Legislative Assembly.

Wednesday, 15th November, 1950.

CONTENTS.

The SPEAKER took the Chair at 7.30 p.m., and read prayers.

QUESTION.

HOUSING.

As to Glendalough Estate, Homes and Costs.

Mr. W. HEGNEY asked the Minister for Housing:

(1) What was the purchase price to the Government for acquisition of Glendalough Estate on which Commonwealth-State rental homes have been built?

(2) How many homes have been erected on the estate?

(3) What is the number of houses of—

(a) four rooms;

(b) five rooms

which have been erected on such estate?

(4) What was the average cost for the erection of each of the above types of home on the estate?

(5) What was the total expenditure incurred by the Main Roads Department for construction of roads in the above area?

(6) What was the cost to the Housing Commission for surveys in the area?

(7) What are the details of other costs involved in the computation of the capital cost of such homes?

(8) What is the price at which the Government proposes to sell each of the above classes of home to present occupiers?

The MINISTER replied:

(1) £6,587 7s. 8d.

(2) 146.

(3) (a) Four rooms—51.

(b) Five rooms—78.

(4) (a) Four rooms—£1,148 17s. 0d.

(b) Five rooms—£1,306 12s. 9d.

(5) Main Roads Department—£8,970.

(6) £202 15s. 1d.

(7) Interest on Land Purchase—£296 14s. 11d.

Perth Road Board, Road Construction—£1,750 0s. 0d.

Clearing—£32 10s. 0d.

(8) The Government proposes to sell homes at Glendalough to tenants who made application prior to the 30th June, 1950, at cost, plus value of the land. Final costs to individual purchasers depend on a number of factors, including the date of erection of the homes.

BILL—PARLIAMENTARY SUPERANNUATION ACT AMENDMENT.

Read a third time and transmitted to the Council.

BILLS (2)—MESSAGE.

1, Coal Mining Industry Long Service Leave.

2, Physiotherapists.

Received from the Governor recommending appropriations.

BILL—MILK ACT AMENDMENT.

Second Reading.

Debate resumed from the 9th November.

HON. J. T. TONKIN (Melville) [7.35]: The Bill now under discussion is one which was foreshadowed by me in 1948 when the Minister introduced certain amendments then to change the constitution of the board. I said at that time that we would have to wait to see how the board worked out, but that it was my view that before very long we would have an alteration putting back the producers' representative on the board. So it has turned out. Members who were in the House in 1948 will recall that the member for South Fremantle moved an amendment for the purpose of including in the personnel of the board a representative of the dairymen actually engaged in the business, and the Government voted against it. The reasons given then were that it was intended to have a board quite remote from any direct representation of any interest in connection with the industry.

It was impossible for me at the time to follow the reasoning of the Government in connection with the matter because, for years, when the present parties forming the Government were on this side of the House they advocated producer representation on the board. As a matter of fact it was their policy to have a majority of producer representation. Yet we find when they reach the Government benches and

have an opportunity of putting their policy into practice, not only do they decline to put a majority of producer representation on the board but they eliminate it altogether. I said at the time that before very long we would find an amendment being put through for the purpose of effecting an alteration, and so it has come about. I am at a loss to follow the reasoning of the Government in these matters. It appears to me that it acts like a compass on an ironstone hill—it swings about all over the place, and there is no consistency in its policy at all.

Hon. A. R. G. Hawke: It has no policy.

Hon. J. T. TONKIN: With regard to the wheat legislation that went through, the Government would not listen to the representations from this side to include producer representation and, finally, it had to come back to Parliament with an amendment to give effect to what the Opposition suggested, but which the Government had opposed the previous session. Here is a similar instance in connection with this Bill; the member for South Fremantle actually moved to do what the Government now seeks to do, but which, in 1948 it refused to do, and that was to appoint a direct representative of the producers to the board.

I understand that the dairymen themselves have asked the Premier not to appoint a man who is actively engaged in the industry, and I believe the Premier said he could understand that a man actively engaged in the industry would not have time to sit on the board. Yet this Bill proposes that the dairymen's representative shall be a man actively engaged in the industry. Only a few nights ago, when we were debating another measure and I proposed an amendment along the lines of a recommendation of the Royal Commission, the Minister argued that we should not have a man actively engaged in farming because he had in mind many suitable persons who had retired from active farming and who could very properly fill a position on the board.

The Minister for Lands: Did we say that we would not have a man actively engaged in the industry?

Hon. J. T. TONKIN: What the Minister said was in direct opposition to my amendment. My amendment proposed to put on the board a man actively engaged in the industry and the Minister opposed it.

The Minister for Lands: You would not give us a choice.

Hon. J. T. TONKIN: There is no choice in this, so it is impossible to follow the logic of the Government. Ministers swing about, as I have said, like the needle of a compass on an ironstone hill.

The Premier: Then we have come round to your way of thinking?

Hon. J. T. TONKIN: When it suits the Government.

The Minister for Lands: It is not that at all.

Hon. J. T. TONKIN: Well, what is it?

The Minister for Lands: It is as circumstances present themselves.

Hon. J. T. TONKIN: The Minister has not indicated what the changed circumstances are. In my view there is a very strong argument against insisting upon the producers' representative being a man actively engaged in the industry. We are told from time to time that the dairyman's business is an exacting one, that his hours are long, that he starts early in the morning and keeps going until late at night. If that is so, how can such a man find time to sit on the Milk Board? So there is an argument in favour of selecting a man who is not actively engaged in the industry, provided he is acceptable to the general body of producers.

In this instance, where it would be a hardship on a man actively engaged in the industry, the Government insists that he shall be so engaged, but in the other instance to which I have referred, where a man could be engaged in farming pursuits as a pastoralist and his duties would not be so exacting, and where I sought to provide that the representative should be actively engaged in the industry, the Government wanted a full choice. So there is no following the logic of the Government.

The Minister for Lands: You have a habit of adopting a different view from the Government on everything.

Hon. J. T. TONKIN: And the reason is that the Government is so inconsistent that it is impossible for one to follow it.

The Minister for Lands: No, it is that you like to be in opposition.

Hon. J. T. TONKIN: There are so many "Yes" men alongside and behind the Government that it is my job to be critical and not to be just a "Yes" man, too. The Government would like us to nod at all its legislation as it is brought forward. If the Government showed some consistency it might be possible to do that, but here we have, in the space of a few days, a directly opposite policy.

The Minister for Lands: Different circumstances altogether.

Hon. J. T. TONKIN: The Minister has not yet shown what the different circumstances are. I would be quite willing to listen to him when he has an opportunity to tell the House what the different circumstances are. But we shall not hear anything more about that—mark my words! The Minister will not tell us what the different circumstances are for the simple reason that he does not know.

The Minister for Lands: Yes, I shall tell you.

Hon. J. T. TONKIN: Then let the Minister not forget.

The Minister for Lands: I shall not forget.

Hon. J. T. TONKIN: The Minister has a habit of forgetting when he makes such promises. I should like to know which Minister really framed the Bill, because the Minister for Lands is not now the Minister for Agriculture. I was amazed to read in a recent issue of "The West Australian" a statement made by the Minister for Agriculture, Hon. G. B. Wood. Mr. Wood was present at the opening of a new milk treatment plant at Kielman's Pty. Ltd., Victoria Park and made this profound statement—

> He believed that in a year or two the State would have more milk than it would know what to do with.

I say that is just plain nonsense. Where the Minister got his information is completely beyond me. Yet he stands up in existing circumstances and under conditions where it is impossible for us to implement the free milk scheme of the Commonwealth because of insufficient supplies of milk, when it is general knowledge that production is not keeping place with consumption and makes that ridiculous statement. I suggest that the Premier should tell the Minister for Agriculture to wake up.

The Minister for Lands: He might be telling you to wake up, for all you know.

Hon. J. T. TONKIN: If that is the attitude of the Minister, it is a poor look-out for us, because there has to be some drive behind the production of milk if we want to prevent the occurrence of a very dire shortage in the metropolitan area. If the Minister has the belief—based on entirely wrong premises, I submit—that within a year or two we shall have more milk than we shall know what to do with it, it is a poor look-out for us.

I wish to put this aspect to the Premier: At a time when we are trying to get producers in the dairying industry to enlarge their herds, is it wise to tell them that in a year or two we shall have more milk than we know what to do with? Dairymen throughout the country will pay some attention to such a statement coming from a responsible Minister, and if they felt disposed to invest a little extra capital to increase their herds, that sort of thing would stop them. They will say, "What is the good of my going in for expansion if, in a year or two, we shall have more milk than we know what to do with?" That is a bad suggestion to put to any producer—to tell him that in a year or two there will be a glut of his product. That will not encourage him to step up production; it will have a directly opposite effect. In this connection, it is the worst thing that could happen to this State. So, in making that statement, the Minister has rendered a disservice to Western Australia, and made it harder for the Milk Board to increase the production which is so necessary. I suggest to the Premier that he have a talk with his Minister and tell him to put his feet on the ground.

I venture to say that it will be many years—more than a decade, and that is a conservative estimate—before we shall be anywhere near to having a sufficiency of milk, let alone more than we know what to do with. I would like the producers to know that we on this side of the House do not share the Minister's opinion. We are anxious that they should go ahead and increase their production without fear of a glut in the market. It is as well that we should get the matter in its proper perspective, because the Minister for Lands says I am adopting a critical attitude and wish to be critical of whatever the Government brings forward.

The Minister for Lands: That was only in reference to the appointments to the board.

Hon. J. T. TONKIN: Let us see what the members of the Government had to say about the constitution of the board when they last had an opportunity to speak on it. I shall quote first of all my own remarks at page 2948 of "Hansard" for 1948, as follows:—

> We cannot ensure the future of an industry unless we provide stability for it. Along those lines, we would always have given the producers in the industry a say in its management—

That was the Labour policy—

> —and that is why the measure of 1946 provided for two producers' representatives. At the time that was not considered sufficient by members who now sit on the Government side of the House. Now they are in office, they have changed their opinion. They have completely altered the complexion of the board and are now of the opinion that the milk industry should be governed by a board on which there shall be no-one to submit the views of those engaged in the industry. That is a revolutionary change, and we have yet to see how it will work out.

The Minister for Education, speaking on the same debate—and I want members to follow this so that they may know how the Government has changed its front—had this to say, at page 3062 of "Hansard" of the same year—

> A lot has been said this afternoon about the enormity of leaving producer-representation off the board. In the majority of cases the producers desire and should have representation on boards constituted for the marketing of their products. In this instance the consensus of opinion is that such a board has not been successful.

What has happened since? If it was the consensus of opinion in 1948 that a board of producers' representatives would not be successful, why is the Government now, years later, making provision for producer-representation? The Minister went on to say—

> The circumstances under which it operates are not the same as those with relation to the marketing of other primary products.

What has happened? Are they not the same, or are they? If they were not the same then, what makes them the same now? The Minister continued—

> A large proportion of the milk is retailed by licensed persons who are not producers and who distribute the product to thousands of consumers on a retail basis. That difference may be the reason why this board is believed not to have succeeded. In this case the producers, having considered the circumstances and the operation of the board over the last three or four years, have said they do not want producer-representation on the board.

I question that. Did the producers say that? Was that the reason why the Government took producer-representation off the board? Have the producers since changed their minds about it? Is that why we have the Bill here? Members can see how difficult it is to follow the Government in these matters. I think it would be news to the producers to know that the reason why the producer-representation was taken off the board was because they requested it. But that is what we were told in 1948. We have not been told the real reason why a producer-representative is to be put back on the board in 1950. But I shall tell the Minister the reason. When the producers found they had been deprived of their representative, contrary to their general expectation, they immediately approached the Government to have the Milk Board changed, and the pressure they exerted must have been sufficiently strong to cause the Government to bring down this Bill.

It is only two years since the revolutionary change in the board was made. One would have thought that before making such a change by sweeping off all direct representation, the Government would have been at some pains to ascertain the best type of board to establish. A definite reason given at the time was that it was not intended to have on the board persons directly engaged in the industry. The wording of the Act was such as to preclude the possibility of any person engaged in the industry being appointed. That was the Government's idea only two years ago. Now it proposes to alter completely the constitution of the board and to include in it again representatives of all interests. The Government will nominate a representative of the consumers, and there will be elected a representative of the producers. Now we are coming back to a board which is representative of consumers and producers, with an independent chairman.

Except from the point of view of numbers, it will be exactly the same type of board that the Government altered in 1948 and there has been no logical explanation given for the complete change of front. Yet the Minister has the temerity to suggest that I am always critical of what the Government does. I say again that it is because the Government gives so much reason for criticism. In 1946, when legislation was being introduced by the then Labour Government, and provision for compensation for the destruction of dairy cattle was being made—the legislation provided for the payment of £20 for each beast slaughtered—members of the Government, who were then in Opposition, sought to have that sum increased substantially. I was obliged, on that occasion, to resist the Opposition because the legislation was then in its initial stages.

We had nothing by which to gauge the amount in which the Government might be involved for the payment of compensation, and we did not want the scheme to break down at its inception. So, although I believed that we should not call upon the producers to suffer a sacrifice in the interests of the general good, because of the financial situation with regard to the matter, I had to take a prudent course and limit the compensation to £20. The Government proposes to increase that figure to £25. I suggest that if it is going to make an alteration at all, what it should provide now is the real value of the animal. We have had an example of how this legislation works and the amount of compensation involved. We are carrying out this T.B. testing not only in the interests of the dairyman but also in the interests of the general health of the community. So, when we compulsorily slaughter the animal of a dairyman we should not, if we can avoid it, make that dairyman undergo a financial sacrifice in the interests of general health.

If we say that a man has 20 cows which react to the T.B. test, and those 20 cows are worth £600, we should not make him accept £500, and lose £100 on the deal, in order to safeguard the general health of the public. The community ought to be prepared to pay that extra £100. That argument was just as sound in 1946 as it is now, but I resisted the move to provide for compensation to the value of the animal for the reason that it was new legislation and it was impossible to judge what the cost would be. We have now reached the stage where we have broken the back of the problem and we should be slaughtering less cattle instead of more, and so the sum total of compensation to be paid ought to be less instead of greater.

In those circumstances I suggest to the Government that it is not now fair to make the individual dairyman carry the financial sacrifice in the interests of the general public, but that the community ought to be prepared to pay for it. Therefore I hope the Government will agree to amend the Bill and, instead of providing for a figure of £25, there should be provision for the actual value of the animal. If there is a disagreement between the owner of the cattle and whoever is in charge of the compensation fund, as to the value of the animals, the case can be submitted to a referee. I think that is a reasonable proposal.

The idea is by no means original. It was put up years ago. I have with me an article published in "The Farmer's Weekly," indicating that that is the line they propose to take in Great Britain. It is as well that we should take advantage of the most up-to-date ideas in this connection so that we may follow suit if we can. This paper is an English publication and the article refers to the practice to be followed in Great Britain. I quote from "The Farmer's Weekly" of the 6th October, 1950—

> Compensation for Slaughtered Cows. Compulsory Tests for all Herds in Eradication Zones: Start will be made in South-West Scotland and South-West Wales.
>
> Compensation will be paid to farmers for animals slaughtered under the "area eradication" plan for tuberculosis, which came into operation on 1st October. A scheme has been agreed to by the National Farmers' Union and other national bodies, and details were outlined by the Minister for Agriculture, Mr. Williams, speaking in London last week.
>
> In an eradication area all herds are to be tested compulsorily. Reactors are to be slaughtered, with compensation paid on the estimated value of the reactor as an untested animal.
>
> The estimated value is to be arrived at by agreement between the Ministry and the owner; failing that, it will be fixed either by a referee—jointly appointed by the Ministry and the owner—or, finally, by arbitration.

The article then continues and discusses the system of bonus payments for T.T. milk, but I am not dealing with that subject at the moment. I think the ideas discussed in the article are worth following and the Government should give some attention to them. This proposal to increase the compensation from £20 to £25 is a recognition that the farmer is at present carrying a bigger sacrifice than he ought to carry. I ask the Government to consider whether it is now fair, in view of the increased prices animals are bringing, to ask the individual producers to shoulder this financial sacrifice compulsorily when what is being done is in the interests of the general good. Once we acknowledge that the proposal is one for the general health of the community, then I think it goes as a natural concomitant that the general community ought to pay for that benefit and it should not be placed on the shoulders of the individual producer. I suggest that the Government give serious consideration to that aspect in view of the experience in the past and in view of our certain knowledge of what is involved with regard to the future.

Members who were in the House in 1946, when an attempt was made to provide for compulsory pasteurisation, will recollect that I went to some pains to give scientific opinion on both sides, and to say that the pasteurisation which killed T.B. germs also killed all other organisms in milk and that it was quite possible that we might, in the ultimate, be doing more harm than good. I put that forward as an idea at the time, supported by scientific opinion, but the weight of medical evidence in this State was very much against me. I propose to read something which shows that this matter is by no means the final thing that some people would have us believe, and there is still great scope for research in this matter. I noticed an article in this publication, "The Farmer's Weekly," of the 6th October, which caused me amazement and made me feel that what I said in 1946 was indeed very well said in connection with this matter. The man who signs this article is one L. Pitcher, M.R.C.V.S. I understand that those letters indicate a veterinary science degree and his address is Veterinary Establishment, Coningsby-road, High Wycombe, Bucks. The article states—

> Increased Infection.
>
> To the Editor,
>
> Sir,—Further to the letter by Mr. Peter Lyon regarding the increase in human tuberculosis in countries where the tuberculin test is widely carried out, I should like to point out that the incidence of infection has increased to an alarming extent in Scotland in the last 15 years—roughly since the initiation of the attested herd scheme. Scotland has now roughly 80 per cent. of all milk-producing cattle tuberculin tested.
>
> In Denmark, with about 95 per cent. of cattle tuberculin tested, the human notifications of T.B. infection are 500 per year in excess of the figures prior to 1920 when no cattle were tested.
>
> In Jersey, before attestation, about five people per year were certified as infected; now the figure is around 70. In Guernsey, too, although the figures are rather better than Jersey, there is a marked increase (about 10 extra per year) in human infection, since the island was attested.

> It has taken 4,000 years to produce the highly developed condition called naturally acquired immunity, and the area clearance scheme will destroy this in four years.
>
> In my view the result of the tuberculin test is precisely opposite to the result anticipated.
>
> In England, with only about 18 per cent. milk-producing cattle tuberculin tested, human notifications—with the exception of London—are improving. This, I feel certain, is because tuberculin—the natural excretion or secretion of the bacillus—is present in the bulk of the milk supply and subsidises human resistance to human type.

That article does not prove anything but at least it is a straw in the wind. It is an indication that we do not know as much about this subject as we think we do, and that in destroying cattle which react to the T.B. test we might be destroying cattle which are producing milk necessary for humans to consume so as to build up immunity from T.B. If that is so, then we are spending a lot of money to render the State a disservice. Science, in comparatively recent years, has gone a long way in the study of the introduction of anti-bodies into the bloodstream for the purposes of counteracting diseases.

We now give injections against all sorts of things—whooping-cough, diphtheria and the like—and we deliberately introduce into the body those organisms which will enable the human frame to build up a resistance against attack. The article to which I have referred suggests that cattle that react to T.B. naturally build up in themselves anti-bodies and the milk which they produce, consumed by humans, enables those humans to resist attacks from T.B. But, if we destroy cattle that produce that milk, and such milk is no longer available to humans, then there is a possibility that the human resistance to T.B. is being lowered. I suggest that in that article there is considerable food for thought. It is not for us laymen to say whether it is so or not, but the scientists could give close study to that aspect of the matter.

The Premier: Surely they have?

Hon. J. T. TONKIN: Well, I do not know. Surely the Premier will know that medical opinion about certain things changes from time to time. History shows us quite definitely that what was regarded as wrong treatment in one stage was subsequently regarded as the right treatment. There have been many instances of that. One need only refer to the reaction of medical opinion to the Sister Kenny treatment for poliomyelitis. Sister Kenny got very little encouragement in Australia from medical men but she got plenty outside and, because she is still actively engaged in providing her treatment, it is an indication to me that she must be getting results. She could not continue after all these years carrying out a treatment without obtaining results. There would be an end to that.

Instead, her services have been well sought after. Yet not only did she not get any encouragement in Australia, but also met with extremely strong opposition. Medical men engaged in practice are extremely busy persons and must accept a lot of their ideas from what they read. There are few of them in a position to carry out the necessary scientific discovery. I am suggesting that this article written by a qualified man who ought to know something about veterinary science is one which should at least cause us to take notice. It may not be in our time, but it would not surprise me in the least if it were subsequently discovered that there was a good deal in the suggestion contained in this article. I will leave that for the consideration of the Government.

The Premier: I should think that surely the medical profession has given consideration to that. The problem of T.B. in dairy herds and in humans has been tackled all over the world.

Hon. J. T. TONKIN: This article indicates that in all the cases where T.B. testing has been carried out, there has been a marked increase in infection. He shows that in the countries where it has been most effective and the coverage large, that that is where there has been the most increased infection. The figures relating to the Scandinavian countries amaze me because I was under the impression that they were well to the fore in cleanliness and in establishing the most up-to-date dairying premises. Denmark has been famed for its butter and cheese production. My reading has been such that it has been well in advance of other countries with T.B. testing. Yet this man says that in Denmark where 95 per cent. of the cattle have been T.B. tested, human infection has been 90 per cent. in excess of the figures for 1920. There might be some explanation for that. The war years might have had something to do with it, including malnutrition of its people during those years. That is quite possible. However, at least the article is such as to indicate to us that the solution is not so final as some would have us believe, and that there is still room for further inquiry and discovery.

I am not going to say whether I agree with the suggestion in this article or not; it is not for me to do that. But I must say that I am alarmed at the possible implications contained in the article of a man who is not an uneducated person with no knowledge of the question about which he is writing. Apparently he was not the only one who wrote an article on this matter. I have here a letter from one who signs himself, "P.D.R."; of course, that

could be anybody. Nevertheless, in view of the Premier's interest, I propose to read this short article, too. It says:—

> The T.T. "ramp" as Mr. Peter Lyon describes it does not stand condemned by the evidence he raises. The statistics on which he bases his argument that humans gain a resistance to T.B. from the presence of antibodies in the milk of reactors might, indeed, point vaguely in this direction. But these antibodies have never been traced and, even if present, parallel cases of other milk antibodies would lead one to doubt whether a passive immunity of any significance would be gained.
>
> Had he argued that antigens were present in the milk in the form of T.B. bacilli he would have been on safer ground. If the statistics do, indeed, show this state of affairs, then residents in England are being given a more or less controlled amount of T.B. bacilli to drink. The large majority are lucky and gain an immunity thereby; a small minority, numbered in thousands, died, or are maimed, in childhood.
>
> Alternatively, the statistics may indicate that bovine T.B. is on the decrease in Scotland but is being more than replaced by the human type, facilitated by lack of hospital beds and proper hygiene. Statistics from Ireland would, in turn, appear to show that T.B. in both cattle and humans is high, whilst in Canada the reverse is true.
>
> The attestation scheme is a grand scheme and if carried to its logical conclusion would rid us of the bovine form of T.B. The questions that arise, however, are these: (1) What effect would this have on tuberculosis in humans? (2) If, as seems likely a vaccine such as B.C.G., is perfected, to give a safe immunity, would not the T.T. scheme be in grave jeopardy of becoming redundant?
>
> In view of this latter possibility we might be wise to echo Mr. Lyon's plea that the money being spent on the scheme should be turned to better use. Might it not be so if it were used to attack the menace as a whole, by providing more nurses and beds in hospitals, better control of milk and active T.B. in both humans and cows, and an increase in pasteurisation?
>
> Attestation seems to be cumbersome when compared with these controls and there is not the risk of leaving the farmer with a scheme made useless by events.

The Premier: Are you reading from "The Farmer's Weekly"?

Hon. J. T. TONKIN: Yes, this is a farmers' journal published in Great Britain. It is a regular publication.

The Premier: I was only thinking that our chief medical officer might have a look at it.

Hon. J. T. TONKIN: I think it is well worth some consideration because it would be an extremely bad thing for us if we were going headlong on the wrong track.

Mr. Marshall: And it looks as though we are.

Hon. J. T. TONKIN: There is certainly room for inquiry before we become further committed. The change that has been made with the compensation fund has been made necessary by the alterations of events, and I am extremely sorry that those financial firms which saw a weakness in the Act were able to take advantage of it and withhold payments which morally they were bound to have made. The payments were fairly substantial and, although these firms knew that other persons were making and had made payments, because they saw a weakness in the Act and knew that payment could not be enforced, they were prepared to dodge their moral obligations and withhold the payment of their money to the board.

A strong attempt at some disciplinary action might have been made in that matter. A heart-to-heart talk with the principals pointing out that they were not playing the game might have brought results and, failing that, the exercise of a few sanctions might have made them do the decent thing. I will never agree that, whether an Act is watertight or not, the wise guy should be permitted to dodge payment that the general run of people make because they feel they are under a moral obligation at least to do so. Very little credit is due to those firms that take advantage of any weakness in the Act to destroy the spirit of it and to increase their profits by withholding payments that they were morally bound to have made. There is another aspect of this matter referred to by the Minister, namely, that when dairymen who receive payments of compensation withhold their payment from the fund, they are not playing the game. Of course, steps must be taken to see that the obligations are fully met. I approve of the amendment in the Bill which is to give effect to that purpose.

I hope the Government will give further consideration to the appointment of a dairymen's representative. The Premier will recall that he told the deputation that he agreed that a dairyman was a very busy person, and it would be difficult for him to find time to sit upon the board. That was the Premier's own private view and I think it is a sound one. If the dairymen themselves agree that their representative need not be actively engaged in the industry, why should the Government insist on that? After all, the purpose of this amendment is to yield to the request of the producers to give them representation upon the board. They have signified that the repre-

sentative they want need not necessarily be a man who is actively engaged in the industry. They want the right to select their representative.

I submit to the Premier and the Minister that if they select a man and they have confidence in him and he is to represent them, why should the Government deny them that representative? It does not seem to make sense to me. The purpose of the Bill is to give them representation. Well then, let them have the representation they want, and so do not prevent them from nominating a man in whom they have every confidence simply because he is not actively engaged in the industry. I again remind the Government that it ought to have some consistency in regard to these boards. Quite recently it insisted on a wide choice and that the representative of producers need not be actively engaged in the industry. As to this board, which will have many more sittings than the agriculture protection board, on which it would be much more difficult for a man actually engaged in the industry to take up his position as a representative, I think the Government would be well advised to yield to the request of the producers in this instance and let them elect someone suitable to themselves whether he be actively engaged in the industry or not. That covers all the points included in the Bill. Because the Government has seen fit to change its policy in a comparatively short time, the measure has become necessary. As it is in line with the policy previously expressed on this side of the House, we will give it general support except along the lines I have indicated, in which respect we will seek to have some amendments accepted.

On motion by Mr. Hearman, debate adjourned.

BILLS (4)—RETURNED.

1, Traffic Act Amendment.
2, Country Areas Water Supply Act Amendment.
3, Public Works Act Amendment.
4, Medical Act Amendment.

Without amendment.

BILL—STATE HOUSING ACT AMENDMENT.

Council's Further Message.

Message from the Council received and read notifying that it had agreed to the Assembly's request for a conference on the amendments insisted on by the Council, and had appointed the Minister for Transport, Hon. E. H. Gray and Hon. H. K. Watson as managers for the Council, the President's room as the place of meeting, and the time and date 2 p.m. on Thursday, the 16th November.

Personnel of Assembly's Managers.

On motion by the Minister for Housing, resolved:

That Hon. J. B. Sleeman be appointed as a manager at the conference in place of Hon. A. H. Panton, absent through illness.

BILL—INDUSTRIAL ARBITRATION ACT AMENDMENT.

Second Reading.

Debate resumed from the 2nd November.

MR. NEEDHAM (North Perth) [8.33]: The Bill embodies two or three very important alterations to the present legislation. I shall address myself to only two of them. The first refers to the clause which deals with appeals from decisions of industrial magistrates to the Arbitration Court. For some considerable time whatever decisions industrial magistrates arrived at were final, and from such decisions there was no appeal. If this portion of the Bill becomes law it will effect an improvement to our industrial legislation. I say that with all due deference to the industrial magistrates and without in any way reflecting upon them and their work. I realise that for many years past those magistrates have done a very fine job. Notwithstanding that fact, I think it is just as well that appeals should be allowed against their decisions, should there be dissatisfaction regarding any of them.

It may be that in some instances either the employers or the employees, or both, may not be quite satisfied with a decision of the industrial magistrate and as a result a certain amount of ill-feeling and unpleasantness may develop which in no way contributes to the maintenance of industrial peace, to which end we are all working. In the past this State has had a very fine reputation for its continuance of industrial peace, mainly because of the smooth manner in which so far our industrial machinery has worked. While I have no complaint to make against the work of industrial magistrates, I think it will be agreed that they cannot be expected to possess the same knowledge of industrial laws for the settlement of industrial disputes as has the Arbitration Court itself. For that reason, I welcome the provisions in the Bill regarding appeals to the court.

A further feature of the Bill with which I do not altogether agree is that portion which proposes to increase the maximum salary of civil servants who can appeal to the Arbitration Court in connection with their classes or grades. The proposal in the Bill is to increase the present maximum of £699 to £860. For my part, I would rather see that portion of the measure deleted and the Civil Service Association and all its members have the right to approach the court irrespective of the salary, grade or class applying to the public servants concerned. It might be as well to review the position so far as

civil servants are concerned. When the Civil Service Association was brought under the State Arbitration Act in 1935, the court was limited in its jurisdiction to fixing classes and grades for salaries and to fixing rates of allowances for officers up to a maximum salary of £699 per annum. At that time the basic wage was equivalent to £185 per annum, so in effect the jurisdiction of the court was up to a margin of £514. To have even maintained the original value, the jurisdiction would be up to £888, being £514 margin, plus the present State basic wage of £374.

If I were agreeable to the clause in the Bill, the amount specified therein, namely, £860, would not be in keeping with the basic wage today and would not continue the margin for the officers engaged in the Public Service, because the basic wage as originally introduced in the measure meant that a salary of £699 in 1935 would be equal to at least £1,000 today. Members will see therefore that there is a very big disparity so far as the margin is concerned. Actually the Association and the Public Service Commissioner have made an agreement and registered it with the Arbitration Court in excess of £699 per annum. That agreement was registered in March, 1948, over two years ago. In that agreement the top class had a margin of £501, which is equal to £935 gross, made up as follows:—

	£
Margin	501
Basic wage	375
Marginal adjustment related to Eastern States Public Services	60
	£935

I should point out that when this table was drafted the basic wage was £374 per annum; today it is much more and stands at £7 6s. per week. By the time the Arbitration Court proceedings are concluded in this State in connection with the recent Federal basic wage increase, it will probably be considerably higher, which all goes to show that the maximum amount of £860 allowed for in this amending legislation is in no way equitable in dealing with the situation. The Civil Service Association considers that there should be no limit to the figure respecting its application to the Arbitration Court and that all its members under the jurisdiction of that court should have the right to negotiate with the Commissioner regarding the structure of the classes and grades for senior officers. Section 164 of the Industrial Arbitration Act provides for basic wage adjustments to the salaries of officers under the jurisdiction of the court in multiples of £5 per annum, but by arrangement with the Commissioner adjustments have been made to the nearest £1 per annum.

Officers outside the court have to wait for variations equivalent to £20 per annum before adjustments are made and they consider that such adjustments should be made on smaller multiples than £20. I heartily agree with the views of the Civil Service Association in that respect. I would remind the Minister that Section 151 provides that the Commissioner shall maintain reasonable consistency in defining classes and grades and other conditions for the higher officers with the conditions defined by the court for those officers within its jurisdiction, but the Association considers that all its members should be within the court's jurisdiction.

I do not see any reason why there should be any differentiation in the Civil Service Association as against any other body of workers. Fifteen years have elapsed since this Parliament agreed to amend the Industrial Arbitration Act to permit the association to avail itself of its provisions. At the time of the initial approach of the association to the Arbitration Court, I was in favour of its going there altogether, irrespective of any class, grade or salary. As the years have gone by, I have been more confirmed in that belief.

With that in view, I placed on the notice paper an amendment which, if agreed to, would have brought about what the Civil Service Association has been asking for, namely, a full and complete approach to the court. Shortly after I put that amendment on the notice paper, the executive officers of the association resumed negotiations with the Public Service Commissioner with a view to seeing whether or not he would agree to the amendment and, failing that, whether a compromise could be reached with regard to the maximum salary. I pointed out that the proposal in the Bill was not in keeping with the original margin established in 1935.

I have been advised that, as a result of the conference with the Public Service Commissioner, he has agreed to increase the maximum from £860, as mentioned in the Bill, to £1,005, in consequence of which the Attorney General has placed an amendment on the notice paper to that effect. Realising that my amendment would probably have been defeated, and had that occurred it would have ruined the chance of my moving another amendment to increase the maximum to over £860, and after consultation with the association's officers I decided not to move that amendment in Committee but to support the Attorney General's amendment, which will increase the maximum to £1,005.

THE ATTORNEY GENERAL (Hon. A. V. R. Abbott—Mt. Lawley—in reply) [8.48]: As the member for North Perth has said, since this Bill was introduced, further negotiations have taken place between the Public Service Commissioner and representatives of the Civil Service Association, as a consequence of which I have placed on

the notice paper an amendment which will increase the justiciable salary limit from £860 to £1,005.

Mr. W. Hegney: Will you explain why you propose to delete the provision that already exists in the Act for any regulations to be published in the "Government Gazette" and tabled?

The ATTORNEY GENERAL: This is a drafting alteration. When the Act was originally passed the Interpretation Act made no provision for regulations to be tabled. Since then it has been provided that all regulations passed under any Act have to be published in the "Government Gazette" and tabled and can be disallowed by either House.

Question put and passed.

Bill read a second time.

In Committee.

Mr. Perkins in the Chair; the Attorney General in charge of the Bill.

Clauses 1 to 5—agreed to.

Clause 6—Section 143 amended:

The ATTORNEY GENERAL: In the definition of justiciable salary the amount is limited to £860 and I wish to substitute for that £1,005. I move an amendment—

> That in line 13 of the definition of "justiciable salary" the words "eight hundred and sixty" be struck out with a view to inserting the words "one thousand and five."

Amendment (to strike out words) put and passed.

The ATTORNEY GENERAL: I move an amendment—

> That the words "one thousand and five" be inserted in lieu of the words struck out.

Mr. W. HEGNEY: I would like to know why the original figure of £860 has been revised to £1,005. I understand the Minister to say that the £699 written into the present Act is equivalent to approximately £860 today.

The ATTORNEY GENERAL: That was the original view of the Public Service Commissioner. For that reason the Bill was drafted with that amount in it. The Civil Service Association, however, had a different view, and considered that a justifiable comparison would be something in excess of £1,005. As the result of discussions and a compromise, the figure of £1,005 was agreed upon.

Amendment (to insert words) put and passed; the clause, as amended, agreed to.

Clauses 7 and 8—agreed to.

Clause 9—Section 179 amended:

Mr. W. HEGNEY: I would like to have a clarification of this proposed amendment of the Act. At present the Act provides, and has done so for about 26 years, that any regulations made or purported to be made under the Act shall be published in the "Government Gazette" and shall take effect from the date of publication or from a later date to be specified therein. Subsection (3) provides that all such regulations shall be laid before both Houses of Parliament, if Parliament is in session, and if not, then within seven days after the commencement of the next session. Subsection (4) provides that if either House passes a resolution at any time within 30 days after such regulations have been laid before such House, disallowing any regulation, such regulation shall cease to have effect. Subsection (5) provides that "the regulations made under the Industrial Conciliation and Arbitration Act, 1902, shall, subject to this Act and the regulations thereunder, remain in force but may at any time be repealed by regulations made under this Act."

If these provisions in the present Act are repealed, what will be the actual position regarding regulations? How are industrial unions of workers to know what the regulations are? Will they still be published in the "Government Gazette" if these provisions are repealed and, if so, will they still be tabled in both Houses and Parliament given an opportunity to reject them? The Minister made reference to the Interpretation Act. But if we agree to this amendment and the subsections to which I referred are repealed, will the regulations made from time to time by the court be published in the "Government Gazette?" That is the first question.

Secondly, will the regulations be tabled and members given the opportunity of rejecting or endorsing them? If that is not done, I must vigorously oppose the amendment because, in that case, how are the industrial organisations concerned to know what are the regulations prescribed by the court? Since the Industrial Arbitration Act was passed in about 1924 or 1925, regulations prescribed by the court have been published in the "Government Gazette" and tabled in this House.

The ATTORNEY GENERAL: The alteration has been made by the draftsman because the Crown Law Department is anxious that there should be consistency with regard to regulations under all Acts. For that reason, provision was inserted in the Interpretation Act for the publication and tabling of regulations. In that regard I refer members to Section 36 of that Act. Subsection (2) of that section makes the usual provision for disallowance of regulations by either House of Parliament.

Mr. W. HEGNEY: If we agree to Clause 9, will any regulations prescribed by the Arbitration Court be published in the "Government Gazette" and laid on the Table of both Houses of Parliament?

The Attorney General: Yes, and they may be disallowed.

Mr. W. HEGNEY: Then I have no further objection to the clause.

Clause put and passed.

Title—agreed to.

Bill reported with an amendment.

BILL—INCREASE OF RENT (WAR RESTRICTIONS) ACT AMENDMENT (No. 2).

In Committee.

Resumed from the previous day. Mr. Perkins in the Chair; the Chief Secretary in charge of the Bill.

The CHAIRMAN: Progress was reported after Clause 1 had been agreed to.

Clauses 2 to 5—agreed to.

Clause 6—Section 5 amended:

Hon. A. R. G. HAWKE: I am not happy about this clause, which seeks to give landlord and tenant the right to agree to a 25 per cent. increase in the standard rent. During the second reading debate, I pointed out that tenants would be disadvantaged if the provision became law. At first sight, paragraph (b) might be thought to indicate that if the tenant would sign an agreement to bring about an automatic increase of 25 per cent. in the rent, that would be all right; but the landlord might be able to use this provision with great effect, in such a way as to worry the tenant into signing the agreement although he might not feel that a 25 per cent. increase was justified. The provision goes on to state that where the tenant and landlord fail to agree, the landlord may approach the court, in which case the court will have power to determine the fair rent for the premises concerned. The next provision lays down the matters to which the court shall give consideration when determining a fair rent for premises. I would be more satisfied if provision were made to establish a special court for the determining of fair rents.

The Premier: Would it be a permanent court?

Hon. A. R. G. HAWKE: It would be permanent only for the period during which it would be necessary for rents to be determined by a court. I take it for granted that when the present acute housing shortage is substantially overcome the necessity for courts to fix rents will no longer exist to any great extent. In other words, when the supply of houses available to the community equates to the demand for houses by the community there will be some sort of natural law operating to cause rents to reach and remain at what could be considered a reasonable level. If, as this Bill intends, we give to a court the right to determine applications for fair rent from each and every landlord in the State, then obviously the court or courts will be extremely busy for a considerable time dealing with the large number of applications that will come before them.

If this particular part of the Bill goes through in its present form I think the Attorney General will be receiving no end of complaints from magistrates, because of the great pressure of work which will be upon them in trying to deal with the large number of applications they will receive for the determination of a fair rent. It would be a far better procedure, I think, therefore, if the Bill were to provide for the setting up of a special rents court to determine fair rents. The person chosen to preside over that court would be able to give the whole of his time or as much of it as would be required to that particular work. Not only would that lead to expedient handling of the many applications arising, but it would leave existing courts and magistrates to carry on their normal duties which are heavy enough without having added to them the great pressure that would come upon them as a result of this proposed legislation.

In his second reading speech the Minister commended very highly the work carried out by Rent Inspector Stewart. He told us that not only had that officer been extremely busy in dealing with the duties he performs under the parent Act, but also that he had carried out these duties in a very satisfactory and praiseworthy manner with the result that he had not only given satisfaction to tenants but to landlords as well. Inspector Stewart would be the type of man who would be very suitable indeed to preside over a special fair rents court because he has had the practical experience; he must have a considerable amount of commonsense and he must have the ability to negotiate successfully as between disputing parties, to have achieved the large measure of success which the Minister assures us he has achieved.

The Chief Secretary: It must be appreciated that if Inspector Stewart is to preside over a fair rents court only, we must get somebody else to do the excellent work he is now doing in connection with shared accommodation.

Hon. A. R. G. HAWKE: I admit that, but I am sure it would be within the ability and capacity of Inspector Stewart to recommend someone to take over the work he has been doing up till now. If we set up a fair rents tribunal on the lines I have suggested, it could be divorced to a great extent from legalisms, so that it would have an atmosphere much the same as that existing in the Industrial Arbitration Court where the parties come before a president, as it were, well knowing that the application or case before the tribunal will be decided entirely or largely on the merits and not on any technical or legal point that might arise, nor as a result of the ability of one lawyer to argue down another lawyer.

In such an atmosphere not only would there be expedition in the handling and the determining of fair rents but, in addi-

tion, there would be a large measure of justice meted out as between landlords on the one side and tenants on the other. Therefore I would ask the Minister whether he has given consideration to the idea I have mentioned. If not, I think he would be well advised to give it very close consideration, because I think it is a much better method of dealing with fair rents to be determined in respect of premises let or leased before the 31st August, 1939, than is the procedure set down in this particular part of Clause 6 of the Bill.

The CHIEF SECRETARY: The base of the problem with which the hon. member has dealt has been given consideration and so have a number of other methods of overcoming the difficulty. On each occasion, however, we have come back to the method set out in the Bill as being, in our judgment, easily the best of all the several methods that have been thought of. The hon. member foresees that there will be a large number of cases—by which I take it he means more than at present—coming before the court or, as far as shared accommodation is concerned, before Mr. Stewart. I do not anticipate these huge increases in cases. I have had many talks with landlords and with tenants—but particularly with landlords because they have visited me more often than have tenants—and my talks indicate that there is going to be a great deal more of friendly discussion between tenants and landlords than we have been in the habit of thinking would be likely. While I do not pretend that the method contained in the Bill is perfect, I know of no nearer approach to perfection than this particular method.

Hon. A. R. G. Hawke: The Minister is too modest.

The CHIEF SECRETARY: The hon. member knows how I react to praise of that kind—I just break down! The hon. member holds the view that very few would sign the agreement. That is not what I am led to anticipate. He also speaks of the 25 per cent. agreement but that gives a wrong impression when repeated several times. It is actually from one per cent. to 25 per cent.

Hon. J. T. Tonkin: Now you are kidding yourself.

The CHIEF SECRETARY: I am quoting from the Bill and from members' second reading speeches and I do not think they disagreed that that is so. In the majority of cases it would be somewhere from 15 per cent. to 25 per cent., but I will not agree that most of the cases will be at the 25 per cent. mark. Quite a few will be down on a low level, because we know that the only thing that stopped us from having a real flat rate of 25 per cent. was that the present basis was so uneven. There are those who even now are paying more than they should. I think the member for Northam instanced a case where that has happened, and if it can happen to the hon. member I have no doubt it can operate in other cases. If a better method than the present one is evolved I would be glad to accept it, but till then I think the present one is the best and I hope the Committee will agree.

Hon. J. T. TONKIN: I support the idea advanced by the member for Northam of having one magistrate to deal with all these cases. Though we have several courts, unfortunately the magistrates have a habit of arriving at their conclusions from the same desiderata somewhat differently.

The Chief Secretary: Not from the same desiderata, but they lay down a list of factors which should be taken into account and which would relate to what we are deciding now.

Hon. J. T. TONKIN: I am afraid not. The factors mentioned in this Bill are such as to lend themselves to a very wide interpretation. Experience in the past has shown that a magistrate in Fremantle takes a very different view in similar circumstances from a magistrate in Perth and I think it is most desirable, indeed essential, that this legislation should be interpreted in the same way throughout the State.

The Chief Secretary: That is the object.

Hon. J. T. TONKIN: The only way to achieve that objective is to see that we have one man dealing with all the cases. My idea is little different from that expressed by the member for Northam. Tenants on becoming aware of this provision are not likely to take the risk of going to the court. What will happen will be that the landlord will say, "I will accept 25 per cent. increase, but if we cannot agree, I shall go to the court." Experience in Fremantle has shown that, if the landlord went to the court, he would get in excess of 25 per cent., so the alternative facing the tenant who refuses to sign is that the court may award more than 25 per cent. I believe that in about 90 per cent. of the cases, there will be an immediate increase in rent of 25 per cent. Last evening I gave figures to show that in every case that has been before the Fremantle court, with one minor exception, a substantial increase has been granted.

The Chief Secretary: For homes or business premises?

Hon. J. T. TONKIN: Both.

The Chief Secretary: Do you think those increases were justified?

Hon. J. T. TONKIN: A number of them were not justified to the extent awarded. Had some of those applications been made to the Perth court, they would not have been granted.

Hon. J. B. Sleeman: The magistrates must work on a different formula.

Hon. J. T. TONKIN: It is a matter of a different interpretation of the circumstances set out.

The Chief Secretary: The member for Fremantle says they must work on a different formula. Here we are laying down the formula.

Hon. J. T. TONKIN: But they will not give it the same interpretation. The only way to guard against lack of uniformity is to have one magistrate to deal with all the cases. He would study the question, decide how to apply the provisions, and would apply them consistently.

The Chief Secretary: Would he have to travel to Geraldton, Bunbury and Albany?

Hon. J. T. TONKIN: If we are to have uniformity, that arrangement would have to be made. Nothing gives rise to dissatisfaction more than an impression that treatment is meted out according to where the person lives. It would be bad to have a steep rise in rents at Fremantle and a somewhat steeper rise in Midland Junction or Geraldton, with very little rise in Perth.

The provision for a tenant to make application to the court will not benefit the tenant; in fact, I cannot imagine any one of them approaching the court. If he refused to sign the agreement and the landlord did not take him to court, he would continue to pay the present rental. He would be very foolish if he thought he could get from the court a rent award less than he was paying at present.

Mr. Griffith: Do you consider that an increase in rents is justified?

Hon. J. T. TONKIN: That depends upon what is to be done about the whole economy. An increase would not be justified if wages were pegged. Consequently, other attendant circumstances must be considered before a declaration can be made as to whether an increase is justified. If a substantial increase in the rents of business premises were granted, the Prices Branch would be approached by the business men and would automatically grant an increase in commodity prices.

I repeat that the effect of this legislation will be an immediate increase in rents of 25 per cent. The best plan for a tenant to adopt will be to stay out of court if he can, and the only way to ensure that is to agree to a 25 per cent. increase. The applications to the court will be made by the landlord, and those who want an increase will be hoping that the tenants will not agree to the 25 per cent. because the court might possibly grant more. I quoted figures last night to show where landlords received more than 100 per cent., and there must be a number who consider that they would get more than 25 per cent. by going to the court.

Mr. Grayden: Do you think the court gave a wrong decision?

Hon. J. T. TONKIN: The court gives a lot of decisions with which I do not agree.

The Chief Secretary: You would not go so far as to say those decisions were wrong?

Hon. J. T. TONKIN: How could I? I would not have before me the information available to the court.

Mr. Grayden: If you have not any facts, what are you kicking about?

Hon. J. T. TONKIN: Am I kicking? I am stressing that the provision that applications to the court may be made by tenants is so much eyewash, because tenants will not approach the court.

The Chief Secretary: Did anyone say there would be applications by tenants?

Hon. J. T. TONKIN: I think the Minister did.

The Chief Secretary: I do not remember having said it.

Hon. J. T. TONKIN: I think the Minister indicated that the applications to the court would be fairly evenly balanced between tenants and landlords. I think the Minister realises that what I am saying is true, that it will be of no advantage to the tenant to go to the court.

Mr. Yates: The onus is thrown on the landlord.

Hon. J. T. TONKIN: No, on the court.

Mr. Yates: The landlord has to apply.

The CHAIRMAN: Order! The member for Melville had better address the Chair.

Hon. J. T. TONKIN: Yes. I hold the firm conviction that the right to apply to the court is no advantage to the tenant. The only safeguard the tenant has against a substantial increase in rent—especially does this apply to Fremantle—is to agree to the landlord's request for an increase up to 25 per cent. Whilst a few landlords would be prepared to accept less than 25 per cent., the big majority will say, "The legislature has provided that we can get an increase of 25 per cent., and that is what we want," and when the tenant is asked to agree to 25 per cent. he will know that if he refuses he will have to go before the court, and the great risk then will be that the increase will be larger. So we shall find a greater number of consent orders going through. The clause, in effect, is granting a 25 per cent. increase in rents practically immediately, but I do not know that there is much we can do about it. I am glad the Minister did not insert 33 1/3rd per cent. because it would have been a much greater shock to our economy.

The Minister for Lands: There is no doubt about that.

Hon. J. T. TONKIN: Before long the increase in rents will be reflected in the general economy, and then we shall have further pressure on prices and less likelihood of Mr. Menzies putting value back into the £.

The CHIEF SECRETARY: The hon. member foresees that practically all rents will rise by 25 per cent. A large number will rise by that percentage, but not all. Some landlords will not ask for 25 per cent. although many probably will. Even if all rents rose by 25 per cent. that would still be within the scope of what is allowed under the Bill. We will learn what is happening as a result of the work of the courts. The member for South Fremantle considers that one magistrate would be sufficient to deal with all the cases throughout the State, but his colleague on his right thinks the present number is not enough. I am prepared to see how we get on. If it becomes necessary to have more magistrates, we shall provide them.

Hon. J. T. Tonkin: Having more magistrates will not give uniformity.

The CHIEF SECRETARY: I did not say it would. There has been no acceptable alteration to the clause, so for the time being I am sticking to the Bill.

Mr. FOX: I am sorry the Minister did not pay some attention to the suggestion put forward by the member for Northam which was to take away from the court, as at present constituted, the question of rents and to establish a fair rents court with Mr. Stewart at the head of it. The present system is a costly one. A tenant has to pay £7 or £8 to a lawyer to represent him, and if his case is not heard on the day set down for hearing, but is adjourned to the next sitting, he has to pay a double legal fee. These cases could go before a properly constituted court from which the lawyers should be debarred. Everyone concerned would then be better off, except the lawyers. There is no necessity for them to appear. The owners have the money to engage legal aid, but not tenants who are working under Arbitration Court awards. This is a Bill to give the landlords an open go. No doubt some members believe that rents are going to be increased by 25 per cent. but that is not so. If I were satisfied that they would be increased by no more than 25 per cent. I would agree.

Mr. Griffith: Do you think 25 per cent. is a reasonable increase?

Mr. FOX: No, 15 per cent. I am not saying what is a reasonable rent. The Act says, "The existence of special circumstances . . . ." I think rents will skyrocket.

The CHAIRMAN: Order! The member for South Fremantle is getting on to another clause of the Bill.

Mr. FOX: No. This deals with the fixation of rents.

The CHAIRMAN: The hon. member is quoting from Clause 7.

Mr. FOX: The clause in question provides for the increase of rent by a minimum of 25 per cent. The Bill goes on further to provide other things that can be taken into consideration in fixing the rent. That means that all controls will be lifted, and the landlords will be given an open go.

Mr. Grayden: It means nothing of the sort.

Mr. FOX: The Bill will be received by the landlords with open arms.

The Chief Secretary: They grumble at me pretty considerably.

Mr. FOX: I am certain we shall have a lot of applications before the court in the near future. It would be better if the Minister reported progress and asked Cabinet to give consideration to the suggestion of the member for Northam.

Mr. BRADY: Last night I suggested that the Minister might consider making the increase on a graduated scale. I am not happy about the possibility of rents being increased by 25 per cent. over night.

The Chief Secretary: It is not over night, but over 10 years.

Mr. BRADY: By the same rule the workers have been suffering for more than 10 years because the basic rate provides a rent figure of only £1 0s. 6d. If the landlord would get behind the advocate for the unions, when dealing with the basic wage, and say that the rent should be £2 or £2 10s., there might be some chance of our supporting the measure. The most equitable thing to do is to distribute the load. I would be prepared to move an amendment to Clause 6 (b) by inserting after the words "standard rent" in line 8, the words "above £3 reducing by five per cent. on every 10s. or part thereof down to £1 with a minimum of 10 per cent. increase." That would be a minimum increase of 2s. in the £ and would put the matter on a graduated scale.

I do not think any increase is justified in the case of pensioners or superannuated people who are on fixed superannuation. No pensioner today can afford to have an increase of even 10 per cent., so I think a further amendment is required, excluding pensioners or superannuated persons who are receiving less than £7 a week. I intend to move an amendment along those lines. There is no need for a person to continue to be a landlord. If he feels that he has a bad investment he can sell his property. If he sells he can get a better price than existed in 1939 and he can then reinvest his money.

Mr. Hutchinson: The point is that old age pensioners would not be able to buy houses. The houses they occupy would be taken over by other landlords.

Mr. BRADY: Old age pensioners are being evicted by people buying homes over their heads and these old people are being forced to occupy huts, tents, caravans or

anything that is available. There is also the question of whether we should have a court. During the depression years Mr. Moseley sat as an adjudicator under the Landlord and Tenant Act and heard most of the cases in Chambers. There was none of this formal court atmosphere and only the parties who were directly concerned in the case appeared. I intend to move that the word "as" in line 7 of proposed paragraph (iii) (a) be struck out with a view to inserting the words "above £3 reducing by five per cent. for every 10s., or part thereof, down to £1 with a minimum of 10 per cent. increase." Therefore, I move an amendment—

That in line 7 of proposed paragraph (iii) (a) the word "as" be struck out with a view to inserting other words in lieu.

The CHIEF SECRETARY: If this amendment is agreed to it will give the hon. member the result that he desires, because we must then automatically agree to insert the words he has suggested. But, the hon. member does not realise just how important this question is and I am afraid his proposed amendment will not solve the problem. He knows the two bodies who are in conflict and if the amendment is agreed to it will make the breach, if there is one, between the two groups, wider still. It is admitted that with the 25 per cent. a great many people will go to the court, but if the hon. member's amendment is agreed to, every single landlord and tenant will want to go to the court. Therefore, as the amendment is not any real contribution, I hope members will vote against it.

Amendment put and negatived.

Clause put and passed.

Mr. BRADY: Mr. Chairman, I have already given notice of an amendment.

The CHAIRMAN: The hon. member should have moved it before the clause was passed.

Mr. BRADY: Then I ask that the Bill be recommitted for a further consideration of the clause.

The CHAIRMAN: The hon. member cannot move in that direction until the Committee stage has been passed.

Clauses 7 to 11—agreed to.

Clause 12—New Section 15A inserted:

Hon. J. B. SLEEMAN: There should be something more than merely requiring the owner to serve a notice stating that he requires the premises for his own occupation. We should insert the words "and after making a statutory declaration that that is the reason he requires the premises, he may." After those words, we can then go on with the rest of the clause. We know that people go to the court and say they want houses for their own occupation, but in many cases that is not so. The member for Melville pointed to a case where the landlord went to the court and said he wanted his home for his own occupation and within two or three days the place was up for sale.

Mr. J. HEGNEY: I want to deal with something prior to that with which the hon. member is dealing. I refer to the portion that sets out "a period of not less than six months." Six months' notice is too short and if this clause is agreed to there will be no end of trouble. At present the magistrate is not granting possession immediately and, in a number of cases, landlords have to wait 18 months or two years. That is much fairer than the provision in this Bill. If the Bill is passed, many people will buy houses over the heads of tenants with the hope of getting possession. Tenants will be disturbed from their tenancy and will be looking for houses, and, if they are not available from the Housing Commission, there will be all sorts of trouble. If a person buys a house over a tenant's head, he must approach the court to obtain possession, and his case, in order to regain possession, must be based on hardship.

Mr. Griffith: In the Bill it is not a question of that at all.

Mr. J. HEGNEY: The member for Canning can get up later and tell me what the Bill does provide. I know of one case where a man, his wife, his father and five children had been occupying a house for ten years, and it was sold over their heads. If that man had known the house was to be put up for sale, he would have bought it. When the owner found that the tenant did not have other accommodation to go to and would not shift, he then had to approach the court and, on the 29th August, the magistrate made an order that the owner was to gain possession of that home. That tenant's name was Winchester.

I know of another case in Salisbury-street, Maylands. A man had reared eight children in this house, and he also did not know it was for sale until it was sold over his head. If he had known, he would have bought it. If this clause remains as printed, numbers of landlords will be buying houses because they will know full well it will be mandatory for them to obtain possession after a period of 15 months.

Mr. Yates: What about those landlords who have been waiting three or four years to regain possession of their homes?

Mr. J. HEGNEY: I am dealing with that portion which refers to an owner being without a dwelling-house for not less than six months. I quite agree that an owner who has been genuinely waiting for a long time to enter his own home should obtain repossession, but I do not agree that new owners who purchase houses merely to dispossess the tenants should get the dwelling-house until a period of at least two years has elapsed. That would

be a reasonable time to allow a tenant to find alternative accommodation. I move an amendment—

> That in line 4 of proposed new Section 15A, after the word "than" the words "six months" be struck out and the words "two years" inserted in lieu.

Mr. GRIFFITH: It is a great pity that some members are trying to make political capital out of this Bill.

Hon. J. B. Sleeman: You are going the right way about making it a political Bill; you and your landlord friends!

Mr. GRIFFITH: The member for Fremantle can say things such as that. Last night I referred to this Bill as a genuine endeavour by the Government to settle an extreme difficulty. We must face this question. The amendment is absolutely ridiculous. Are we to deny a man the right of occupying a property which he has bought? How would the member for Middle Swan like to buy a house and then allow a man to occupy it for two years before gaining possession?

Mr. Styants: Would not the tenant be paying rent for it?

Mr. GRIFFITH: Yes, but the owner purchases a home with the idea of occupying it himself. The object of the Bill is to allow the owner to gain possession so that he can occupy it, and a penalty is provided if any breach is made of that clause. Some period must be stipulated.

Hon. A. R. G. Hawke: Why?

Mr. GRIFFITH: Because the tenant must be given an opportunity to obtain alternative accommodation. The Bill provides that the owner, after purchasing the house, shall allow the tenant six months' occupancy. The tenant is then given three months' notice to quit but if, on applying to the court, it is ruled that the tenant is under extreme hardship, another six months is granted to him, which makes a total of 15 months. Is not that a reasonable time for a man to wait before he gains possession of something he has bought?

Mr. STYANTS: I support the amendment. This Bill is a genuine attempt to overcome a great difficulty and I approve of the major portions of it. However, I am certainly not going to agree to the clause as printed. A person entering the State from oversea with a great amount of money at his command would be in a position to buy a house over the head of a tenant, who has probably occupied the property for 15 or 20 years to the satisfaction of his landlord who does not wish to lose his tenant. However, because a person approaches him with a tempting offer, he succumbs to it and, as the member for Canning has said, the tenant will be put out willy-nilly.

Mr. Griffith: I did not say that.

Mr. STYANTS: The hon. member did. He should not back down now. The hon. member said the tenant should be put out willy-nilly after 15 months.

Mr. Griffith: I did not say "willy-nilly."

Mr STYANTS: I will not even agree to an owner having to wait only 15 months, because I am not prepared to see a man coming from oversea, who is in a position to pay a large sum for a house, force good Australians out on to the street.

Mr. Yates: That does not happen now.

Mr. STYANTS: This has never been in the legislation, but has been provided for by regulation. But those who did not want the continuance of the provision, which permits a new owner to put a tenant out after six months, have allowed it to come into the Bill, and we now have an opportunity of altering it that we did not have when it was provided for by regulation. I will whole-heartedly support any provison allowing a person repossession of his home if he has owned it for a number of years and particularly when he has vacated it some time previously. I agree that those people who have owned houses for two years, or in excess of that period, should be allowed repossession of their homes. There should be nothing on the statute-book to prevent them doing that. Although the tenants who will be evicted after such an owner is allowed repossession are suffering great hardship, the owner himself is also suffering severe hardship by being deprived of his own home.

Mr. J. HEGNEY: Replying to the member for Canning, I point out that under the law today a man must own a house for six months before he can give notice to a tenant with a view to securing possession. The court has to be approached and both tenant and landlord have an opportunity to state their respective claims. The magistrate deals with the position on the basis of hardship as between tenant and owner. A representative of the Housing Commission attends all such hearings and before the magistrate will consent to make any order for the eviction of a tenant, he has to be satisfied that the man has some opportunity of securing another dwelling. If the amendment be agreed to, many people will endeavour to get possession of their homes, which means that the displaced persons will seek accommodation elsewhere. The effect will be that the Housing Commission will be besieged with applications for help, and will be unable to assist. The difficulties are great enough now without creating any such extra burden.

During the time I was associated with the Commission, I noted very many cases of extreme hardship where persons had been waiting for years to get tenancy homes. The Commission has had the greatest difficulty in meeting the needs of the people, and if the Bill be agreed to in

its present form the difficulties will be accentuated. If the amendment be accepted, the position can be reviewed at the end of twelve months or more, by which time the situation may be improved. The amendment is reasonable. It is not a matter of politics. Whichever way we vote, we shall displease one section or another. We should do what we consider right, and the amendment is in accordance with commonsense.

Hon. A. R. G. HAWKE: This is a Government Bill, and I think some Minister should express the opinion of the Government on this matter.

Hon. F. J. S. Wise: It is on non-political lines.

Hon. A. R. G. HAWKE: The member for Canning said he was conscientious in his approach to this Bill.

Hon. F. J. S. Wise: What about any other Bill?

Hon. A. R. G. HAWKE: Any member who has to rise and say that he is making a conscientious approach to the subject is one who—

Hon. F. J. S. Wise: Presumes a lot.

Hon. A. R. G. HAWKE: —is in some conflict with his conscience and evidently does not always make a conscientious approach to each and every question. It is childish in the extreme to suggest that any member would try to bring politics into this matter.

Hon. F. J. S. Wise: To oppose a measure does not connote politics.

Hon. A. R. G. HAWKE: In addition to which any such suggestion is quite untrue. Neither the Minister nor any other of his colleagues would suggest that throughout the whole debate any member has tried to drag politics into the matter, which has been dealt with on its merits. The problem is exceedingly difficult and there is plenty of room for differences of opinion. It would be a good thing if the memfor Canning could appreciate that important fact. The amendment is aimed only at those persons who have come into possession of dwelling-houses during the last six or 12 months and is not aimed in any way at the individual who has owned his house for a number of years. The Bill is an attempt, almost entirely, to help landlords who have been waiting for long periods for an opportunity to regain possession of their premises. It should not be an attempt to assist what might be described as "Johnny-come-latelies" in the field of landlords who own dwellings.

During my second reading speech, I said I feared that if the Bill were to become law as drafted there would be a great movement in the direction of houses changing hands and of owners endeavouring to secure possession of their homes, remaining in occupation of them for the required statutory period and then selling, on the basis of vacant possession, at current fantastic prices. We should do nothing to encourage any such movement, because it would inflict great embarrassment and hardship upon a considerable number of families. I see nothing wrong with increasing from six months the period which will enable a landlord to serve notice upon a tenant to vacate his dwelling-house.

Perhaps a lesser period than 24 months would be a fair thing, and I would be open to persuasion on the point. But we are entitled, in view of the present acute shortage of houses, to ensure that we do not allow a man who has owned a house for only six months to secure the benefits of this legislation, seeing that it has been framed mainly for the purpose of assisting those who have owned such premises a number of years and because of circumstances now find themselves in desperate need of securing their homes for themselves. I hope the Committee will agree to the amendment.

The CHIEF SECRETARY: I am not particularly enamoured of the contribution by the hon. member. I think no-one would question his bonafides in this matter. I listened closely to what the member for Northam had to say.

Mr. W. Hegney: The member for Canning questioned it.

The CHIEF SECRETARY: The hon. member can mention that fact, but I am not likely to make such a statement. To increase the period of six months to one of two years is rather unreasonable and discloses somewhat of a bias against the houseowner. That should not be done. The hon. member made a mistake in thinking that all tenants are poor people and all houseowners are rich. Frequently the position is quite to the contrary. It is a healthy sign that any man or woman should seek to become the possessor of a home.

Hon. A. R. G. Hawke: Anyone who bought a house or other premises during the last six months would not be very poor.

The CHIEF SECRETARY: I am willing to admit that. The clause was inserted deliberately to assist the houseowner. That is its object. There can be no doubt that the houseowner has suffered in that for the past 11 years he has foregone the very substantial rise in the price level. That is not quite fair and the time has come when we should make amends. I was impressed by what the member for Kalgoorlie said in regard to those who have come from oversea, and, happening to be possessed of a fair amount of cash, have bought certain homes over the heads of the tenants. I am wondering whether, when we have disposed of this amendment, the hon. member would be attracted by this one, "Subject to Subsection (7) of this section where the lessor has been or becomes the owner of premises for a period of not less than six months immediately

preceding the service of the notice referred to in this subsection and has resided for not less than two years, etc." I am not wishing to cut across the hon. member's amendment but I am giving notice that when that amendment has been defeated, which I hope it will be because it is too unreasonable, I will submit the one I have mentioned.

Mr. J. HEGNEY: I would not be prepared to accept the Minister's amendment because I do not think it would deal with the situation I visualise. My amendment is to prevent people from endeavouring to buy houses over the heads of tenants and to get possession now. The legitimate owner who has been in possession of a house for a reasonable period will be given opportunities under the Bill; and I suggest to the Minister and the Government that they will have their hands pretty full in finding houses for those dispossessed under the law even if the amendment is carried. If the amendment is accepted it will alleviate the position for a number of people who will be dispossessed at short notice, through houses changing ownership. Houses are being bought over tenants' heads, the owners selling and not letting the tenants, who may have been in occupation for 10 or 15 years, know that the premises are for sale. The owner gets out and leaves the new owner the task of securing possession.

The Chief Secretary: When the landlord moves out to go into his own house, he leaves another one vacant.

Mr. J. HEGNEY: Not necessarily. I have told of the case of a man with a wife and five children and his father all living in a house in Rivervale. The person displacing him is living in Mount-street in a room, but there is only a baby in the family. How could the man with the wife and five children go into the room vacated? Such cases could be multiplied. Under this provision, if I want to live in a house, and I see a nice one and I can buy it over the tenant's head, within 15 months it becomes mandatory for me to obtain possession. Fifteen months is not long.

Mr. Hearman: There would be a vacant house under those circumstances.

Mr. J. HEGNEY: I know a civil servant who lives in my electorate and owns a place in South Perth where there is a tenant he wants to evict. The owner of the house is living in a condemned dwelling and immediately he leaves the road board will pull it down.

Mr. READ: I support the contention of the member for Northam that the period of six months is too short, and I think the period of two years is perhaps too long. I have in mind, however, people such as those mentioned by the member for East Perth, like chemists in country towns, whose premises have been bought, mostly by foreigners, in order that a different kind of business might be started within them. A man who has a combined shop and dwelling-house, in which he lives with his family, could not very well find alternative accommodation in a small town if those premises were taken away from him under this measure. A period of 12 months might be fairer because that would enable him to erect a place for accommodation and business purposes. I feel sure that the Housing Commission would grant every facility for such an individual to establish himself. The period of six months is too short and I am prepared to support some amendment that would be in the nature of a compromise.

Mr. STYANTS: I hope members will not be persuaded to vote against the amendment because of a nebulous promise by the Minister to introduce a further amendment, limiting the provision to those who come into the country and exempting those who are already in the country but have sufficient wealth to enable them to purchase homes over the heads of reliable tenants. Although tenants have no legal right to a continuance of tenancy, I believe that one who has been in possession of a house for 15 or 20 years, has paid his rent regularly and has kept the premises in a good state of repair, has at least some moral right to a continuance of that tenancy. Certainly he has a greater moral right than the person who has become possessed of great wealth and is prepared to pay a fabulous price for the purpose of evicting a tenant and his family.

It is not altogether for the purpose of giving a tenant a greater time to get out that I would like to see the period of two years embodied, but in order to discourage the practice of people with plenty of wealth at their command purchasing homes and having tenants evicted. A tenant may probably never have had an opportunity of becoming possessed of a home. He may have a fairly large family and be on the basic wage or something near it. Consequently he may not have been able to secure a sufficiently large deposit to put down on a home. As a good citizen, he has decided to pay his rent regularly and rear his family. While he is doing that somebody who has suddenly become wealthy decides to shift from a country town and come to the metropolitan area; and he seizes upon the opportunity of evicting the unfortunate tenant to whom I have referred. I had in mind, in addition to those who come from oversea, the primary producers, many of whom are selling out their country properties.

Mr. Manning: After struggling all their lives!

Mr. STYANTS: I am not going to dispute that; but because they have had the opportunity of selling a property after having put up quite a commendable struggle to get it, I am not going to concede them the right to push out another man who has

been just as industrious and worthy. One magistrate in Perth has condemned this practice; and when cases come before him of the kind we are endeavouring to prevent by this amendment, he has said straight out that it is no use such people going to him, that it is no use their buying houses over the heads of tenants and at the end of six months endeavouring to persuade him to agree to issue eviction orders. He is only one magistrate. Others do grant eviction orders against tenants in such circumstances. I hope the two-year period will be retained as it would not interfere with the rights of the person who had owned property for 10 or 12 years.

The Chief Secretary: Why not help them along?

Mr. STYANTS: A person who has owned his premises for two years and one month will not be affected. I know of people who have sold properties in the country and bought houses in the metropolitan area for fabulous prices, thinking the tenants and their dependants could be bundled out. We should put a stop to that practice and I think the amendment should be agreed to.

Mr. FOX: The Minister foreshadowed another amendment, the effect of which, I believe, will be that a person would have to be in Western Australia for two years before being permitted to buy premises. I do not think the Minister believes that would operate successfully as such persons would get friends here to dummy for them.

The Minister for Education: The person would have to own the premises for six months and have resided in the State for two years.

Mr. FOX: I understood that the person would have to be in the State for two years before he could buy the premises.

The Minister for Education: That is not so.

Mr. FOX: I think two years is a suitable period and hope the amendment will be agreed to.

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

Ayes	22
Noes	23
Majority against	1

Ayes.	
Mr. Brady	Mr. Needham
Mr. Coverley	Mr. Nulsen
Mr. Fox	Mr. Oliver
Mr. Guthrie	Mr. Read
Mr. Hawke	Mr. Rodoreda
Mr. J. Hegney	Mr. Sewell
Mr. W. Hegney	Mr. Sleeman
Mr. Hoar	Mr. Styants
Mr. Marshall	Mr. Tonkin
Mr. May	Mr. Wise
Mr. McCulloch	Mr. Kelly

(Teller.)

Noes.	
Mr. Abbott	Mr. Nalder
Mr. Ackland	Mr. Nimmo
Mr. Brand	Mr. North
Mrs. Cardell-Oliver	Mr. Owen
Mr. Doney	Mr. Shearn
Mr. Grayden	Mr. Thorn
Mr. Griffith	Mr. Totterdell
Mr. Hearman	Mr. Watts
Mr. Hill	Mr. Wild
Mr. Mann	Mr. Yates
Mr. Manning	Mr. Cornell
Mr. McLarty	

(Teller.)

Pairs.	
Ayes.	Noes.
Mr. Panton	Mr. Bovell
Mr. Graham	Mr. Hutchinson

Amendment thus negatived.

The CHIEF SECRETARY: I move an amendment—

> That in line 6 of proposed new Section 15A after the word "subsection" the words "has resided in the State for not less than two years" be inserted.

I do not think there is any need to speak to the amendment.

Amendment put and passed.

Hon. J. B. SLEEMAN: I move an amendment—

> That in line 7 of proposed new Section 15A after the word "occupation" the words "and after making a statutory declaration to that effect" be inserted.

Such a declaration costs nothing and would prevent people doing things they would otherwise be prepared to do.

The Chief Secretary: I have no objection to the amendment.

Amendment put and passed.

Mr. FOX: I move an amendment—

> That in line 11 of proposed new Section 15A the words "of three months" be struck out and the words "equal to one month for every year of occupation as a tenant or six months whichever is the greater" inserted in lieu.

I think a month for each year of occupancy is reasonable in the case of a good tenant.

Mr. Hearman: What about a bad tenant?

Mr. FOX: He can be evicted for not paying his rent. I hope the Committee will agree to the amendment.

Amendment put and negatived.

Mr. MARSHALL: I move an amendment—

> That a new subsection be inserted as follows:—
>
> (5) Subject to Subsection (7) of this section, where the lessor is the owner of premises, being a dwelling house, and requires the premises for his own occupation, and has, at least three months prior to the commencement of the Increase of Rent (War Restric-

> tions) Act Amendment Act, 1950, served on the lessee notice to terminate the lease and to quit and deliver up the premises, the lessor may, notwithstanding the provisions of the preceding subsections of this section and without service on the lessee or any other person of any further notice, apply to the Court for the order mentioned in the last preceding subsection, and, on proof of the circumstances, the Court shall make the order.

I confess this is one of the most difficult problems that this Assembly has had to deal with for many years with a view to relieving all sections of the community. I disagree with those who use the word "landlord" when they speak only of homeowners. If the latter is a landlord then we have a number of aspirants to that title. I also disagree with those who think that every tenant is a tenant of virtue.

I know many tenants who have prostituted the situation under this particular law; who have abused their landlord and defied him to get possession of his home. They are doing it today because they know the law protects them. They know the situation which influences a magistrate to give a decision in their favour. That is the point. Therefore, when dealing with this legislation and in trying to do what is just for the good tenants we have to protect those who are not good. The difficulty is to get over it. The same applies when we endeavour to treat justly homeowners or landlords who have no human feelings, and in doing so we have to attack those who are just and fair to their tenants.

Mr. Styants: What is all this preamble leading up to?

Mr. MARSHALL: The hon. member has had his say and I hope he will be kind enough to permit me to have mine.

Mr. Styants: I do not know what you are talking about.

Mr. MARSHALL: The hon. member spoke for a long time and neither did I know what he was talking about. For years and years many homeowners have been endeavouring to get possession of their homes and this provision makes that opportunity for them. Under this particular clause it could easily mean that a period of nine months would elapse before such an owner could get repossession of his home. Like other members I know scores of cases where people are urgently in need of their own homes but, though they have given notice over and over again and have gone to the court on two or three occasions, they are still denied the right of repossession. We can all be very good people and most generous at the other man's expense.

The Attorney General: I do not think so.

Mr. MARSHALL: If a person is a homeowner and has been so for a considerable time my amendment provides that, irrespective of what the tenant's condition is, he should have the right to his own property. During the depression period the thrifty man who bought his home, provided for his family, had his wireless and motorcar was denied the right to work. But the individual who cared not what happened from day to day and spent his money as he got it—mostly in betting shops and boozing institutions—got preference. Here again we are saying that a person who owns his home and by some factor over which he has no control at all, such as his being away—as is the case with policemen and civil servants who are transferred away from the city—he cannot get repossession as the court protects the tenant because of hardship. I say that individual should have been more watchful of his situation in his earlier days.

This provision demands that every owner shall give firstly three months' notice. He shall, of course, be the owner of the home. Having given three months' notice, unless the tenant fails to take the opportunity under a further provision and makes application to the court for an extension of the three months, then the home is delivered to the owner. But if the tenant makes application for an extension of the period, then the magistrate may grant him an extension up to a period of six months, making it quite practicable for a man who has waited for many years and has given notice at least once, to get possession of his home; and making it impracticable for him to get repossession until the period of nine months has expired. I have endeavoured to shorten that period, and while I would like the individuals to get immediate possession of their homes, we have to be somewhat careful, as I said earlier, of those tenants and give them a reasonable chance of providing some sort of accommodation for themselves.

The most I can do, I find, is to shorten the period to three months. My amendment provides that where a landlord or a homeowner has already given three months' notice to a tenant, he will not be required to do so again, and that immediately this becomes law then he will have the right to go straight to the court and apply for the eviction of the tenant. It will then be left to the court to say what period should be given to the tenant to provide himself with accommodation. That should be left to the discretion of the magistrate.

The CHIEF SECRETARY: I hope the Committee will not agree to this. I do not mind admitting that it fills me with alarm. It refers to a considerable number of landlords. The point is that probably no less than 90 per cent. of landlords have been in possession of homes—though one would be sufficient for the hon. member's purpose for over three months, leaving 10 per cent., which is quite likely an overstatement, as a total of those now in pro-

cess of being acquired by their owners. I do not know how many of that 90 per cent. have given tenants notice to quit. It is conceivable that no notice to quit has been given unless preceded by an order from the court, but this is a point on which I am not certain. Perhaps one or other of my learned friends on my left would care to contribute a few words on this. But I do think there is some doubt whether legal notice has been given in the special circumstances of this case.

I do not know how many of the 90 per cent. have given notice to quit, but possibly 30 per cent. have done so. In the State, there are about 130,000 houses, which shows that no matter how the proportion might be whittled down, the number affected would be considerable, and the result is not hard to assess. It would mean a very large number of evictions; in fact, the evictions would almost equal the number of landlords involved. Crown Law advice is in keeping with the statement I am making. We should consider the effect on evicted persons. Relatively few evicted persons can be catered for by the Housing Commission. We have heard of evicted persons having to live in garages, sheds, fowl-houses and so forth, and there will be a great many more in that plight if the amendment is accepted.

Mr. HOAR: If the amendment means what I think it does, I do not like it any more than does the Minister, because it would create a grievous anomaly as between various types of tenants. Those tenants of people who owned premises three months before the passing of the measure would be denied the right of appeal to a magistrate, because the period would have expired before they could approach the court. Unless the member for Murchison can explain that away, I shall oppose the amendment.

The ATTORNEY GENERAL: One necessarily sympathises with the object of the member for Murchison, but it is necessary to consider the legal technicalities. Under Section 15, no notice to quit can be served without the leave of the court, and, under Regulation 33, a lessor may take proceedings for an order for the recovery of premises if he has given the lessee notice to quit in writing and the period of notice has expired. The application to the magistrate, however, may have been made years before, or the magistrate may have made an order some time before. The member for Warren is quite correct. A tenant could not apply for an extension of time because the three months' notice would not be applicable. In those circumstances, the owner would be entitled to demand immediate possession, and the magistrate would have to make the order. The notice to quit may have been served long before; the tenant would receive no warning, and would be obliged to yield possession. The provision of three months' notice after the measure becomes law is only reasonable because a tenant should receive some sort of notice to enable him to get other premises.

Mr. MARSHALL: The amendment has nothing to do with the period during which a person may have owned a home. If he has, three months prior to the passing of this measure, given notice to the tenant that he requires the home, he should not have to give the three months' notice again.

Mr. Hoar: But what chance would the tenant have of appealing after the three months had expired?

Mr. MARSHALL: He could go to the court and make application.

The Attorney General: The court must grant the order, according to your amendment.

Mr. MARSHALL: No, the court would have discretionary power.

The Attorney General: The court could exercise no discretion.

The Minister for Education: Your amendment says, "on proof of the circumstances, the court shall make the order."

Mr. MARSHALL: That would still allow the court discretion to grant a period of time.

Mr. Hoar: The proposed new Section 15A (2) takes the discretion away.

Mr. MARSHALL: If all the houses mentioned by the Minister will be affected under my amendment, they will be affected in any event.

The Attorney General: But the three months' notice will have to be given.

Mr. MARSHALL: That is what I want. Everyone who would take advantage of the provisions of my amendment would still take advantage of the measure, but would have to wait for three months. I am endeavouring to help those people who are home-owners and who for years have been waiting for possession of their homes.

Amendment put and negatived.

Mr. MARSHALL: I move an amendment—

> That the following words be added at the end of the proposed new Subsection (7) (a):—"save and except where the lessor is also a protected person as defined in such section."

The effect of the amendment is that if one ex-Serviceman owns a home that is occupied by another ex-Serviceman, the second shall not be given any greater protection than the first.

Amendment put and passed.

Mr. MARSHALL: I draw the Committee's attention to the penalty of £100 that is provided.

The CHAIRMAN: Order! The hon. member cannot go back.

Mr. MARSHALL: I do not wish to move an amendment, but to speak to the clause as amended. The clause provides that if a person gets possession of his home he cannot re-lease or sell it within 12 months without being subject to a penalty of £100. What would £100 mean to me if, by gaining possession of my home, I could sell it, with vacant possession, for £3,000, a figure much in excess of what I would get if I sold subject to an existing tenancy? The fine is not in proportion to the offence. It is a temptation to people to get possession of their homes and sell them now because of the greatly increased price.

Clause, as amended, agreed to.

Clauses 13 to 15—agreed to.

Clause 16—Section 18M added.

The CHIEF SECRETARY: I move an amendment—

> That in Subsection (1) of proposed new Section 18M a new paragraph be inserted after paragraph (b) as follows:—
>
> "(c) a person engaged on war service within any prescribed area outside the Commonwealth whilst so serving and for such further or other period as may be prescribed."

This is for the purpose of bringing the soldiers in Korea under the protection of the Act. A list of the protected persons is given here, and members will have an opportunity to read it. It is necessary to cover not only those who are in Korea, but also the few who are in Malaya. As time goes on, if things take a bad turn in that part of Asia, it may be necessary to add others. It is not very proper, therefore, to name the several theatres of war, because the number may increase.

Mr. GRIFFITH: I am of the opinion that after the word "person" the words "or his dependants" should be inserted, because there might be a case where a woman is the lessee and the husband is on active service. Notice could then be served on the wife, which would not have any effect on the man who was away. Another point is that the clause refers to a person engaged on war service within any prescribed area outside the Commonwealth whilst so serving, and for such further or other period as may be prescribed. I do not think the Minister should lose sight of the fact that before a man can go outside Australia he must first enlist in one of the Armed Forces with the intention of going outside, and some consideration should be given to protecting him and his dependants.

The CHIEF SECRETARY: An enlisted person going oversea from the Commonwealth would leave his home behind him, his wife being there, but then the protection which this new provision gives to the soldier is given equally at the same time—this is Crown Law advice—to those of his dependants staying in the house, for the reason that the soldier on service is the lessee.

Mr. Griffith: What about where the wife is the lessee?

The CHIEF SECRETARY: I suppose there would be instances of that kind, but the percentage would be extraordinarily small. There are 50 members here, and I do not know whether any of us has a wife who owns the house.

Hon. E. Nulsen: Yes.

The CHIEF SECRETARY: If so, I do not suppose he would own up to it.

The Minister for Health: Why not?

The CHIEF SECRETARY: I have a word from the Solicitor General on the suitability of the amendment. He says—

> Under the proposed amendment of Section 18M proposed to be inserted by Clause 16 of the Bill it would be competent for the Governor by regulation under paragraph (c) to prescribe Malaya or any other portion of the world outside the Commonwealth as an area to which the paragraph should apply so that protection would be given to an Australian serviceman serving in Malaya whilst so serving and for such further period as the Governor may by regulation prescribe.

The information given to me is that that amply covers the Korean man and any other soldiers or Servicemen happening in the future to be serving away from Australia.

Mr. STYANTS: I do not think that the Chief Secretary caught on to the second point raised by the member for Canning, which is a very important one. I understood him to be raising the question as to what protection is to be given to a volunteer's dependants between the time he enlists for training and the time he embarks from Australia, which may be a period of six or nine months.

The Attorney General: That would apply to any man enlisting today because any member of the forces enlists for service oversea.

The Chief Secretary: You would have to extend protection in that case to everyone at Francis-street.

Mr. STYANTS: I think the average person would interpret the provision to mean that protection was afforded to the man from the time he left Australia to go oversea. But what will happen to the dependants from the time he volunteers to the time he leaves Australia? Suppose a

man in Western Australia volunteers to go oversea to the prescribed area outside the Commonwealth and he is taken to the Eastern States for training for six to nine months and, whilst he is away someone, under the provisions of this measure, evicts his wife and children from their home! In that case he will not leave Australia as a very contented soldier. His dependants should be protected from eviction from the time when he enlists for service oversea.

The ATTORNEY GENERAL: We are all anxious to protect the dependants of men serving oversea.

Mr. W. Hegney: On war service!

The ATTORNEY GENERAL: Yes.

Mr. W. Hegney: Are we at war with Korea?

The ATTORNEY GENERAL: No, but the position is covered under the Act. If we agree to this suggestion 90 per cent. of the Service personnel in Australia today would come within the provision, as at present all those who enlist in the Services are enlisting for service oversea. The only Service personnel not covered would be the ordinary part-time soldiers in the Commonwealth Military Forces. I do not think we should provide this protection for those who may never leave Australia.

Mr. GRIFFITH: I am not satisfied with the explanation of the Attorney General regarding the case where the Serviceman's wife may be the lessee. I would like to see the words "or his dependants" inserted after the words "a person." The other point upon which the Attorney General has not satisfied me is where a man enlists in any of the Services and finds, before his departure from Australia, that he is being served with a notice to quit, because his worry will then be to secure a home for his wife and family before leaving Australia.

The CHIEF SECRETARY: It is difficult on a legal point such as this to determine whether the words suggested to be added should be added. I do not object to extending the protection to the wife of a Serviceman if she is the lessee but I think such cases would be extremely rare.

Mr. Griffith: It could occur.

The CHIEF SECRETARY: Yes, but whether we should amend the legislation to accommodate one conceivable case is another matter.

The Attorney General: The owner would have to get the leave of the court to evict such a lessee.

The CHIEF SECRETARY: That is so. If we make reference to the United Nations Organisation we are then ruling out dependants of Servicemen serving in other theatres of war, apart from Korea, in which His Majesty may be engaged. However, if the amendment can be shown to be essential I will not object to it.

The Attorney General: It could be considered in another place, if necessary.

The CHAIRMAN: The amendment now before the Committee is the one moved by the Chief Secretary to add a new paragraph (c).

Amendment put and passed.

Mr. YATES: I move an amendment—

That a new paragraph be inserted as follows:—

(d) A person who has been accepted for war service and has entered a Navy, Army or Air Force camp or establishment for the purpose of training prior to embarkation; and who returns from war service and is held in a camp or establishment prior to discharge, such protection to remain in force for 12 months after such discharge.

The inclusion of this paragraph will overcome the doubts raised by the member for Canning. In World War 2, many members of the A.I.F., who volunteered and enlisted for war service, were shuffled all over Australia and in some cases for a period exceeding two years. During that time they did not see their families except when they came home for short periods of leave. It was not possible for those men to look after their wives and families in cases of eviction, especially if the men were in camp in Queensland or some such distant part. It is most difficult for a man in a military camp to get leave when he desires it, especially if a war is raging. This amendment will give protection to those particular men. The Australian Regular Army is recruiting men for regular service in the Commonwealth. Those men are not recruited for the Special Forces that go oversea.

The Attorney General: What about the Air Force?

Mr. YATES: The Air Force is the same.

The Attorney General: No, it is not. They enlist for service anywhere.

Mr. YATES: And so it is with the men who enlist for service in these special Forces. The amendment will qualify the position and make the soldier who is serving much happier with conditions than he is at present.

The CHIEF SECRETARY: I do not intend to oppose the amendment but will follow it up in another place. The hon. member must have had some idea of moving this amendment and he should have given members an opportunity to look into the question.

Amendment put and passed; the clause, as amended, agreed to.

Clause 17—agreed to.

New clause:

Mr. HEARMAN: I move—

That a new clause be added as follows:—

13. A new section is inserted after section fifteen of the principal Act as follows:—

15B. (1) Notwithstanding anything in this Act to the contrary, where a lessor has leased to a lessee any premises by reason of the lessee and lessor having entered into a contract of service (whether verbally or in writing and whether as part of the remuneration for such service or not) and the contract of service has been determined, then, and in every such case, the lease shall be deemed to have been terminated as at the date of the determination of the contract of service, and the lessee shall forthwith and without any further notice quit and deliver up the premises to the lessor or his nominee.

(2) If the lessor fails to quit and deliver up the premises within seven days of the determination of the contract of service, the lessor may apply to the court for an order for the recovery of possession of the premises and for the ejectment of the lessee and every other person (if any) therefrom, and, on proof of the circumstances, the court shall make the order to operate forthwith.

This amendment is intended to cover the case of an employer who erects a cottage or provides accommodation for his employee and who allows him to occupy the premises on the distinct understanding that the man works for him. If the man ceases to work for him then he should be evicted from the premises so that another can be engaged. It does apply in the case of a number of farmers who have endeavoured to provide accommodation for their employees. We talk a lot about decentralisation of industry, but if that is to be effected, accommodation must be provided in the country. There are two companies in my home town which are interested in establishing industries there, the Hume Pipe Co. and A. J. Brine & Sons. The Hume Pipe Co. has already a factory established, and would be capable of building homes for its employees if it were permitted full control of them, but it is most unlikely to do so if it has to throw itself on the mercy of the court to evict a tenant who no longer works for the company.

The other firm is also quite capable of building its own homes, provided it gains control over them. In practice, the amendment would work out like this: If a man was sacked on the 1st of the month his notice would be up on the 7th, and he would then have another week in which to vacate the premises, and if he had not done so by then the owner would go to the court and have him evicted immediately. There is nothing contentious in the amendment. Employers should be encouraged to provide reasonable accommodation for their employees and given control over houses they construct.

Mr. MAY: It is very difficult to follow an amendment of such length. Do I understand it to mean that the court "shall" do something? I admit I do not quite understand its wording.

The CHAIRMAN: The amendment reads that the court shall make an order to operate forthwith.

Mr. MARSHALL: I have perused this proposed amendment and listened attentively to the member for Blackwood during his second reading speech. I understood from him that, as part of a contract of service, the employer would provide homes for his employees but, where employees who had entered into such a contract and had broken it and still inhabited the house and refused to vacate it, the employer could not evict. I understood from the hon. member that there are a few such cases. I felt confident that this amendment would not protect any employer who had signed up an employee, who had then resigned and refused to vacate the house, so I approached the Crown Law authorities on the point and they had some doubt about it, too. Therefore, I have an amendment which perhaps will meet the wishes of the member for Blackwood, and I hope it will be agreed to by the Committee. I move an amendment—

That after the word "leased" in line 2 of proposed Subsection (1) the words "or shall after the commencement of the Increase of Rent (War Restrictions) Act Amendment, 1950" be inserted in lieu.

If that becomes law, it will protect any employer in future who permits an employee to take possession of a home as part of the contract of service. If the employee transfers his services elsewhere this will provide authority for an employer to take possession of the home, but it will not protect an employer that has already lost the services of an employee who still occupies the house and refuses to vacate it.

Mr. HEARMAN: I am quite in accord with the amendment. I discussed the matter with the member for Murchison and the amendment only makes the object I am seeking completely watertight. As to the query raised by the member for Collie, the amendment states that the court shall order an immediate conviction if the circumstances warrant it. For the court to

order other than immediate eviction would destroy the whole object of the clause. The intention is to deal with a person who is no longer working for the employer and, though he has been given a week's grace, will not get out, and short of chucking him out there is little that can be done about it. He only got the accommodation on the understanding that he would work for the employer and, as he is no longer working for him, the employer wants the house.

Mr. McCULLOCH: I oppose this amendment though I have no doubt I shall be on my own.

Mr. May: You will be in very good company.

Mr. McCULLOCH: I am opposed to the principle of an employer being able to tell a man that if he does not get down to his job he will be without a home.

Mr. BRADY: I do not think it is a fair clause at all. The court should investigate the circumstances under which the man has left the job. It may be that there is an argument over something petty and the boss dispenses with the man's services. Can one imagine a man taking his family a distance of 170 miles from the city; having a row with the boss and being given notice. What chance is there of his getting another house at a week's notice? There is already protection under the normal clauses of the measure without having to put in this proviso.

Amendment put and passed; new clause, as amended, agreed to.

Title—agreed to.

Mr. BRADY: I gave notice earlier that I was going to move for the recommittal of this Bill.

The CHAIRMAN: The hon. member will have to do that before the full House.

Bill reported with amendments.

House adjourned at 12.35 a.m. (Thursday).

Legislative Council.

Thursday, 16th November, 1950.

CONTENTS.

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

ASSENT TO BILLS

Message from the Governor received and read notifying assent to the following Bills:—

1, Plant Diseases Act Amendment.

2, Railways Classification Board Act Amendment.

3, Western Australian Government Tramways and Ferries Act Amendment.

4, Supply (No. 2) £7,000,000.

5, Public Trustee Act Amendment.

6, Water Supply, Sewerage and Drainage Act Amendment.

7, Public Service Appeal Board Act Amendment.

QUESTION.

HOSPITALS.

As to Staff Accommodation, Dalwallinu.

Hon. A. R. JONES asked the Minister for Transport:

(1) Is the Minister aware of the critical position which exists at Dalwallinu caused by the lack of nursing staff quarters at the hospital?

(2) Is the Minister aware that the hospital board in its attempt to keep its staff has decided to move patients from the maternity ward into the present condemned staff quarters and to transfer the staff to the very excellent maternity ward?