

enter the other professions is penalised in the same way as these people are when they have completed their studies and passed their examinations. Therefore, in point of pure merit, there is no real justification for penalising these successful law students.

Representations have been made to the Government from a number of directions and after having given the matter careful consideration the Government has agreed that the penalty—because it is indeed a penalty—is not justified. Therefore this Bill has been introduced to abolish the penalty. By administrative act the Government has, this year, forgone the collection of the stamp duty which would have been collected from the batch of legal students who were, this year or towards the end of last year, admitted as legal practitioners of the Supreme Court in this State. I move—

That the Bill be now read a second time.

On motion by Hon. Sir Ross McLarty, debate adjourned.

House adjourned at 8.3 p.m.

Legislative Council

Wednesday, 21st July, 1954.

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

QUESTIONS.

TOWN PLANNING.

As to Professor Stephenson's Fees, Privileges, and Plan.

Hon. H. HEARN asked the Chief Secretary:

(1) What fee was paid to Professor Stephenson for his work on—

(a) his first visit to Western Australia; and

(b) the second period?

(2) What privileges were extended to him, such as motorcars, cost-of-living allowance, etc.?

(3) What fee is to be paid to him for the suggested extended term of one month or any other period decided upon?

(4) When is it expected that the plan will be submitted to Parliament?

(5) Will any public discussion of this plan be allowed anywhere in Australia before it is submitted to Parliament?

The CHIEF SECRETARY replied:

(1) (a) £1,575 for the first period of three months.

(b) £3,159 for the second period of six months.

These fees and other privileges were fixed in 1952 by the then Government.

(2) A motor-vehicle has been made available. A cost-of-living allowance of £3 3s. daily is being paid. The professor's travel expenses to and from Australia of £1,538 have been paid.

(3) This will be based on that already paid.

(4) I expect to receive the plan about October, 1954.

(5) No.

ROADS.

As to Sealing Southern Cross-Bullfinch-rd.

Hon. G. BENNETTS asked the Chief Secretary:

In view of the fact that a gang is now employed in sealing nine miles of the Southern Cross-Bullfinch-rd., will the Government consider the allocation of a further grant to complete the sealing of the final 13 miles of this road, thus avoiding the heavy cost of transferring the gang and plant away and subsequently having to bring them back to complete the work?

The CHIEF SECRETARY replied:

Funds have been provided on the current programme to complete 10 miles of this road to the sealed stage. The remaining twelve miles are not sufficiently developed to enable the seal work to be extended.

BILL—RENTS AND TENANCIES EMERGENCY PROVISIONS ACT AMENDMENT.

Second Reading.

Debate resumed from the previous day.

HON. H. HEARN (Metropolitan) [4.37]: I have listened with a deal of interest to the speeches made on the second reading of the Bill, and also to those made during the debate on the amendment proposed by Mr. Watson. In the period that I have been connected with this House, I have not heard such a diversity of speechmaking as I have listened to on this measure. We have heard constructive and objective speeches from both sides of the House, and I was particularly impressed with the speeches by Mr. Teahan, Mr. Heenan and

Mr. Davies. We have also listened to a type of speech, which, fortunately, is very rare in this Chamber.

I suppose that having debated this question many times, we can expect to have statistics thrown at us, as we have had on this occasion. If any good could be done by going into them, I think that some, at least, could be queried, and some of the individual cases quoted could be discredited. I cannot see, however, that any great good can be achieved by going into this phase of the subject. What I do feel is that with such a radical departure as that suggested by the lifting of controls—not only in regard to housing but other matters, too—we must expect, if we are sane people, that there will be some disruption for a limited period, until conditions settle down.

The speeches we have listened to during the last few days would give one the impression that this State, instead of being in a prosperous condition, as indicated in the Speech given by His Excellency the Governor in this House, is fraught with stark poverty and desolation. There is no doubt that some of the addresses in this House recently have contributed largely to that idea. I suggest that the old adage must be applied—that a person is judged largely by the company he keeps.

In doing so, I view with a good deal of trepidation the fact that at least one of the members of this House is not mixing with very nice people, and to my mind the newly-elected member for the Suburban Province could possibly be getting into bad company very early in her public career. Reading the issue of the communist newspaper, "Tribune," dated Wednesday, the 7th July, 1954, one finds, quite apart from the usual build-up of things that can create trouble and chaos in any section of Australian life, be it rents and tenancies, wages or foreign relations, what the new member for the Suburban Province has done regarding the former.

I suggest to Mrs. Hutchison that it might be just as well that she should say to herself, as I heard one famous woman say on one occasion, "God save me from my friends!" I say that in all kindness. I suppose that in entering public life it is the ambition of each one of us to make at least one impression; and I would say that the newly-elected member has certainly made her impression, because any one of her adherents or supporters has only to read the back page of the "Tribune"—

Hon. R. J. Boylen: Why do you take the opportunity to sling mud?

Hon. H. HEARN: —and not only is she mentioned in the issue dated Wednesday, the 7th July, but also in the issue dated the 14th July.

Hon. E. M. Heenan: Do you take it every week?

Hon. H. HEARN: Yes, I do; I am studying it.

The Chief Secretary: You are a contributor to their funds.

The Minister for the North-West: We often wondered who kept them going.

Hon. H. HEARN: This is the article that was published in the issue dated the 14th July, 1954—

Shop men defy boss to mass vote for Rent Bill.

In a victory over the workshops management, 500 Midland Junction men gathered at the flagpole on June 30 to discuss the question of evictions. They demanded that the Upper House pass the Rents and Tenancies Bill in its present form. The management refused permission for a meeting organised for June 29 and refused to allow Mrs. Ruby Hutchison, M.L.C. to enter. She was waiting outside in response to an invitation to speak at the meeting.

The C.M.E., Mr. Marsland told a delegation of shop stewards (who organised the meeting) that he was acting in consultation with Railways Minister Styants. The deputation reported to a small meeting at the flagpole which called for a meeting next day (June 30) WITH PERMISSION OR NOT. Mr. Marsland then agreed to allow a meeting "without any politicians." Again he claimed to have consulted Mr. Styants. A second resolution passed by the meeting on June 30 strongly protested at the refusal to allow Mrs. Hutchison to attend.

A story is circulating in the shops

Members should listen to this—

.....to the effect that Mrs. Hutchison was advised by fellow members of the Upper House that when she had been in Parliament a while she could forget about going to the workers when big issues were being decided.

As I said before, a person is known by his many friends, and I advise Mrs. Hutchison to be careful that she does not get too large a communist following, because I am sure that in these critical days, nobody could be very proud to associate with them.

I also wish to mention that I was very disappointed with the speech given by the Minister for the North-West. Usually he has a smile on his face; he has what one might call a "broad-minded" face.

Hon. H. L. Roche: He has a broad face.

Hon. H. HEARN: Bearing in mind that we listened to the few constructive speeches and to the invective that was hurled at us by members supporting the Government in this Chamber, and the consistent offering of the olive branch right through from the speech made by Mr. Watson to practically the last speaker on our side, I was

very disappointed by the attitude taken by the Minister for the North-West. I do not believe that he even thought he was telling the truth. I think he realised that on this question of rents and tenancies, our side of the House is very near to the Government side. The point I am making is that the Minister for the North-West doubted the honourable intentions of Mr. Watson in the amendment that he moved.

The Minister for the North-West: How did you vote on it?

Hon. H. HEARN: I voted for the amendment.

The Minister for the North-West: Just as I thought! No control!

Hon. H. HEARN: I am absolutely sure that the Government knows full well that the people who sit on this side of the House, are not prepared to be anything but helpful in regard to this particular question. I could understand the Minister disagreeing with the method adopted by Mr. Watson. I have nothing against him for that; but I feel that he should at least give us the benefit of the doubt as to our sincerity on some of the main issues which we know the Chief Secretary is anxious to cover in this legislation.

Notwithstanding all that has happened, I think that out of this Bill there will emerge something that is eminently worthwhile. We have been directed along a channel which we ourselves preferred not to travel. In the words of the Minister, made by him when he was a private member, we wanted to adopt the attitude of, "Come and let us reason together." We wanted the Government to do the same. But no! The stage has been set, a certain course is to be adopted and, reluctantly, we have to say, "Very well, if that is the position, we must follow along the lines indicated." Therefore, I feel the time has arrived when we have to get down to the second reading of the Bill, get our amendments ready, and trim our sails to make sure that from the measure we get something that is acceptable to the Government and to ourselves.

Let us not forget this: The whole attitude of the two parties on the question of controls generally must basically differ. Whilst I understand the Government having, and expect it to have, its point of view on a matter which has created—according to statements made by responsible Ministers—so much chaos from time to time on account of what this Chamber has done, if we do not wish to play politics, there is only one method open to us, and that is to get down in a heart-to-heart way to iron out basic differences, so that we may arrive at something which will, firstly, be of benefit to the people of Western Australia—I believe that is what we are all after; and, secondly, avoid the contretemps of the special session. Neither party should make political capital out of it. As this

question has been debated at such length, there is not much more I can add, except that we will have to vote for the second reading. I am speaking personally. After that, we can deal with the Bill in Committee as our conscience dictates.

HON. C. W. D. BARKER (North) [4.52]: I support the second reading of this Bill. If I am permitted to refer to the amendment which has just been debated, members will notice that when I made my speech I confined myself strictly to the amendment. I would say that if the amendment were designed to frighten the life out of us, it succeeded with me, because I could not see that any other purpose was intended than to throw the Bill out. Now that the amendment has been disposed of, we are in clearer air.

I hope that the spirit of compromise, talked about so much by members opposite, really exists in this House. There is a form of compromise which I am sure is not acceptable to the Government: that is one in which amendments proposed depart very much from the provisions laid down in the Bill. The principles embodied in the Bill do not treat anyone harshly; nor do they harm any party. I would ask members this: Who could object to a fair rents court? Who could object to giving protection against evictions when we know the position which exists, as described by the Chief Secretary? We have been told that there are 1,000 people about to be evicted.

Hon. C. H. Henning: How many would the Government be able to put forward now, if the amendments proposed at the special session had been accepted?

Hon. C. W. D. BARKER: I cannot see that the amendments offered in the previous Bill were of any help at all, because there would be hanging over the tenants all the time the 28 days' notice to quit. I do not think that an amendment such as that would be acceptable to the Government. I agree with the Government's action in rejecting it. If members opposite can propose something reasonable, which conforms to the provisions of the Bill, then I say the Government should accept it; but only as long as it is reasonable and conforms to the principles.

Those principles are, firstly, the establishment of a fair rents court; secondly, protection against eviction; and thirdly, the retrospective clauses. Those principles can only hurt a landlord who has already put the boots into the tenant, and who has been charging too much. If a landlord has been robbing his tenant, he should be made to repay the overcharge. No one can quarrel with such a principle.

During this debate, I mentioned that the State Housing Commission had built 3,550 houses last year. Members opposite immediately retorted that private enterprise had not built as many houses as it

had erected in the past. That is true; but I thought I would find out the reason for it. I interviewed two private building contractors, who told me that in the past they had been building brick houses, but that at the present time there was no sale for them because people have not enough money for the deposit. These two builders are now building timber-framed houses which require a deposit as low as £800. Even this amount, they said, was too much for prospective buyers to find. That is the reason why as many homes are not being built by private enterprise.

On the other hand, I find that many private builders have discontinued the building of houses and are engaged on the erection of factories which show a larger profit. So the State Housing Commission has been left practically on its own to provide homes for the people. That is the reason why private enterprise has not built so many.

I feel that there really is a spirit of compromise in the House. If we get together on this Bill in that spirit, we should get something worth while out of it. I hope that what is offered by the other side is reasonable and acceptable to the Government, and something which conforms to the principles of this Bill; otherwise, how could it be acceptable? If this is done, we shall have success. I support the second reading.

HON. N. E. BAXTER (Central) [4.56]: I wish to make a few short comments on the second reading. We have discussed the Bill fairly fully during the debate on the amendment. I was interested in the remarks of Mr. Barker. He asked us what was wrong with the fair rents court, but he did not attempt to tell us what was right with it.

Hon. C. W. D. Barker: What could possibly be wrong with it?

Hon. N. E. BAXTER: I shall tell the hon. member. The fair rents court provided for in the Bill consists, firstly, of a magistrate; secondly, an assessor nominated by the Real Estate Institute; and, thirdly, an assessor nominated by the Minister to represent the lessees. Actually the court boils down to the magistrate, because the assessors nominated by the institute and the Government will, without doubt, give opposite views. Their votes and decisions will nullify each other. This will mean that the position will revert to what it is today, where the magistrate alone has to decide on a fair rent. It is an entire waste of time to set up a court in this manner, and members opposite know that very well.

Then there are the retrospective provisions of the Bill under which decisions, judgments, etc., which have been made since the 30th April can be nullified, and any payment which is considered over and above the fair rental is to be repaid by the

landlord. I ask members who support the Government if they would agree to an amendment to assist the landlords to allow them to apply to the fair rents court for the payment of money of which, over the years, they have been out of pocket because of not receiving a fair rental? To receive retrospective moneys is just as fair a proposition for the landlord as it is for the tenants. But I am sure that the Minister and his colleagues will not agree to such a proposition.

The Chief Secretary: We will agree to the same period—namely, since the 30th April—as applies to tenants during which the landlords can get a refund.

Hon. N. E. BAXTER: That is a very generous gesture. The Chief Secretary will agree to the same period; yet for years quite a number of landlords, consisting of ordinary people who struggled to save money to buy houses, have been restricted to a "peanut" rental; that is, the 1939 rental plus a few miserable increases.

The Chief Secretary: The landlords were given the rental which Parliament considered they should get.

Hon. N. E. BAXTER: They were given a rental which we contested in this Chamber. We fought for a fair rental, but the landlords did not get it.

Hon. H. K. Watson: And likewise all landlords during the past three months have been getting rentals which Parliament considers they should get.

The Chief Secretary: Parliament did not say what rental they should get.

Hon. N. E. BAXTER: I should like to quote from an article in tonight's "Daily News" as follows:—

Before rent controls ended in W.A. on May 1, 50 per cent. of the private homes controlled by estate agents were let from £1 to £1 10s. a week. Today, agents say, less than five per cent. of the homes in their books are let for less than £1 10s.

What sort of a house could one expect to rent today for £1 or £1 10s. a week? It would be a pretty poor sort of a place. Yet that is what a lot of tenants have had for some years and what they expect to have in future. Such low rentals leave no margin to pay for rates, repairs, and renewals.

The Chief Secretary: The rates on such a place would not be more than £6 or £7 a year.

Hon. N. E. BAXTER: I think the Minister should make some inquiries; he would probably find that the rates amounted to about £10 a year. I have a home on which I pay rates amounting to £10 a year.

The Chief Secretary: I pay £7 or £8 on my home.

Hon. N. E. BAXTER: Another statement in the same article is as follows:—

As a fair rental, the basic-wage earner should be prepared to pay at least 20 per cent. of his wages in rent—about £2 4s. a week, Mr. Robertson said.

Mr. Robertson is vice-president of the Real Estate Institute. Is not that almost exactly the amount of rent that the State Housing Commission is charging its tenants today? Why not be fair about it? I would not in any circumstances support the retrospective provisions contained in the Bill.

The Chief Secretary: You support the bushranger.

Hon. N. E. BAXTER: If the Minister implies that I am a bushranger, I would inform him that there are no bushrangers in this House.

The Chief Secretary: I meant the bushranger landlords.

Hon. N. E. BAXTER: I am not supporting them, either. The Minister is fully aware that what landlords desire is a fair rent on their investment, and that is what we support.

The Chief Secretary: So do I.

Hon. N. E. BAXTER: The Minister must agree that when a landlord charges a rental of £2 4s. a week while the basic wage is £12 11s. 8d., it is not too much. If he does not agree, he is accusing the Housing Commission of charging too much rent for its homes.

The Chief Secretary: Who said I made that statement?

Hon. N. E. BAXTER: Had the Minister listened, he would have understood what I said. My statement was that the Minister must agree that £2 4s. a week is not too high a rent to pay for a home with the basic wage what it is today. If he does not agree with that statement, he must be of opinion that those tenants occupying State rental homes are being charged too much.

Hon. C. W. D. Barker: Where can you get a house at a rental of £2 4s. a week?

Hon. N. E. BAXTER: That statement was made by Mr. Robertson, vice-president of the Real Estate Institute, and there must be quite a few houses available. The rentals for homes that were let for a rental of £1 or £1 10s. a week have been increased to £2 4s. Two years ago the State Housing Commission increased the rentals on its homes by 10s. a week or more. It has been said that the rentals on State homes have been based on the capital cost. I think that statement was made by the Chief Secretary by way of interjection. If that is so, why was not the increase made two years ago? The capital cost could not have increased over a period of two years.

The Chief Secretary: If the hon. member took the trouble, he would find the reason. I have already told the House,

but the hon. member will not listen to me. It was the Government the hon. member supported that did that.

Hon. N. E. BAXTER: The present position is that legislation of this description is being brought down year after year.

Hon. C. W. D. Barker: Let us show a spirit of compromise.

Hon. N. E. BAXTER: That seems to be a thing of the past. There has been no indication on the part of the Government of a willingness to compromise. The hon. member is well aware of that fact. There was a possibility of our getting the Chief Secretary to compromise, but not his Ministerial colleagues.

Hon. C. W. D. Barker: Do you mean that there is no compromise here?

Hon. N. E. BAXTER: There has been no indication of a willingness to compromise on the part of the Government. We cannot have a compromise on one side unless the Government also is prepared to compromise.

Hon. H. K. Watson: A pretty astute political log-roll.

Hon. N. E. BAXTER: For the reasons I have given, I see no course open to me but to vote against the second reading.

HON. C. H. SIMPSON (Midland) [5.61:] Up to the present, we have been discussing the reasoned amendment moved by Mr. Watson; and until tonight only two speeches had been delivered on the second reading—that of the Chief Secretary when moving it, and that of Mr. Watson. Most members are aware of this; but I mention the fact for the reason that it is competent for any member, apart from those two and those who have spoken today, to make a contribution to the debate and perhaps advance new matter or air new views, particularly in relation to the points that have been brought up during the discussion on the amendment.

As to the debate on the amendment, when most members made second reading speeches, I listened to them with a good deal of interest and thought that the tone of the debate on the whole was remarkably good. There were some excellent examples of thoughtful contributions. The Chief Secretary, when moving the second reading, said he hoped that this would be the last occasion when he would have the responsibility of introducing such legislation. Judging by the speeches of members generally, I think the whole House is in agreement with him on that point.

As I stated when speaking on the amendment, I believe that the objectives of all members are fundamentally the same. Those objectives are to arrive at a just determination on the question of rents by ensuring equity to both landlord and

tenant, and it would be rather remarkable if we could not agree to some common formula acceptable to all of us.

At this stage, I think no harm would be done by spending a little time in recapitulating the background to this Bill, going back to the position that developed during and after the war, and the steps taken to try to meet a position which we all admit was caused largely through the war and the influx of population since. Western Australia's housing record has been good. The attempt to meet the position that developed was tackled vigorously. We can say without fear of contradiction that the efforts made in this State compare favourably with those of any other State of the Commonwealth. If we take the figures representing the number of persons per house during the war and at present, they will be found to confirm my statement. I have not the actual figures before me, but the number of persons per house in Western Australia is better now than it was before the war, and better than that of any other State of the Commonwealth.

Hon. E. M. Davies: You ought to go down to Fremantle.

Hon. C. H. SIMPSON: I mentioned last night that it was not a question of having fewer houses in proportion to the total population; it was rather a question of maldistribution, and this, I pointed out, was due to the fact that conditions now are different from those that prevailed before the war. Members will recollect that in the years before the outbreak of World War II, one could go along almost any residential street and see here and there notices in the windows, "Rooms to let." In the daily papers were whole columns advertising that the owner of certain premises would have rooms available, particularly around holiday-time, when people from the country were glad to avail themselves of the accommodation thus offered.

When, as a result of the aftermath of war, the necessity arose to impose restrictions, people who in the main had responded loyally to the general interests of the community during the war and very often had shared their homes by admitting strangers, found themselves in the unhappy position of not being able to regain possession of their premises for their own use. I remember one particular case—a rather sad case—of a man and his wife trying to get possession of their home. This man, five years after the termination of the war, was still trying to get possession of his home.

During the war his son and daughter had entered the services and the owner allowed his house to be rented by the wife of a friend while he and his wife went to share the house occupied by another daughter. By so doing, they felt they were making accommodation avail-

able during the emergency and doing their bit towards the war effort. When the various people returned and took up the threads of everyday life, the daughter's husband had returned, there were additions to the family, and they found that their rather small house was not sufficient to give them the room they required and at the same time accommodate the wife's parents. The parents, too, naturally wanted to return to their own home.

Meantime, the lady to whom the house had been let had her husband restored to her. He was an ex-serviceman, a protected person, and he was one who just sat tight on the protection afforded by the Act and made no attempt whatever to find other accommodation. From his point of view, he was not only well housed but also very cheaply housed, and he told the old gentleman who owned the home that he was protected and was going to stay there. Those conditions continued until later amendments to the Act enabled that man, and many other home-owners, to regain possession of their homes after having been deprived of that right for such a long time.

The McLarty-Watts Government, and its predecessor, were faced with a good deal of difficulty in their efforts to build the number of houses required to meet the increasing demand. They found that it was not easy to get the machine supplying raw materials into motion again; they found that they had to educate men to take on different jobs. There was not the building force that had hitherto existed, and they discovered that supplies of timber were hard to get. Personnel who had manned the timber mills were difficult to obtain, and efforts had to be made to train them and get them back into their various avocations so that the materials could be produced for building the houses to keep up with the demand.

During the period the McLarty-Watts Government was in office, three new saw-mills were started; another brickworks was put into operation; and a number of additions to the producing facilities of private operators were made; and in that regard the then Government rendered valuable assistance so that the flow of materials might be stepped up. Members will recall that at that time there was a big increase in population, particularly during 1949 and 1950. In 1949 the intake was 4.3 per cent.; and in 1950 it was 5.3 per cent. That increased population created problems not only in regard to housing—people had to live somewhere—but also in regard to the provision of extra school accommodation, hospital facilities, and all those things which an additional population requires.

So, on the whole, the steps taken reflected credit on the State of Western Australia; and I am prepared to congratulate the present Government for having carried

on that programme of expansion and construction which was measurably put forward during the regime of the McLarty-Watts Government. As I said, controls were gradually eased; and in 1951, members of this House, generally, felt that the time had arrived when controls should be relaxed.

A measure was introduced which provided for a continuance of the Act that then existed, with certain provisions for easement of controls; but it was rejected by this Chamber. Parliament was prorogued and a new session called. Without any loss of time, a new Bill was introduced, debated, and became the 1951 Act. Substantially, that is the Act in operation today; but it was amended twice in 1952.

Hon. E. M. Davies: How can it be the Act in operation today, when a person can get 28 days' notice to quit?

Hon. C. H. SIMPSON: I said "substantially." There is a section which says that the Act shall continue in force until the 31st December next. In 1953 a Bill was presented, but it was considerably amended in this Chamber. It went to a conference; and, as a result, protection to certain persons is provided up to the 31st December next. The Act also extended, until the 30th April last, protection to ordinary tenants; and, after the 1st May, those tenants had to be given at least 28 days' notice. There were several other points of agreement, one of which was the right of appeal to the court or a rent inspector. The inspector was given extra powers so that he could assess the rent of rooms, and now he does not have to wait until either party appeals regarding a fair rent; he is empowered, of his own motion, to enter premises and fix the rent that shall be charged.

A formula was included in the Act as a guide to the court and to the rent inspector. This formula stipulated that the rent should be assessed on the capital value—not below 2 per cent. and not above 8 per cent. This was a definite guide to the assessing authorities as to what might be termed a fair rent. Unfortunately there was an omission which was not noticed at the time; and, as a result, it was possible, after the 30th April, for a landlord to give notice to a tenant; and, after the tenant had been evicted, another tenant could be installed at a higher rental.

But if there is any blame attachable to anyone, it must rest on all parties at the conference, because the agreement reached at the conference was adopted by both Houses. I think the general impression was that it was worth a trial. From our point of view, we felt that it gave the Government four months' grace in which to provide for a situation which we realised would develop after the 30th April.

Hon. E. M. Davies: Are you sure you realised it?

Hon. C. H. SIMPSON: I had the idea that if the position was critical, it could be met by the provision of emergency homes, to which I referred only yesterday. My reason for saying that is that when the previous Government was faced with what I consider was a more critical period, it arranged to have those emergency homes erected; and, as a result, no evicted person went short of a house.

Hon. E. M. Davies: Did you have the views of the local authorities on that type of house?

Hon. C. H. SIMPSON: When dealing with an emergency, it is sometimes necessary for one to exercise the powers one has; and, at that time, it was more important to act with speed to meet a situation which was going to arise than it was to wait, have a conference, and perhaps not arrive at an agreement regarding something which most sensible people, I think, would agree was right. But, in any case, that is what happened.

I do not know what discussions took place at the conference held on the Bill introduced last year; rightly, those facts are not revealed. But sometimes I think it is a pity that a fuller report of those discussions is not furnished when reports are presented to both Chambers. I do agree that if the proceedings were made public, it would hamper the efforts of those who are discussing the matter and perhaps trying, in all good faith, to compromise—to give and take.

That is why I suggested, during my speech on the Address-in-reply, that the time had arrived when both Houses could profitably consider the question of conferences; and, instead of having only six members representing both Houses, the quota from each House could be increased to four, making a total of eight. The decision could then be determined by a six to two majority. I still think that suggestion has a considerable amount of merit.

Hon. E. M. Davies: It would still have to be accepted by the House.

Hon. C. H. SIMPSON: I agree. I have put the matter forward as a suggestion only, and—

Hon. E. M. Davies: What about the minority?

Hon. C. H. SIMPSON: —I still think it is worthy of consideration. I do not want to dwell on this; but, as we all know, the Government, in its wisdom or otherwise, decided not to give the system a trial, and, if necessary, treat it as emergency legislation when the House met in the normal way. The Government called a special session of Parliament which many of us think was held because of its publicity value, in view of the elections which were about to be held, and not because there was a real emergency. The measure was debated in both Houses and amendments were proposed, both in this

Chamber and in the Legislative Assembly. I think it was generally thought that the purpose and intention of those amendments would finally be embodied in the legislation, after discussion at the conference. Unfortunately, the conference did not agree; and, as a result, the session was absolutely futile.

Now we have arrived at the position where Parliament has been called together earlier than usual, and the necessary steps—such as suspension of Standing Orders—have been taken so that the Bill can be debated as quickly as possible. I agree that that is desirable; but I want to make one comment at this stage. On the two previous occasions when we discussed legislation similar to this, we were rushed. I think that we finally arrived at a determination on the Bill introduced during last year's session, on the 18th December. When the Chief Secretary moved the second reading, he asked us to be prepared to carry on the debate immediately, and we did our best to fall in with his suggestion. But it meant that an important Bill had to be rushed, and that was not the first occasion on which important legislation had been dealt with in that manner.

In the April session much the same sort of thing happened. The Bill was presented to us; and it was the wish of the Government, and our own wish, that it be dealt with before Easter. So again we were not giving this measure that steady deliberation which we think it deserved and which we feel this House had the right to expect.

This time the Bill has come to us normally and I am glad to say that we have not been stampeded into dealing with it hurriedly. When the measure was presented in another place, the Opposition put forward a suggestion that a select committee of inquiry be appointed. I am inclined to think that at that stage the proposal had considerable merit; but, as the course of events has developed, it is probable that the public is fairly fully informed as to the pros and cons of this matter; and I feel that we should proceed along the normal channels.

I am certain that the Leader of the House will give us ample opportunity to air our views, particularly at the Committee stage. If the Government is prepared to listen to amendments we shall put forward, and discuss them reasonably, we hope we shall arrive at an equitable solution, and that the thought in the mind of the Chief Secretary when he introduced this measure will be fulfilled. On that occasion he said that he hoped we would not have to study this measure again for some considerable time.

I think I was quoted as having said at the special session that the measure was not an easy one to follow; that five sections had been repealed, 14 other sections

amended, and quite a considerable amount of new matter introduced into the Bill. But in any case, when we appreciate that it is the 1951 Act that has been amended three times, that certainly makes it very difficult for those who want to weave into the original Act the proposed amendments to get a clear idea of what the effect of those amendments would be.

From time to time, one of the charges levelled against our legislation is that when amendments are introduced, they are very often difficult to follow. That comment has been made from the bench on previous occasions, particularly in regard to legislation governing the operation of rent control. It would be very desirable if the suggestion embodied in the amendment we have just debated could be adopted, and if the proposals—whatever we may agree upon—could be re-drafted in ordinary simple language so that the court, the various inspectors, the lawyers, and the public generally could read the Act and understand exactly what was meant.

In relation to some suggestions made, I think one thing that might be done is to try to encourage tenants to get long leases of houses and premises. We have had comments on the conditions that have arisen as a result of the lapse of some of this legislation, and we have seen a bit in the Press about the difficulties encountered by people who felt they had a claim to goodwill, because they were evicted on 28 days' notice after having occupied the premises for some time. In some of those cases, we know the tenants occupied the premises at very cheap rentals and, during that time, on the evidence we have had, there was nothing to show that those tenants who had enjoyed possession of these premises had made any effort whatever to come to anything like an equitable agreement on rent with their landlord.

As for the matter of goodwill related to the business which they had built up, everyone realises that in the last few years conditions have definitely favoured a seller's market; goods have been in short supply and heavy demand, and there has been no difficulty in selling whatever one was able to get. With the build-up in population, which has been particularly marked in the metropolitan area, it is only natural that the tenants of shops would have had a large build-up in business during that time, and they might contend that there is a certain amount of goodwill attaching to those businesses.

In the ordinary way, if a man feels that his goodwill is worth anything, he goes to some trouble to try to protect it by entering into a lease that guarantees him possession for a reasonable time. On the other hand, goodwill, of course, can be personal goodwill, as in the case of professional men. We know that doctors who

may be in practice in Fremantle, in Midland Junction, or some other place, will frequently decide that they can do better in Perth. They move to Perth; but nearly always it is the reputation of that particular doctor, physician, or surgeon that guarantees the fact that his practice is increased by his moving to a convenient or favourable location. So far as locality goodwill is concerned—

Hon. R. F. Hutchison: A doctor gets a very good price for his practice.

Hon. C. H. SIMPSON: That is so sometimes; but I say that these doctors have taken action of their own volition. Usually, there has been no call on them to vacate the premises; very often they own the homes in which they practise. I am getting now to the question of the individual who rents premises. He must know that, so far as the goodwill attaching to the business is concerned, it is one of those things that is very hard to assess. There is nothing in the world to prevent a competitor opening next door, or on the opposite side of the street, or at the next corner. Accordingly, if he owned the premises and wanted to sell on the strength of the business he was doing, he could give no guarantee that the incoming tenant would, by reason of the locality, be able to command the same volume of business that he did. It is very difficult, therefore, to say that a man has a right to goodwill value, or compensation, because he has to leave premises which he is only renting and which he can no longer occupy. As I have said, the age-old remedy is for the tenant to secure a lease for a certain length of time, and for him to arrange before that lease expires to get a renewal of it.

The Chief Secretary: A lot will not give leases.

Hon. C. H. SIMPSON: I have known cases where men had leases; and then, perhaps because there was no agreement as to their renewal, during the last six months of their occupancy they have obtained another shop and started a business somewhere else, and accordingly reduced the stock and value of the business where they first were so that their business would be preserved when they established themselves in their new centres.

Hon. R. F. Hutchison: They cannot do that these days; there are no shops to let.

Hon. C. H. SIMPSON: As far as I can learn, in most of the cases where there have been complaints because the occupiers of premises have been given notice to quit, little or no effort has been made to obtain a lease from the landlord which would have guaranteed continued occupation and protection of goodwill rights. I would like to leave that matter for a moment.

I put this additional suggestion forward for what it is worth to the Government, and would ask it to consider the matter

earnestly. One of the best means of getting a house erected is to encourage self-help home builders. If the Government were prepared to embark upon that idea, on any sort of scale—

The Chief Secretary: You are a bit late about that, are you not? What about the bureau established at the Housing Commission?

Hon. C. H. SIMPSON: If the Government could give £500 or £1,000 to self-help builders, we might get an appreciable addition to the number of houses built by utilising the skill and energy of people who want to build homes for themselves. In the area in which I live, there have probably been a dozen of these erected; and, on the whole, the people have done a wonderful job.

Hon. E. M. Davies: There is nothing to stop them doing that.

Hon. C. H. SIMPSON: The difficulty is to get sufficient capital for a start. I suggest that the position might be examined sympathetically with a view to seeing how these people are placed, and giving them necessary help to enable them to carry on. There is one place not far from me to which I would particularly refer. When I returned home after an evening sitting, I would see the husband outside making cement bricks, and his wife would be holding a lantern to enable him to produce them. In due course, the house was completed and the people are now enjoying the fruits of their labour. As a matter of fact, on one occasion, that man was very unlucky because, after he had gone to the trouble of making these bricks, between 200 to 300 of them were stolen and carried away by somebody with a truck. But that is a side issue, and things like that only indirectly affect the Bill. The necessity for a Bill which continues controls is fundamentally due to the fact that there is a shortage of accommodation.

In conclusion, if ways and means could be evolved of effectively occupying the housing space we have, I think we would find, as we found in 1939, that there would be no need for controls because the spread of inmates over those homes would mean that the space was being effectively occupied, and that there were plenty of house-owners willing and anxious to let people share their homes, either as lodgers or by occupying part of the home as a flat. I will support the second reading with a view to trying to incorporate suitable amendments during the Committee stage.

HON. E. M. DAVIES (West) [5.45]: I rise to support the Bill. I listened with a great deal of interest to Mr. Simpson's remarks. Usually his speeches are tempered in such a way that one is able to understand everything he says; but I regret that, on this occasion, I am unable to find that he reconciled the position

today with that which prevailed when he was Minister in charge of this House. It is not so very long ago that, as Leader of the House, he introduced legislation relating to rents and tenancies.

I do not propose to deal with the whole of the Bill which is before us, because I think we are all aware of its contents. But looking at the previous Act, which the former Government administered, we find that one of the main provisions was that a person had to be a resident of Australia for a period of two years in order to be able to own a residence, and had to give not less than six months' notice to a tenant to quit.

That provision operated fairly well. Although a number of tenants were subjected to a war of nerves from time to time in an endeavour to secure their eviction, they had the protection of the law. It is remarkable to find that now Mr. Simpson has shifted to the other side of the Chamber he considers there is no reason for such controls any longer.

Hon. C. H. Simpson: Two years have elapsed and conditions have become easier.

Hon. E. M. DAVIES: If the hon. member is not aware of the position, he should be. He is a responsible member of this House and an ex-Minister of the Crown, and every facility is available for him at the State Housing Commission to enable him to make himself au fait with the position existing today. We have only to consider the number of evictions which are occurring each Tuesday and Wednesday in Perth and Fremantle to understand what is taking place.

One of my great objections is to what has happened in Fremantle since the Government's continuation measure was drastically amended during the 1953 session. Foreigners have been able to come into the country and obtain houses immediately upon arrival. Only today I dealt with a case in which four foreigners bought a house. That is the usual practice—not one purchases a house, but a group do so. Then they go to the tenant and say, "We want you out." When the tenant does not leave, the rent is increased to £4, £5, or £6 a week. If the tenant says he will go to the court and agree to what the magistrate decides, he is given 28 days' notice. That is what is happening at present.

We cannot allow that to continue, particularly in the Fremantle area. I understand it is taking place also in districts around Perth. In the chief port of Fremantle we find that people are still living under conditions that are not in the best interests of the community generally. Surely to goodness we have progressed beyond the conditions that obtained some years ago! I have heard members in this

House say that their parents pioneered the country. My parents helped to pioneer this land, too.

But let us have a look at some of the conditions under which people lived in those days. There were no local government by-laws. One could have a block of land and put a tent on it; one could have a well, if only a mile away, from which to get water. But could that be done today? Do we want to do it? I think we have progressed to such an extent that we do not desire to return to the conditions of the early days, when people lived under very primitive circumstances and were responsible for one of the greatest epidemics of typhoid that has ever occurred in this State.

Today local authorities want folk to live in houses of a reasonable standard; and until such houses are built, there will be a shortage of accommodation; and consequently there ought to be a certain number of controls. It is of no advantage to me personally, any more than it would be to any other member, to insist on controls being exercised over anything. But it is necessary for any country to have laws to protect the majority of people against the minority. That is what this Bill does.

Hon. A. R. Jones: This Bill protects a minority.

Hon. E. M. DAVIES: If an owner desires an increase in rent, all he has to do, if the tenant does not agree to pay it, is to go to the court, and he knows that he can obtain it. Moreover, under the Act, the owner has the right to inspect his premises, if he so desires, every two months; and if the tenant does not pay his rent, he can evict him.

Hon. A. R. Jones: But what would it cost him?

Hon. E. M. DAVIES: Does the hon. member not know that today the owner is not paying the cost? One family was evicted last Friday at 4 o'clock in the afternoon. The bailiff charged that family £5 18s., and the carrier charged £7 to take the furniture for storage in the Trades Hall at Fremantle because there was nowhere else to put it. Yet the hon. member talks about what it costs the owner to evict a tenant!

I do not feel there is a great deal I can say on the Bill. Everybody knows my views. I have been associated with Fremantle and the surrounding district for a long time, and I know that people are living there in conditions that are not in the best interests of family life or of bringing up in a decent way children who will be the citizens of the future.

Hon. N. E. Baxter: Have not those conditions been like that for many years?

Hon. E. M. DAVIES: The housing position around Fremantle is still very acute and the time has not yet arrived when we

can remove all controls. If, as some members assert, everything is all right, why have so many people been complaining? There is a business tenants' association. I do not know the persons concerned; I was not at their meeting. But I understand that quite a number were present to represent a fair percentage of small businesses. A petition was signed by 1,000 people and presented to Parliament by the member for Cottesloe, Mr. Ross Hutchinson.

I also have a petition containing 1,562 names, and I was asked to present it to this Chamber. However, although the petition is couched in very reasonable and respectable terms, because of an oversight resulting in its not complying with the Standing Orders of this House, I am not permitted to table it. But I would like members to know that it will be here on my desk; and if anyone desires to read the names it contains, he will find that the signatories are spread over a fairly large area and represent all shades of political opinion. The petition reads as follows:—

We, the undersigned, humble and loyal subjects of Her Majesty Queen Elizabeth II, and citizens of Western Australia, being aware of the fact that in all States of Australia, W.A. alone has no protective legislation for tenants of homes or business premises; that thousands of unfortunate tenants are being ruthlessly exploited by an unscrupulous type of landlord and that untold hardship and suffering will occur if this situation is not remedied, hereby petition the members of the Legislative Council of Western Australia to pass, in its present form, the Bill now being submitted to it by the Legislative Assembly of Western Australia.

It is our special request that this petition be conveyed to the President of the Legislative Council by whatever manner the Fremantle Town Hall protest meeting (to be held Wednesday, June 30th, at 8 p.m.) may decide.

That petition is signed by 1,562 people.

I suppose there will be members who will say that they do not agree that the Bill should be passed as it arrived in this House from another place. But the Government was as sincere in presenting the Bill as are those members who supported the recent amendment moved by Mr. Watson. What would have happened to the Bill if that amendment had been carried? During the time I have been in this House we have always dealt with measures by the method laid down in the Standing Orders and followed through the years. That is to say, a Bill has been read a first time, and then a second time, and has then passed into Committee, at which stage it has been possible for amendments to be made. Then has come the third reading, when the Bill could, if necessary, be recommitted for further consideration in Committee before

passing the third reading. I see nothing wrong with that procedure and all I ask is that members should give this Bill reasonable and fair consideration.

HON. J. G. HISLOP (Metropolitan) [5.56]: In speaking to this Bill I feel that there is little to be added to what has already been said. I rise simply to say I trust that after the storm will come the calm, and that a spirit of compromise will now prevail which will allow us to reach a conclusion satisfactory to all concerned. I would draw attention, however, to the fact that "compromise" is a word with a distinct meaning in the English language. It does not mean standing fast while the other fellow gives way; it means an approach to the problem by both sides with a desire to agree rather than to take a stand which demands that the other party shall give in. I have seen attempts at compromise of that kind before in my lifetime, and they have not met with any outstanding success.

I feel that this is a stage at which we could very well compromise. There are clauses in the Bill that are objectionable to some members on this side, although members on the other side believe that they are vitally necessary. Surely there can be some give and take that will allow free discussion and alteration of such clauses! The very idea of retrospective legislation is foreign to most people, and it seems to me extremely difficult to say to a person who acted according to the law of the land, "We are going to take from you whatever you gained, and make illegal whatever you did." I cannot imagine anyone in the future considering such an action anything less than reprehensible.

The proposal to constitute a fair rents court raises in my mind the question of permanency. Those who remember what I read from a pamphlet by Bertrand de Jouvenal will realise that the continuance of control is not in the interests of workers, and certainly not in the interests of housing conditions in a State such as this. I cannot see any reason why we should perpetuate controls or contribute to the formation of a court that is likely to become permanent.

We have the ordinary courts of law to which we can all have recourse, and there is no reason why a magistrate should not be appointed so that these claims may be investigated rapidly. The institution of a court with two people whose opinions will quite obviously balance each other seems to me entirely unnecessary. There is a clause which provides that the Minister, whoever he might be, and on whichever political side he might sit, shall have the right, in the case of disagreement, to appoint both the assessors. This seems inherently wrong. For this reason I strongly suggest that there is room for compromise in regard to the Bill.

I have made it quite clear that I, as well as many others, can see the reason for controlling the avaricious landlord; but I can see just as much reason for having some strength at law to deal with the tenant who is ill-using a property. I can see every reason too, why the man who owns property should be given some right of control over it, provided it is not purely for the sake of raising the rent to an abnormal height. If there is some real reason why he should have his property, the law should give it to him. As I said previously when speaking on this matter, I am quite prepared to say to the person who owns property, "If your tenant goes to the court to have a fair rent fixed, and then you want to evict him, you must have reasons other than just to try to obtain a higher rental than that prescribed by the court. You must have some sound and valid reason, beyond price, for evicting your tenant."

The amendment we agreed to last time did not, I am certain, go far enough in saying that a landlord cannot evict for rent; because, as we have been told in this House on many occasions, there are landlords who would get over that position and who would find ways and means to evict in order to gain an increased rent. I am personally prepared to go quite a long way to see that both sides get a fair deal, but I do want to see some spirit of compromise on both sides, and not just one side sticking fast and the other doing all the compromising. We had an exhibition last time of sticking fast by one side, and then of the results of that action being used politically. I hope that does not occur again. I am certain that members in this House will compromise, provided that the compromise is equally shared. I shall vote for the second reading of the Bill.

HON. E. M. HEENAN (North-East) [6.3]: One thing that has emerged from the debate is that there is unanimity on one point; namely, that some measure of control over rents and tenancies is still needed. I do not think that is open to doubt, and it is pleasing to realise that practically all members of this House agree that the time has not yet arrived when all semblance of controls should be lifted. So we start off assuming that the second reading of this Bill will be carried. We can, therefore, approach the measure and deal with it as it is, and I am sure that any amendments put forward later will receive careful consideration.

At this stage I cannot see anything terrible about the Bill. The phrase "retrospective legislation" has been used a good deal. But if we look at what is proposed in the Bill, we find that to all intents and purposes protection ended at the 30th April this year, and the legal position then arose that if a tenant did not agree with his landlord on a rental, he could be given notice to get out.

We must remember that there is a dire shortage of houses. We can have the position that a man and his family are in possession of a house and all semblance of control suddenly ends. Not all landlords, but some, would come along and say, "Now I can do what I like. I want you to agree to pay me £6 a week." What course has the unfortunate tenant to take but to agree? So, of course, he agrees, although the rental is probably exorbitant. All the Bill proposes is that in such circumstances the tenant shall have the right to apply to the court to review the agreement which, in these circumstances, he was forced to enter into at the end of control.

Hon. A. R. Jones: You keep on using the word "forced." Why? They were not forced at all. The landlords did not stand over them.

Hon. E. M. HEENAN: Perhaps I do not make myself clear. The circumstances were such that landlords who wanted to do something unfair were in a position to do it; and I think we can assume that some of them did it.

Hon. H. K. Watson: That has existed since 1950 with all tenancies.

Hon. E. M. HEENAN: I can tell the hon. member something that has existed since long before 1950; and that is, that if a person is forced, through special circumstances, to enter into a contract by what is called "duress," the contract, in accordance with the common law of the country from time immemorial, cannot be enforced.

Hon. H. K. Watson: That is a new interpretation of "duress."

Hon. E. M. HEENAN: Perhaps the hon. member knows a lot more about "duress" than I do; and, if so, he can explain it. "Duress" is a legal phrase. There is nothing uncommon or remarkable about it. It applies in cases where one party is forced to do something or enter into a contract where the free will which really should exist when a contract is entered into, does not exist.

If, for instance, a man is starving and he agrees to pay £5 for a loaf of bread which is sold to him at that price in those circumstances, the law says, "That is no contract," and rightly so, because he is forced to enter into it through "duress." If Mr. Watson still maintains I am not giving a correct interpretation of the word "duress" he can perhaps add to it.

I submit that the conditions which operated after the end of April were such that there was no control. People were in houses which they could not afford to leave, and if the landlords took advantage of those circumstances and forced them to pay unfair rentals, I cannot, for the life of me, see anything wrong with legislation which will correct that state of affairs. I am not saying it happened; but if it did happen, what is wrong with

this House doing something to give people ways and means of correcting it? That is my reason for speaking to the second reading of the Bill. A number of members have referred to the retrospective provision in the measure as being something that is entirely terrible and wrong; but when we examine it, we find it is not nearly as bad as has been suggested.

Hon. H. K. Watson: There is much more in it than you have referred to.

Hon. E. M. HEENAN: It is certainly open to debate; but at this stage I hope that I have at least done something to clear the air, and to show just what the provision in the Bill does mean. It is not nearly as bad as has been suggested.

HON. C. H. HENNING (South-West) [6.13]: Having spoken on the amendment, it is not my intention to speak on the second reading; but a couple of points have arisen during the debate in connection with which I want to say a few words. The first is a reply made to an interjection of mine in connection with the amendment proposed by this House during the April sitting. Mr. Barker said that if that amendment had been accepted, he did not think it would have done much good. I wish, therefore, to quote from an item in the "Sunday Times" of the 4th July, 1954, under the heading "Evictions are Affecting Aged Women," as follows:—

Demand on the aged women's homes, including Mt. Henry, Woodbridge, Havelock-st. and Knutsford has been intensified in the past few weeks.

Health Minister E. Nulsen said yesterday that before this there were already over 500 outstanding applications for admission. Many of these were urgent cases for whom the Health Department had been unable to supply accommodation.

"Reasons for this increase of applications is mainly because of evictions and increased rents charged for rooms rented by aged people," said the Minister.

To indicate that in a number of cases the landlord desired the room to obtain increased rent, the Minister quoted a letter received by an aged person from his landlord:

"I hereby give you 28 days' notice from date hereof to quit your room at this address."

Underneath in the same writing was "Should you wish it I will be pleased to give you a reference as you have been a good tenant."

Sitting suspended from 6.15 to 7.30 p.m.

Hon. C. H. HENNING: The two salient points made by the Minister in his remarks which I quoted prior to the tea suspension were that evictions and increased rents were the cause of the application. In the first place, evictions could

have been avoided if the Government had accepted the amendment at that time. The hon. member said he did not think it made any difference; yet one Minister of the Crown has cited that fact as one of the main reasons. As to increased rents for rooms, as far as I know the Act still provides for an inspector to police its provisions.

However, the policy of the Government in this rents and tenancies question is not to admit what can be done, but to say, "This is what has happened." After all is said and done, the Government is the employer of the rent inspector, and he should get out and do something to rectify these wrongs. If he has done so, it is evidently Government policy to conceal what has been done.

The need for compromise was mentioned by Mr. Barker; and, as I said the other evening, I thoroughly agree with that spirit. The Bill is still alive, and while there is life there is hope. I am quite willing to prolong its life, and support the second reading, in the hope that that spirit of compromise about which we have heard so much will be evident among Government supporters in the Committee stage.

Those who support the Bill as printed have two courses open to them. They have the inflexible course; and, unfortunately, up to the present, they have shown no flexibility in their ideas. They can support the policy of the supreme policy-making body of their Party, the A.L.P. On the other hand, they can show a spirit of compromise; and if they do that, I am sure it will help to reduce hardship to the absolute minimum. Those of us who, in the past, have opposed similar measures, have never denied that there will be some cases of hardship.

However, the great majority of the cases of hardship that have emerged from this legislation have been due to the fact that the Government will not compromise in any way. The full responsibility for what has been done and much of the misery and suffering to which members supporting the Government have referred lies on the Government's shoulders. Let the Government say that it is prepared to ease that suffering as much as possible and not to stand absolutely adamant and declare, "What we say is the right thing." There are two sides to any question, and anybody will admit that. However, will members admit in this Chamber that something can be done? We can do quite a lot; and if certain amendments to the Bill are made, it will help considerably. All of us want to take the middle course. The Government should realise that, and show initiative by meeting the wishes of certain members of this Chamber. If it does, I am sure good legislation will result.

Hon. G. Bennetts: If you vote for the Bill you will do both.

Hon. C. H. HENNING: The Government is not game.

HON. F. R. H. LAVERY (West) [7.35]: I do not intend to say much tonight, because the other evening, when I considered that the Bill would go out the window by another method, I said most of what I had intended to say during the second reading stage. In the debate this evening it was thrown up to Mr. Barker that the State Housing Commission had built 3,550 homes. Reference was also made to the hon. member having mentioned how many houses private enterprise had built; and various reasons were given why private enterprise had ceased to build homes.

I wish to point out that, within the last two months, public notice was given of a tender for the building of 60 brick homes at Medina, which involved the expenditure of approximately £240,000. I do not know of any big builder in the city who would not be pleased to be able to obtain such a contract; but, nevertheless, only one tender was submitted, and it was so high the State Housing Commission could not accept it. The result is that the commission proposes to build these 60 homes from timber.

Now that controls have been lifted on all building materials, with the exception of bricks, which are in short supply, the large building contractors—and the smaller ones, too, perhaps—are now engaged in building factories, warehouses, and other types of construction that have been neglected for so long. Also, building contractors have now the opportunity to go in for multi-storeyed structures, such as the building of the new insurance offices on both sides of St. George's Terrace.

Hon. H. K. Watson: Ordinary building contractors do not engage in that work. That is a special master-builder's job.

Hon. F. R. H. LAVERY: In fact, the only contractor who tendered for these 60 homes happened to be Plunketts Ltd., which firm is now building a large structure in the city. The housing problem is as acute today as it has ever been, with the exception of perhaps the few months following the cessation of hostilities, when a great many men were demobilised.

Another unfortunate feature of the rents and tenancies question is the increased rents on business premises. Many people who have leased shops for only a short period are now facing steep rises in rents. The fact that many sales are being held in the city is evidence of the fact that some people have been forced to close down and to shift into smaller premises because of the increased rents. Also, the fact that large firms such as Cox Bros. and David Jones Ltd. of Sydney are buying up many small shops in the city supports the contention made by Mrs. Hutchison in an interjection tonight that many proprietors of small businesses who have been forced to quit their premises have nowhere to go.

Hon. H. Hearn: Cox Bros. have not bought out any small places.

Hon. F. R. H. LAVERY: Yes, they have; and they are still doing so.

Hon. H. Hearn: To what properties are you referring?

Hon. F. R. H. LAVERY: I am referring to those properties in William-st.

Hon. H. Hearn: The only building Cox Bros. own in that section now is the Economic Building.

Hon. R. J. Boylen: Yes; they bought it and sold it again, and you know it.

Hon. F. R. H. LAVERY: Yes, and at excessive profits. The case that was reported in last Saturday's issue of "The West Australian" of a couple who were fined £100 for rent overcharging is a good argument for the establishment of a fair rents court. Mr. Davies spoke of the Fremantle district this evening. In that area there are 37,000 people. What is happening there is that new Australians who are arriving in this State are buying up streets of houses from South Terrace to Marine Terrace.

Hon. H. K. Watson: Would you say 20 streets?

Hon. F. R. H. LAVERY: I would say 10 streets, and I am prepared to prove that statement. There may be one or two—or, in some cases, three—houses left which are occupied by the original owners. Of course, there is nothing wrong with that. These new Australians have the money to buy the houses; but the people who have been evicted from them must find alternative accommodation.

There is only one body in the State that can house them; namely, the State Housing Commission. Private enterprise cannot do it. There are so many people living in rooms and inadequate accommodation that immediately houses become available, they are snapped up by real estate agents who have no trouble in letting them, especially to young married couples or to couples who propose to get married in the near future.

Since the House met last Thursday, I have spent some time at the offices of the State Housing Commission, and outside its doors one can see long lists of works pinned to the notice board, calling for applications to build groups of 10 or 15 houses. However, day after day passes and no tender is received. That proves that builders are not interested in building homes, because they are actively engaged on other structures.

I know of one lady who has occupied a delicatessen shop in Wray Avenue, South Fremantle, for 26 years, and she has now been given 28 days' notice to quit the premises. She is not worrying about that, but the point is that everything she has built up over the years is now lost to her. But

because hers is now a two-unit family, not even the Housing Commission can supply the required accommodation.

As late as four o'clock today, when I left Fremantle, I got two days' extension for a family due to be evicted. The Housing Commission rang at 4.10 p.m. and told me that it had placed the family in a flat at Mulberry Farm, consisting of two bedrooms, a kitchen, a dining-room, and a small back porch. There are six children under 16 in that family, besides one girl aged 16 and a boy aged 17. The Housing Commission has swept the pudding-bowl dry and found no other house available for the family. People in Perth and Fremantle have had extensions of notices to quit because the Housing Commission has not the accommodation available to meet their requirements.

I close by asking members to pass the second reading of the Bill so that it can be amended during the Committee stage, if desired, in order to meet the demands of the public.

HON. A. F. GRIFFITH (Suburban) [7.47]: The statement just made by Mr. Lavery leaves me in some doubt. He said that the housing position in Western Australia is as bad now as it has ever been.

Hon. F. R. H. Lavery: I intended that to apply to the metropolitan area. If I made a mistake, I apologise.

Hon. A. F. GRIFFITH: Members will recall that some days ago, in an endeavour to find out the true position in regard to the housing position, I asked the Chief Secretary a question as to the number of applications that actually exist at the Housing Commission for Commonwealth-State homes and war service homes. The answer I received was that there were 10,494 applications for Commonwealth-State homes and 2,361 applications for war service homes.

Members may also recall that, when the Minister for Housing visited Collie and addressed a Labour meeting there, he told the meeting that within 18 months the present Government would solve the housing problem. To make sure that he had not been misrepresented, because the Minister for Housing for some extraordinary reason so often claims he is misrepresented in the Press, I asked the Chief Secretary whether the Minister had been correctly reported. The reply I got was that the report was substantially correct.

Hon. C. W. D. Barker: Well, you assist us by passing this Bill. Then this will be done.

Hon. A. F. GRIFFITH: The hon. member will assist the passage of this Bill if he permits me to carry on. I am sure that statements of this character made by members leave us in a quandary.

The Minister for the North-West: Which statement do you refer to—Mr. Lavery's or the Government's?

Hon. A. F. GRIFFITH: Both statements—the statement by Mr. Lavery that in his opinion the housing position is as bad as it ever has been; and the statement by the Minister that within 18 months there will be little or no waiting time in respect of applications for houses under the Commonwealth-State rental scheme. We cannot help but be confused in our minds as to the exact position, particularly when we are aware that the present administration in this State gave the people an emphatic and definite promise that the housing problem will be solved and everybody will have a home within three years. I am afraid the people will be disappointed.

The Minister for the North-West: You will be disappointed.

Hon. A. F. GRIFFITH: I am afraid it is not only the question of housing that will disappoint the people.

Hon. R. J. Boylen: You would not say that about the Council elections.

Hon. A. F. GRIFFITH: I do not want to enter into argument on other matters. Last night, when speaking to Mr. Watson's amendment, I implored the Chief Secretary to give the House some indication of the extent to which the Government would be prepared to go in regard to any amendments that are submitted by the Opposition. His reply was non-committal; but he said that any amendment introduced would be given full consideration. I take it he said that in a compromising frame of mind. I am going to give the Government an opportunity to see whether it is in a compromising state of mind. I propose to support the second reading of the Bill, so that we will be given the opportunity to put forward amendments; to have them argued by the Council; to have them submitted to another place; and to see whether the Government will accept in a compromising frame of mind at least some of those put forward.

The Minister for the North-West: That would be the correct thing to do.

Hon. A. F. GRIFFITH: I agree that is the correct thing; and there would have been fewer votes recorded for Mr. Watson's amendment last night if the Chief Secretary had given us some indication that this was the Government's intention. Now the Government will have the opportunity it wants to show us that this spirit of compromise is one from which we can expect a good deal.

So I support the second reading; and during the Committee stage I shall take every opportunity available to remind the Government that it is our intention—and I sincerely ask members to believe me—or at any rate my intention, to do nothing

other than assist the Government to legislate for all sections of the community, including those who class themselves as landlords and those who class themselves as tenants, bearing in mind the rights and privileges that an owner should possess over his property, and bearing in mind the degree of protection that a tenant should have from what has been termed the rapacious landlord.

I repeat that had the Government been prepared to accept the amendment we introduced at the last session in regard to evictions, it would not have introduced those clauses in the Bill which I consider undesirable and unreasonable. They relate to retrospective payment of rent. The Government could have avoided that. I realise that the 28 days' notice to quit would have still been over the head of the tenant; but members must also realise that if the amendment had been accepted, no notice to quit would have resulted in a greater rental for the landlord without permission of the court.

To my mind, an essential factor in relation to the proceedings was the positive knowledge that the tenant, if he received a notice to quit from his landlord, would be protected by law from what would appear to be a forerunner of an increase of rent. I think the Government itself was culpably responsible, and negligent in not accepting the amendment submitted by the Opposition in this House and in another place.

Hon. E. M. Heenan: Where does it get us, talking about what might have happened?

Hon. A. F. GRIFFITH: I am surprised at the hon. member's remark.

Hon. E. M. Heenan: Where does it get us?

Hon. A. F. GRIFFITH: On every measure that appears before this House, Mr. Heenan could say, "Where does argument get us?" I hope that when we get to the Committee stage, in a spirit of compromise, talking will get us somewhere; because last time it did not.

HON. R. F. HUTCHISON (Suburban) [7.56]: I rise to support the second reading of the Bill. I have wondered, from the speeches that have been made, whether this debate has turned this Bill into an anti-Hutchison Bill or a rents and tenancies Bill. Every member of the Opposition has taken time off to say something derogatory about me.

Hon. A. F. Griffith: That is not correct.

Hon. R. F. HUTCHISON: Some may not have. I do not know why members opposite have adopted that attitude. When, as a party, we attack the Opposition policy, we are carrying out our ideas of what we are here for, if we do not agree with that policy. Perhaps I should be flattered when I think that the Opposition has

taken up so much of the time of the Chamber, which has such a high ethical standard, to do that. I have been told so often that I have said something detrimental to the character of other members here. I do not agree, and I see no reason to alter what I said when I first sat in this Chamber.

I still maintain that the Act is causing widespread misery. I still maintain that all the Government is asking for is 18 months to try to remedy the position. I take it that if there were as much distress then, members would be humane enough to consider extending the Act for a further term. All the Government asks for in this Bill is protection for those who cannot help themselves, so that it can carry out its promise to relieve the housing position in 18 months' time. No member on this side of the House has said anything in opposition to landlords being fairly treated.

As a person who has lived in and earned a living from guest-houses and eating houses, I followed the pattern of most women who have lost their husbands and had families to rear. I played my part in feeding the men of the nation. I looked after them. I learned all there was to know about rooms and guest-houses. When a person has served for 25 years in business with no mark on his character that can be brought forward in a legal sense, he must have served the community well, and must have carried on a fair type of business. I stand in that position today.

All the nonsense that has been spoken and all the things said to smear me simply follow the pattern of the Liberal and Country Parties in the Legislative Council. When I came up against those parties in politics, they tried to destroy me because I stood as a Labour candidate. They thought I might be a doughty foe, and that is the plain truth. The rest of what has been said is camouflage. Their attitude in this Chamber is camouflage.

Hon. L. Craig: Is the hon. member connecting her remarks with the Bill before the House?

Hon. R. F. HUTCHISON: Yes; I am connecting my remarks with the Bill just as easily as other members have done. I maintain that women and children are suffering through the throwing out of the previous legislation.

Hon. L. A. Logan: By the Labour Party.

Hon. R. F. HUTCHISON: That is mere camouflage. I intend to drive home to the people of Western Australia just what happens in this House. It is one big piece of camouflage, and nothing else. We are going to alter it, and I am starting now. No matter what members opposite may say about me, it does not alter my attitude. I am too old to be influenced by that sort of thing. I did not come here to indulge in dramatics; I came here as a

woman with a knowledge of the vicissitudes of life, determined to do a job and to see that the party I support some day obtains a majority in this House.

Hon. H. Hearn: And abolish it?

Hon. R. F. HUTCHISON: I hope to see the day when it is abolished. I have never altered my opinion on that question. If members deprive people of this protection, they will cause great suffering. What right have these few men to make any people suffer? I do not mind what members say about me. They cannot do anything to hurt me, though they have tried to do so. They have attacked my character, as no gentleman would do, so I do not mind what else they do. I shall stand my ground.

I tell members, as I told them the other day, that the defeat of this measure would deprive of protection people who cannot help themselves. It is of no use trying to evade the issue by talking. We are still suffering from the after-effects of war. Some of the women who are suffering, whether members of the opposition like to hear this or not, are mothers and relations of men who fought in the war, and who are in need of protection. Let members get over that statement, if they can. I have letters in my bag telling me of cases of distress as far afield as the Albany district. It is of no use members trying to maintain that distress does not exist. That is simply camouflage, and I shall not refrain from using that term until they alter their tactics. Members need not think they have somebody here whom they can intimidate, though they have been trying to intimidate me.

The PRESIDENT: Order! I suggest that the hon. member discuss the Bill.

Hon. R. F. HUTCHISON: Members have spoken a lot about the increases in rents. I want them to know about people who are receiving notices of eviction without the alternative of paying high rents. I have received an eviction order, although I paid an increase of rent making it double what it was before, and it is not because I am a bad tenant. The landlord paid a little over £1,000 for the house about 1935, and now he wants £10,000. I have old-age pensioners who have received notice of eviction, and for whom I have to try to find homes. It is all very well for members to sneer at what I am saying, but I am speaking the truth. What right has anyone to say that somebody shall suffer? What right have they, because they have a majority of three here, to say that people shall suffer? Even if there were 10, 12, or 20 people affected, what right have they to oppose such legislation until there is some place where those people can go?

Members say that they should go to the Housing Commission. The truth is that the Housing Commission has not the num-

ber of homes required. I know what the position is. I was not wrong the other night when I said there was a rush for property on account of the discovery of oil and that we had not overtaken the arrears since the war. I maintain that if the country is worth fighting for, it is worth while to ensure that its citizens are decently housed.

The second reading of this Bill should be passed. It is of no use saying what we might have done. The point is, what are we going to do? But members opposite have never let humanity come before big business yet. I support the second reading.

HON. H. L. ROCHE (South) [8.7]: I should hate to disappoint Mrs. Hutchison, but I intend to vote for the second reading, though I have no great enthusiasm for the measure. Rather do I think that, if we pass the second reading, a little more light may be thrown on this legislation and the need for it. If a select committee were appointed to inquire into certain aspects of the question—

Hon. R. F. Hutchison: That is another camouflage.

The PRESIDENT: Order!

Hon. H. L. ROCHE: Look, "Tootsie," you have had your say.

The PRESIDENT: Order! The hon. member will proceed.

Hon. H. L. ROCHE: I wish you would protect me, Mr. President. Rightly or wrongly, I am of opinion that considerable exaggeration has been indulged for political purposes regarding the condition of affairs that exists as a result of the Government's failure to accept any compromise or any amendments proposed by this House when legislation was introduced during the special session in April. We have been told that 1,000 notices of eviction have been served on tenants. While that is a considerable number in the aggregate, the proportion to the number of rented properties in the State would not be considerable; and I believe that at some stage we shall have to face the issue whether this type of legislation is to be permanent, or whether it is to be treated, as was originally intended, as emergency legislation and allowed to lapse. Whether that happens this year, next year or in 10 years' time, we shall always have, as a result of this legislation, that hard core of people who will not or cannot provide for themselves.

Hon. R. F. Hutchison: Why did we not have it before the war?

Hon. H. L. ROCHE: There will always be that section—that small percentage of cases of hardship and misfortune; and we have to decide whether, for the benefit of those people, this legislation is to be continued indefinitely. I feel that the

condition of affairs has been exaggerated for the purpose of political propaganda and astute political management. Whether I am right or wrong in my assumption, I see no way in which we can impose a check on that without an inquiry by select committee.

The Government was not so much perturbed previously as it professes to be now about delay in placing this legislation on the statute book. As I have stated, I am prepared to support the second reading; but if a move is made to refer the Bill to a select committee, I hope it will be successful. Whether successful or not, I am strongly opposed to the retrospective provisions of the Bill. Unlike some members on this side of the House, I am not so averse to the proposal to establish a fair rents court; but I think some compromise should be possible, so that the provision will give a certain amount of satisfaction to all concerned.

The main objective is to try to be fair and reasonable. Country members are not so intimately affected by the problem as are members representing metropolitan provinces. Mrs. Hutchison said she knew of some cases of hardship in the Great Southern. I have yet to hear from any member representing that part of the State who has heard of any such cases, though there may be some. If we can achieve a fair balance for all, members on this side of the House need not concern themselves with the type of criticism that has been manufactured in recent times regarding their attitude to matters of extreme importance to the State.

THE CHIEF SECRETARY (Hon. G. Fraser—West—in reply) [8.15]: I always follow a good pattern, and the pattern today has been that of members saying only a few words.

Hon. L. Craig: Hear, hear!

The CHIEF SECRETARY: That is my intention in replying to the debate. I think all members realise that this is not a second reading measure but one which should be discussed during the Committee stage. Therefore I will not waste members' time at this stage by endeavouring to tell them how useful a fair rents court will be, and what justification there is for the retrospective provisions. I will deal with the matter more in a general way as I did when I introduced the measure; and I think most members will agree with that. So, if at least at no other stage, we are 100 per cent. in agreement at the moment. I was very pleased this afternoon—

Hon. H. K. Watson: Where have you been?

Hon. H. Hearn: Did you have a good time?

The CHIEF SECRETARY: I have been in a place from which one cannot be evicted. But I was pleased at the tone of

the debate this afternoon. It showed that members were prepared to look at the position in a reasonable manner, and that is all I want in the Committee stage, too. I believe that, as a result of our experiences, we have produced a Bill that will be fair and reasonable to all concerned. I am not so concerned about the retrospective provisions; because, if anybody has taken advantage of the present situation, members here will not let him get away with it. If a criminal escapes from the debt he should pay for some misdeeds, the law will eventually catch up with him.

Hon. H. K. Watson: No. There are no retrospective provisions in criminal law. If a person does something at a time when it is lawful to do it, the law is never made retrospective to cover that period.

The CHIEF SECRETARY: I do not know so much about that.

Hon. H. K. Watson: That is always so in regard to criminal law.

Hon. L. Craig: Let us stick to the Bill.

The CHIEF SECRETARY: So I am hoping that the reasonable spirit that has been shown here today will continue for the remainder of the session. There are one or two remarks to which I must reply. Firstly, I wish to refer to the case mentioned by Mr. Watson the other day. He read out a screed from one of the rent inspectors. It is always easy to make out a good case for something if one forgets half of the story and uses only that half which suits one's case. Here is the full story. The person concerned was approached by the rent inspector and advised that he intended to fix the rents. The inspector discovered what the tenants were paying, and in his opinion the figure was excessive. The person concerned did not have the decency to notify the inspector of what he had done, and the rent inspector signed the ordinary notice to that individual, who ignored it.

Hon. H. K. Watson: By what authority did the rent inspector send the notice to the individual?

The CHIEF SECRETARY: By the authority of the law.

Hon. H. K. Watson: That is a question which, at present, is sub judice.

The CHIEF SECRETARY: I am not dealing with the Bill; I am telling the full story. This is the sort of case the hon. member will listen to and about which he provides us with half truths. The rent inspector signed the notice, and it was ignored.

Hon. H. K. Watson: It was signed without authority.

The CHIEF SECRETARY: It was signed with the authority of the Act. If the hon. member will only be patient, I will prove to him that it was signed with the authority of the Act, and that notice was ignored. As a result of its being ignored, the rent

inspector reported to me, and I approached the Crown Law Department to find out what our powers were in cases of that description. The notice that was read out by the hon. member was signed at the instigation of the Crown Law Department. That action was ignored, and the case went further. I am telling members this case because, later on in Committee, they will be asked to do something about a situation which will enable an individual to defeat the Act. Five days after the approach by the rent inspector, the individual concerned signed a lease for 53 weeks, which took the case outside the authority of the Act.

Hon. H. K. Watson: It was outside the Act before then; they were flats.

The CHIEF SECRETARY: Flats have been under the authority of the Act since 1950.

Hon. H. K. Watson: Yes; but not under the control of the rent inspector.

The CHIEF SECRETARY: Yes. The hon. member has disputed that all along. I think I have something here which deals with the situation. I did not intend to produce it; but in view of the hon. member's remarks, I think I should quote the official report.

Hon. H. K. Watson: From whom?

The CHIEF SECRETARY: From my department. It states—

The situation is this: When the existing Act was passed towards the end of last session by which the rent inspector was given authority of his own volition to determine rents on flats and the like (he already had authority to determine rents on flats when application had been made to him) he found that any such action on his part would have been nullified after the 30th April because the owner would increase the rent beyond that which the rent inspector had determined: in other words, the rent inspector's actions would be wasted. The fears of the rent inspector in this regard were well founded as rents have increased beyond what is considered to be fair and reasonable.

I wanted to deal with that part which concerned flats to show members how long flats had been subject to the provisions of the Act. Therefore I will skip a good deal of this minute and proceed with the next portion. It reads—

Firstly, it should be stated that the rent inspector, ever since there has been a definition of shared accommodation in the Act, including the old Increase of Rent (War Restrictions) Act, has considered that he enjoyed authority to determine the rent where application has been made to him.

Hon. H. K. Watson: He considered!

The CHIEF SECRETARY: Have patience! It goes on—

A decision of his was challenged in the Supreme Court and it was ruled that by the Act he had no right to declare rents on flats as such. In 1950 Parliament approved—

I want members to remember that year—

—an amendment specifically designed to rectify what then was obviously an anomaly and the rent inspector was given authority to determine rents on flats.

Hon. G. Bennetts: That was when the previous Government was in power.

The CHIEF SECRETARY: It continues—

All doubts were removed by that amendment and so that his past determinations would not be challenged an amendment was passed specifically validating past determinations.

The Government at that time was not a Labour Government.

Hon. H. K. Watson: For shared accommodation.

The CHIEF SECRETARY: That was retrospective action. We have heard so much about that phase; but it was not a Labour Government on that occasion.

Hon. G. Bennetts: They forget about that.

The CHIEF SECRETARY: As I said the other night, it probably depends on who wants to do these things. So the individual concerned in the case I mentioned, five days after the approach by the rent inspector, refused to reply to the letter sent to him. Yet Mr. Watson quotes that man's case. He aids and abets, I assume, an individual who put himself outside the scope of the Act by approaching the tenants and signing a lease for 53 weeks. Would members stand for that sort of thing? I would be very surprised if they did. We have had the power since 1950.

Hon. H. K. Watson: That is purely the rent inspector's side of the story.

The CHIEF SECRETARY: All right! That is the true history from the official point of view.

Hon. H. K. Watson: I will give the true history when we get into Committee.

The CHIEF SECRETARY: I will be pleased to hear the hon. member. One point was raised by Mr. Logan who mentioned the number of State houses that had been built. He said the figure was 65 a week; but he was a little conservative, because the figure is actually about 68. However we will not argue about two or three.

Hon. A. R. Jones: It should be 67.

The CHIEF SECRETARY: I have forgotten the point the hon. member was trying to prove; but I interjected at the time, and mentioned how they were cut up. I will now tell members how the 3,564 houses, built by the State Housing Commission last year were allocated. There were 1,105 war service homes in the metropolitan area, out of a total of 1,214. Under the State Housing Act—it used to be the old Workers' Homes Act prewar—60 were built in the metropolitan area out of a total of 263 throughout the State. Eight McNess homes were built in the metropolitan area from a total of eight, and five evictee huts from a total of five; at Kwinana, 494 were built under the Commonwealth-State rental homes agreement. The hon. member would have needed those figures to find out how many were available each week in the metropolitan area. From a total of 1,500 Commonwealth-State rental homes built throughout the State, 890 were built in the metropolitan area.

Hon. L. A. Logan: Where were the 610 built in the country?

The CHIEF SECRETARY: All over the country.

Hon. L. A. Logan: Can you name the places where they were built?

The CHIEF SECRETARY: Some at Collie, some at Albany—

Hon. L. A. Logan: That seems to be a large figure for the country.

The CHIEF SECRETARY: Does the hon. member doubt my word? I never make a statement in this House that I cannot prove.

Hon. H. K. Watson: You made one a couple of minutes ago.

Hon. L. A. Logan: I want to know where they were built.

The CHIEF SECRETARY: In reply to Mr. Watson, I gave the official version. If Mr. Logan wants to know where the houses were built, he should put a question on the notice paper and we will supply the answer.

Hon. L. A. Logan: I will do that.

The CHIEF SECRETARY: Of the Commonwealth-State rental homes built throughout the State, only 890 were built in the metropolitan area. That would work out at approximately 17 houses a week, and dovetails in fairly well with the figures I gave when moving the second reading. At the time I said that the most the Housing Commission could possibly accommodate would be 15 a week.

Hon. A. R. Jones: Those who occupied the houses would make other accommodation available.

The CHIEF SECRETARY: What others?

Hon. A. R. Jones: All the others built.

The CHIEF SECRETARY: Has the hon. member been listening?

Hon. A. R. Jones: Yes; but I was wondering where you were getting to.

The CHIEF SECRETARY: I do not know whether the hon. member wants me to repeat it; but I gave a list showing the number of houses built in the State by the State Housing Commission, and the houses required for evictees must be in the metropolitan area. Of the total built throughout the State, only 890 Commonwealth-State rental homes are available, the remainder were, as I mentioned, war service, State Housing Act, McNess, Kwinana and evictee homes, and those built in the country. Is that clear enough for the hon. member?

Hon. A. R. Jones: The people who occupy those homes make their old accommodation available.

The CHIEF SECRETARY: Not necessarily.

Hon. A. R. Jones: Of course!

The CHIEF SECRETARY: How many of the 1,105 people who built war service homes would come from other homes?

Hon. A. R. Jones: I do not know. You should.

Hon. H. L. Roche: They must have been living somewhere.

The CHIEF SECRETARY: Yes; with their in-laws. They are the people who have been waiting, since the end of the war, to build homes for themselves. I do not say that they were all living with their in-laws, but most of them were.

Hon. H. K. Watson: Admit that you do not know where they were living.

The CHIEF SECRETARY: I know, from my own personal experience, that that is the case. Other members know, too, that the majority of those people who built war service homes were living with their in-laws.

Hon. A. R. Jones: You cannot tell me that a chap would live with his mother-in-law all that time.

The CHIEF SECRETARY: In my own case I had in-laws living with me for five years, until they were able to build their own war service home.

Hon. H. L. Roche: And look what has happened to you!

The CHIEF SECRETARY: Almost everybody in the metropolitan area is in much the same boat, whether waiting for a war service home, a Commonwealth-State rental home, or any other type of home. The vast majority of young people are living with their in-laws—I would say 90 to 95 per cent. Those who wish to move into a Commonwealth-State rental home must prove that they are suffering acute hardship in their present accommodation. Frequently there is hardship on

both sides; and unless they had been living with in-laws, hardship could not be proved.

I have given the figure as 890, but I could water that down by about 133 if my memory serves me right, indicating the number of people suffering from tuberculosis, and also other cases, that have been provided with homes. So actually the number of homes provided by the State Housing Commission under the Commonwealth-State scheme would be down to about 14 per week. Because of that small number and because of the present state of the Act, we have the chaos that surrounds us today. I have been asked for the figures relative to the number of cases that have been heard in the court.

Hon. A. R. Jones: You do not believe in figures; they do not prove anything.

The CHIEF SECRETARY: I do not believe in them when they cannot be checked, but these can be checked.

Hon. A. F. Griffith: You told me you could make figures do anything.

The CHIEF SECRETARY: I know one can, but that is only when the source cannot be traced. In this case, no crook figures can be put over, because they can be checked.

Hon. A. F. Griffith: My figures were not crook.

The CHIEF SECRETARY: Members can check the figures I will read to the House, and they can also check those I have already given relating to cases heard in the court. The following is an indication of the summonses served on tenants for recovery of possession, but not yet heard by the court:—

For Perth court on 20/7/54	53
In Fremantle on the 21/7/54	11
Total	64

That is a total of 64 cases this week.

Hon. H. K. Watson: How many of those 53 listed were evicted?

The CHIEF SECRETARY: I have not yet seen today's paper. The hon. member has had me so busy that I have not had time to see it! Some members will tell us that there is no problem on our hands. I know that one swallow does not make a summer, but I will give the figures in order to show the implication prior to and since this Act started to function. In Perth on the 6th June, there were nine cases of eviction. In Fremantle and Midland Junction no court was held. For the week ended the 12th June there were six in Perth, four in Fremantle, and none at all in Midland Junction. So in the first week of June there were nine and in the second week 10 summonses served on tenants for recovery of possession. Now we are beginning to feel the effects of those who got in.

On the 19th June there were 15 summonses served on tenants for recovery of possession in Perth, and 11 in Fremantle. No court was held in Midland Junction. That makes a total of 26. The following week namely, that ended the 26th June, there were 19 summonses served in Perth, 11 in Fremantle, and six in Midland Junction. We find the numbers rising as the effect of the past legislation is felt.

Hon. L. A. Logan: That is because you indicated that you were going to call another session of Parliament.

The CHIEF SECRETARY: I am referring to June. We would have had another session in any case, starting about now. The hon. member would look for any excuse to try to defend himself; but the existing figures cannot be disputed. To the week ended the 26th June, a total of 36 summonses were served on tenants for recovery of possession; so between the first and the last week in June we find a comparison of nine to 36. The number of summonses served on tenants for the week ended the 3rd July was 23 in Perth and 20 in Fremantle; no court was held at Midland Junction. For the week ended the 10th July, 28 summonses were served in Perth, 16 in Fremantle, and none in Midland Junction—no court was held there. That makes a total of 44. For the week ended the 17th July, there were 34 summonses served on tenants in Perth, 16 in Fremantle, and five in Midland Junction, which makes a total of 55. We now find that the numbers are getting high. It can be compared to a serial story, where one starts from the first page and follows it through, and the plot deepens.

Hon. L. Craig: It always ends happily.

The CHIEF SECRETARY: I hope that this Bill will end happily. This week we find there are 53 cases in Perth, and 11 in Fremantle, giving a total of 64.

Hon. H. K. Watson: What about the next week?

The CHIEF SECRETARY: There are 27 in Perth and 14 in Fremantle, which makes a total of 41.

Hon. A. R. Jones: The numbers are coming down.

The CHIEF SECRETARY: They went down that week. Unfortunately, I borrowed this paper for the hon. member! Up to the 3rd August from memory the figures were—

Hon. H. K. Watson: Thirty-three.

The CHIEF SECRETARY: That is in Perth. We find there are 41 the next week and the same number the week after.

Hon. H. K. Watson: Ten on the 10th August.

The CHIEF SECRETARY: But the 10th August has not been reached yet. I am quoting the figures for the completed weeks. If I had quoted the figures a week ago I might have had over six.

Hon. C. H. Henning: What is the total?

The CHIEF SECRETARY: I have not the full total.

Hon. A. R. Jones: They do not come up to Mr. Barker's 1,300.

The CHIEF SECRETARY: That figure was given by me, and I did not say that that number was registered at the court. I said that there were 1,334 registered at the Housing Commission, and not all of those registered at the court are registered at the commission. So members cannot get away from the actual position that has been created; and, because of that position, we have brought Parliament together early in order to discuss this Bill and do something to alleviate the distress of the needy. Mr. Watson asked me how many orders were given out of the 53 in Perth yesterday, and out of the 11 in Fremantle. For argument's sake, let us say 32 per week.

Hon. H. K. Watson: You are dealing with a population of 600,000.

The CHIEF SECRETARY: I do not care; I am concerned with the actual eviction cases awarded by the court. It would not matter if the population was a million. The fact would still remain that there are people who are out and require housing.

Hon. H. K. Watson: It shows a complete lack of proportion.

The CHIEF SECRETARY: The only proportion with which I am concerned is the proportion of people who are looking for homes and have to be provided with them. The only place that can provide them with homes is the State Housing Commission. From the figures I have produced, I have shown members that the best the Housing Commission can do is about 15 a week. We are asking members to help us by legislation to solve this problem; and I repeat there is nothing in the Bill to which exception can be taken.

The measure will not hurt anyone who is fair-minded; we want to get at the person who is not dealing fairly. I feel sure I can ask successfully for the co-operation of members in something that is fair and reasonable. I admit that retrospective clauses immediately put one on dangerous ground. But I think we will be able to get over that position in the Committee stage. I heard members ask that the Government give consideration to and meet the wishes of some members. This is a different Bill altogether to that which was introduced in another place. But the Government showed it was prepared to consider amendments that might be introduced, and make alterations where it was proved that the Bill would act unfairly.

I repeat that if members can prove to me—no doubt a number will try to show me—that there are clauses in this Bill that are unjust and will cause hardship, I will give consideration to that aspect.

From the tone of the debate, however, I believe that the second reading will be carried. This is purely a Committee Bill. I will content myself with moving the second reading and leaving the Bill to go through Committee.

Question put and passed.

Bill read a second time.

House adjourned at 8.41 p.m.

Legislative Assembly

Wednesday, 21st July, 1954.

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