who missed a patch of gold which has recently been discovered. He told me he could not get a home in Maylands and pitched his camp on a block of ground about 60 yards away from a house but the people there had him removed from the land although he had a wife and six children.

Mr. Oldfield: That is not right. He was not removed from the land.

Mr. McCULLOCH: He was. The people concerned said his sanitary convenience was not in order and applied to the Health Department and he was removed from the block.

Mr. Oldfield: He was not removed until such time as the Housing Commission supplied him with a house.

Mr. McCULLOCH: Had they been able to do so they would have put him off the block before he obtained a house. He could not get a home—

Mr. Oldfield: Nor could a lot of white people.

Mr. McCULLOCH: He was evicted from his home in East Perth and had to go somewhere to build a cubby for himself, his wife and family, but when they had been settled there for a week or two the white people nearby wanted him removed from the block. He told me they made application to the Health Department and the Perth Road Board to have him removed and he was eventually moved from the block although he is working alongside white men in this country today.

Mr. Oldfield: He was not removed until he was given a home.

Mr. McCULLOCH: These people should have as much right to obtain homes from the State Housing Commission as the white man has. They are civilised individuals working and earning their wages alongside white men. They should have the right to a home just the same as any other individual. I have pleasure in supporting the Bill.

On motion by Mr. Nalder, debate adjourned.

BILLS (6)—RETURNED.

1, Electricity Act Amendment.
With amendments.

2, Royal Visit, 1954, Special Holiday.

3, Diseased Coconut.

4, Closer Settlement Act Amendment.

5, Hairdressers Registration Act Amendment.

6, Kwinana Road District.
Without amendment.

BILL—LICENSING ACT AMENDMENT (No. 2).

Recieved from the Council and, on motion by Mr. McCulloch, read a first time.

House adjourned at 11.27 p.m.

Legislative Council

Friday, 4th December, 1953.

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The PRESIDENT took the Chair at 2.30 p.m., and read prayers.

QUESTIONS.

UNEMPLOYMENT.

As to Assistance to Physically Handicapped Adults.

Hon. G. BENNETTS asked the Chief Secretary:

Will he inform the House the number of physically handicapped adlts now receiving unemployment assistance?

The CHIEF SECRETARY replied:

The payment of this assistance is a responsibility of the Commonwealth Government.

It is suggested the hon. member obtain the information from the Commonwealth Department of Social Services. I think I gave a similar answer to this question once before.

WAR SERVICE LAND SETTLEMENT.

As to Tabling Files.

Hon. L. A. LOGAN (for Hon. A. L. Loton) asked the Minister for the North-West:

Will he table all files in connection with the war service land settlement scheme, i.e., the files that were tabled in the Legislative Assembly?

The MINISTER replied:

Yes. The papers are now laid upon the Table of the House.

RAILWAYS.

(a) As to State Proportion of Insterstate Fares.

Hon. G. BENNETTS: asked the Chief Secretary:

(1) Will he inform the House the proportion of the amount recovered from interstate fares, first and second class respectively, from—

(a) Sydney to Perth:

(b) Melbourne to Perth;

(c) Adelaide to Perth?

(2) What are the ordinary fares from Kalgoorlie to Perth—

(a) First class;

(b) Second class?

The CHIEF SECRETARY replied:

(1) (a) First Class, £5 4s. 3d.; second class, £3 10s. 10d. (b) First class, £5 5s. 5d.; second class, £3 11s. 7d. (c) First class, £5 6s. 11d.; second class, £3 12s. 6d. (including meal and sleeper fees, which are compulsory charges.)

(2) (a) £4 13s. 5d., rail only. (b) £3 2s. 9d., rail only.

(b) As to Charges for Sleeping Berths.

Hon G. BENNETTS asked the Chief Secretary:

Will he state the prices of sleeping berths,, Kalgoorlie to Perth—

(a) on the ordinary express;

(b) on the "Westland" express?

The CHIEF SECRETARY replied:

(a) First Class, 21s.; Second Class, 11s.

(b) First Class, 25s.; Second Class, 13s.

(c) As to Additional Employees Engaged.

Hon. L. A. LOGAN: (for Hon. A. R. Jones) asked the Chief Secretary:

In view of the fact that members of this House have been given to understand that the 566 additional employees in the Railway Department since the present Government took office have, in the main, been employed in permanent way gangs to bring the railway track maintenance up to a desired standard, will he give the House a reply to the following:—

> As 566 additional employees were taken on the Railway Department staff between the 1st March, 1953, and the 1st September, 1953, and only 165 were added to permanent way gangs, in what capacity are the remaining 401 employed?

The CHIEF SECRETARY: replied:

Figures taken out for the period from the 6th February, 1953, to the 18th September, 1953, show a net increase of 650 railway staff. These incluude the following:—

Civil Engineering Branch:

314 men, comprising 162 track repairers, and 152 tradesmen and assistants for maintenance and rehabilitation of buildings, bridges, culverts and other structures.

Mechanical Branch Workshop:

132 tradesmen, semi-skilled and unskilled workers required to build up the establishment of losses of staff through the metal trades strike. This made the total staff only 20 in excess of the 1951 figure.

Additional tradesmen in certain categories still unobtainable are required to make full economic use of additional plant.

Traffic Branch:

204 men, including 70 guards shunters and station staff required to build up operating staff which is still below pre-strike level. Also, 137 additional operatives in motive power section to train and strengthen this section for the additional diesel electric locomotives now coming forward, and take over the additional traffic hitherto hauled by road.

The department has set itself the task of hauling 600,000,000 ton miles this year, which is 130,000,000 more than the best figure recorded, and additional haulage requires additional operatives. In addition, there is a note here which can be used at my discretion. But for the benefit of members, I shall read it. It states—

> It should be borne in mind that much of the increase in staff, particularly in the Civil Engineering and Mechanical Branches, is not a charge against revenue for ordinary opera-

tion and maintenance, but is for rehabilitation works and new construction, chargeable to loan moneys provided for the purpose.

STATE GOVERNMENT INSURANCE OFFICE.

As to Site and Construction of New Building.

Hon. L. C. DIVER (for Hon. J. McI. Thomson), asked the Chief Secretary:

Can he inform the House—

(a) Whether the site for the proposed State Insurance Office building has been finally decided upon, and if so, where this site is located.

(b) Whether all the necessary plans and specifications have been compiled and completed.

(c) When a start on the construction of this building is proposed to be made?

The CHIEF SECRETARY replied:

(a) The site decided upon for the new State Government Insurance Office building is the block between the Karrakatta Club and the Queensland Insurance Building in St. George's Terrace just west of King-st.

(b) The preparation of plans and specifications was completed at the end of November this year.

(c) It is proposed to make a start on the construction of the building immediately after the Christmas holidays.

OIL.

As to Reported Discovery at Exmouth Gulf.

Hon. C. W. D. BARKER (without notice) asked the Chief Secretary:

Can he give the House any information as to the reported discovery of oil in the the North-West?

The CHIEF SECRETARY replied:

In my usual style, no.

BILLS (2)—THIRD READING.

1, Jury Act Amendment (No. 2).

2, Water Boards Act Amendment.
Passed.

BILL—RENTS AND TENANCIES EMERGENCY PROVISIONS ACT AMENDMENT.

Second Reading.

THE CHIEF SECRETARY (Hon. G. Fraser—West) [2.41] in moving the second reading said: This Bill seeks to amend and continue the operation of the Rents and Tenancies Emergency Provisions Act, 1951-52, for a further period of 12 months. The Act, which is divided into several parts, deals with the fixation of rents and eviction protection, and expires on the 31st December, 1953. As a control measure it has deficiencies, and from advice received it would appear that there are more citizens contracting outside the law than within. The Bill aims to rectify these deficiencies.

When the original Act—the Increase of Rents (War Restrictions) Act—was passed in 1939, it had what might be described as many experimental sections. With amendments passed from year to year, it did, however, become an efficient piece of legislation. It controlled rents reasonably and ultimately evictions after the Commonwealth National Security Regulations had ceased to operate. In the first place the State controlled rents and the Commonwealth evictions. The Commonwealth dropped out and the State incorporated the National Security Regulations in the State Act.

Unfortunately, there was no attempt at consolidating the Act. The many piecemeal amendments rendered interpretation difficult. The position was so confused that complaints came from all directions, including the Supreme Court. It will be recalled that members in another place eventually refused to pass a continuance Bill and that the existing compromise legislation came into operation.

Hon. H. K. Watson: Members in another place?

The CHIEF SECRETARY: I should have said members in this Chamber. Briefly stated, the existing Act pegs rents as at the 31st August, 1939, plus increases of 20 per cent, and an additional 10 per cent. —a total of 32 per cent.—for residential premises and 30 per cent. plus 10 per cent. —a total of 43 per cent—on business premises. Increased outgoings in respect of rates, taxes, etc., are also allowable. The lawful rent on premises let after the 31st August, 1939, would be that at which the premises were first let, plus any increased outgoings, or the rent determined by a court or rent inspector. All premises are covered, excluding those mentioned in Section 5 of the Act, namely, premises of the Crown, the State Housing Commission, the McNess Housing Trust, those used for farming and grazing purposes, licensed houses, holiday houses, and premises which may be excluded by regulation.

Determination of fair rents are made by a court, comprising a stipendiary, police, or resident magistrate or by a rent inspector; but the rent inspector is empowered to deal only with "part of premises" or what is more commonly known as "shared accommodation." The rent inspector and staff comprise a total of three officers who deal with applications and inquiries concerning the Act. The original measure, of course, had its genesis in circumstances of war, and there will be many members

who will support the belief that it was about time this particular law ceased to operate. I would be one of the first to agree if the time were opportune.

The law dealing with the relationship between landlord and tenant is fraught with many problems and in some instances these are serious for both parties. In an endeavour to assess these circumstances fairly, Parliament has sought gradually to decontrol this wartime measure, so that today we have on the statute book what I have already referred to as compromise legislation.

I hope to show, as I proceed, how the unscrupulous have taken advantage of this attitude; how they carry on their immoral, unchristian-like practices towards fellow citizens who, unfortunately, are not so privileged as themselves. Some of these people would shun publicity; others just would not or do not care. Shylock would be a saint by comparison. It is because of these people and of the fact that there still exists a housing problem, that the Government finds itself today introducing this Bill, the terms of which I will briefly explain.

Firstly, I will deal with what is considered to be the most important amendment in the Bill, excluding the clauses which seek to continue the Act for a further period of 12 months. The amendment relates to eviction proceedings but has a serious impact on rents. The Act as it stands at present provides protection from eviction with regard to certain classes of tenants. For other tenants there is no protection, namely, those occupying premises after the 31st December, 1950.

Lessees having special-term leases are not protected: they enter into an agreement on the basis of a fixed term. Persons using dwelling-houses as employees of the lessor are not protected, and likewise there is no protection for lodgers. Limited protection—28 days—is available for unsatisfactory tenants, namely, those who fail to pay their rent, who fail to take reasonable care of premises, who are guilty of misconduct, etc., and for other reasons set out in Subsection (6) of Section 20. Tenants in occupation of premises before the 31st December, 1950, are entitled to six months' notice to quit, subject to the rather lengthy considerations in Section 19.

I might mention that quite a number of solicitors are making application to the court under Section 19, which provides for six months' notice to quit. It has also been found that solicitors are using Section 20 and making application after having given 28 days' notice instead of six months as provided by Section 19. Under that section, Parliament set out that six months' notice should be given to people who come under the Act, and when application was made to the court it would be compulsory for the magistrate to award an eviction order. But under Section 20, 28 days' notice must be given. The case is heard and decided by the magistrate who gives his decision. Today, however, we find that solicitors are trying to cover people who come under Section 20 by using Section 19.

Hon. H. K. Watson: They would be battling hard.

The CHIEF SECRETARY: That is so, but the tendency today is to take people to court who come under Section 19 after giving them 28 days' notice under Section 20.

Hon. H. K. Watson: I do not think the magistrate would let them do that.

The CHIEF SECRETARY: People are being unnecessarily dragged into court and it is causing a great deal of worry to everybody, particularly to those who, while they have six months under the law, find that they are given 28 days' notice, and do not know what might happen in the court. I know the hon. member will say that the Bill is too complete, but to my mind it does not go far enough. I would like to have seen a provision in it to stop practices of that kind. I am informed, however, that in order to deal with that matter the necessary drafting would probably occupy a whole book.

Hon. H. Hearn: It depends on the size of the book!

The CHIEF SECRETARY: I know that there will be complaints that there is too much in the Act, though, of course, I do not think there is enough. It will be seen that the tenant in occupation of premises after the 31st December, 1950, is in an invidious position. He has no protection at all. According to the law, he is not even worth the consideration of the wrong-doer who, as I have already explained, may receive 28 days' notice to quit.

But what is the effect of this anomaly on rents, and how do the unscrupulous react to this opportunity of capitalising on the misfortune of others? The records of the rent inspector's office and of the eviction section of the Housing Commission tell the story. I have all the particulars here. At this stage I do not propose to go into them, but when we deal with the Bill in Committee—and that is not being over-optimistic—I can give particulars regarding evictions. I have lists of the cases in which all the particulars are set out. I also have lists of actions in the court for refunds of rent, and the decisions in all those cases. Any member who would like to see these particulars may have a look at them.

Hon. H. K. Watson: I take it that the rent inspectors do something else besides preparing all those lists?

The CHIEF SECRETARY: My word, they do! One of the documents I have would be very enlightening to members. It is a list of people who have gone to the rent office to make inquiries as a result of having been overcharged during the rent racket. I am turning over the pages so that members can see the number. These are lists of people who have gone to the office with a view to having something done in the matter.

However, I laid it down that when anybody took a complaint to the office and wanted action, before the department moved in the matter the people concerned were to be impressed with the fact that once action was taken they would get seven days' notice of eviction. That has been the practice right throughout the piece, because I did not want anyone placed in a false position. I did not want people appealing for assistance and being thrown out on their heads immediately action is taken. So before any move is made in these matters, that information is given; and the pages I have here contain the names of people who would not take proceedings because they were faced with eviction.

Hon. G. Bennetts: There must be a lot more.

Hon. L. A. Logan: What authority had you for saying that they would be tipped out?

Hon. H. K. Watson: That was impertinence.

The CHIEF SECRETARY: It is what usually happens.

Hon. H. Hearn: He is assuming the badness of the landlord.

The CHIEF SECRETARY: We have had experience. Every time the rent inspector has gone to make a complaint the people concerned have been evicted. It was getting so bad that I gave that instruction to the rent office to tell people the position they were facing. I did not want anybody to find himself placed in that situation as a result of endeavouring to get a fair go. These are the lists that have been compiled of cases coming under that heading.

Hon. H. K. Watson: Without wishing unduly to interrupt you, could you inform us whether those cases relate to houses or rooms?

The CHIEF SECRETARY: Both. I suppose I could safely say rooms or shared accommodation.

Hon. H. K. Watson: Thank you.

The CHIEF SECRETARY: Before I interrupt myself, I was referring to the records of the rent inspector's office and of the Housing Commission, which I pointed out would tell the story of how unscrupulous people were capitalising on the misfortune of others. Briefly stated this is the position: Unprotected tenants, mainly those occupying rooms and the like —furnished or unfurnished—rather than risk the threat of eviction, are prepared to pay exhorbitant rentals. If they protest, out they go in favour of somebody who will meet the demands.

Every day there are complaints at the rent inspector's office, and the advice given to those complaining is that they should lodge an application for the determination of a fair rent, either to the court, or, if part of premises is concerned, to the rent inspector. Invariably the immediate reaction is one of alarm. To take such a course involves the sending of a copy of the application to the landlord, and in many instances this results in a notice to the tenant to quit. With nowhere to go and no time to consider, the tenant obviously is in no position to argue. He decides not to lodge an application.

There is no doubt at all that the lack of protection for this very large section of the community is one of the prime causes of the upward trend in rents. There is evidence that some of the foreign element in our community are the worst offenders in this matter. Their get-rich attitude at the expense of their fellow countrymen in the letting of rooms is a scandal that certainly requires some legislative action.

The proposal in the Bill, therefore, is that tenants occupying premises after the 31st December, 1950, shall be entitled to three months' notice to quit and not be faced with immediate eviction as at present; and, furthermore, that the rent inspector be empowered to enter premises to determine a fair rent without any application being made to him. This will mean that the rent inspector will be enabled to determine a fair rent with or without application being made.

One weakness of the legislation is that the inspector cannot act unless he is approached by someone with a request to do so. Yet when a tenant appeals to the rent inspector, it means eviction. That the rent inspector should have this authority is not new. It exists in all the other States. Similar authority exists for the Prices Commissioner enabling his officers to enter premises for the assessment of reasonable board and lodging charges. This procedure would have obvious advantages. In addition to this authority, the Bill empowers the rent inspector to ask for records, etc., without which it would be difficult for him to make a determination. These provisions are similar to those which existed in the old or repealed Act.

Holiday houses and caravans are recontrolled by the Bill, but only in respect of rents. One of the biggest rackets is connected with holiday homes and caravans, and premises of that description. Members will be aware of the high rents charged for them. If they are not, they can easily make inquiries and discover the facts for

themselves. While it is expected that more will be paid for a holiday home than for an ordinary dwelling, the amounts being asked are far in excess of what should be charged, and it is desired to bring these places under control with a view to reasonable amounts being paid.

At the outset of my remarks I indicated that certain classes of premises were exempt from all the provisions of the Act, with regard both to rent and eviction. These included holiday houses and caravans. In many instances the rents demanded for these types of premises have been fantastically high. The owners thereof are not playing the game. In the circumstances, it is felt that the only remedy is to apply safeguards as set out in the Bill.

Another proposal is that dealing with "key money". Under the existing Act, it is an offence for an owner or tenant to engage in the practice of taking "key money," but no offence is committed if the money is taken by an agent or intermediary. Nor is it an offence to ask a fee for information regarding tenancy. In departmental files there is evidence that people seeking premises have paid a fee of £12 to certain agents who have taken advantage of the shortage of accommodation. Their practice is to advertise that they can give information as to tenancies, to demand a fee in advance, and to furnish information which is often valueless to the unfortunate seekers of premises. The amendment will put a stop to these practices.

I have had quite a number of people coming to my office with complaints of that description. We have christened those indulging in this practice, "spotters"; they are not land agents. One person told me that, in response to an advertisement, he approached one of these spotters; but before he could obtain any information, he was told the fee would be £4 of £6—I forget the actual amount. The person paid the money, expecting to be told the location of the premises he could rent. The only information given, however, was that the place was in Hay-st. and no more accurate advice was obtainable.

Hon. H. K. Watson: I do not think you will find that too many will disagree with that.

The CHIEF SECRETARY: I know of one or two instances. They then made an endeavour to have the money refunded, but they were not in the race.

Hon. H. K. Watson: You are also covering this position under the land agents' measure.

The CHIEF SECRETARY: Yes, because this is a temporary Act and the other is a permanent one. For that reason, I thought it advisable to include the provision here, because no one wanting to find out something about rents would be expected to look in the Land Agents Act, but in the measure. I received a complaint from a person who had paid £12, I think, for the right to be given the name of someone from whom he could get accommodation and, on going to the place, he was told it had been let a month before. Later I heard that this person was not the only one who had been sent to that particular house. That is the sort of thing being done by the people we call "spotters".

These proposals will not preclude a land agent from receiving a fee or commission in his normal activity of the leasing or letting of premises. The rights of a person whose business is the selling and supplying of keys are also not affected. Another proposal deals with the question of the selling by the owner of premises immediately or soon after he has been given possession of such premises by the court for his own occupation. The Act provides that where possession of premises is gained in these circumstances, the owner shall not at any time during the period of the twelve months next following the date of recovery, lease or part with the possession of the premises except by leave of the court.

Under these provisions it is permissible to sell premises subject to the condition that the purchaser shall receive possession of, or ocupy the premises twelve months after the date of the recovery order. The amendment proposes to add the additional restriction that the sale of premises shall not take place until twelve months after the recovery order has been made, unless by leave of the court.

Provision has been made for another class of "protected person" to be protected in accordance with Section 22. The Act provides that in the event of court proceedings for the eviction of these classes of "protected" persons, an order shall not be made by the court until alternative accommodation is found by the State Housing Commission within a period of six months. These protected persons are—

(a) Pensioners under the Repatriation Act totally and permanently incapacitated.

(b) The widow of a person whose death occurred during, or as a result of his war service, if and while she has any child of his under the age of 21 years dependent upon and residing with her and while she remains his widow.

(c) A person who goes on war service, etc.

(d) A person who has enlisted in the armed forces for service outside Australia, etc.

(e) Wife of person mentioned in (c) and (d).

It was found necessary to include this provision because quite a number of widows had children dependent on them and liv-

ing with them, and once the children got beyond 16 years of age, the widows lost their protection. The main point about this provision is that it does not place something extra on the private individual, but on the State Housing Commission, because these are the people for whom the commission must find accommodation when an eviction order is granted. The amendment proposes that a widow with either a son or daughter residing with her, shall be protected.

There is a small amendment to Subsection (6) of Section 20 which refers to persons in occupation of premises being in default for lack of proper attention to premises, etc. In such cases the court can evict after 28 days' notice to quit.

In May last there was a case before the Full Court. The judges drew attention to the inadequacy of this particular section in that it dealt only with "persons in occupation" of premises and left out the main person, who, in the case in question, was the lessee. The attention of the legislature was drawn to the matter by the court, and opportunity is now being taken to add to the section so that it will read "lessee or person in occupation".

Finally, we come to the most important part of the Bill, namely that which seeks to continue the operations of the Act for a further period of twelve months. What I have already said in dealing with various amendments should be sufficient to indicate the need for continuing this legislation. Without control there would be chaos, confusion and distress. The unscrupulous would be free to carry out their nefarious practices. The Government would be failing in its duty if it did not take the necessary action for continuance.

A few days ago I was reading the 1951 report of the parliamentary committee of inquiry in South Australia, dealing with rent and eviction control in that State. There is a paragraph in that report which is pertinent to the existing situation in this State, and I quote—

> We take the opportunity of expressing the opinion that control of rents or control of the price of any commodity cannot be justified and is unnecessary unless circumstances exist which would operate, if unfettered, to the serious detriment of the community as a whole or of a substantial part of it. The mere fact that the absence of control would be likely to result in advantage to a section of the community and corresponding disadvantage to another section is not of itself, sufficient reason to justify the imposition of restraints upon the exercise of free bargaining between people unless the advantage on the one hand and the disadvantage on the other is so great in extent, and its consequences are likely to be so far reaching and serious, that, in the interests of good Government, effective regulation is called for.

It would be wrong to deny that we do not have a set of circumstances still requiring legislative control here. A very large section of our community would suffer if there were no protection whatever.

The population of this State is increasing. Immigration from overseas accounts for many thousands; and more immigrants are to come. They all need accommodation, which, in existing circumstances, is still difficult to obtain and is a big problem, despite the advice given a few days ago in "The West Australia" by "Liberal Student" to the effect that there were plenty of houses for sale and there was no need to continue this legislation any more. How many of these houses are for letting, and how many can be purchased by the average wage earner? In every instance the price required to purchase is far beyond the means of the working man today.

The effect on the basic wage is another consideration. In the South Australian report I have just mentioned, it is stated that every shilling increase in the general standard of rents of four and five-roomed dwellings automatically increases the basic wage by almost precisely the same amount.

Hon. A. F. Griffith: Is that for State as well as private housing?

The CHIEF SECRETARY: No control would certainly result in the spiralling upwards of rents, and whether the Arbitration Court in future determinations does, or does not peg the basic wage, it is certain that without rent-control chaos will ensue, not only for tenants but for other sections of the community who would be adversely affected by any inflationary trends.

This happens to be one of my own Bills, and I make no apology for introducing it in this Chamber. I asked the department to supply me with a Bill as a result of its experiences since being established. I said, "I realise what the attitude of the Legislative Council has been in the past. I want a Bill which will represent a genuine endeavour to rectify the present position, which is intolerable and cannot continue. I do not want to go to Parliament with a half-baked Bill. I want the whole story so that the Legislative Council will know the true position. I want a Bill that will, as far as is humanly possible, close the loopholes that exist."

So I make no apology for this measure. It is a genuine attempt to try to overcrome the position that exists today. I do not like controls any more than anyone else does, but I have my human feelings, the same as others have. I do not, however, get to the stage of being obstinate. If I find that something is needed I do not

let my feelings run riot, against my better judgment. I have some details setting out the various types of cases I have mentioned. I said I would not weary the House by reading them, but I have them here, and they are authentic records. Members might know of one or two instances, but these documents contain definite information concerning the cases with which the department has come into contact.

Hon. H. K. Watson: Even though those cases may be numerous, they are just so many out of a population of 600,000 people.

The CHIEF SECRETARY: That may be so, but I impress upon the hon. member that these are only the cases with which the department has come in contact; there are many more. I will use these papers more freely in the Committee stage when the various points are raised. I shall welcome inquiries from members then, because I can show exactly what is going on in the community.

For example, here is one that stikes me at the moment. In the house mentioned here, the lessee, for a double room, pays £3 a week, plus electric light, gas and wood. In that property there are ten tenants, each paying a similar amount, which shows a total weekly revenue to the lessor of £30, and for that place he pays a rent of £4 a week. This is typical of all the cases I have recorded here. Members, in their meanderings, might have been told what was going on, and I am sure they know of many cases. If, in addition, they should require information as to the amount of rent charged, or in connection with cases where people have gained possession of premises by signing false declarations and then being summoned before the court, I can supply it. I move—

That the Bill be now read a second time.

HON. H. K. WATSON (Metropolitan) [3.13]: I have read the Bill pretty carefully and have listened to the Chief Secretary but, speaking for myself, I do not think I would shed too many tears if the measure failed to pass the second reading. It proposes to continue Part IV of the Act which relates to the prohibition against the recovery of premises; and it also seeks to continue the balance of the Act relating to control of rents.

A remarkable feature of the speech made by the Chief Secretary is that he seems to forget entirely that there is such a person as the owner of a house. When he said he had endeavoured to bring down a measure that was workable, fair and equitable, I felt that somewhere in the Bill we would see provision for a reasonable increase in rent for those unfortunate owners whose rents are still pegged at 1939 levels plus a small increase; but there is not a word about that. The Bill does propose to continue two of the principal features of the Act and, subject to some qualifications and proposed amendments which I shall discuss later, I am not violently opposed to supporting the second reading.

However, it goes much further than that. It not only proposes to continue the operations of the existing Act but also makes no attempt to ease its provisions and, in fact, goes further by putting the clock back and inserting some fresh provisions which Parliament, in its wisdom, let go some two, three or four years ago. In 1950 or 1951 Parliament excluded seaside residences and caravans from the provisions of the legislation. I do not think the Chief Secretary has put up a good case for the inclusion of those places; they are essentially a class in themselves.

The next proposal in the Bill is to extend greatly the powers of the rent inspector. In fact, the whole measure seems to be a rent inspector's Bill. The House should hesitate before it agrees to any of the proposals contained in the measure which will extend the powers of the rent inspector. One clause provides that he may, of his own volition without an application from either the tenant or the owner, determine what the rent of any premises shall be. I would not like to agree with a proposition such as that. The inspector is also clothed with all the powers of a dictator. He is able to enter and inspect premises and call for any information that he wants. He can require any person to produce documents; and, looking at the penalties provided for a breach of such requirements, it is conceivable that an owner could be prosecuted for failing to give up to the rent inspector books that were never in his possession.

It has been explained by the Chief Secretary that the key money clause is really a supplementary provision to that contained in the Land Agents Act Amendment Bill. I think most members will agree with that clause. It is rather unfortunate that people should be exploited by these "spotters", as the Chief Secretary has called them. Clause 7 proposes to amend Section 20. That section relates to the recovery of premises in the ordinary course of events or, in other words, those premises that are outside the special provision of Section 19, which relates to the recovery of premises by a person who requires them for his own use.

Section 20 refers to the recovery of premises by a person who cannot obtain possession of them without a decision given by a magistrate. I am now referring to those premises that were let before 1951. With respect to properties let after 1951, the notice to quit is 28 days or such longer period as is allowed the tenant by law.

Members will recall that, according to the ordinary law of landlord and tenant, the notice to quit is seven days when the premises are let on a weekly basis.

When in 1951 we excluded from the measure those sections relating to premises that were let for the first time after the 1st January, 1951, we said, in effect, "Although the tenant now should be entitled to only seven days, we shall give him 28 days." That was a fair proposition. Now we find in this Bill that, although this has been the position since 1951, the Minister asks Parliament in 1953 to say that even in those cases where the landlord and tenant have entered into an arrangement that the tenant shall receive a week's notice or give a week's notice, as the case may be, that period should be extended to 90 days. I am not in favour of that provision.

I am not particularly happy about the two continuation clauses in the Bill either, and I am certainly opposed to the other clauses with the exception of the one dealing with key money. With regard to the continuance provisions, I think it could be said that, on looking at the overall position, it will be found that the owners of homes, or the landlords as some people prefer to call them, are divided into three classes.

There is the State Housing Commission which is a law unto itself. It can charge and does charge, the full economic rent for the property. Then there is the owner who has either built a place since 1951 or, who, having owned a place since 1930 or 1939, has not let it until recently. In that category the owner cannot claim virtually the full economic rent for the premises today based on the present-day capital value. Then there is the third section of the community which is becoming smaller and smaller. It is in regard to this section that I disagree with the Chief Secretary. He stated that we cannot increase the rents of properties owned by that section of owners because it will upset the system. That section is not an unimportant one and it is still entitled to the fullest consideration from Parliament.

Hon. C. H. Henning: Would you have any idea of the proportion this would represent?

Hon. H. K. WATSON: No, I would not. Having regard to the number of State rental houses in existence and the houses that have been built and let since 1951, I consider that they would not be in the same proportion as those that were built five years ago. That is a point we should bear in mind in the light of repercussions in other directions. Even if there were repercussions, I have maintained all along that one section of the community should not carry the burden for the rest, whether it be an increase in the basic wage or anything else.

I maintain that the owners of properties which have been let since 1939 are entitled to much more reasonable treatment—I am not even asking for liberal treatment—than they have so far received. Under Section 13 it is true that, whilst rents for 1939 properties have been pegged at the rental figure prevaling in 1939, plus an increase of something between 30 and 40 per cent.—

The Chief Secretary: It was 32 per cent.

Hon. H. K. WATSON: It may be that whilst the rents are pegged at the 1939 figure, plus 32 per cent., under Section 13 owners can approach the court for an increase in rent. That section reads—

> In determining the amount of the rent, the inspector or the court, as the case may be, may take into consideration such factors as the inspector or the court considers relevant, but shall not, during the fixed term, alter the rent . . . .

and so on. Before the section was worded in that way, it was a rather long provision, which itemised the various points the court would take into consideration. It began with rates and taxes, insurance, depreciation on the property, period of time it might be expected to remain vacant, and a number of other matters.

The section was worded in the way it is now in the belief that Parliament meant what it said, namely, that the court should take into consideration any factor that it thought fit. Since that section was inserted in the Act in 1951, the courts, particularly those in Fremantle, have proceeded on the assumption that that section meant what it said. In any applications placed before them they have decided that the owner was entitled to fix a reasonable rent for his premises based on today's values. Recently an appeal was made to the Supreme Court and, during the hearing, Section 13 (3) came up for consideration. Mr. Justice Virtue held that the matters which the court could take into consideration on this section, as it is at present, were very limited and virtually confined to the fact that, except in the most special cases, the court could not grant any more than the increase as fixed by Parliament—namely, 32 per cent. on the 1939 rental.

As the Chief Secretary has, by this Bill, corrected an anomaly arising from another court action, I would have thought that, in the same way, he would have brought down an amendment to correct the injustice of an anomaly that is arising from the interpretation placed on that section by the Supreme Court. I propose to introduce an amendment to Section 33 to restore the position to what it was in 1951. It will be in similar terms to the clause appearing firstly in the Commonwealth regulations, and then this State up to 1951. That amendment will provide that one of the matters to be taken into

consideration by the court, when it determines what is a fair return on the capital value of the premises, shall be the capital value of the premises as at the date of the application, having regard to the locality of the premises.

The Chief Secretary: Your suggestion might be ruined by that.

Hon. H. K. WATSON: I would leave it to the discretion of the court to fix a fair annual return of not less than 3 per cent. or more than eight per cent. Incidental to that, it would probably be desirable to amend Section 11 of the Act dealing with rents of premises as at 1939. The time has arrived to fix a maximum rent to be charged in the case of city property of, say, 6 per cent. gross on the present capital value—

Hon. L. Craig: That seems very low.

The Chief Secretary: The landlord would get it on the swing as well, owing to the increased capital value today.

Hon. H. K. WATSON: —and, say, 7 per cent. in the case of residential properties. From inquiries made, this would represent a net return of 4½ per cent. on city properties and 5 per cent. on residential property. There can be no complaint of a rent being fixed in those percentages.

The Chief Secretary: What would be the difference in the capital value of property in 1939 and 1953?

Hon. H. K. WATSON: I answer that by asking the Chief Secretary a question. What is the difference between the basic wage in 1939 and 1953?

The Chief Secretary: That still does not answer my question. Then there is the question of the pegging of the basic wage.

Hon. H. K. WATSON: As I mentioned the basic wage has gone up from £4 to £12 in that period, or 300 per cent. In the case of rents, there has been an increase of 30 per cent., yet the owners of property today are paying for house repairs on a basic wage which has increased by 300 per cent. If rents had increased by 300 per cent., then the Chief Secretary would have a valid objection to prevent further increases. The time to talk about pegging rents is when rents have been increased by a similar percentage to that of the basic wage increase.

The Chief Secretary: You believe in wages being pegged and in rents being increased.

Hon. H. K. WATSON: I believe in wages being pegged, and I believe in rents which have been pegged for so long being eased, but with due regard to present circumstances.

The Chief Secretary: The landlord will get it both ways—an increase in the percentage and an increase in the capital value.

Hon. H. K. WATSON: If my suggestion to adopt a provision for a fair net annual return on the present-day capital value of premises were accepted, it would ease the position considerably and remove certain anomalies. An example of an anomaly is illustrated in the case of two houses built side by side in 1939 at the same cost. One was let in 1939 at £1 a week, and the maximum rent chargeable for it today is 25s., and the other was let for the first time after 1951 at from £2 to £5 a week. Home-owners who built or let properties after 1939 should no longer be put into a different category to the State Housing Commission or to owners who built since 1951.

The Chief Secretary: The same applies to houses of the State Housing Commission. A house built in 1939 is still let at the same rental.

Hon. H. K. WATSON: On the question of rooms, I agree with the views expressed by the Chief Secretary. It is extremely unfortunate that this cannot be separated from the question of rentals of houses. They are both included in the same Bill. If the two were divided, each could be more effectively dealt with under a separate measure. Another glaring inconsistency is in respect of a house let since 1939 for £4 a week, where the tenant sublets rooms at £3 or £4 each. The whole thing seems absurd. I would suggest to the Chief Secretary that separate legislation for rooms, and for rentals and tenancies should be introduced. We will get nowhere by dealing with the two questions in one Bill. Just how I vote on the second reading will depend on the replies of the Chief Secretary when he closes the debate.

HON. L. A. LOGAN (Midland) [3.42]: As one who has continually voted against the continuation of the Rents and Tenancies Act, I have endeavoured to give this Bill some consideration, knowing that certain of the statements made by the Chief Secretary have unfortunately proved to be true; that is, in regard to key money and the letting of rooms. To those unscrupulous people I would give no quarter.

However, I must agree with Mr. Watson that the weakness of the Bill lies in the fact that it makes no provision for houses let or built before 1939. Owners of those properties have been restricted for nine or ten years in the rents chargeable. The Chief Secretary gave quite an imposing list of persons who complained to the rent inspector that they had been charged too much rent; and he said that because they were frightened of being evicted, they dared not take action. I would point out, however, that if this Act had not been passed, a lot of this trouble would not have arisen.

It is a failing of human nature that once a commodity is in short supply, everyone wants it. I had a typical example

of that this morning. A hotelkeeper had too much bottled beer on hand. The barman said, "I can soon fix that," so he put it to one side and covered it up. When a customer asked for a couple of bottles, the barman almost surreptitiously went around the corner, had a look, and said, "Yes I think I can let you have two bottles." The customer then asked whether he could have a dozen bottles, and the barman complied; and after a week the whole of that bottled beer had been sold. This gives a good idea of human nature and indicates what happens when goods are in short supply. In the morning newspaper, we find a firm advertising articles at 5s. 11½d. each, one to each customer, and soon there is a queue waiting to buy them.

Sitting suspended from 3.46 to 4.12 p.m.

Hon. L. A. LOGAN: Prior to the suspension I was discussing the failings of human nature when it is known that a certain article is in short supply. I mentioned having noticed in the morning paper an article marked for 5s. 11½d., which was in such short supply that only one could be purchased by each customer, and I said that a queue would probably form, waiting for the doors of the establishment to open. I might say, facetiously, that today people will be forming a queue in an endeavour to purchase oil shares.

Strangely enough, this sort of thing is part of our make-up; and irrespective of what the true position is people always seem to fall for the type of propaganda to which I have referred. On more than one occasion, following a sale such as I have mentioned, I have noticed the same articles being sold within a week in the same establishment 2d. or 3d. cheaper than during the sale, and apparently in plentiful supply. I desire now to couple up what I have been saying with the reasons why I think this legislation should not be on the statute book.

I believe the very presence of this Act is largely the cause of the irregularities that are occurring among landlords and tenants today. After this House in its wisdom, in 1951 refused to pass legislation introduced by the Government which I supported, a measure more to our liking was enacted. I think I can honestly say that the work of the solicitors and the courts has been reduced by about 75 per cent. as a result of that legislation; and, having that in mind, I think if this Bill were to be defeated we could probably cut out the other 25 per cent., or at least 20 per cent. of it.

It is the poor landlord who owns houses built about the year 1939 who has suffered all the way through. The Chief Secretary tried to draw Mr. Watson in regard to stabilisation of the basic wage and house rents. But had rents of 1939 houses kept pace with the basic wage all the way I am sure Mr. Watson, like myself, would have been quite prepared to peg the two together.

Hon. H. K. Watson: Hear, hear!

Hon. L. A. LOGAN: But because rents of houses built in 1939 were not brought into line with increases in the basic wage, it is not a fair parallel, and I think the Chief Secretary was trying to put one over. In his second reading speech, he also made a rather startling disclosure when he said that people who went to the rent inspector, because of what they termed high rents, were told not to proceed, otherwise they would receive seven days' notice to quit. I do not think the rent inspector should be the authority.

Hon. F. R. H. Lavery: He said they were warned.

Hon. L. A. LOGAN: A warning might be all right, but apparently they were told not to proceed.

Hon. F. R. H. Lavery: I have also told some people not to proceed.

Hon. L. A. LOGAN: A rent inspector has no right to do that. Had rents been on a fair basis all the way through, there would have been no need for rent inspectors. I know the statement has been made that if we lift the lid, hundreds of people will be put out on the street. I think Mr. Watson clearly explained that the number of people actually renting houses has decreased and is much less than it was a few years ago. If the owners of houses put their tenants into the street they would have to replace them with other tenants.

Hon. L. Craig: It is not the owners; it is the first tenants who put people into the street.

Hon. F. R. H. Lavery: Do you not think they could get tenants when there are three and four families living in the one house in many instances?

Hon. L. A. LOGAN: The Chief Secretary said that there are so many of these people who cannot afford to buy houses today.

Hon. F. R. H. Lavery: I said rent, not buy.

Hon. L. A. LOGAN: I am coming to that point. The Chief Secretary said that these people were not in a position to buy houses. He also said that the landlord would put people out into the streets so that he could get other tenants who would pay £4 or £5 a week. If people can afford to pay that much in rent, they can afford to buy a house. The position is that those people who can pay that money are just not available.

Hon. F. R. H. Lavery: Do you not believe there are many of them?

Hon. L. A. LOGAN: It would be difficult to replace present tenants with people who would pay that sum of money in rent. No owner would turn out a good tenant and then take pot luck as to the type of tenant he might get to replace him.

Hon. C. W. D. Barker: There is something in that.

Hon. L. A. LOGAN: At the same time, we are classing home-owners as undesirable citizens because some members say that, if we remove controls, owners of houses will immediately give their tenants notice so that they can be replaced by others who will pay higher rents.

Hon. F. R. H. Lavery: There are 400 eviction cases waiting to be heard.

Hon. L. A. LOGAN: That may be so. Does the hon. member know the reason why those notices have been issued? Surely a man who owns his home and wants it for his own use is entitled to obtain possession!

Hon. H. K. Watson: If owners were getting fair rents those eviction notices would be cut down by 75 per cent.

Hon. L. A. LOGAN: I would go so far as to say that even if increases in rents were not brought into line with increases in the basic wage, but were somewhat comparable with them, there would not be so many eviction notices. I find it hard, in dealing with this measure, to discover any real merit in it. I have already stated that we should have some jurisdiction over the unscrupulous type who requires key money, and over the subletter. In some of those cases, gaoling would not be too good for the person concerned.

But I do not think we should pass this legislation to control those two types and thus keep the other house-owners under control for another 12 months. Year after year, we are told that this legislation will be necessary for only another 12 months. I venture to suggest that in another 12 months we will have the same plea, and 12 months after that the same thing again; so it would go on ad infinitum. I do not think we can solve the housing problem within two years or within five years.

The Chief Secretary: I never said anything about 12 months.

Hon. L. A. LOGAN: This measure is to extend the legislation for another 12 months. I said we had been told repeatedly—and it has been going on year after year—that this legislation would be wanted for only another 12 months.

The Chief Secretary: Not by me.

Hon. L. A. LOGAN: I did not refer to the Chief Secretary when I made that statement.

The Chief Secretary: I wanted it made clear. I will introduce this legislation not for 12 months but for the period that it is necessary.

Hon. L. A. LOGAN: I have a certain amount of sympathy for what the Chief Secretary is trying to do. But when he tries to tie one section of the community down at the expense of another, I cannot agree with him. I certainly do not agree with the extra powers which would be given to a rent inspector if this legislation were passed. If the landlord and tenant want to find out what is a fair and equitable rent, there is a better person to approach than the rent inspector. Why should he be allowed to take control and do exactly as he wants to do?

The Chief Secretary: You do that and you will find that a lot of the trouble will disappear.

Hon. L. A. LOGAN: As I said before, if the Bill were defeated, a lot of the trouble would disappear. At the moment, I reserve the right to decide how I shall vote on the second reading. But, at the same time, I do not see much virtue in the Bill.

On motion by Hon. H. S. W. Parker, debate adjourned.

BILL—LAND AGENTS ACT AMENDMENT.

First Reading.

Received from the Assembly and read a first time.

Second Reading.

THE CHIEF SECRETARY (Hon. G. Fraser—West) [4.25] in moving the second reading said: For some time now it has been evident that there should be some tightening up of the law relating to land agents. One needs only to have followed the reports appearing in the Press over the past year or so to realise how, in many instances, members of the public have been victimised by some land agents. Although a number of cases of malpractice have come to light, there may be others which have never arrived at the courts.

Protests and representations have been made to the Government by a number of people, amongst whom have been the Real Estate Institute. In addition to their concern for members of the public who were being defrauded, it was felt by members of the institute, and other well-established and favourably known land agents who were not members of the institute, that they were being brought into disrepute through the nefarious practices of some agents, who, apart from misleading the public, have not scrupled to misappropriate their clients' money. In some cases clients have been defrauded of their entire savings; and, even though the subsequent conviction and imprisonment of the guilty person has occurred, there has been little or no hope of recovering any of the misappropriated money.

By an amendment last year to the parent Act, the Real Estate Institute was given power to oppose applications for licences and renewals of licences, to apply for cancellation of licences, and to prosecute in cases of offences. It now appears that these powers are not wide enough, and

the institute has asked for additional powers of supervision. It is proposed to give them to a committee, representing the land agents, the Treasury and the public.

The Bill proposes that this committee shall consist of three members; namely, a chairman to be appointed by the Government, a qualified accountant and auditor, and a licensed land agent. The members of the committee will receive such remuneration, expenses, and leave of absence as the Governor thinks fit, and provision is made for all expenses to be paid out of such moneys as Parliament votes for the purpose.

The committee will have wide powers of inquiry, but certain safeguarding provisions are inserted with regard to persons who might be called before the committee to give evidence. The provisions regarding the powers of the committee have been based, to a large extent, on those in force in South Australia.

Another important amendment in the Bill is an increase in the amount of the fidelity bond required to be furnished before the issue of a licence to a land agent. It is intended to increase this bond from £500 to £2,000. It is felt that such an increase might prove a deterrent to an undesirable type of person, whilst one of good repute and standing would not have any objection to providing the larger bond.

A further desirable amendment seeks to make it an offence to charge or pay for keys or for information as to tenancies. It was found that, on the repeal of the Increase of Rent (War Restrictions) Act, certain persons took advantage of the acute shortage of accommodation to charge fees for keys and for information as to the possibility of tenancies becoming available. In many cases the chance of obtaining the accommodation was so remote, or the conditions of the tenancies so onerous, as to render the information of little or no value to the unfortunate persons who had paid the fee in advance.

The Bill also seeks to rectify an error regarding the annual licence fee to be paid by land agents. Through an oversight, amending Acts of 1948 and 1952 both contain the same amendment, and so the Bill seeks to repeal the latter provision. The long title of the principal Act has been amended to include the "supervision" of land agents.

The Bill, if agreed to, will come into operation on the 1st January, 1954, as the Act provides that licences expire on the 31st December in each year. As a result, the committee will have to be appointed between the passing of the Bill and the end of this year. This, however, should present no difficulties. I move—

That the Bill be now read a second time.

On motion by Hon. A. F. Griffith, debate adjourned.

BILLS (2)—FIRST READING.

1, Perth Town Hall Agreement.

2, Conservator of Forests (Validation). Received from the Assembly.

BILL—MUNICIPAL CORPORATIONS ACT AMENDMENT.

Returned from the Assembly without amendment.

BILL—FIRE BRIGADES ACT AMENDMENT.

First Reading.

Received from the Assembly and read a first time.

Second Reading.

THE CHIEF SECRETARY (Hon. G. Fraser—West) [4.34] in moving the second reading said: This Bill seeks to amend the principal Act in four directions. The first amendment is for the purpose of rectifying an anomaly in the Act. When the principal Act was consolidated in 1942, all municipal and road districts which had been constituted under the Act as fire districts, were shown in the Second Schedule to the Act. However, no provision was made in the Act for the cancellation of any of these districts, although Section 5 of the Act empowers the Governor to appoint and to cancel further fire districts. The Bill proposes to rectify this anomaly by giving the Governor authority to delete from the Second Schedule, by Order-in-Council, the name of any fire district. I might mention that the one in question at present is Wiluna. When the Wiluna fire district was no longer required, we found there was no power in the Act to delete the reference to it. This provision is to remedy that lack of power. The second amendment is the most important in the Bill. It seeks to increase the personnel of the Fire Brigades Board from 10 to 11 persons. This is to enable the appointment to the board of a representative of the permanent firemen, and it is proposed that this representative shall be elected by the W.A. Fire Brigade Employees Industrial Union and the W.A. Fire Brigades Officers Association Union of Workers.

At the present time, the Act provides that the board shall consist of—

(a) Two Government nominees (one of whom shall be president of the board;

(b) three representatives elected by the insurance companies;

(c) one representative elected by the Perth City Council;

(d) one by the metropolitan local authorities;

(e) one by Goldfields local authorities;

(f) one by rural local authorities; and

(g) one by the volunteer fire brigades.

The unions are of the opinion that many of the disabilities which they state they experience could be dealt with in a more satisfactory manner if they had a spokesman on the board. These disabilities are said to include administration, management, working conditions, passive time, interpretation of regulations, allocation of relief duty, transfers, training, lack of technical education, etc.

The unions also consider it to be somewhat anomalous that the volunteer brigades have a voice in the affairs of the board, while the permanent firemen have not. In New South Wales the permanent firemen are represented on the board of fire commissioners, and I am told that a similar appointments is being contemplated in Victoria. It is becoming an accepted fact that the appointment of employees to the various boards, etc., dealing with their activities can achieve a considerable amount of good, and I feel that the professional firemen should be represented on the controlling body.

In the event of this being agreed to, the Bill provides for an increase in the maximum amount of fees that may be paid annually to members of the board. The actual amount payable is prescribed from time to time by regulation, but the maximum that may be paid each year is specified in the Act. This maximum at present is £850, having been increased to this sum from £550 in 1949. The Bill suggests that with the appointment of another member, and the reduction in money values since 1949, the maximum could be increased to £1,250. I would like to mention that the increase in the amount from £800 to £1,250 is not for the edification of the extra member who has been appointed to the board.

Hon. Sir Charles Latham: I thought it would be specially provided for.

The CHIEF SECRETARY: In what way?

Hon. Sir Charles Latham: By way of being a union representative.

The CHIEF SECRETARY: He would come under the same provisions as the other members of the board. He may not be a fireman.

Hon. A. F. Griffith: What would he be?

The CHIEF SECRETARY: A representative of the firemen.

Hon. L. Craig: He would have to be a member of the union.

The CHIEF SECRETARY: That may or may not be so.

Hon. L. Craig: It says so here; he must be either the secretary or a fireman.

The CHIEF SECRETARY: Yes; but there are two organisations. Another amendment seeks to permit the lodging of appeals in regard to election of members of the board to the resident or stipendiary magistrate appointed by the Minister for that purpose. Some little while ago a query did arise in connection with an election, and the Chief Electoral Officer has recommended that provision be made for an appeal should there be any question as to the regularity or validity of an election or of the voting at an election. I move—

That the Bill be now read a second time.

On motion by Hon. H. Hearn, debate adjourned.

BILL—ABATTOIRS ACT AMENDMENT.

Second Reading.

THE MINISTER FOR THE NORTH-WEST (Hon. H. C. Strickland—North) [4.40] in moving the second reading said: This is a short Bill to amend the Abattoirs Act, 1909-1952. Members will recall that only last year this Act was amended to constitute a board to control the Midland Junction abattoir and the saleyard. A board was set up consisting of three persons, one to be a chartered accountant, who would have regard to the interests of the consumers of meat; one to have regard to the interests of butchers; and one to represent the producers of meat.

This Bill proposes to add to that board two other members. One will represent the Meat Industry Employees Union, and the other will be the Controller of Abattoirs. There is nothing new in employees' representatives being members of boards controlling public utilities. As a matter of fact, on two boards controlling abattoirs in the Eastern States—one in New South Wales and the other in South Australia—the employees are represented. I do not know of any particular case in this State or in Australia, but in America, it is the practice with big concerns to have employee representation.

Hon. L. Craig: If they are appointed by the board and not by the employees.

The MINISTER FOR THE NORTH-WEST: They are appointed by the board. This one would be appointed by the Governor. The idea of putting an employees' representative on the board follows a request from the employees themselves who will be undergoing quite a change at Midland Junction early next year. It is hoped that by February, or perhaps even January, the abattoir will have been taken over completely by the board. The practice has been for butchers to employ their own slaughtermen to do the slaughtering at Midland Junction, and the previous Government decided to introduce a little socialism by bringing all the employees under its control. They will all work for the Government.

Hon. A. F. Griffith: Why do you pick a different method of choosing an employees' representative under this Bill from that adopted in the Fire Brigades Act Amendment Bill?

The MINISTER FOR THE NORTH-WEST: I did not do the choosing, but I shall perhaps be able to give the reason later when I reply. Where the Government has practically £750,000 of the taxpayers money invested in the Midland Junction Abattoir, it is only right that it should have some say as to who is going to control the enterprise.

Hon. L. Craig: A very big say.

The MINISTER FOR THE NORTH-WEST: A great deal of that authority was taken away last year.

Hon. A. F. Griffith: Is there not Government money in fire brigades?

The MINISTER FOR THE NORTH-WEST: I do not think it would amount to as much as it does here, and there would not be so much responsibility. The Midland Junction Abattoir and Saleyard is a very important place, not only for the Government, but also for the producer and consumer. They are the two most important parties, yet they have not the greatest say in matters that will be dealt with at that institution. The proposal to take over the operations early next year will involve a tremendous big change, and a large amount of work. At present the wholesale butchers employ slaughtermen; but when the new scheme comes into force, they will be employed by the board, and killing will be on the continuous chain system. I have mentioned that a capital of over £750,000 is involved; possibly, it will approach closer to the £1,000,000 mark before the work is completed. The Government is of the opinion that it should have an officer of the department on that board in order to have some say in the control and to look after the taxpayers' capital that has been invested in the works.

Hon. L. A. Logan: Who owns the stock after it completes the chain?

The MINISTER FOR THE NORTH-WEST: The buyer is the owner at the end of the chain. The Government will control the operations of killing and chilling, and passing on to the buyer. I do not think it is intended to distribute. The butchers will collect their meat at the door, so to speak. Last year, when the Act was amended, great power was taken away from the Department of Agriculture, the Governor, and the Minister, Section 19 States—

> On the appointed day the Governor shall cease to maintain and manage the Midland Junction abattoir and the Minister having the administration of the Government Stock Saleyards Act, 1941, shall cease to maintain and manage the saleyard, and the functions of maintaining and managing that abattoir and saleyard and all property of whatever kind certified by the Auditor General as comprising that abattoir and saleyard shall by virtue of this section be transferred to the board.

Hon. Sir Charles Latham: That is nothing in comparison with the Railways Commission.

The MINISTER FOR THE NORTH-WEST: I admit that the railway commissioners were installed on a very sound basis. This board was set up for a period of five years, but the Railways Commission was set up for life.

Hon. Sir Charles Latham: That is so.

The MINISTER FOR THE NORTH-WEST: That is a different proposition altogether. We think that the board will benefit tremendously by the inclusion of the controller, who has been manager of the abattoirs for some years. I do not know how long he has been there; but we say that whoever is the controller should have a seat on the board.

Hon. L. Craig: He would attend meetings in any case.

The MINISTER FOR THE NORTH-WEST: He can attend board meetings, but he is there only for instruction. He is really a manager without power. The authority to employ has been taken away from him; he has no voice at all.

Hon. L. Craig: He is a servant of the board; you want him to dictate policy as well.

The MINISTER FOR THE NORTH-WEST: No; he would not dictate policy.

Hon. L. Craig: As a member of the board he would.

The MINISTER FOR THE 'NORTH-WEST: He is entitled to have a say. Surely the Government is entitled to one representative on the board. Surely to ask that is not to ask for something outrageous.

Hon. L. Craig: Does not the Government appoint the other members of the board?

The MINISTER FOR THE NORTH-WEST: Yes.

Hon. L. Craig: They represent the Government.

The MINISTER FOR THE NORTH-WEST: They do not represent the Government. The hon. member knows who they are.

Hon. L. Craig: The accountant could be a representative of the Government.

The MINISTER FOR THE NORTH-WEST: He is representing the consumers.

Hon. L. Craig: He is selected by the Government?

The MINISTER FOR THE NORTH-WEST: Yes, to represent the consumers.

Hon. L. Craig: Could he not represent the Government as well?

The MINISTER FOR THE NORTH-WEST: He represents more than that. We know that he is interested in other abattoirs. Everybody knows that; it is

common knowledge. What this Act did was to take away all control and hand it over to private enterprise. And the members of the board represent, in the majority the commercial interests. Nobody can deny that.

Hon. C. H. Henning: In other words, sound business interests.

The MINISTER FOR THE NORTH-WEST: I do not know. The primary producers might thing they have a sounder interest in the Midland Junction saleyard than has the manufacturer or the retailer.

Hon. L. Craig: Surely the Government representative could represent the consumers as well.

The MINISTER FOR THE NORTH-WEST: All power is given to the board under the Act we passed last year. It can employ and discharge, and do what it likes about the matter. That applies not only to the abattoir, but also to the saleyard, which is a big thing.

It is nothing new for a general manager or controller to be on a board. In the other capital city abattoirs of the Commonwealth that procedure is followed. In Brisbane, the chairman of the board is the present general manager and chief executive officer representing the Government's interest.

Hon. L. Craig: I do not think it is a good idea.

The MINISTER FOR THE NORTH-WEST: At Homebush, New South Wales, the general manager is the permanent chairman of the board. In Victoria, again the general manager is permanent chairman of the board. In Tasmania, the chairman is the permanent general manager. Here experience has shown that a public utility functions most efficiently under a permanent full-time officer, who represents the Government, and whose first interest is the establishment. The only State which differs is South Australia where an independent chairman and a board of nine administer the Metropolitan and Export Abattoirs Act, but are not designated as a board actually to manage and control the abattoirs.

Hon. C. H. Henning: Is not South Australia supposed to have a model abattoir and exceptionally efficient workmen?

The MINISTER FOR THE NORTH-WEST: I have a reference on the file to the Metropolitan and Export Abattoirs, Gepps Cross. The title of the board is the Metropolitan and Export Abattoir Board. It is charged with the administration of the Act and is responsible to the Minister for Agriculture. It consists of a chairman and eight members. Three of these represent the consumers' interests and are elected by the constituent councils. Three are industry representatives elected by delegates representing the—

(a) Stockowners' Association.
(b) Stock Salesmen's Association.
(c) Pig Breeders' Society.
(d) Master Butchers.
(e) Retail Butchers, and
(f) One nominated by the Minister.

One member represents the industrial labour interests in the industry, and one is the general manager of the abattoir. That is the set-up in South Australia. We think that in the change-over that will take place shortly, the appointment to the board of an employees' representative and the controller would lead to good relations, smooth working, and capable administration. I move—

That the Bill be now read a second time.

On motion by Hon. Sir Charles Latham, debate adjourned.

BILL—REPRINTING OF ACTS AUTHORISATION.

Second Reading.

THE CHIEF SECRETARY (Hon. G. Fraser—West) [4.56] in moving the second reading said: This little Bill seeks to provide authority for the reprinting of any Act which has not been amended. It is rather strange that this power does not exist, as there is ample authority to reprint Acts which have undergone amendment. That authority is contained in the Statutes Compilation Act, 1905, the Amendments Incorporation Act, 1938, and in the particular Act concerned.

When stocks of Acts which have not been amended, and of amended Acts, are about to become depleted, the practice has been for the Government Printer, of his own violation, to set up new type and reprint further copies. There are two objections to this practice: (1) There is no express authorisation by Parliament for the reprinting of Acts which have not been amended; and, (2) in the reprinting, whether of Acts which have not been amended, or of Acts which have already been reprinted as amended, variations in the line spacings have occurred. These variations lead to difficulty and confusion.

Where an amendment to an Act is required, the Parliamentary Draftsman bases the draft of the amendment on the authorised Act. There have been occasions when the authorised Act in loose form—that is, unbound in the appropriate sessional volume—has been out of print, and members have obtained a reprint with variations from the line spacing of that of the authorised copy, thus adding to their difficulties in relating the amendment to the passages to be amended. The Bill seeks to overcome these difficulties.

I would remind members that last year, or the year before, when we were considering amendments to the Workers' Compensation Act, I complained that it was impossible to dovetail the proposed amendments with the Act and the various amending Acts, and I had great difficulty in ascertaining what was to be amended. No doubt other members have had similar experience. The Bill is a small one; but if it is passed, it will assist members in future more easily to follow proposed amendments to Acts. I move—

That the Bill be now read a second time.

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

BILL—TRAFFIC ACT AMENDMENT.

Second Reading.

THE CHIEF SECRETARY (Hon. G. Fraser—West) [4.58] in moving the second reading said: This Bill provides for a number of what I consider to be necessary amendments to the principal Act. All of them have been thoroughly discussed with all parties or organisations that would be concerned, and agreement has been reached on each proposal.

The first amendment, which is to Section 9 of the parent Act, proposes that local authorities outside the metropolitan area shall be enabled to stagger the issue of motor-vehicle licences so that the licences shall expire on the last day of March, June, September, or December. This amendment has been requested by all organisations connected with the Road Board Association, and by all executive officers of local authorities outside the metropolitan area.

At present all licences expire on the 30th June, and the rush of work entailed by the renewing of the licences interferes badly at this time of the year with the end of the financial year's activities. If licences could be staggered in the manner I have explained, it would be of great assistance to country local authorities. In effect, it brings the country areas into the same position as the metropolitan area.

Hon. L. Craig: Is that the same right through the Bill; that it brings the position in the country into line with that in the metropolitan area?

The CHIEF SECRETARY: No. There might be something dealing with the metropolitan area. The next amendment is designed to rectify what might be described as an omission in the Act. There is no authority in the Act enabling a licensing authority to request payment of any amount under charged on the issue of a licence. Conversely, the licensing authority has not the statutory power to make a refund of any overcharge on a licence. In regard to this the Auditor General has stated that unless statutory authority is provided to require a refund of any overcharge, he will have no option but to instruct the officer responsible to make good the overcharge. The Bill, therefore, seeks to give the licensing authority the power to refund overcharges, on demand, and to require the prompt payment of an undercharge.

The Act provides that in certain circumstances free motor-vehicle licences may be issued, such as to ministers of religion, charitable organisations, permanently and totally incapacitated persons, etc. No authority exists in the Act, however, for the withdrawal of a free licence. Cases have occurred where a vehicle so licensed has been sold to a person not entitled to a free licence. No action, however, can be taken to cancel the free vehicle licence until the end of the current licensing period. The amendment in the Bill will give this authority.

At present the Act provides that where a vehicle is licensed by one local authority but is used mainly on the roads of another authority, the latter may claim an appropriate proportion of the licence fee, based on the milages traversed in both districts. The Commissioner of Police is the licensing authority in the metropolitan area, but he is not responsible for the maintenance of roads. The possibility could arise that a country local authority might claim portion of licence fees from the Commissioner of Police. If this should occur, the Bill suggests the claim should be referred to a magistrate for decision.

The object of the amendment contained in Clause 5 is to bring that part of Guildford-rd. extending from the boundary of the City of Perth—that is, the Mt. Lawley subway—to Johnson-st., Guildford, within the compass of the principal Act, so that traffic fees may be utilised for the reconstruction of the road. At present the local authorities, through whose districts the road passes, that is, the Perth, Bayswater, and Bassendean road boards are the only local authorities within the metropolitan area that do not have a main road in the territories maintained from the Traffic Trust Account. To maintain Guildford-rd. at a level commensurate with that of a main highway is beyond the means of these three authorities. Any member who has been along that road will agree that the traffic on it is at least equal to if not greater than that on the Great Eastern Highway.

Hon. L. A. Logan: I do not know about that, but it is a shocking road.

Hon. C. H. Simpson: It was found on a traffic count that there were three more on Guildford-rd. than the other.

The CHIEF SECRETARY: This road has to be maintained by the local authorities whilst the other is maintained by the Main Roads Department. As a result of

a conference between the Minister for Works, the Main Roads Department, the Secretary of the Local Government Association, myself, and some others, it was agreed that it should be regarded as a main road.

Hon. H. S. W. Parker: It is essential that it should be.

The CCHIEF SECRETARY: Section 17 of the parent Act provides that if a person is convicted twice in one year for offences under the Act, the court may in lieu of, or in addition to, any other penalty, order the cancellation of the offender's motor-vehicle licence. This would prevent the offender from obtaining a licence for a similar vehicle for the period of the cancellation. The Traffic Advisory Committee has agreed with the recommendation of magistrate Rodriguez that in exceptional cases the court may be empowered to order cancellation for a first offence.

The Road Board Association has requested that the Act be amended to compel local authorities to co-operate in the appointing of a traffic inspector, or inspectors, in cases where it is considered essential, and where the local authorities concerned refuse to do so. As members know, some local authorities do not possess traffic inspectors.

Hon. L. Craig: Many local authorities do not need them.

The CHIEF SECRETARY: Because of the heavy traffic today, I think many local authorities do need them. If it was considered necessary in the public interest for two or more authorities to join in appointing an inspector, and they refused to do so, the amendment would enable the Minister with the Governor's approval, to make the necessary appointments.

Under the Act, all drivers' and conductors' licences operate for 12 months from the date of issue and the date of re-issue. Thus, if a licence expired on the 1st August and the holder failed to renew it for a peirod, the date of re-issue would be the date on which application was made for the re-issue, notwithstanding the fact that the culprit had probably continued to drive or conduct a vehicle. This will bridge the gap. There are 140,000 licences on issue, and it estimated that a loss of revenue of approximately £2,900 a year occurs as a result of failure to obtain immediately renewals of licences. To overcome this position the Bill proposes that all renewals shall commence from the expiry date of the previous licence.

The next amendment is of considerable importance. It refers to penalties in connection with drunken, dangerous, and reckless driving. I propose to quote for the benefit of members, statistics relating to fatalities and injuries sustained in traffic accidents during 1952. These, of course, are the latest figures available. During 1952, a total of 187 deaths resulted from traffic accidents throughout the State. The responsibility for these was attributed to—

	Per cent.
Careless driving	29
Pedestrians' Faults	23
Excessive speed	21
Intoxicated drivers	7
Vehicular defects	7
Other causes	13
	100

The total number of casualty accidents during 1952 was 2,367. Careless driving, such as inattentiveness, non-observance of rules at intersections, failing to keep to the left, etc., accounted for 35 per cent. of these injuries, excessive speed for 8 per cent., and drunken driving for 2 per cent. These figures lead me to believe that it is as imperative to provide salutary punishment for dangerous and careless drivers as it is for the drunken variety. It has long been said that a motor-vehicle in the hands of a drunken driver is a dreadful weapon. There is not the slightest doubt of this, but the same remark can apply to the dangerous and reckless driver.

In view of the number of accidents, and the evident fact that there are drivers who have little regard for other persons, the Government by this Bill, seeks to increase the penalties provided. At persent a person convicted of driving recklessly or negligently, or at a speed or in a manner dangerous to the public, is subject to a fine of £20 for a first offence, and £50 or imprisonment for three months for any subsequent offence. The Bill proposes to increase these to a penalty of £50 for the first offence, and £100, or imprisonment for three months, with suspension of the driving licence for not less than three months for any subsequent offence.

There are still far too many drivers charged with and found guilty of drunken driving. There is absolutely no excuse for a person in such a state to drive a vehicle, and, by so doing, imperil the life and limb of children and adults. Apparently the penalties provided in the Act are not a sufficient deterrent. Therefore, I submit it is our duty to endeavour to mitigate the peril, and to do that we have no recourse other than to increase these penalties. If this action is unsuccessful then we must look to sterner measures.

The present penalty for driving while under the influence of drink or drugs is, for the first offence, a fine of £50, or imprisonment for three months, with a licence suspension of three months. It is not proposed to alter this penalty. We believe that anybody could slip once, but if he repeats the offence he should be liable to a greater penalty.

For a second offence the Act at present provides a fine of £100, or imprisonment for three months, with a licence suspension of six months. The Bill seeks not only to maintain the fine at £100, but to increase the imprisonment penalty from three to six months, and the suspension of the licence period from six to twelve months. I think that this increase of punishment is warranted. If an offender did not profit from his first lesson he should be severely dealt with.

So far as third offenders are concerned, there should be little sympathy shown them. The Bill proposes to increase the fine from £150 to £200, and the imprisonment term from six to twelve months. Nothing can be done in regard to licence suspension for a third offender as the Act now provides for permanent suspension. I hope members will agree to have these increased penalties put into operation.

We have had instances of people coming up on the third occasion and losing their licence for life. This is a rare occurrence, and we do not know whether it is because of the life suspension. In any case I do not think that such a person should receive much consideration. It is Parliament's duty to endeavour to reduce the toll of the road; and I submit that if the penalties provided are of no avail, then we should continue to increase them until such time as a reasonable deterrent can be reached.

The Act limits to 8ft., the width of any vehicle, including load, licensed or driven on any road, unless by special approval of the Minister. The Crown Solicitor states that it cannot be said with certainty that an agricultural implement of over this width is a vehicle, and if the implement were being towed it could not be considered as being driven. The latter point applies also to caravans, trailers, semi-trailers, etc., which are defined in the Act as vehicles.

It is desired, therefore, to provide an amendment applying the width restriction to all vehicles being driven or used on any road; this to include any implement in tow. We have had instances of where the vehicle doing the towing has been all right, but the vehicle being towed was wider than the permitted width. As the Act stands, there is no way of overcoming that difficulty. The amendment seeks to bring the towed vehicle under the same heading as the one that is doing the towing.

The regulations under the Traffic Act are being consolidated and amended to include recommendations made by the Australian Transport Advisory Council, which is composed of State Ministers.

Hon. H. K. Watson: How are you getting on with the reprinting of the regulations?

The CHIEF SECRETARY: Not very well; but now that the hon. member has brought the matter forward, I shall make inquiries to see what progress has been made. I have an idea it was suggested to me early in the piece that we would wait until we got this Bill through and then have them reprinted.

Hon. H. K. Watson: The position around the town is serious.

The CHIEF SECRETARY: I know. It is more than serious. One of the recommendations of the advisory council deals with more efficient lighting for vehicles, particular for motor-wagons and long vehicles. The authority in the Act to make regulations for this purpose is not adequate, and the Crown Law Department advises its repeal and the inclusion of a suitable provision.

Power is also asked for in the Bill to make regulations for placing, erecting or installing traffic signs, lights and directions on roads or footpaths for the control of pedestrian and vehicular traffic. The Act provides that regulations may be made to limit the loads that may be carried on roads in a prescribed area. It has been found that truck drivers are evading this restriction by licensing their vehicles in another district. The Crown Law Department has recommended that the Act be amended to prevent this occurring and to enable action to be taken against offenders. We have had instances of a person not licensing his vehicle in his own district because the vehicle was so well known. He has gone to another district to license it. I move—

That the Bill be now read a second time.

On motion by Hon. H. S. W. Parker, debate adjourned.

BILL—ADOPTION OF CHILDREN ACT AMENDMENT (No. 2).

Report, etc.

Report of Committee adopted.

Bill read a third time and returned to the Assembly with amendments.

BILL—WESTERN AUSTRALIAN MARINE ACT AMENDMENT.

Second Reading.

THE MINISTER FOR THE NORTH-WEST (Hon. H. C. Strickland—North) [5.17] in moving the second reading said: This Bill contains amendments to Parts VI and VIII of the original Act. Clause 2 provides an amendment to Section 96 of the principal Act to bring vessels licensed under the Whaling Act, 1937, and the Fisheries Act, 1905, under this section, which requires the master or owner of any craft to report any collisions or casualties to the Harbour and Light Department.

Clause 3 provides an amendment to Section 97 of the principal Act giving the department power to hold an inquiry into any casualty on such vessels; or, if it has reason to believe that any incompetence or misconduct has occurred on the part of any person on board, an inquiry respecting the incompetence or misconduct.

The fishing fleet in the past few years has grown apace, and now comprises many large seagoing craft, some of which approach the dimensions of trawlers. Further, the whaling companies operating in this State, of which there are three, control large whale catchers and tenders, but there is no authority with any power to hold an inquiry into any casualty concerning these vessels. Two examples can be quoted. A whale chaser left Fremantle for her whaling station, and was wrecked on a reef north of Fremantle; and one of the largest fishing craft caught fire near Cervantes Island, and was totally destroyed. Although an inquiry into these casualties should have been held, there was no authority to conduct one, and these amendments are designed to give the Harbour and Lights Department, which controls the Marine Act, the power to hold a preliminary inquiry and, if necessary, refer the matter to a court of marine inquiry.

Clause 6 of the amending Bill adds a new section (184A) to the principal Act, giving the department authority to institute certificates for masters, coxswains, engineers and engine-drivers on fishing and whaling craft. Clause 7 is an amendment to Section 204 of the principal Act, giving power to make regulations covering the manning, qualifications, conditions, examinations, and the issue and cancellation of certificates to these personnel.

This question was first raised by the Australian Port Authorities' Association in 1948, and a resolution was carried urging all States to bring in legislation to control the manning of fishing and whaling craft. This resolution was reaffirmed at the conferences held in 1950 and 1952, and the position in regard to the States is that Tasmania has brought in the legislation and South Australia, Victoria, New South Wales, and Queensland have the legislation prepared and are awaiting for their respective governments to place it before Parliament.

The size, power and value of boats and machinery in the fishing and whaling industries in this State are considerable; yet it is possible for any person without any knowledge of seamanship, navigation or machinery to take these vessels to sea and into and out of ports at a risk to the lives of those men on board, the vessels themselves, and the property of port authorities. Furthermore, if they are lost, somebody has to expend time and money in searching for them, and it generally falls to the lot of some Government instrumentality to do so.

The fishing industry attracts many foreigners, some of whom make no attempt to learn the language or to become naturalised. It should be obvious that a vessel in the charge of a person who cannot speak or read the language can be a menace, particularly when navigating in and around ports. No British certificate can be held by any alien, but only by British or naturalised British subjects, and the passage of this legislation will ensure that those in charge must learn the language and become naturalised before they can take out the necessary certificates.

The passing of the Bill will also ensure that those who go to sea in fishing or whaling craft will have a knowledge of seamanship, navigation, and care and maintenance of machinery, which will be a safeguard for those who go to sea with them, and also an added protection for the property over which they have control.

It is not intended that those who have been engaged in the industry for some time past will be inconvenienced, as provision will be made to provide these persons with a certificate on service provided they are British or naturalised British subjects. The legislation is a protection for the industry, and for those engaged in it.

The examinations which these men will have to pass are already set for those operating launches commercially. Even on the river, skippers and coxwains have to pass a test set by the Harbour and Lights Department before they can obtain a certificate to operate a craft in those waters. Like most examinations, on paper these appear to be rather formidable; but no one yet has been deprived of his calling on the river by failing to pass the test. In fact, it seems to be passed quite easily.

I mentioned that there were two large boats wrecked on the coast. One was the whaler which was proceeding to Pt. Cloates, and it sailed ashore not many miles north along the coast. The other was the "North Cape," a large fishing boat which came here with a crew of unnaturalised aliens. In fact, all crew members were newcomers to the State, and the vessel was destroyed by fire in the vicinity of Cervantes Island.

There are some large boats engaged in the whaling industry, the largest of which is the "Carnarvon," owned by the Australian Whaling Commission. It is 178ft. long and has a gross tonnage of 598 tons. The commission also has two others; one of 344 tons, and the other 249 tons. The largest vessel in the North-West Whaling Company's fleet is of 365 tons, and the others are all over 100 tons. The Cheyne Beach Whaling Co. which operates near Albany has a vessel of 248 tons.

Many large fishing boats operate from Fremantle. There are eight in the 66ft. class, and many others which vary in

tonnage, the maximum being 129 tons gross. The Bill does not seek to restrict anybody. It has been introduced at the request of the port authorities, insurance companies and master mariners, who on many occasions, have pointed out that merchant shipping could be subject to considerable danger from these fishing boats, the crews of which do not understand our language or the rules of the road. These boats often cross the path of a ship entering Gage Roads, and many compaints have been lodged.

Hon. C. W. D. Barker: Under the Bill they will have to take out a coastal skipper's ticket.

The MINISTER FOR THE NORTH-WEST: No; that applies only to large vessels. There are various certificates which are issued according to the size of the vessels controlled by the master. It is proposed to administer the provisions by regulation. The whaling stations and the owners of large fishing vessels have been consulted, and they have no objection to the measure.

A request was also received from the Marine Underwriters' Association, and I would like to read an extract from a letter dated the 26th May, 1953, from Mr. G. H. Blades, the secretary of that association. It reads—

> Control of Fishing Craft.
>
> The unprecendented number of casualties to small craft, particularly fishing vessels, of recent months, has brought home to members of this Association, the need for the exercise of stricter control over their operations. At present, while the Harbour and Lights Department can inspect fishing vessels and grant a certificate of seaworthiness, there is no controlling authority over the manning of them. While it is not suggested that Masters or crews are incompetent, it does seem desirable, if only in the interests of safety of life at sea, that an impartial authority should exist in this connection.
>
> Coupled with this problem is the lack of provision in the Marine Act to hold up Marine Courts of Enquiry into casualties to these vessels.
>
> My Committee commend these matters to you in the hope that an early amendment of the Act may be made to remedy the position.

Hon. A. F. Griffith: What is the date of that letter?

The MINISTER FOR THE NORTH-WEST: The 26th May, 1953. The proposal in the Bill is reasonable. Members may not be kindly disposed to Government by regulation; but the regulations that would be set out under this legislation, although lengthy, would not be very complicated. If all the provisions were inserted in the Act itself, it would take another Act to amend them. It is more simple to govern the position by regulations which will apply to sea-going vessels only.

Of course, regulations can be varied to meet the conditions, and members always have control over them when Parliament sits each year. If the prescribed conditions are found to be faulty, it will be quite a simple matter to vary them. I move—

> That the Bill be now read a second time.

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

BILL—STATE HOUSING ACT AMENDMENT.

Second Reading.

THE CHIEF SECRETARY (Hon. G. Fraser—West) [5.32] in moving the second reading said: When the original State Housing Act was assented to on the 24th January, 1947, authority was given to enable private land to be compulsorily acquired under Part III within a period of five years after the commencement of the Act. This period was extended by the previous Government for a further two years, and that period will expire in January, 1954.

This Bill seeks to extend the period for another two years, as the Government feels that in order to acquire land where necessary to complete subdivisions, provide services to estates being developed by the Commission; carry out slum clearances; and meet any exceptional cases of national importance—I think one has occurred today—it is essential to have power under the Act to acquire land by resumption. I am assured that it is not the intention of the Commission to undertake any large-scale resumptions.

The commission now holds approximately 13,000 blocks, excluding 9,000 acres of land held in broad acres, the bulk of which is at Wanneroo and intended for a long-term development project. It is considered the area held will be sufficient to meet the requirements of the Commission for some years. The powers of resumption will be resorted to only in exceptional cases, and the Commission will continue its policy of endeavouring to negotiate for, and acquire by, private treaty.

The Commission has found by experience that when redesigning old estates to complete a satisfactory subdivision, additional blocks are often required. When this happens, the Commission endeavours to negotiate; but, in the event of an owner refusing to sell, or holding out for an unnecessarily high price, it is desirable to have the power to resume rather than ruin a subdivision.

Owing to the extreme shortage of accommodation, it has not been possible to give any attention to slum clearance. This

important aspect of housing has been allowed for in the principal Act, and also in the Commonwealth-State Housing Agreement Act; and it is hoped that in the not too distant future, the Commission will be able to turn to this work. In order to carry out slum clearance, it is certain that the Commission would require the power of compulsory acquisition.

Particular attention has been given in the principal Act to the protection of owners, where compulsory acquisition of land is sought, and provision is made for the return of resumed land to those who can establish certain claims in regard to its proposed use—especially where the land is required for the future residence of the owner or a near relative, or where it is being used for commercial, manufacturing, or primary production purposes. In this respect it can be claimed that the Act has been liberally interpreted. Where it has not been possible to return the actual blocks, others of comparable value and position have been provided where claims have been established.

Owners have the additional protection of having the right of appeal against compulsory acquisition, to the Minister, who may allow or dismiss an appeal wholly or in part and subject to such terms and conditions as he thinks fit. The matter does not end there, and any appellant who feels dissatisfied by the Minister's decision may appeal to a judge of the Supreme Court against such decision. If there are instances where that has gone too far, recourse may be had to the law.

Hon. A. F. Griffith: The appellants would have an enormous amount in legal costs to defray in going to the Supreme Court.

The CHIEF SECRETARY: Mr. Parker will be able to tell you more about that. We all recognise that the power of compulsory acquisition of land is something that must be handled with care and discretion and it is claimed that the Commission's activities in this connection have, in the past, been carried out in the best interests of the State; and, of course, with due regard to the rights and intentions of owners. The House has the assurance that the powers of resumption will be exercised only in extreme and essential cases, and owners will still have the protection afforded under the Act. I move—

That the Bill be now read a second time.

On motion by Hon. H. K. Watson, debate adjourned.

House adjourned at 5.35 p.m.

Legislative Assembly

Friday, 4th December, 1953.

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