Legislative Council

Friday, 30th November, 1951.

CONTENTS.

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

QUESTION.

SUPERPHOSPHATE.

As to Supplies of Sulphur and Pyrites.

Hon. N. E. BAXTER asked the Minister for Agriculture:

(1) Has an allocation of sulphur been made for Western Australia for superphosphate manufacture for the year ending the 30th June, 1952. If so, could he advise the House the tonnage allocated?

(2) What progress is being made to increase the supply of pyrites from Norseman?

(3) What progress has been made with the new shaft at Norseman?

The MINISTER replied:

(1) No. An Australia-wide allotment is made from time to time, but this allotment is not known in advance for more than a quarter. Sufficient sulphur has been allotted to the local companies up to the end of this quarter to meet the programme for the present.

(2) and (3) The necessary machinery and materials for the expansion of the pyrites industry and sinking of a new shaft at Norseman have been ordered. The housing scheme for employees has been commenced and so far 10 homes are under way out of a total of 48 for which materials have been ordered.

The plans, drawings and site for the new shaft have been prepared and machinery and materials are coming forward. It is hoped that all the timber for the shaft will arrive in the next consignment and that all the required materials will be accumulated at the site in the next few weeks.

BILLS (2)—THIRD READING.

1, The Perpetual Executors, Trustees and Agency Company (W.A.) Limited Act Amendment (Private).

2, West Australian Trustee, Executor and Agency Company Limited Act Amendment (Private).

Passed.

BILL—LIBRARY BOARD OF WESTERN AUSTRALIA.

Assembly's Message.

Message from the Assembly notifying that it had agreed to amendments Nos. 1 to 22, and Nos. 24 to 29 inclusive, and had disagreed to No. 23 now considered.

In Committee.

Hon. J. A. Dimmitt in the Chair; the Minister for Transport in charge of the Bill.

The CHAIRMAN: The Council's amendment was: No. 23—Clause 11—Delete. The Assembly's reason for disagreeing is—

> While it is not anticipated that legal process will need to be served upon the board, it is possible that such an event may occur and the usual provisions for simplicity of service should not be deleted.

The MINISTER FOR TRANSPORT: It will be remembered that when the Bill was considered in this Chamber many amendments were suggested which were approved by the Minister in charge of the Bill in another place and were accepted. The only one that was not accepted was that dealing with the service of legal process on some particular member of the board. I do not think the point is of very great importance. I move—

> That the amendment be not insisted on.

Hon. H. S. W. PARKER: In one sense the matter is not of great importance except for the comical situation that would be created. Clause 11 reads—

> Any notice, summons, writ or other proceeding required to be served upon the board may be served by being given personally to the chairman or the officer of the board authorised to receive it.

I have not heard of any board's appointing an officer to receive a writ. Leaving that aspect aside, this would be the only corporate body in the State that would require a writ to be served on the chairman. If he were absent, it could not be served, because there would be no one to receive it. The reasons given by the Assembly set out that the usual provisions for simplicity of service should not be deleted. The usual simple provisions are set out in Section 31 of the Interpretation Act as follows:—

> (1) Where by any Act any notice or other document is required to be served, whether the expression "serve" or the expression "give", "deliver", "send", or any other expression is used, the service may be effected on the person to be served—
>
> (a) by delivering the notice or document to him personally; or
>
> (b) by leaving it for him at his usual or last known place of abode, or, if he is in business, at his usual or last known place of business; or
>
> (c) by posting the notice or document to him as a letter addressed to him at his usual or last known place of abode, or, if he is in business, at his usual or last known place of business:

Then Subsection (2) provides that a notice or a document may be served on a corporation by delivering it, leaving it, or posting it as a letter, the notice or document being addressed to the corporation at its principal office in the State. Thus full provision is made in the Interpretation Act. The simple process would be to post the document addressed to the board.

Question put and negatived; the Council's amendment insisted on.

Resolution reported, the report adopted and a message accordingly returned to the Assembly.

BILL—GOVERNMENT RAILWAYS ACT AMENDMENT.

Assembly's Amendment.

Amendment made by the Assembly now considered.

In Committee.

Hon. J. A. Dimmitt in the Chair; the Minister for Railways in charge of the Bill.

The CHAIRMAN: The Assembly's amendment is as follows:—

> Clause 3: Strike out all words after the word "is" in the first line of the clause down to and including the word "deputation" in the last line of the clause, and insert in lieu thereof the words "hereby repealed".

The MINISTER FOR RAILWAYS: Members will recall my explanation that the sole purpose of the Bill was to overcome an apparent difficulty arising from the fact that the Act prohibits a member of Parliament in any circumstances from introducing or forming part of a deputation to the Commissioners. I quoted instances that had occurred in which the Mayor of Fremantle, Hon. Sir Frank Gibson, and Hon. E. M. Davies, a member of the Fremantle Municipal Council, were concerned.

It was suggested that the section should be repealed or amended in view of the fact that we now have three Commissioners as against one Commissioner previously, and the proposal was that the consent of the Minister should be obtained. Another place has held that this requirement is unnecessary and that it should be left to the good sense of members to act without worrying the Minister. If a question of policy were involved, they would either be referred to the Minister or go to him of their own volition. I agree with that view, which is in line with the one I originally expressed. To delete the section would really bring this into line with the existing practice. I move—

That the amendment be agreed to.

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

Resolution reported, the report adopted and a message accordingly returned to the Assembly.

BILL—ROYAL VISIT, 1952, SPECIAL HOLIDAY.

Second Reading.

Order of the Day read for the resumption from the previous day of the debate on the second reading.

Question put and passed.

Bill read a second time.

In Committee.

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

BILL—FRUIT GROWING INDUSTRY (TRUST FUND) ACT AMENDMENT.

Second Reading.

Order of the Day read for the resumption from the previous day of the debate on the second reading.

Question put and passed.

Bill read a second time.

In Committee.

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

BILL—COLLIE-CARDIFF RAILWAY.

Second Reading.

THE MINISTER FOR RAILWAYS: (Hon. C. H. Simpson—Midland) [2.53] in moving the second reading said: I desire, first of all, as required by our procedure, to lay on the Table of the House a plan of the proposed railway. The proposal in the Bill is for the provision of railway access to the new deep coalmine which is to be developed and opened by Western Australian Collieries Ltd. Between November 1950, and April of this year a comprehensive boring programme in this area was carried out by the company. That was done under the direction of the Government Geologist, whose report indicated that coal reserves of 13,000,000 tons were present and that the site was admirable for a colliery. In view of this report, the company decided to develop the area by underground mining.

Following examination of the project in greater detail, the company advised that it was prepared to expedite the equipping and development of the mine with a view to production being commenced between July and September of next year, this being conditional on the provision of road and rail access to the site. The company has given an assurance that the development of the new mine, which will be known as Western No. 2, will in no way hinder activities at its other deep mine at Shotts, from which production is expected to commence early in 1952.

The company's request for road and rail access was referred to the Coal Production Committee of the State, which comprises the Under Secretary for Mines, Mr. A. H. Telfer, the Director of Works and chairman of the State Electricity Commission, Mr. R. J. Dumas, and the State Coal Mining Engineer, Mr. G. Morgan. The committee made a careful review of the State's future coal requirements, together with an estimation of the output likely to be obtained from present mining operations, the result being that the committee was firmly of the opinion that every encouragement should be given immediately to the development of the new colliery, especially in view of the fact that the deposit had been thoroughly explored by drilling operations and was considered both by the departmental and the company's coal experts as one of the most promising finds or areas disclosed at Collie. It is anticipated that the State Electricity Commission will require an extra 30,000 tons of coal annually, while some additional tonnages will be needed by the Railway Department, the cement works, the Kalgoorlie Power Co. and other private consumers.

The Coal Production Committee emphasises the necessity of obtaining sufficient production to guard against unexpected eventualities. This year, for instance, production at the Wyvern mine was reduced owing to faulting and faults in four other collieries temporarily reduced production. Cognisance must also be taken of the limited life of open-cut mining.

The proposal for the construction of the line has been examined by the Transport Board in accordance with the requirements of Section 11 of the State Transport Co-ordination Act and the board agrees that the line is most desirable and that there are no other suitable alternatives. The length of the route is approximately 3 miles 22 chains and the cost is estimated to be £30,000. I move—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

In Committee.

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

BILLS (2)—FIRST READING.

1, Motor Vehicle (Third Party Insurance) Act Amendment.

2, Licensing (Provisional Certificate) Act Amendment.

Received from the Assembly.

BILL—RENTS AND TENANCIES EMERGENCY PROVISIONS.

Second Reading.

THE MINISTER FOR TRANSPORT (Hon. C. H. Simpson-Midland) [3.3] in moving the second reading said: Every member of this Chamber is aware of the circumstances under which this Bill has been submitted to Parliament. The administration of the problems that arise between landlord and tenant are fraught with difficulties and pitfalls, and I have heard it said on the best authority that these problems are the most difficult to legislate for and require the utmost care and consideration. It cannot be hoped that the provisions of this Bill will meet with universal approval but I ask that its critics, wherever or whoever they may be, realise that they represent a sincere and realistic approach towards solving the more important of those problems.

If the Bill receives the sanction of Parliament, it will repeal the Increase of Rent (War Restrictions) Act which, in any case, ceases to operate after the end of this year. Members are aware of the Government's desire to remove controls where expedient and when the need for them has ceased to exist. Where rents and evictions are concerned, however, this procedure has not been possible under existing circumstances. Since 1939, when rent and other controls were first introduced, the population of this State has most substantially increased.

Many thousands of people have migrated from oversea and these are but the forerunners of further migration. Despite the intense housing programme undertaken under difficult conditions by the State and private enterprise, the demand for houses far exceeds the supply.

In these abnormal circumstances it is obvious that the removal of rent control would be followed by general increases in rents throughout the State. If such increases could be related to an economic standard and thus kept to a reasonable level, there would be no grounds for argument for any controlling legislation. But experience has shown the reverse to be the case and in the present condition of the housing market, together with the resultant keen competition, there is no doubt that rents would spiral above economic levels and thereby further accentuate the inflationary trend. This opinion is not parochial. It is held by authorities throughout the Commonwealth who also are concerned with similar problems.

As a consequence, to the best of our knowledge, no State has relinquished its legislative controls for the fixation of fair rents and for dealing with evictions; on the contrary, they, like this State, have found it necessary to bring down amending legislation from year to year. Those amendments, in many instances, sought to rectify anomalies in existing legislation. That was the purport of the Bill introduced last session, but as its provisions proved inacceptable, an attempt is being made by this Bill, not to amend existing laws, but to introduce an entirely new measure designed to ease control in certain directions and to maintain procedure for adjusting differences between landlords and tenants.

Briefly stated, the Bill's most important proposals are those providing for a qualified but general increase of up to 10 per cent. on rentals as at the date of the passing of the Bill; extended jurisdiction for courts to determine a fair rent; limited protection in respect of evictions with particular reference to servicemen, certain classes of ex-servicemen and their dependants and the exclusion from the operations of the Act of certain premises, such as those owned by the Crown, holiday premises to a limited extent, licensed premises, farms and the like. There are other proposals to which I will refer as I proceed.

The Bill is divided into six parts which provide for easy reference to the subject matter. It then covers various definitions which are most essential to legislation of this nature. As defined in the Bill, the term "lease" includes any contract, however made, for the leasing or subleasing of premises. This includes an arrangement for use of premises made otherwise than in the form of a lease, provided such an arrangement is concurred in by the court. Following the definitions, the Bill sets out that its provisions shall apply to all premises, including part of any premises separately leased.

As I have already stated, it excludes premises of the Crown, either Commonwealth or State, or of any instrumentality of the Crown, premises of the State Housing Commission and the McNess Housing Trust, and licensed premises. Grazing areas, farms, orchards, vineyards, market gardens, dairy, poultry and pig farms, and apiaries, are also excluded, as are premises leased for holiday purposes where the lease to any one lessee does not exceed 12 weeks.

Finally, there is a provision by which any premises may be declared by regulation to be excluded from the provisions of the Act. As I have already mentioned, there is a provision for a qualified but general increase of up to 10 per cent. in rentals. Owners of premises let on or before the day on which this Bill comes into operation will be permitted to charge the rent lawfully chargeable at that date under the old Act, plus a margin of up to 10 per cent. as may be agreed in writing between the lessor and the lessee.

In addition, increased outgoings, if any, may be charged, but these must be spread over a period of not less than one year, subject to 14 days' notice to the lessee. The 10 per cent. increase will not apply where the rent has already been determined by a judge, court or rent inspector. Increased outgoings represent expenditure not already included in the rent, such as rates, taxes, insurance, charges for cleaning or for the supply of gas and electricity.

With regard to premises which have never previously been let or leased, and which are let subsequent to the day on which the Act commences, rent is not to exceed that at which the premises are first let, unless, of course, there are increased outgoings which may be added subject to the usual notice of 14 days. Either a lessor or lessee may apply to the court from time to time for a fair rent to be determined.

There is provision also in the Bill that any person who is entitled and intends to let premises may apply for a fair rent to be determined prior to occupation of such premises. Where premises are part of other premises and are leased separately for residential purposes at a rental not exceeding £2 per week, an application for a fair rent shall be made to the rent inspector; where the rental for part of premises is beyond that amount, all applications must be made to the court. The Bill provides that in determining the amount of rent to be charged, the rent inspector or the court may take into consideration such factors as are considered relevant.

Provision is also made that if a rent inspector is of the opinion that the rent of premises on which he is asked to make a determination would exceed £2 10s. per

week, he shall refrain from making a determination and refer the application to the court, unless the lessor and lessee agree in writing to the rent inspector making the determination. There is provision for appeals to the local court against a decision of the rent inspector and to a judge of the Supreme Court against the decision of the local court, where the capital value of premises exceeds £3,000. Once a rent determination has been made by the rent inspector, local court or Supreme Court, neither the lessor nor lessee may make further application for a variation of the rent until the expiration of six months. There is the qualification, however, that an application may be made within that period where it can be proved that some injustice has occurred by reason of error or omission; where substantial alterations have been made to the premises, or where there have been substantial increases or decreases in the use of furniture and goods, etc., supplied in the terms of any particular lease.

All of these provisions for determination of rentals are considered to be an equitable way of dealing with the disputes which arise from time to time between landlord and tenant. At present there is no limitation imposed upon the rent inspector's jurisdiction to determine a fair rent where the accommodation is part of premises, or more commonly known as "shared accommodation." By the Bill, the rent inspector's authority will be limited to premises which are part of other premises leased or let separately for residential purposes at a rental not exceeding £2 a week. Any determination of rentals beyond that amount will be subject to the jurisdiction of the court, and that procedure represents an improvement on existing practice.

Turning to that part of the Bill which deals with the recovery of possession of premises, it is proposed that eviction protection will not apply in respect of premises let after the 31st day of December, 1950, or to premises which the tenant sublets either wholly or in part without the consent of the owner. This latter provision would not affect premises where there is temporary or casual use, such as the accommodation of a friend or a relative and where there is no monetary consideration involved, and which is not in contravention of the provisions of the lease. Eviction protection will not cover persons who, as lodgers, occupy premises or who, in the opinion of the court, occupy premises as lodgers, or premises leased for a fixed term until such time as the term has expired, or premises subject to a periodic tenancy until that tenancy has been determined, and a dwelling house occupied during their employment by employees of the lessor.

All other premises with certain reservations, which I shall indicate, are subject, to protection in respect of eviction. If, however, the lessor is a person who has owned the premises for at least six months, has resided in the Commonwealth for at least two years and requires the premises for his own occupation or for occupation by both or either of his parents or a married child, and who has resided in the Commonwealth for at least two years, the owner may make a statutory declaration setting out these requirements and give to a tenant notice to quit. Such notice shall be that to which the lessee is entitled at law or six months, whichever is the longer.

If the lessor is a body, whether incorporated or not, and has owned the premises for at least six months and requires the premises for its own occupation or that of its agents, servants, or another body which is the lessor's partner, it may, by the hands of one of its officers, make a statutory declaration specifying the details required under the Bill and may give all persons occupying the premises notice to quit, the duration of the notice also being that to which the lessee is entitled at law or six months, whichever is the longer. If the lessor is a trustee and requires the premises for the purpose of winding up a trust, he may make a statutory declaration to that effect and may give to the lessee and all other persons occupying the premises, notice to quit.

The Bill goes on to say that any time after the expiration of the notice to quit, the lessor, where he requires the premises for his own occupation or for those other persons I have referred to, or where a body or organisation is involved, the court shall make the necessary order. Those who recover possession under these provisions shall not at any time during the 12 months following date of recovery, lease or part with possession of the premises except by leave of the court. Another important provision regarding evictions relates to the occupation of premises by unsatisfactory tenants. The Bill sets out the necessary procedure for an approach to the court in such cases, and the court may exercise its discretion in dealing with the matter. Some of the factors to be taken into account would be where a person has failed to pay the rent or take reasonable care of the premises.

Other conditions which could render a person liable to eviction proceedings would be non-observance of a condition of a lease, where he has been guilty of conduct which is a nuisance or annoyance to neighbours, has been convicted of using the premises for an illegal purpose, and where a person has become the occupant of premises by virtue of an assignment or transfer to which the lessor has not consented. In proceedings of this nature the notice

to quit shall be that to which the person is entitled at law or 28 days, whichever is the longer. At this stage it is pertinent to observe that eviction proceedings for many of the reasons I have just outlined are provided for in the regulations gazetted under the existing Act.

Dealing with those individuals protected by the provisions of the Act, the Bill sets out that a "protected person" shall be—

(a) a person receiving a pension under the Australian Soldiers Repatriation Act for total and permanent incapacity;

(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 engaged on war service within any prescribed area outside the Commonwealth;

(d) a person who has enlisted in the armed forces, or auxiliary services connected therewith, of the Commonwealth for war service outside the Commonwealth and by direction of the particular service in which he is serving, has left, or, in the opinion of the court, will be required to leave, Western Australia to complete his training in another part of the Commonwealth prior to departure on war service outside the Commonwealth while so serving.

"War service" is defined to mean service as a member of the armed forces of the Commonwealth under the Defence Act 1903, the Naval Defence Act 1910 or the Air Force Act 1923, during any war, or during any operation prescribed by regulation to be an operation of the nature of war, in which war or operation His Majesty became, or becomes, engaged on or after the 3rd day of September, 1949.

The Bill sets out that on the hearing of any proceedings for an order for the recovery of possession of premises from a protected person, the court shall notify the State Housing Commission, which, within six months, shall make available to the protected person a workers' home or a dwelling-house for rental purposes. The Bill further states that until such premises are available the court shall not make an order against the protected person unless it is satisfied that refusal to make the order would cause substantially greater hardship to the lessor than to the protected person, or that acts or omissions of the protected person are such as to render him undeserving of relief.

In effect, these provisions are similar to those in the existing Act. They are considered to provide sufficient protection for the various classes of protected persons, and, in addition, they are susceptible to adequate adjustment where both the landlord and tenant are "protected persons." A further provision in the Bill states that a person shall not refuse to let residential premises because it is proposed that a child shall live there. The Bill also proposes to give a lessor permission to enter and inspect his premises, subject to the terms of the lease and within certain specified hours and with due notice of intention to inspect. Failure to permit a lessor to inspect would be regarded as non-observance of a condition of the lease.

There is also a provision for offences and penalties and for prosecutions for offences which may be commenced within two years from the time when the matter of complaint arose. There is a provision for the making of regulations for the effective functioning of the Act. The Bill concludes by stating that the Act shall continue in operation until the 31st day of December, 1952. There are a number of other provisions in the Bill, but these are of a machinery or minor nature, and, if necessary, may be discussed in Committee.

At the outset of my remarks, I referred to the fact that tenancy problems have exercised and are still exercising the minds and ingenuity of the authorities in the Eastern States. Their problems are identical with ours and the circumstances causing such problems are identical also. I might add that our housing and tenancy problems pale into insignificance when compared with those of other countries, such as the United States of America, where these questions have proved the political graveyard of a number of keen and capable administrators. I move—

That the Bill be now read a second time.

HON. H. K. WATSON (Metropolitan) [3.25]: I support the second reading of the Bill. As the Minister said, a number of minor points embodied in it can best be discussed in Committee. Forgetting for the moment the matters of principle covered by the legislation, and regarding it purely as a piece of drafting of proposed legislation, it must be agreed that the Bill is a vast improvement on the confusing and complicated mass of legislation it seeks to replace.

Hon. E. M. Davies: It is a distinct climb down.

Hon. H. K. WATSON: Three matters of principle in the Bill are dealt with in a way that leaves much to be desired. The first is in connection with the percentage increase of rent. The proposal is to increase rents by 10 per cent. except in cases where the rentals have already been fixed by the court. With the 20 per cent. increase granted last year and the 10 per cent. covered by the Bill, I submit the provision is rather too small an increase on the rentals as they existed in 1939. An increase of 15 per cent. on present-day

rentals would be nothing more than a fair thing. It would mean an over-all increase of 38 per cent. on 1939 rentals. I suggest that would be little enough when we consider that the cost of repairs alone has increased by considerably more than 38 per cent.

Hon. R. M. Forrest: More than 200 per cent.

Hon. H. K. WATSON: The cost of everything has increased. In fact, I have a shrewd idea that the salaries of members of Parliament have increased by considerably more than 38 per cent. over that period.

Hon. G. Fraser: Members were underpaid before that.

Hon. H. K. WATSON: I suggest to the Minister that he seriously consider increasing the percentage from 10 to 15 per cent. From information given to me by persons who have handled numerous applications to the court for the fixation of fair rentals, even an increase of 15 per cent. would be nothing more than a fair thing to tenants who would not have much trouble at all in obtaining from the court a greater increase if they made application for it. I am informed that taking a house for which the standard rent in 1939 was 25s. a week, the increase of 20 per cent. previously allowed made the rental 30s.

We are now asked to increase the rentals still further by 10 per cent., which would give a rental of 33s. a week. I am informed by persons who have dealt with many applications for increases, that if a person owning a house of that type were to apply to the magistrate to fix a fair rental, he would have no difficulty in getting it fixed at anything between 37s. 6d. and £2 per week. The only point about taking such a matter to court is that it would involve £11 11s. or £12 12s. in legal expenses, and a landlord might feel that any such expense was unwarranted. As often as not, landlords give their tenants the benefit by saving that expenditure involved in court proceedings. But for that he should not be deprived of his just rental; and having regard to the figures I have given—that is, that the court would grant 37s. 6d. to £2 per week today on a property which brought 25s. per week in 1939—I think that inasmuch as my proposed 15 per cent. would involve a rental of 33s. per week, it is a fair proposition.

I turn now to Part IV of the Bill, which deals with preventing a lessor from taking proceedings to give notice to quit or to terminate a tenancy. I feel that inasmuch as this legislation has been in operation since 1939 and inasmuch as we did commence to unwind it last year, and in the light of the practical results of what we did last year, the time has arrived when Parliament should give very serious consideration to terminating completely these provisions of the Act.

Members may recall that the 30th June last year was really the first date on which a certain class of home owner had the right to get possession of their properties. Just prior to that date there was a good deal of propaganda from people who told us that the end of the world was coming so far as tenancies were concerned and people would be thrown out on the street. But the 30th June came and went, and no tenants were thrown out on the street.

Hon. E. M. Davies: You do not know much about it.

Hon. N. E. Baxter: Where did you see them on the street?

Hon. E. M. Davies: You come down with me and I will show you!

Hon. H. K. WATSON: Then we come to the 30th September of this year. Just before that date we were again told that the evictions that would take place thereafter would create chaos and goodness knows what.

Hon. G. Fraser: Was it not so?

Hon. H. K. WATSON: No.

Hon. G. Fraser: Go on!

Hon. H. K. WATSON: We were told that if a measure were not passed by the 30th September, people would be thrown out on the streets.

Hon. G. Fraser: That would not occur at Nedlands.

Hon. H. K. WATSON: We shall make it a duet if the hon. member likes; but he should stand up in his seat so that we can harmonise a bit. When the 30th September came, we were told that a Bill would have to be rushed through again in order to save hundreds of people from being thrown out on the streets. Two months have passed, but again, having regard to the population of this State, there have been very few evictions. Those two dates were really the most critical dates.

Personally, I would not have been surprised if for a week or two after those dates —which represented the time of the letting down of the floodgates after nine years— there had been a temporary dislocation in the relationship between landlords and tenants; though even then I would have been convinced it was only temporary. As it is, however, we have successfully overcome any anticipated dislocation over those two months, and I consider the time has arrived when Parliament should tell landlords and tenants that on and after the 30th June next this part of the Act relating to depriving an owner of control over his property will cease.

I can find no express provision in the Bill relating to the protection and continuance of notices and proceedings current under the old Act. It may be that all those proceedings, notices and so on are saved by the Interpreation Act. But as there appears to be room for considerable

doubt as to the precise position, I would strongly urge the Minister to consider putting a clause in the Bill to preserve the validity of all notices and proceedings current under the old Act and thus avoid the necessity of such proceedings having to be commenced de novo.

The only other point to which I desire to refer at the moment concerns protected persons. If the provisions as they stand are to be adopted, a tenant who is a protected person should not be able to hold a property against a lessor or a home owner who is a protected person within the meaning of the Act. I see no reason why a soldier should have the right to hold his tenancy of a property owned by a soldier's widow. That is a point to which the R.S.L. should give consideration. That organisation has had a lot to say on this Bill one way or another, but I think it should realise that there are landlords who are widows of soldiers, and others who are entitled to advocacy.

The Bill should not give protection to a tenant who is a protected person as against a home owner who is also a protected person, and who is not only equal to the tenant on merits, but is in fact the owner of the property. There are a few very minor alterations which I think could be made in the Bill in order to improve its clarity, but they are matters which can be left for discussion in Committee. I support the second reading.

HON. N. E. BAXTER (Central) [3.38]: We have before us a new Bill dealing with rents and tenancies which in my opinion is just as involved as the one we had before us last year. We expected that when the previous Bill was defeated something of a simplified nature would have been brought down, but if this represents a simplification, it is rather peculiar to me.

I want first of all to speak on Part III, dealing with rents. This appears to be more involved than the principal Act or last year's amending Bill. No attempt seems to have been made to find some way of arriving at a fair rental except what we have had in the past and what is termed a standard rental. I have yet to understand that a rental of a place in 1939 could be termed a standard rental. There is nothing standard about it at all. It is a rental that was agreed upon years ago, and to term anything like that a standard rental is absolutely ridiculous.

Hon. E. M. Heenan: It was fixed.

Hon. N. E. BAXTER: On what? On what the landlord let the premises for in 1939.

Hon. E. M. Heenan: In normal times.

Hon. N. E. BAXTER: There might be two identical houses on opposite sides of the street. In 1939 the house on one side might have been let for 15s. and the one on the other side for £1.

Hon. E. M. Davies: One was a reasonable person and the other one wanted to fleece somebody.

Hon. R. M. Forrest: What, on £1 a week?

Hon. N. E. BAXTER: The hon. member surmises that one was a reasonable person and the other wanted to fleece somebody. He is talking a lot of poppycock.

Hon. E. M. Davies: That is what you talk all the time.

Hon. H. S. W. Parker: Is there any reference in the Bill to standard rents?

Hon. N. E. BAXTER: There is no reference to standard rents, but the Bill is based on the Act which is on the statute book and which expires on the 31st December, and the rents there are based on the standard rent. Clause 15 provides that where the capital value of premises exceeds £3,000 the lessor or lessee may appeal to a judge of the Supreme Court against any decision of a local court determining the amount of the rent of the premises. That is starting to get somewhere. It is realised that premises have a capital value.

I brought this matter up last year and sought to have consideration given to the capital value of premises. That has not been done in the past and I defy any member to say it has. No consideration has been given to that matter, but a standard rental has been fixed, that rental being what the house was let for in 1939, 1940, 1941 or whatever the year might have been. Now a capital value of £3,000 is referred to. Why could not the capital value of the premises have been taken into account before?

In Committee last year I moved an amendment to provide that the capital value be taken into consideration, and I thought the Government might have followed that lead. I do not profess to be expert in economics, or finance, or anything else, but I thought the Government would take a lead and consider the bearing of capital value on the return obtainable from a property.

Hon. H. S. W. Parker: How would you prove the capital value?

Hon. N. E. BAXTER: If there were any dispute most landlords could provide evidence of the capital value of their properties. A man in business has a set of books and can give the capital value, or there is something wrong with his business; and in that case the Taxation Department would want to know why he could not do so.

Hon. H. S. W. Parker: That is the book value.

Hon. N. E. BAXTER: That may be so, but he could still give the capital value and could get a bank valuation of any property, which would be near enough to a reasonable value. I suggested that the value could be arrived at by taking the

1939 or 1940 value of the property. There are few owners today who could not prove the value of their properties as at that time. Apart from that, any bank will assess what is very close to the true value of a property today and will not give an inflated figure. If an owner is not entitled to 5½ per cent. or 6 per cent. on the capital value of his investment, there is something wrong with our alleged democracy.

Hon. E. M. Davies: People who invested in security bonds did not get that interest.

Hon. N. E. BAXTER: The State Housing Commission is in a different position. Apparently there is one law for the Crown and another for the people. I come now to the provision dealing with recovery of premises. I think this provision should be made to terminate by the 30th June next at the latest, because it is a full six years since the war ended and we are still continuing these irksome controls in many directions. If this provision was deleted altogether there would be more accommodation available in the metropolitan area and in the State generally because many people who otherwise would let premises or portion of them are now afraid to do so. People may enter premises as tenants and then fail to pay the rent.

Hon. E. M. Davies: If they do that, they are soon kicked out.

Hon. N. E. BAXTER: Many also allow the premises to become neglected and filthy. Some tenants are little better than vagrants and if members spoke to the bailiffs—particularly those in the Fremantle area—they would be surprised at what they would hear. I do not believe that members know in just what condition some premises are left by the tenants.

I know of the case of a bailiff who had to go to certain premises and was approached by a ladies' church committee. They said, "What a terrible man you are; throwing a poor woman with six children out of her home after her husband has left her." He said, "I have not thrown her out yet, but come and look at the home." When they got to the house a little girl, who looked as though she had not been washed for a week, came to the door. The house was filthy and when the little girl brought her mother to the door—although it was only 10 a.m.—the woman was half-intoxicated. When the bailiff asked why her husband had left her, she replied, "He said I did not keep the house properly." When asked what the husband was earning per week, she said that his weekly wage was £25 and, when asked what allowance he now made her, she said, "£15 per week, and I work in a hotel in the mornings."

Hon. E. H. Gray: That woman must drink a lot of beer.

Hon. N. E. BAXTER: I think she must. In that instance the rent was months behind. Those are the facts regarding one tenant in Fremantle for whom members representing that area are putting up a case.

Hon. E. M. Davies: It is as good an area as yours.

Hon. N. E. BAXTER: I said nothing against the area but pointed out the facts regarding one tenant at Fremantle.

Hon. H. C. Strickland: You find such people everywhere.

Hon. N. E. BAXTER: That is so, and they are the kind of people that landlords cannot evict without an order from the court, which sometimes takes months to secure.

Hon. E. H. Gray: Have you personal knowledge of that case?

Hon. N. E. BAXTER: No, but my informant was a reliable man.

Hon. E. H. Gray: Why did he not report the facts to the Child Welfare Department?

Hon. N. E. BAXTER: He may not have thought it his duty to do so, but he is a man of integrity and I know the information is authentic.

Hon. E. H. Gray: It would be his duty to report the case.

Hon. N. E. BAXTER: I deplore the fact that we are asked, year after year, to provide protection for the tenant only. What about some protection for the landlords, just for a change? There is little in this Bill that would afford a landlord protection and yet he is asked to accept a miserable return from his property. It is time we threw this legislation overboard and got down to some worth-while method of assessing rentals and giving our people a fair and democratic spin. I am strongly opposed to some of the provisions of this measure.

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

BILL—COAL MINE WORKERS (PENSIONS) ACT AMENDMENT.

Second Reading.

Order of the Day read for the resumption from the previous day of the debate on the second reading.

Question put and passed.

Bill read a second time.

In Committee.

Hon. G. Fraser in the Chair; the Minister for Mines in charge of the Bill.

Clauses 1 to 5—agreed to.

Clause 6—Section 21 amended:

Hon. A. L. LOTON: I take exception to paragraph (b) of proposed new Subsection (3). Why should we provide in this measure authority for there to be included in the Budget an unspecified sum in any year or number of years as a contribution to-

wards this pension fund? I think a Bill should be brought before Parliament each time such a contribution is necessary.

The MINISTER FOR MINES: Ordinarily I might agree that such a contribution should be subject to parliamentary review, but circumstances here are different. Owing to rising costs generally, the pensions paid from this fund have been increased from time to time and while both the owners and employees contribute to the benefits received by the pensioners, no contribution is made by those who have ceased to contribute and are now drawing pensions.

From time to time an actuary studies the fund and recommends the contribution that should be made by the Government to keep the fund solvent. On that recommendation the Government makes a payment to the fund. It was therefore thought that if the required sum were included in the Estimates, and brought before Parliament for review, the position would be met. Failing that a separate Bill would be required on each occasion to deal with the actuary's recommendation.

Hon. A. L. LOTON: I agree with the explanation of the Minister up to a point, but I think members should have the same right to debate this question as have members of another place.

Hon. J. G. HISLOP: I thought last evening that any Government in power could increase pensions and then call for an extra contribution from Consolidated Revenue to bridge the gap, but apparently all that can be done is to pay into the fund the amount necessary to enable it to meet its obligations. I therefore no longer have that objection to the provision.

Clause put and passed.

Title—agreed to.

Bill reported without amendment and the report adopted.

BILL—BUILDING OPERATIONS AND BUILDING MATERIALS CONTROL ACT AMENDMENT AND CONTINUANCE.

Assembly's Message.

Message from the Assembly received and read notifying that it had disagreed to the Council's amendment.

House adjourned at 4.18 p.m.

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CONTENTS.

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

QUESTIONS.

SUPERPHOSPHATE.

(a) As to Zone Rationing.

Mr. CORNELL asked the Minister representing the Minister for Agriculture:

(1) Is any system for the zone rationing of superphosphate contemplated?

(2) If so, can he give any details in connection therewith?

The MINISTER FOR LANDS replied:

(1) No.

(2) Answered by (1).