendment now before us is to some extent an administrative one. I agree with the Minister for Works that the argument between tenant and landlord after notice is given could be settled by application to the court. If they agreed to a fair rent after notice was given, no doubt the court would confirm it unless it was ridiculous. The deterrent after notice still applies even if it is withdrawn because the whole argument has regard to rent that would be less than 80 per cent. of what the court would allow. If the rent is less than 80 per cent. the tenant cannot be evicted for 12 months if he applies to the court. So at least he gets 12 months' protection.

The Minister for Housing: The Council has wiped that out.

Hon. A. V. R. ABBOTT: I am arguing on the Bill as it stood and it does not look as though it will be wiped out because of the Minister's attitude. It would simplify matters if this amendment were agreed to because it gives the tenant that protection.

The Minister for Works: This amendment is dynamite.

Hon. A. V. R. ABBOTT: Just a moment! What the tenant and the landlord are arguing about is what is a fair rent. If the amount of the rent determined is less than 80 per cent. of the amount of rent being charged, the tenant cannot be displaced for 12 months. But if the rent is a reasonable one, the tenant goes. So the tenant, at any time up to the award of the court, has the right to say whether the rent is fair or not. If the tenant knows that he does not have to carry this to court he can say "No" and the landlord gives the notice to quit.

Hon. A. F. WATTS: I want to mention only two matters and the first is in response to the last remarks of the Minister for Works. Two or three times during the course of the debate I have expressed the opinion that this was a matter about which I was very uncertain and at one stage I suggested that some outside opinion should

be obtained in order to guide us, primarily because I thought the matter was of great importance. If the point of view held by the Minister for Works is the correct one it would make the measure quite different from what I believe was intended. But I am not able to say that his point of view is the correct one.

There was substance, I believe, in the point of view expressed by the member for Mt. Lawley but I must confess that it is possible, given the right circumstances, that the point of view expressed by the Minister for Works would be correct. So we are placed in a somewhat difficult position and, in my view, the issue has not been made any easier by the recent announcement, in answer to the member for Mt. Lawley, of the Minister for Housing that he proposes to reject the Legislative Council amendment to delete Clause 19 from the Bill.

If that clause is not to be deleted, it looks as though the tenant who has had a notice to quit and intends to obtain the protection of the proviso to Section 13 of the Act—which is in Clause 10 of the Bill and which we have been discussing—will not be in a very good position, because, having had a notice to quit issued, I have reason to fear that he will not be able to apply to the court because of the provisions of Clause 19. To enable him to apply to the court the notice to quit should be out of existence, as members will see if they read Clause 19. From that it appears that he cannot make an application if a notice to quit is in existence.

So I am rather the more confused instead of the less as I proceed with this interesting matter. But in conclusion I would like to state that rarely have I heard a matter of importance such as this debated in such a way with no apparent rancour. Secondly, in view of the doubts which exist and which I think should be cleared up, I do not propose to continue to oppose the Minister's motion in this matter.

Question put and passed; the Council's amendment not agreed to.

No. 17. Clause 10, page 5—Insert after paragraph (a) a paragraph to stand as paragraph (b) 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 a self-contained flat which is completely closed off and which includes both cooking and bathing facilities."

The MINISTER FOR HOUSING: This amendment seeks to exclude flats, of which there is a definition here inserted, from

the authority of the rent inspector who, since the 1st January, has been empowered of his own motion to enter premises for the purpose of making rent determinations. I am not enthusiastic about this because experience has shown that tenants are not very happy about making application to the court, more especially under present circumstances, because the lessor knows perfectly well that it was the lessee who made the approach. If flats were retained under the jurisdiction of the rent inspector the inspection could be made of his own motion and not because of any approach by one of the tenants. Therefore there would be less tendency for the lessor to take revenge upon the unfortunate lessee. I am disposed to accept this amendment because overall it will not make a great deal of difference, as the degree of protection for tenants in respect of rentals is so slight that to change from one authority to another is perhaps not so vital in view of all the circumstances. I move—

That the amendment be agreed to.

Question put and passed; the Council's amendment agreed to.

No. 18. Clause 10, page 5—Delete paragraph (b) in lines 26 and 27 and substitute the following:—

- (b) by deleting the words "exceeding twelve months" in the second last line of Subsection (3) and substituting the words "of two years or more."

The MINISTER FOR HOUSING: By an earlier amendment, premises subject to a lease of three years or longer were entirely removed from the Act. In this amendment it is proposed—and I understand it was accepted by the Chief Secretary—that with leases in excess of two years, the right to approach the court for a determination of the rental, after that lease has been signed, shall be waived. I move—

That the amendment be agreed to.

Question put and passed; the Council's amendment agreed to.

No. 19. Clause 13—Delete.

The MINISTER FOR HOUSING: This amendment follows the same pattern as those discussed earlier, by which the Legislative Council seeks to embody certain provisions in the one section, instead of under a number. This has the effect of removing the definition of "Court" from one section of the Act and placing it in another. I move—

That the amendment be agreed to.

Question put and passed; the Council's amendment agreed to.

No. 20. Clause 14—Delete.

No. 21. Clause 15—Delete.

No. 22. Clause 16—Delete.

No. 23. Clause 17—Delete.

THE MINISTER FOR HOUSING: These amendments seek to remove from the Act, as we knew it prior to the 1st May this year, those special provisions relating to a person who sought to obtain possession of premises for his own use or for his near relatives, and, if certain requirements were fulfilled, the possession would be automatic. Further, the section, which refers to what one might term "bad tenants," under which the court could automatically grant a notice to quit if the case went against the tenant, is also affected.

When the measure was last before the Chamber, I indicated the attitude of the Government and the fairness of the provisions in the Bill. It seems, however, that the Legislative Council is adamant that, in all cases, whether there be reasons or not, the owner of premises should have the right to indiscriminate eviction after giving 28 days' notice to the tenant. All I can do it to protest against the unfairness of the amendment. I fear, however, that there is no alternative but for the Government to accept the proposals submitted by the Legislative Council.

Throughout all the discussions on the Bill, the Government has not tried to hitch its wagon to some sort of ideal or philosophy, but has been doing its best, as far as is necessary, to protect families from the bleak possibility of eviction, where, in fact, such eviction would serve no useful purpose to the landlord. To give the landlord the right to evict people who are good tenants and who look after the place and pay their rent regularly, although he does not require the premises for himself or any member of his family, is criminal, because by so doing he will dislocate the whole life of a family completely, merely because of a whim or fancy on his part.

In the eyes of some people, human rights count for nought, but the sacred rights of property are paramount, and that seems to be the attitude of the majority in another place. In view of all that has been said and recorded in parliamentary debates, the members of the Legislative Council must surely be aware of the position and they must be adopting an adamant point of view only because they are obstinate and wish to adhere to a principle or policy, rather than consider the needs of the situation. If that is their viewpoint, there will be precious little in this legislation as amended, but in the eyes of the Government, no matter how poor and paltry the completed measure might be, it is considered that it is better to accept that, rather than to allow the present intolerable position to continue and develop still further. I move—

That amendments Nos. 20 to 23 be agreed to.

Before resuming my seat, I express again the sincere hope that as the Government, with the greatest reluctance, is giving away so much, surely in the name of all that is reasonable, we are entitled to expect that the Legislative Council will leave at last a few of the remaining clauses in the Bill which the Government regards as absolutely essential to bolster up, to some extent, what will be, when all is concluded, a very weak measure indeed.

Hon. A. V. R. ABBOTT: Whereas I am supporting the amendment, I cannot let an oration like that which we have just listened to pass without some comment. If the Minister does not approve, let him disagree with the amendment.

Hon. J. B. Sleeman: Let him go into it.

Hon. A. V. R. ABBOTT: That is the proper thing to do, not to make an attack on the Legislative Council and declare that because of the weakness of this House we cannot resist the amendment. His remarks were most objectionable.

The Minister for Housing: Is that not the position?

Hon. A. V. R. ABBOTT: There are such things as conferences. I do not think the Legislative Council is so unreasonable.

The Premier: We will discuss that on the Constitution Acts Amendment Bill.

Hon. A. V. R. ABBOTT: If this House is to be turned into a debating society for an attack on the Upper House at every stage of the proceedings, it is very poor conduct. After all, it is charged with a responsibility just as the Minister has a responsibility. The Minister is not always right, nor is the Government, the Opposition, or the Legislative Council. But they have the right to express their views and not be chided in language used by the Minister, "miserable this and miserable that".

The Premier: I think members of the Legislative Council are anxious to know our views on their amendment.

Hon. A. V. R. ABBOTT: I feel that I cannot let those words go unchallenged.

Hon. J. B. SLEEMAN: I cannot agree with the statement of the Minister. He said it was criminal and all he could do was to protest. That is a policy of despair. The member for Mt. Lawley said this matter could be fixed up in a conference. It will not be fixed up in a conference if I have any say. We should tell the Legislative Council in good Australian language that there will be no conference. I trust even now that the Minister, after having made a speech on behalf of the poor suffering people about to be evicted, will not agree to the amendments. It is a policy of despair and all we can do is protest! What is the good of that? We should disagree and fight them to the very last.

The MINISTER FOR HOUSING: I do not suggest for one moment that the Legislative Council is criminal. I think a terrible thing has been done by putting forward these amendments. Neither the Government nor I like them a bit, but, being practical, we realise that unless we follow this course, however distasteful, the whole Bill would go by the board. There is nothing wrong in pointing out to members opposite and their supporters and to the public generally where the Government stands.

Hon. A. F. WATTS: I can understand the Minister at heart not wishing to accept the amendments, but, if he holds the view that he has just expressed, in the manner it was expressed and as strongly as he did, there is one obvious course open, which does not involve a conference at this stage. That is to take the course suggested by the member for Fremantle and move that the amendment be disagreed with. The Government has the numbers, and the Bill would then go back to another place where the amendments could be insisted on or not. If the amendments are not insisted on, the Minister will have his way. If the amendments are insisted on, then if the Minister wants to take the course he now suggests, he will have the opportunity of doing so.

It seems to me that he is spending a good deal of his time in villifying the Legislative Council on this subject before the measure has been returned to it. We all know perfectly well there can be no suggestion of a conference unless the Legislative Council insists on the amendments. If there is another occasion when the necessity arises, we can take the course he now proposes. To say all the things he said of the Legislative Council in one breath, and in the next to give neither the Legislative Council nor himself the additional opportunity which is afforded by the Standing Orders of both Houses to further discuss this matter, seems to me to be an extraordinary attitude.

The MINISTER FOR HOUSING: I must say something on that. The member for Stirling is not quite as naive as he would make us believe. I have discussed these amendments at some length, with the exception of one, with the Chief Secretary, who has a pretty good idea of the attitude of the Legislative Council. The propositions embodied in these amendments have been before the Legislative Council about seven or eight times. In the name of all that is reasonable, surely one can appreciate that the Legislative Council is adamant, and that, no matter what the circumstances may be, unless there is an agreement to the contrary, the 28 days' notice shall be given and shall, with minor exceptions, be automatic! This is a matter of being realistic in our approach. I am proposing to accept the amendments, not because I like them, but because of the alternative, which is to lose the whole measure.

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

Ayes	....	....	....	....	24
Noes	....	....	....	....	11
Majority for					13

Ayes.

Mr. Abbott	Mr. Manning
Mr. Ackland	Sir Ross McLarty
Mr. Brand	Mr. Nimmo
Dame F. Cardell-Oliver	Mr. North
Mr. Court	Mr. Norton
Mr. Graham	Mr. Nulsen
Mr. Hawke	Mr. Oldfield
Mr. W. Hegney	Mr. Owen
Mr. Hoar	Mr. Perkins
Mr. Hutchinson	Mr. Tonkin
Mr. Kelly	Mr. Yates
Mr. Lawrence	Mr. May

(Teller.)

Noes.

Mr. Andrew	Mr. Johnson
Mr. Brady	Mr. McCulloch
Mr. Doney	Mr. Seeman
Mr. Heal	Mr. Watts
Mr. Hill	Mr. Rhatigan
Mr. Jamieson	

(Teller.)

Question thus passed; the Council's amendments agreed to.

No. 24. Clause 18, page 8—Delete the words "Sections twenty A and" in line 27 and substitute the word "Section".

No. 25. Clause 18, page 8—Delete the word "are" in line 28 and substitute the word "is".

The MINISTER FOR HOUSING: Amendment No. 24 will have the effect of leaving Section 20A in the Act and rewriting Section 20B as appearing in amendment No. 26. Amendment No. 25 is consequential to correct the grammar. I move—

That amendments Nos. 24 and 25 be agreed to.

Question put and passed; the Council's amendments agreed to.

Progress reported.

**BILL—PUBLIC WORKS ACT
AMENDMENT.**

Returned from the Council without amendment.

House adjourned at 6.15 p.m.